

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 24, 1995 to June 30, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
62nd Legislative Day  
Tuesday, June 20, 1995

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

Prayer by the Reverend James Vreeland, Lebanon/North Berwick Baptist Church, Lebanon.

The Journal of yesterday was read and approved.

Under suspension of the rules, members were allowed to remove their jackets.

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

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Christian M. Oster, of Stetson, who last year was named the Special Olympics Athlete of the Year. Chris has competed in the Jerry Rioux Mile Run in the Special Olympics for the last 6 years and has won the trophy each year he competed. He also volunteers time to assist wheelchair athletes in their events. We extend our congratulations and best wishes to him on his achievements; (HLS 476) by Representative STROUT of Corinth. (Cosponsor: Senator CIANCHETTE of Somerset)

On objection of Representative STROUT of Corinth was removed from the Special Sentiment Calendar.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am pleased today to have sponsored this sentiment and I would like to just bring a message to you from eastern Maine and Central High School.

We are proud of this young man and as soon as I get done giving my brief remarks, it is my wish and hope that the Speaker will introduce this young man so that maybe he can make a few comments on what he had to do to accomplish the six years that he ran in this mile event and also the two large trophies that we see down front this morning. Thank you.

The SPEAKER: The Chair is obviously delighted on behalf of the members that Chris could be with us today. Let me take a moment to introduce some members of his family that are with us today before I introduce Chris. The Chair would ask the following who are with us in the gallery today if they would please stand. Bernie Oster is Chris' mother from Stetson. Dave Winn, his brother, also from Stetson. Mary Doll, his grandmother, from Bangor. His uncle, Rick Doll, from Brewer. The Chair would ask each of you to please stand and accept the greetings of the Maine House of Representatives.

As I indicated earlier we are delighted that Chris could be with us here today, when we suggested that Chris might want to bring his trophies with him today, I had no idea that they were larger than my children. I think it is certainly fitting. I would ask you now to please join me in welcoming Chris Oster, who is the recipient of these particular awards. I would ask Chris to come forward to make a few brief remarks at this time.

Chris OSTER: Hi, my name is Chris Oster. I am the guy who won six times in a row. I got this 1994 Athlete of the Year for being a good sports person and for helping other people and all that. I also would like to say thank you for bringing me over here and all that. I came here before and I was wondering what it would feel like to be behind this stage? Now I have the feeling. It is a little weird, but it is ok. I would like to say thanks and all that. I wanted you to see the big trophies and all that. I am very happy about that.

When I was at the Special Olympics, I was thinking about a friend that once died. I don't know how far away it was, but it was when I won the first time, like maybe the sixth grade. When I came to the seventh grade, I won, because I said to all the people that I would not lose this mile run for anybody. I won it for six years. The guy that I was talking about is Matt Ward. He died in a bus accident. He shined the light on me and I won.

I am the state record holder for Eastern Maine Special Olympics. My current Special Olympics run was about 5 minutes and 27 seconds. No one has beat it yet.

Was read and passed and sent up for concurrence.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 592)  
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PROVIDE SUPPORT FOR CONTINUED CRITICAL ACCESS ALONG MAINE'S ROUTE 1 CORRIDOR THROUGH REPLACEMENT OF THE CARLTON BRIDGE IN BATH

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

WHEREAS, the Carlton Bridge between Bath and Woolwich, Maine, built in 1926, has structurally, mechanically and functionally deteriorated and is in dire need of replacement; and

WHEREAS, the Carlton Bridge provides the only access along coastal Route 1 and supports more than 20,000 jobs critical for the mid-coast region; and

WHEREAS, annual average daily traffic currently exceeds the bridge capacity and is projected to double over the next 20 years; and

WHEREAS, the Carlton Bridge is located on Maine's most congested highway and provides an essential link for residents of and tourists to Maine's coastal communities and the Eastern United States; and

WHEREAS, the economic impact of tourist travel through the mid-coast region, over the Carlton Bridge, annually exceeds \$350,000,000, generating more than \$80,000,000 in federal, state and local revenues annually; and

WHEREAS, the Carlton Bridge provides the only access for emergency vehicles to and from regional hospitals and fire stations; and

WHEREAS, the cost to replace the Carlton Bridge is more than double the total annual construction budget of the Maine Department of Transportation; and

WHEREAS, federal, state, local and private support and innovative financing is critical to fund the replacement of the Carlton Bridge; and

WHEREAS, the Carlton Bridge was recognized by Congress as a demonstration project under the

Intermodal Surface Transportation Efficiency Act of 1991; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to provide financial assistance for the replacement of the Carlton Bridge and in particular to fund the discretionary bridge program at a level sufficient to allow for the replacement of this critical access bridge; and be it further

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

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

#### **Ought to Pass as Amended**

Report of the Committee on **Agriculture, Conservation and Forestry** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-287) on Bill "An Act to Regulate Hybrid Wolves" (S.P. 360) (L.D. 986)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-287).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-287) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

#### **Divided Report**

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-248) on Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (EMERGENCY) (S.P. 167) (L.D. 428)

Signed:

Senators: HALL of Piscataquis  
KIEFFER of Aroostook  
Representatives: ROTONDI of Madison  
JACQUES of Waterville  
CLARK of Millinocket  
TUFTS of Stockton Springs  
CHICK of Lebanon  
PERKINS of Penobscot  
UNDERWOOD of Oxford

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (S-249) on same Bill.

Signed:

Senator: MICHAUD of Penobscot

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-248) and Senate Amendment "B" (S-274) Was read.

On motion of Representative MITCHELL of Vassalboro, tabled pending acceptance of either Report and later today assigned.

#### **Divided Report**

Majority Report of the Committee on **Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-286) on Bill "An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact" (EMERGENCY) (S.P. 383) (L.D. 1060)

Signed:

Senators: LORD of York  
HATHAWAY of York  
RUHLIN of Penobscot  
Representatives: GOULD of Greenville  
POULIN of Oakland  
BERRY of Livermore  
GREENLAW of Standish  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot  
MERES of Norridgewock

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

Signed:

Representatives: SHIAH of Bowdoinham  
SAXL of Bangor

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-286)

Was read.

Representative GOULD of Greenville moved that the House accept the Majority **"Ought to Pass"** as amended Report.

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

#### **Non-Concurrent Matter**

Bill "An Act to Improve Highway Signing Information" (H.P. 691) (L.D. 942) which was passed to be engrossed as amended by Committee Amendment "A" (H-491) in the House on June 16, 1995.

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

Representative O'GARA of Westbrook moved that the House Adhere.

On further motion of the same Representative, tabled pending his motion to Adhere and later today assigned.

#### **Non-Concurrent Matter**

Resolve, Authorizing the Sale of Certain Property in Connor (H.P. 1129) (L.D. 1574) which was passed to be engrossed in the House on June 19, 1995.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-289) in non-concurrence.

The House voted to Recede and Concur.

#### **PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Resolve, to Require the Brookton Elementary School to be Used as a Community Center for Northern Washington County (H.P. 1131) (L.D. 1576) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Senator CASSIDY of Washington and Representatives: BAILEY of Township 27, DRISCOLL of

Calais, LAYTON of Cherryfield, LOOK of Jonesboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Education and Cultural Affairs was suggested.

Under suspension of the rules and without reference to a Committee, the Resolve was read twice and passed to be engrossed and sent up for concurrence.

#### ORDERS

On motion of Representative GOULD of Greenville, the following Joint Resolution: (H.P. 1132) (Cosponsored by Representatives: BERRY of Livermore, DAMREN of Belgrade, GREENLAW of Standish, MARSHALL of Eliot, MERES of Norridgewock, POULIN of Oakland, Senators: LORD of York, RUHLIN of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE GOVERNOR OF THE STATE TO PETITION THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REMOVE FROM THE OZONE TRANSPORT REGION AND REDESIGNATE TO ATTAINMENT OR RURAL TRANSPORT ALL AREAS OF THE STATE THAT QUALIFY

WE, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Honorable Angus S. King, Jr., Governor of the State of Maine, as follows:

WHEREAS, the federal Clean Air Act imposes stringent and costly ozone control requirements on stationary and mobile sources of ozone precursors throughout the Ozone Transport Region, or OTR, including areas that attain the ozone standard or would attain the ozone standard but for ozone created by upwind states; and

WHEREAS, it is well known that the majority of ground-level ozone and ozone precursors in the State are transported into the State from upwind, out-of-state sources; and

WHEREAS, the imposition of costly OTR ozone control requirements on the citizens and businesses of this State will not significantly contribute to solving ozone problems anywhere in the OTR; and

WHEREAS, in recognition that such a situation may exist, the United States Congress specifically provided in the federal Clean Air Act that the Governor of any state in the OTR may petition the United States Environmental Protection Agency, or EPA, to remove some or all of a state from the OTR; and

WHEREAS, the federal Clean Air Act also establishes a process for redesignating qualifying areas to attainment or to rural transport areas, thereby eliminating certain ozone control requirements in those areas; and

WHEREAS, the Honorable Angus S. King, Jr., Governor of the State, has indicated his intention to request removal from the OTR of any areas of the State that qualify and to request redesignation of all counties of the State that qualify; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people of the State of Maine urge, encourage and support the Governor to take all steps available under the federal Clean Air Act to remove all areas of the State from the OTR that may qualify for

removal and to redesignate all areas of the State to attainment or rural transport areas that may qualify for redesignation; and be it further

RESOLVED: That We, your Memorialists, support the Governor undertaking these efforts in such a manner that those areas for which data and information are more readily available to support redesignation or removal petitions may be the subject of immediate petitions to the United States Environmental Protection Agency, and those areas for which data or information is not readily available may be the subject of subsequent petitions; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of the State of Maine, to the members of the Maine Congressional delegation and to the Honorable Carol Browner, Administrator of the United States Environmental Protection Agency.

Was read.

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

#### REPORTS OF COMMITTEES

##### Ought to Pass as Amended

Representative DORE from the Committee on Taxation on Bill "An Act to Amend the Excise Tax Charged on Commercial Vehicles" (H.P. 472) (L.D. 653) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-539)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-539) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

##### Ought to Pass as Amended

Representative KILKELLY from the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Enable Small Farm Owners to Process and Sell Foods They Produce" (H.P. 794) (L.D. 1111) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-537)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-537) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

##### Ought to Pass as Amended

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Amend the Operating-under-the-influence Laws" (H.P. 836) (L.D. 1167) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-543)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-543) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

##### Ought to Pass as Amended

Representative O'GARA from the Committee on Transportation on Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles" (H.P. 1093) (L.D. 1538) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-541)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-541) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

#### **Ought to Pass as Amended**

Representative O'GARA from the Committee on Transportation on Bill "An Act to Implement the Recommendations of the Governor's Task Force on Motor Carrier Safety Laws" (H.P. 1118) (L.D. 1562) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-542)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-542) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

#### **Divided Report**

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Exempt the State from the Mandatory Use of Reformulated Fuel" (EMERGENCY) (H.P. 274) (L.D. 376)

Signed:

Senators:

LORD of York

Representatives:

RUHLIN of Penobscot  
GOULD of Greenville  
POULIN of Oakland  
SAXL of Bangor  
BERRY of Livermore  
SHIAH of Bowdoinham  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot  
MERES of Norridgewock

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-517) on same Bill.

Signed:

Senator:

HATHAWAY of York

Representative:

GREENLAW of Standish

Was read.

Representative GOULD of Greenville 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 Legal and Veterans Affairs reporting "Ought Not to Pass" on Bill "An Act Establishing Procedures for New Political Parties to Participate in Primary Elections" (H.P. 369) (L.D. 499)

Signed:

Senators:

FERGUSON of Oxford  
MICHAUD of Penobscot  
STEVENS of Androscoggin

Representatives:

LEMONT of Kittery  
NADEAU of Saco  
MURPHY of Berwick  
CHIZMAR of Lisbon  
TRUE of Fryeburg  
FISHER of Brewer  
GAMACHE of Lewiston

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-522) on same Bill.

Signed:

Representatives:

LABRECQUE of Gorham  
BUCK of Yarmouth

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 Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-515) on Bill "An Act to Allow the Department of Human Services to Take Protective Custody of Certain Newborn Children" (H.P. 394) (L.D. 529)

Signed:

Senators:

FAIRCLOTH of Penobscot  
PENDEXTER of Cumberland  
LEMKE of Westbrook  
RICHARDSON of Portland  
PLOWMAN of Hampden  
HARTNETT of Freeport  
NASS of Acton  
JONES of Bar Harbor  
MADORE of Augusta

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

Signed:

Senator:

MILLS of Somerset

Representatives:

TREAT of Gardiner  
LaFOUNTAIN of Biddeford  
WATSON of Farmingdale

Was read.

Representative TREAT of Gardiner moved that the House accept the Minority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion to accept the Minority "Ought Not to Pass" Report and later today assigned.

#### **Divided Report**

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-521) on Bill "An Act Regarding Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 432) (L.D. 595)

Signed:

Senators:

ABROMSON of Cumberland  
SMALL of Sagadahoc  
McCORMICK of Kennebec  
CAMPBELL of Holden  
CHASE of China  
GATES of Rockport  
GUERRETTE of Pittston  
LUMBRA of Bangor  
MAYO of Bath  
PAUL of Sanford  
SAXL of Portland  
VIGUE of Winslow

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

Signed:

Representative:

JONES of Pittsfield

Was read.

Representative VIGUE of Winslow moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority

**"Ought to Pass"** as amended Report and later today assigned.

**Divided Report**

Majority Report of the Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-534) on Bill "An Act to Amend the Laws Related to Optometry" (H.P. 590) (L.D. 800)

Signed:

Senators: CIANCHETTE of Somerset

GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland

BRENNAN of Portland

CAMERON of Rumford

DAVIDSON of Brunswick

KONTOS of Windham

REED of Dexter

SIROIS of Caribou

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (H-535) on same Bill.

Signed:

Senator: HARRIMAN of Cumberland

Representatives: BIRNEY of Paris

LIBBY of Kennebunk

POVICH of Ellsworth

Was read.

Representative ROWE of Portland moved that the House accept the Majority **"Ought to Pass"** as amended Report.

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

**Divided Report**

Majority Report of the Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-513) on Bill "An Act to Require Minimum Mandatory Sentences for Persons Convicted of Assault Crimes" (H.P. 900) (L.D. 1276)

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

THOMPSON of Naples

WATERHOUSE of Bridgton

WHEELER of Bridgewater

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

Signed:

Representative: JOHNSON of South Portland

Was read.

Representative CLARK of Millinocket moved that the House accept the Majority **"Ought to Pass"** as amended Report.

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

**Divided Report**

Majority Report of the Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-523) on Resolve, to Allow Jose Gonzales to Bring an Action Against the State (H.P. 1077) (L.D. 1519)

Signed:

Senator: MICHAUD of Penobscot

Representatives: LEMONT of Kittery

NADEAU of Saco

GAMACHE of Lewiston

CHIZMAR of Lisbon

MURPHY of Berwick

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

Signed:

Senators: FERGUSON of Oxford

STEVENS of Androscoggin

Representatives:

TRUE of Fryeburg

BUCK of Yarmouth

LABRECQUE of Gorham

Representative FISHER of Brewer - of the House - abstaining.

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 to Pass"** as amended by Committee Amendment "A" (H-529) on Bill "An Act to Appropriate Funds for the Building Alternatives Program" (EMERGENCY) (H.P. 1120) (L.D. 1564)

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

McALEVEY of Waterboro

PEAVEY of Woolwich

THOMPSON of Naples

WHEELER of Bridgewater

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

Signed:

Representative: WATERHOUSE of Bridgton

Was read.

Representative CLARK of Millinocket moved that the House accept the Majority **"Ought to Pass"** as amended Report.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1099) (L.D. 1546) Bill "An Act to Expedite the Appeal Process in the Case of a Writ of

Possession" Committee on Legal and Veterans Affairs reporting "Ought to Pass"

(H.P. 1047) (L.D. 1466) Bill "An Act to Create an Adopt-A-River Program" Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-538)

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session 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. 214) (L.D. 556) Bill "An Act Concerning the Participation of Teachers of Adult Education in the Maine State Retirement System" (C. "A" S-278)

(H.P. 314) (L.D. 418) Bill "An Act to Amend the County Budget Approval Process for Cumberland County" (C. "A" H-530)

(H.P. 937) (L.D. 1326) Bill "An Act Concerning the Kennebec Water District" (C. "A" H-527)

(H.P. 978) (L.D. 1387) Bill "An Act to Amend the Underground Oil Storage Facilities and Groundwater Protection Laws" (C. "A" H-533)

(H.P. 1032) (L.D. 1451) Bill "An Act to Change the Licensing Year for Certain Marine Resource Licenses" (C. "A" H-528)

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

#### BILLS IN THE SECOND READING

##### As Amended

Bill "An Act to Ensure Consistency Between State and Federal Environmental Requirements" (S.P. 347) (L.D. 952) (C. "A" S-275)

Bill "An Act to Amend the Laws Pertaining to the Regulation of Borrow Pits" (EMERGENCY) (S.P. 525) (L.D. 1423) (C. "A" S-283 and S. "A" S-288)

Bill "An Act to Exempt Food Banks from Sales Tax and to Provide a Review Schedule for Sales Tax Exemptions" (H.P. 1116) (L.D. 1561) (C. "A" H-526)

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 and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

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

#### ENACTORS

##### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (H.P. 680) (L.D. 931) (C. "A" H-314)

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

On motion of Representative MITCHELL of Vassalboro, tabled pending final passage and later today assigned.

#### Emergency Measure

An Act to Protect the Rights of Maine State Retirement System Employees (H.P. 147) (L.D. 195) (C. "A" H-442)

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: This bill which you are about to take action on is a bill designed to facilitate the transfer of the employees within the Maine State Retirement System from either the state system to the public instrumentality or they elect to go the other way, to return back there. It was impossible for them to make this choice earlier, because they are still in negotiations for a contract. This is a good bill and it is designed to protect the rights of those employees of the Maine State Retirement System. Thank you.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I rise to concur with my good friend from Crystal, Representative Joy. Despite the fact that this bill came out of the Committee on Labor, this is not a partisan bill. It is a very good bill for anyone who has been involved in the state's system or in our new public instrumentality, the Maine State Retirement System. I do urge your support on this bill.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Amend the Laws Pertaining to the Marine Resources Advisory Council (S.P. 441) (L.D. 1209) (C. "A" S-263)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option (H.P. 1064) (L.D. 1499) (C. "A" H-443)

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: It has been some time since this bill has come across our desk before. I just want to take a moment to point out to you that in the last session of the legislature we passed a bill to allow state police officers to select a different retirement option. They had a one year time limit in which to do that and because of the difficulty in trying to get all the numbers together, it was necessary to ask for an extension on that time to



select an option. I ask your support on this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House: This is exactly what Representative Joy said that it was. It is just a time for them to extend their opportunity to pick what they would like for retirement options. It is a good bill. It came out of committee unanimous and I would ask for your support. Thank you.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture (S.P. 552) (L.D. 1511) (C. "A" S-252)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

Resolve, to Create the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions and its Impact on those Budgets (H.P. 550) (L.D. 746) (S. "A" S-258 to C. "A" H-244)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 26 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Emergency Measure

Resolve, to Require a Study of Retail Competition in the Electric Industry (S.P. 386) (L.D. 1063) (C. "A" S-251)

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

On motion of Representative KONTOS of Windham, tabled pending passage to be enacted and specially assigned for Wednesday, June 21, 1995.

#### Emergency Measure

Resolve, Authorizing the Maine Technical College System to Lease-purchase Facilities for York County Technical College (H.P. 951) (L.D. 1340) (C. "A" H-461)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 10

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

#### Mandate

An Act Concerning Educational Technicians (H.P. 875) (L.D. 1230) (C. "A" H-441)

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: This is a clarification. This bill just amends the Private and Special Laws that dealt with the classification for educational technician prior to 1991 for retirement coverage. This bill allows for corrections to be made in the classifications for those educational technician. Thank you.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I will go a little bit further on this. The reason there is a mandate on here is that maybe some small, slight salary increases for those people who were overlooked in the last time this was taken care of. There are a few school districts out there that were not moved up to the higher position as was indicated. Also, I would like to take away any fear, this does not allow someone who was classified as a certain ed tech position to go to another school district and accept that same position unless they have all of the educational requirements. So as not to allow transfer from district to district, but this only within a district. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: Representative Joy is absolutely correct. Anything incurred in this will be in collective bargaining. This is not transferable. I agree with everything he said. I hope you will support this. Thank you.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery (S.P. 80) (L.D. 168) (C. "A" S-229)

An Act to Strengthen the Laws Pertaining to Poaching (H.P. 178) (L.D. 226) (C. "A" H-458)

An Act Revising the Liability for the Storage and Distribution of Natural Gas (H.P. 334) (L.D. 454) (C. "A" H-431)

An Act to Authorize Municipalities to Pay Employees Biweekly (S.P. 259) (L.D. 695)

An Act to Prevent and Abate Uncontrolled Tire Stockpiles (H.P. 558) (L.D. 759) (H. "A" H-486 to C. "A" H-409)

An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System (H.P. 637) (L.D. 860) (C. "A" H-457)

An Act to Revise Reapportionment Guidelines (H.P. 646) (L.D. 869) (C. "A" H-437)

An Act to Amend the Education Funding Formula (H.P. 658) (L.D. 881) (C. "A" H-452)

An Act to Amend the Surface Water Ambient Toxics Monitoring Program (H.P. 768) (L.D. 1042) (C. "A" H-455)

An Act to Amend the Law Regarding the Possession of Short Lobsters (H.P. 797) (L.D. 1114) (H. "B" H-467)

An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards (H.P. 933) (L.D. 1314) (C. "A" H-449; H. "A" H-503)

An Act Concerning Judicial Endorsement for Persons Transported and Held for Evaluation and Treatment (S.P. 501) (L.D. 1360) (C. "A" S-261)

An Act to Amend the Laws Concerning Health Insurance (H.P. 994) (L.D. 1405) (C. "A" H-445; H. "A" H-470)

An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction (H.P. 1036) (L.D. 1455) (C. "A" H-460)

An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages (H.P. 1068) (L.D. 1503) (C. "A" H-447)

An Act Requiring that Certain Nonprofit Corporations Provide for the Disposal of Assets (H.P. 1081) (L.D. 1523) (C. "A" H-430)

An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code (S.P. 561) (L.D. 1528) (Governor's Bill) (C. "A" S-257)

An Act to Provide Administrative Clarification within the Maine Insurance Code (H.P. 1100) (L.D. 1547) (Governor's Bill) (C. "A" H-422)

Resolve, to Create the Teacher Retirement Advisory Committee (H.P. 761) (L.D. 1035) (H. "A" H-434 to C. "A" H-311)

Resolve, Authorizing the Department of Labor and the University of Maine to Institute Conferences on Emerging Trends in Labor-Management Relations (S.P. 395) (L.D. 1083) (C. "A" S-255)

Resolve, Instructing the Commissioner of Labor to Identify Available Data Sources on the Use of Per Diem, Part-time and Temporary Employment (H.P. 853) (L.D. 1184) (C. "A" H-425)

Resolve, to Create a Task Force on Tax Increment Financing (H.P. 858) (L.D. 1189) (H. "A" H-473 to C. "A" H-339)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted or finally passed, 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 Authorize the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund (H.P. 852) (L.D. 1183) (Governor's Bill) (C. "A" H-325)

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

On motion of Representative LIBBY of Buxton was set aside.

The same Representative moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Once again, we have already debated this bill, but I don't believe that we should be in the credit card business. Number two, I think it opens a big can of worms. Number three, I think government agencies will be a waiting list to have credit cards. I don't think that is a good idea. Please support the pending motion and Mr. Speaker I request a roll call.

The same Representative requested a roll call on his motion to indefinitely postpone the Bill and all accompanying papers.

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 Rockport, Representative Gates.

Representative GATES: Mr. Speaker, Men and Women of the House: I am glad we are having a roll call on this today since I missed the last time this came up when it was approved overwhelmingly by this house. As you will recall, this does not put the state into the credit card business, it makes the state board a client of the credit card business. This is very unusual for us. This is a bill that has sort of a reverse fiscal note, it won't cost us a penny. In fact, it will make us thousands and thousands of dollars for a very good cause. It is voluntary taxation. It is for people who want to help set aside and preserve Maine lands to do so. The bank that wins the bid will be a bank that has to have substantial connections to Maine. I urge you in the strongest terms to vote against the pending motion and reaffirm our earlier vote in support of the bill. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to bore you with going over the details as to the advantages of being involved in an infinite card. It does serve a wonderful purpose of allowing the State of Maine to continue providing property and land for the people of the State of Maine. I would, again, like my counterpart on the Banking and Insurance Committee, ask you to please oppose the pending motion. Thank you.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I concur with my good friend, Representative Gates. This bill had bipartisan support on the committee and I ask you to vote against the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 192

YEA - Aikman, Birney, Buck, Donnelly, Greenlaw, Hartnett, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Look, Lumbra, Marshall, Mayo, McAleve, Nickerson, Pendleton,

Pinkham, Poirier, Robichaud, Stedman, Waterhouse, Winsor.

NAY - Adams, Ahearne, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Dore, Driscoll, Dunn, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Lindahl, Lovett, Luther, Madore, Martin, Marvin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Perkins, Plowman, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

ABSENT - Chick, DiPietro, Etnier, McElroy, Yackobitz.

Yes, 28; No, 118; Absent, 5; Excused, 0.

28 having voted in the affirmative and 118 voted in the negative, with 5 being absent, the motion to indefinitely postpone the Bill and all accompanying papers was not accepted.

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

An Act to Modify the Licensure Act for Substance Abuse Counselors (H.P. 1008) (L.D. 1419) (C. "A" H-427)

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

On motion of Representative ROWE of Portland was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Increase Access to Primary Care Physician Services in Maine (H.P. 1063) (L.D. 1498) (C. "A" H-429)

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

On motion of Representative ROWE of Portland, was set aside.

On further motion of the same Representative, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1498 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-546) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: The purpose of this amendment is simply to add language that was inadvertently omitted from the Committee Amendment, Committee Amendment "A." Thank you.

House Amendment "A" (H-546) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-429) and House Amendment "A" (H-546) in non-concurrence and sent up for concurrence.

An Act to Establish Legislative Guidelines for Secession (S.P. 587) (L.D. 1571)

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

On motion of Representative MARTIN of Eagle Lake was set aside.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If you have not had an opportunity to take a look at L.D. 1571, I would ask that you do so. I have a couple questions that I am going to pose to anyone on the State and Local Government Committee. What I am basically wondering if you read this particular piece of legislation as to what is it that it is going to accomplish?

I know that we have been dealing in the last seven or eight years with secession questions, sections of towns that want to leave another. We have a section of Raymond, for example, that wants to leave Raymond. We have another couple more islands that want to leave Portland. You have all those situations that are developing all over the place. This basically lays out legislative intent and lays out guidelines for legislation proposing secession. Then, it basically lays out assets, liabilities, questions and etc. I am just wondering what this is going to accomplish?

Keep in mind that the legislature can do whatever it wants to and this legislature cannot bind another. I can see legislation coming in and all it is going to say is, notwithstanding chapter whatever of public law whatever, part of X community is repealed or removed or going to be allowed to be excluded. What I basically am asking is what will this do?

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: The State and Local Government Committee worked for quite a bit of time to try to meet the needs of a variety of interests. When you are asking what this bill will do, the intent was for the legislature to be able to send a message to those secession areas to give them an idea of the kinds of things that we would be looking at if a secession bill comes in front of the legislature. Obviously, anyone can put a bill in at any time and either do any of these things or not do any of them.

The one major piece that is in this bill is that it asks for a report from a neutral third party. It asks for some effort to be made at the local level to identify issues and resolve issues with some kind of an alternative dispute resolution mechanism. Whatever type mechanism that would be depending on the community and what they wish to do, that is the major thing that is asked. One of the difficult positions that the legislature gets put in is in conflict resolution. When we don't have the information that we need or if there have not been

efforts to resolve differences outside of this arena and when we do not have unbiased information in front of us, it puts us in an extremely difficult position.

I think of all the things that this bill asks for, this is far and away the most important. The message is sent with these guidelines, that we expect you to work on your issues locally first. We want to see the work that has been done to identify the problems that you have and make an attempt to work on those where you are. I think that is a significant requirement and a major change in this piece of legislation than from previous attempts to address this.

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

Representative MARTIN: Mr. Speaker, I don't want to make a big thing about this, but I just want everyone to know that it isn't going to work. We ought to be straight forward about it. What is going to transpire is exactly what I said. There is simply going to be a provision in here saying notwithstanding and the legislation is going to be allowed in. Nothing says that they have to. There is nothing to force anyone. Unless you have a mandate in the constitution which requires that these things be completed prior to the submission of communities who want to separate or sections of one county to another, then this is not going to resolve it.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: For four years I served on the State and Local Government Committee and went through this particular discussion over and over again. While I certainly agree with the Representative from Eagle Lake that we can't pass legislation that will bind a future legislature, I would like to suggest to you that we can bind a future legislature by not passing legislation. What that means is if we don't pass some kind of guidelines and if we don't put some kind of information in statutes about what is required for a secession process, then we are binding future legislatures to deal with innumerable individual bills that are all coming in looking different. Not having any idea what kind of information ought to be in them, not having any idea what kind of process they should have gone through before they came to the legislature and we are going to tie up the State and Local Government Committee indefinitely.

At some point we may even have to set up a special committee on secession, because those bills are coming in more every year. I would suggest that we can assist the next legislature by putting this into law and, in fact, it is not binding, but it is something that will cause a great deal of assistance to the next legislature. I would urge you to support enactment of this. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I find this debate rather interesting. Those of you that were here during the 116th Legislature may recall that this is the very excuse used to vote against one of the bills that had to do with island secession from Portland. The excuse was, we have no guidelines. My understanding and my recollection was that there was kind of a half

a commitment that somebody, a commission would come up with the guidelines, but that was my understanding at the time. The guidelines would come up and be proposed to this legislature.

I think it is kind of ironic that it comes up now when we said the last time, we can't do it because we have no guidelines. Now we are going to say we have no guidelines, so we can't do it. I would encourage you to vote for this, because this is an issue that as the good Representative from Wiscasset has indicated is not going to go away. Communities all around, this is not a Portland bill or a coastal bill, the state, I feel fairly comfortable saying tax and values in one particular area of town inordinately high compared to everything else, because there was a lake near it or for whatever reason.

This is an issue that is going to continue to come before us and other legislatures and without these guidelines, and we all know they are not perfect, there is nothing that we can do that is perfect, but at least we won't have that same excuse in future legislatures that we don't know what to do because there are no guidelines. For those of you that weren't here, that was the excuse used two years ago to vote against the secession of one of the islands. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin. 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 MARTIN: Thank you Mr. Speaker, Members of the House: I just had need to respond that the reason why I voted for the secession against the islands in Portland had nothing to do with whether or not there was a plan or no plan. I would vote against secession regardless of a plan or whether or not there would be one. I am a believer that if you are in a community, you are in that community within that district. I must say that I congratulate the community of Boothbay and Boothbay Harbor who basically is trying to look together to see if they can form one community instead of two.

I am concerned obviously for all kinds of reasons. I live in an area where part of the people in my community want to withdraw because they want to lower their property taxes since they live around the lake. That is an issue that is going to forever be around us and we can't avoid, but it is an issue that in my opinion deserves to be dealt with locally and not here. It is not an issue that we are going to be putting away. I don't care how many things you put into law, it is not going to prevent people from coming forth to this legislature for a final approval or denial of their request.

All I am doing basically today is to tell you it isn't going to work and I think it is putting something into the law that is going to give a false impression. I am going to vote for it because if that is what people want, I have no problems with it, but just to tell you it isn't going to work.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: I don't know if this bill will work or if it won't work, but I think there is a parallel to a process that we put in place in either the 114th Legislature or the 115th Legislature. We were

getting a lot of requests for deorganization and they were coming in many different forms. We did put in place a process by which information was created and by which a committee would be able to evaluate the question of deorganization. I don't think that there is anything there that is prohibiting a bill coming in that is just providing guidelines and information for the committee. I think we should probably pass this.

The Chair ordered a division on passage to be enacted.

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

Representative SAXL: Thank you Mr. Speaker. I just want to take a few moments of your time to tell you why I disagree with the Representative from Eagle Lake.

The previous State and Local Committee had worked on these issues and nothing had been enacted so when we began with this year's crop of secession bills, we started fresh with a clean slate. There was really no history there for us to deal with. With term limits and people coming and going, with what will certainly be a lack of institutional memory, we thought it important to have something in statutes which indicated what materials we thought ought to be before the body, before they deliberated on secession questions. It is nothing more than that.

It is not a process that says that when you go through these steps you will have the right to secede. It is just a suggestion about steps that a community ought to take and materials they ought to provide for, the State and Local Committee for their deliberations. I think it is a step forward in the right direction. We will never know if this will work or not work until we pass it and try it. Let's leave it for future legislatures to determine that. I hope you will vote with us. Thank you.

The SPEAKER: A division has been ordered. The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 93 voted in favor of the same and 9 against, subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Senate Divided Report - Committee on Inland Fisheries and Wildlife - (9) Members "Ought to Pass" as amended by Committee Amendment "A" (S-248) - (1) Member "Ought to Pass" as amended by Committee Amendment "B" (S-249) on Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (EMERGENCY) (S.P. 167) (L.D. 428) which was tabled by Representative MITCHELL of Vassalboro pending acceptance of either Report.

Representative ROTONDI of Madison moved that the House accept the Majority "Ought to Pass" as amended Report.

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

Representative GATES: Thank you Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion. I'm concerned that we are solving a problem with this bill that doesn't really exist today. Under the Endangered Species Act in Maine since it's been amended in 1988, not one

development project, not one, has been denied because of endangered species problems. One of the most important endangered species we have in Maine, I think, is the bald eagle and of the 160 or so nesting sites that have gotten special scrutiny, not one development has been held up because of the bald eagle. Not one development has been held up because of any endangered species in Maine.

I really feel we're solving a problem that doesn't exist and we're reacting to circumstances that occurred on federal land out on the west coast that don't really affect us here. I'm very concerned that we're bringing politics into an issue where biology should have the last word. I would like to point out just one other thing, which is the environmental groups that have petitioned to have new endangered species declared, such as the wood turtle or the Atlantic salmon. They've been denied by our existing process, so it's not like the flood gates have been opened. I would urge you to vote against the pending motion.

Representative GATES of Rockport requested a roll call on the motion to accept the Majority "Ought to Pass" as amended 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.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Many people have asked what the Representative from Waterville is doing on this side of a report dealing with endangered and threatened species in the State of Maine. Since I was very instrumental in passing the Endangered Species Act for the State of Maine, which includes protection of habitat for those species, let me tell you what the problem is.

I believe then and still firmly believe, that when you declare a species endangered and threatened it should mean something. It should be of the utmost importance and significance so people across the state and across the nation recognize that and treat it accordingly. For 25 years in the State of Maine and across this country we have had people use our wetlands legislation and wetlands protection to stop, impede, slow down and discourage almost every type of economic development activity that is possible in this state.

Ultimately the right side prevailed, but at the cost of millions of dollars, millions of dollars which never went to any affordable protection of the environment in the ultimate end. It benefited consultants, attorneys, it benefited litigation, it benefited over and over again two sides and adversarial positions that did nothing, I repeat nothing, to further enhance and protect our wetlands. Ultimately that was done after the whole process was used up.

In my neighboring community of Oakland, there was an attempt to buy two pieces of land where they wanted to build a home for the adult developmentally disabled people. The neighbors tried everything they

could to stop that, zoning, petitions and the whole ball of wax. They failed in every attempt. They failed to stop that from going on until they hit upon an idea. They called DEP and said we think this might be a wetland. We think this might be a wetland. Two and one half years later, \$50,000 dollars later, \$50,000 dollars, a man now has a permit to build something there.

Well unfortunately the home moved on, the private home buyer for the other five-acre piece has moved on. This man now sits with a piece of land that after two and a half years he was not able to do anything with it, because someone said we think there might be a wetland there. I visited the site with a DEP person and asked that person to show me where the wetland was. He says "I can't do it." I asked the person to show me where the stream was. I know a little bit about streams. I didn't go to college to learn what a stream was, but I know a little bit about streams.

I asked him, where does the mineral and vegetation meet, where does the water run, what makes a stream? Make believe the Energy and Natural Resources Committee is behind me, make believe that Representative Gould and at the time Representative Lord are with me and we're going through this process and show me. She said "I can't do it. It's not here." My question was that how could you hold up this process for two and one half years and her answer was that someone called and said they think this might be a wetland.

Well, men and women of the House, I think that error in Maine politics and national politics is gone by the wayside. Wetlands are no longer going to be used and cannot be used to impede this process. I tell you what can, having something declared a threatened or endangered species. Representative Gates is right, that has not come to pass yet, but let me tell you my concern, if you don't agree with me, you vote against me. My concern is that from now on every time someone wants to stop a major project or any type of economic or development activity in this state that they can't by any other means, they will start talking about the potential that there might be a threatened and endangered species in that area.

Those of you that have been around awhile, remember Dickey Lincoln, remember the Tennessee Valley Authority with the snail darter. I'm not saying those were good or bad, but the simple fact of the matter is 25 years went by and Dickey Lincoln was no farther ahead now than it was back then on a plan. My concern is the Legislature should be involved in this process somewhere along the line. I'll tell you what really swung me over to that side was Car Test.

We passed legislation in this House authorizing a department to go out and promulgate rules and put a program into place to match federal and state law and we went home. When we came back we found out, not only had the department developed the program, they had put it into place and in many cases, did more than this body intended it to do. Let me tell you something, men and women of the House, that department didn't get the blame. This Legislature was held accountable for that. There are people that are no longer members of this Legislature because they were held accountable to that. The simple fact of the matter is, when the department by rule promulgates rules, and adds a species to an

endangered species list, you will be held accountable for that. You will be held accountable for that. Believe it, understand it, whether you want to grapple with that issue later on or now is up to you, but the fact of the matter is, you and only you will be held accountable.

What this bill does, it says after the department has gone through all their biological data gathering and they decide they are going to put an endangered species on the list, that they will come to the joint standing committee having jurisdiction and say, "these are the species we are recommending to be put on the list, and this is why. This is the biological data that we have." Now the opponents say that you and I will not listen to the biological data. That we are not bright enough to understand that biologically if a species is threatened in this state that we're going to do something about it. That we will lower ourselves to the lowest level of politics, which everybody believes we do, and we're going to allow politics to make the decision not the biological data that will be presented forth by the commissioner.

I reject that, men and women of the House. I reject that because I think we are all as capable of making a decision as any bureaucrat in this state, based on the same data. I believe we will come up to the same conclusion. The problem is going to be when that data does not 100 percent justify and you heard the salmon mentioned. Now you think about that, the salmon is trying to be added to the threatened and endangered species list by a group from away. You have a species that has been commercially harvested all over the world for years. You have a species that was recreationally harvested all over the world for years. You will hear some talk about genetically pure species of salmon. You will hear talk about the elitist mentality that we have to keep these salmon pure.

Well the simple fact of the matter is, there are a lot of things occurring to the salmon in this country, the state and the world. People can't tell you why. The biologists can't give the answer why. The fact of the matter is, we have spent hundreds of millions of dollars on restoration and we are getting less than one half of one percent return on our investment. You business people, if you ran your business that way, how long would you last? One half of one percent return on your investment. That means for every \$100 dollars you invest you are getting less than 50 cents back.

Somewhere along the line we are going to have to make a decision on whether or not we continue that road of pouring millions of dollars down what I believe to be a rat hole. As much I would love to be able to catch salmon on every stretch of the river in this state, there are influences outside of this state, outside of this region and outside of this country that will come to play in the very near future, if we don't do something to at least some governmental oversight in the ability to name species endangered and threatened.

Just for caviar in the State of Maine, under a law that I worked on, once you have a species declared threatened and endangered the law says that then you can promulgate rules to protect habitat, past habitat, present and potentially future habitat. That means realistically if you get the salmon on the endangered or threatened species list in the State of Maine you could potentially promulgate rules that

would stop all timber production along the shores of those rivers, all construction of camps, many types of recreation and theoretically you could make it so you couldn't even replace the front porch on your camp if it was located on one of those stretches of rivers. Basically the law says you can promulgate rules that will deal with any activities on all the habitat past, present and future once the species has been declared threatened or endangered.

Do I believe threatened or endangered species are important? Absolutely. Do I believe they should be put on that list on basic biological data? Absolutely. The problem I have is that once it is done and the thing blows up the bureaucrats will not be held accountable. You will. You can hem and haw and try to explain it, but the fact of the matter is you will be held accountable. Nothing brought that more to my attention than the last fiasco we went through when we gave DEP the authority to promulgate an inspection maintenance program for half the people in this state.

If you don't believe that any of these things are potentials then vote against the Majority Report. I believe that potential is there. I also said in committee if this committee abuses that, there will be more than one Representative around that will bring a bill back and point that out and it will be rectified. I am sorry. I still have more faith in the process than to believe that we will disregard sound biological data for cheap politics. If you disagree with me, no problem. I won't be around to say I told you so, but I may send you a letter. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: I agree with the good words of the Majority Leader, Representative Jacques that we need to worry about endangered species in this state. We need to worry about development in this state. We need to find a careful balance of looking at the issues of development and looking at how to protect our endangered species. I would commend to this body that the Majority "Ought to Pass" as amended Report doesn't balance these two goals adequately.

Actually the Minority Report gives the Legislature the power when five or more citizens petition the Legislature. It allows them to shelve this matter. That is five citizens can shelve the proposed endangered species until the Legislature acts upon it. I believe that the Majority Report ignores biology in favor, overwhelmingly of economics. I think that we have an obligation to, at least, listen to biologists to find out if it is the bald eagle, Tomah May Fly, Sedge Wren, Blanding's Turtle or what have you. To make that biological determination and then through citizen input, if we feel that these listings are too grave and are inappropriate and too discriminatory against economic development in Maine, then the Legislature under the other report has an opportunity to revisit those issues and to allow development as they see fit. Ladies and gentlemen of the House, please defeat the pending motion and instead look favorably upon the Minority "Ought to Pass" as amended Report. Thank you.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I want to publicly thank Representative Jacques for telling it like it is and

to specifically bring out the issue of the salmon. How would you feel, if the area you represented and your home area where you lived all your life, which is totally dependent upon natural resources is to be placed in a position where those natural resources are not going to be able to be utilized? What else do you have to work from? Nothing.

Representative Jacques spoke of the salmon, the way it is, if salmon has become identified as an endangered species. That not only will affect the salmon in all the rivers, by the way, all of the major rivers in Washington County have been declared on the super list, which means they are endangered. This declaration or potential declaration of the salmon means that all the aquaculture projects that we have in Washington County, and the reason they are in Washington County is because of the depth of the ocean, the tide exchange there, will be eliminated. We have very little to operate on. That is what it means.

It means much more than perhaps you may think it does. Please remember there are people who have to live in other sections of the State of Maine as well. Thank you.

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

Representative GREENLAW: Mr. Speaker, Men and Women of the House: I have just one question. I agree with Representative Jacques, but my question is, if we aren't qualified to regulate wildlife, what are we doing here trying to regulate the lives of the people of this state? Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I stand only to voice my support for the Majority Leader, Representative Jacques. He has 20 years experience in the field of natural resources. He has been very, very concerned. I will give him my complete support based on his experience and I know he would direct us as he should. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I don't want to take Representative Jacques and have him carry the ball on his own shoulder. There are 13 of us on the committee. I agree wholeheartedly with Representative Jacques and the scenario he laid out. He presented it very eloquently and dramatically on how this all works. This bill was in our committee. We worked it and worked it. When we thought we had a bill that was unanimous, at the 11th hour, in comes a storm troop of people from afar and tried to change our minds. It is an 11 or a 12 to 1 report. I can tell you personally what happened to northern Maine based on these groups. I don't want it to happen again. I hope you go with the Majority Leader and you give unanimous support of the "Ought to Pass." Thank you.

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

Representative TOWNSEND: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative TOWNSEND: Thank you Mr. Speaker. As the Representative just mentioned there are 13 members on the committee, yet I noticed that the committee report only indicates the position of 10 of



them. I am wondering if I could be told how the other three would wish to be recorded?

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

Representative JACQUES: Thank you Mr. Speaker. In an attempt to answer the good Representative's question, we had three votes including the reconsideration. Both votes were 12 to 1 "Ought to Pass." Why those people chose not to sign the jacket stating such, I don't know. I have them in my notes. It was 12 to 1 and the good Senator from Penobscot, Senator Michaud was the only "Ought Not to Pass" on both times. He offered an "Ought to Pass" as amended version.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House: I heard the discussion when people came to speak for and against this bill. I took part in the work session and very simply I don't know of any better way for the people of the State of Maine to be represented in whatever issue than in this body of the Legislature.

I had no doubt that the committee members that voted in favor of this bill would use the services from the Department of Inland Fisheries and Wildlife to make their decision. I do think it is very important that the people of the State of Maine will be protected by this body and not by a few people that have private interests. I would encourage you to vote with the Majority "Ought to Pass." Thank you.

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

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: Just in case I happen to forget to sign a jacket, I want to go on record for the Representative from Portland, that I have been unequivocally in support of Representative Jacques and his opinions that he has expressed here today. For me to talk any further would just echo what Representative Jacques has said so eloquently and strongly.

I would just give one other perspective and that is what can happen when you have professional elitists as I call them. People who are so concerned with their own professions that they would negate the fact that their decisions have a political reality. Right now we have the cormorant that is protected under the Federal Migratory Game Act. That cormorant is devastating the black back flounder off the coast of Maine to the point where biologists are telling us that we won't have any black back flounder in the next seven years and we can't do anything about this cormorant.

I will sit down and say I unequivocally support the Majority Report and I urge you to support this motion.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCH: Thank you Mr. Speaker. I urge you to vote against the pending motion. I believe this bill is very inappropriate. It contains no standards of criteria for how the Legislature will make its decision to list the species. Although it ostensibly gives the criteria to the commissioner to recommend. The way the law works right now is that decisions to list are based on scientific facts. The public also perceives that the decision whether to list is based on science. Either a species is

determined to be endangered and threatened or not, it is based on science itself.

The proposal in the bill is to interject the Legislature into the decision making process. Having a Legislature involved in the decision will politicize the process. No question. This will be a political process. I think Representative Jacques has made that abundantly clear. Even though he is couching it in terms that we are going to make a scientific decision, but in his whole lead off he made it pretty clear that this is going to be a political process, because we are not going to allow something to happen. We are not going to allow something to be listed that is somehow going to hang up development.

The decisions that we make here will not have to be made on any scientific facts because the bill does not require that. We should continue to require listing to be based solely on scientific fact and not on politics. I think this bill is one of most dishonest bills that has come down the pike. Just read one of the whereases. "Whereas amendments to the state's list of threatened and endangered species must occur in a timely fashion." What is less timely than a legislative process. We are not even in session for most of the two years. It also pretends that it is a scientific matter, but it is clear it is politics.

We are going to be run by anecdotes. We just got anecdotes about Dickey Lincoln and the Snail Darter. Dickey Lincoln was a questionable peak power proposal that would have flooded a heck of a lot of territory up north. It was the Furbish Lousewort, which was one of the issues there. What killed Dickey Lincoln wasn't the Furbish Lousewort, it was economics. Someone mentioned the Snail Darter, that is what held up the Tellico Dam in Tennessee for some time. Well the Tellico Dam has been built for some 20 or so years and it has been a questionable economic benefit and it required a lot of dislocation of people to put that there, including Cherokee Indians who had claims to that land that went back centuries.

We have the anecdote of the salmon and the outside forces, the evil outside forces that are going to come and do us in here. I don't see anyone questioning outside forces. Name me one paper company that is headquartered in Maine. There is outside forces for you. One question about the salmon listing and why that is not applicable to the concerns about Maine's listing is we have a different process. There is a federal process and a state process. The salmon was brought in under the federal process. The state has a dual process in developing recovery plans as well as species and they are separate tracks. You don't just jump into it. That is one of the benefits of the state process. I really question the ability of this body to make these decisions.

An earlier speaker said if we are not qualified to regulate wildlife, what are we doing regulating people. The question I expected to hear was, what are we doing regulating endangered species? We can pretend we are scientists, but we are not. I have also heard people in this body and on the distinguished committee that will be hearing these bills bad mouth biologists when they didn't back up their own preconceived notions about what is happening in the woods or in the streams. Not question them scientifically, but just dismiss them.



I think that is what we will be getting here too. I don't believe this body will ever bring itself to fully educate itself about an endangered species and what it may mean in the habitat. I think it is the height of arrogance to think that we are capable of doing that. I include myself in there. I don't believe I am capable of making this decision. There is a recent well regarded book written about ants. Professor Wilson at Harvard wrote this book. In there he notes that if people disappeared from the face of this planet not much would happen. The earth would begin to heal itself. But if ants disappeared, there would be so many repercussions up and down the chain of biology that it would be unimaginable.

I don't think we know what role an endangered species plays in the overall well being of this earth. I think it is totally inappropriate for us to just turn this into a political process and regardless of how much protestation to the contrary that somehow this will be based on science, it will not. It will be based on pure politics.

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

Representative HEESCHEN of Wilton moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support Representative Jacques position on this. I find it of somewhat convoluted logic to say that because we are not experts we can't make decisions on important matters. I am not an expert on criminology and yet I sit on the Criminal Justice Committee and make decisions on what laws get passed and what don't. There are a lot of people that sit on other committees that have no expertise. We don't have to be experts. We get the testimony from the experts and then we make up those decisions and I hope you will go against the pending motion. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House: I think that the discussion of this magnitude should include the Northern Spotted Owl out west, which hasn't been mentioned, I don't think here this morning. The Northern Spotted Owl is why we are probably having this discussion here today. The Northern Spotted Owl created economic chaos out in the northwest. It created job instability out west. Much information came from the Northern Spotted Owl and the deliberations on this endangered species.

The Northern Spotted Owl was supposedly only found in old growth timber, but later it was found in younger timber stands. There is a lot of information on that particular issue and I sense that in the northeast that whatever the endangered species might be that there would be a lot of information that would come out on this particular subject. The timber production in the northwest was severely reduced on national forests and also state lands. That really made a real impact out west.

I would feel a lot more comfortable having the Legislature have the final approval on the endangered and threatened species list. I have sat in Criminal Justice all winter long making all kinds of decisions and I felt like I was making logical decisions. I really feel that this body is capable of making the

decisions in this regard and I support Representative Jacques in this issue. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I am on the Majority Report. I was a bit lukewarm on this bill at first. The more the speakers came in front of us the hotter I got on the idea. One after another they told of their terror of turning this type of decision over to the representatives of people. That really clinched it and convinced me. One of them said and this was the real clincher, "You people are trying to circumvent the will of the people."

We had to point out to that person that we are the direct representatives of the people. The most direct and with the broadest spectrum. The people that spoke before us each belonging to a group that has worthy goals and causes, but each representing their own particular interests, of course. I respect the side of the argument that says this will become political. I would like to point out to you that, of course, it will become political, it is political now.

It isn't about what critters are on the list, but what you do with the list. It is about what you do with the habitat that these critters live in. Of course, we all know what this is about, but let me tell you, of course, it is political. That is why we have to be the final arbiters on what goes on that list, because it relates to habitat. You won't see people coming up with the Norway rat, for example, if it gets down in numbers or the house mouse, cockroach, potato bug, and garden slug. Think about it. That is why we have to make the decision. Thank you.

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

Representative ROSEBUSH: Mr. Speaker, Men and Women of the House: I would like to go on record that I support the Majority Report. I would also like to mention that the good Representative, Representative Heeschén mentioned the scientific fact. I think this is important. This is what the committee will be receiving as fact. Also, the people in the state that want to come in front of the committee and hear the scientific fact, they will have that opportunity. That will inform both bodies to make a good decision. I urge you to defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: I also was on the Majority "Ought to Pass" Report and I stand and urge you to vote in favor of this measure and to now defeat this indefinite postponement. As Representative Rosebush just stated, the scientific facts and studies will still be done by the department. They will be presented to the committee and the committee will be able to digest this information and decide what is the best move for the state.

As the Representative from Wilton said we are going to politicize this process. I have more faith in this Legislature and the people that are in this body that they will do the right thing. This is too important of an issue to leave in the hands of a department. I think it needs to come to this body and we need to be able to have the chance to look at all the information and make an informed decision. I

don't believe that anyone that is serving in this body will vote against something that really needs to be done in this state. Mr. Speaker, has a roll call been requested?

The SPEAKER: The Chair would answer in the negative.

Representative UNDERWOOD of Oxford requested a roll call on the motion to indefinitely postpone the Bill and all accompanying papers.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am sure that Representative Heesch didn't mean anything nasty when he tried to bring up the fact that I sometimes don't agree with the biologists. I hope you won't hold that against me. I love my mother dearly, but she and I don't agree all the time. I have three brothers and a sister and I love them dearly, but we don't agree all the time.

The fact of the matter is, I expect from our biologists some accountability and some fact, some scientific fact when they make decisions. Unfortunately to this day I have received none. Their answers are as we think they might be, this could be the situation or quite frankly, men and women of the House, any of us could come out with the same scenario. Until someone can tell me for certain and for fact what is occurring to a certain species in this state, I think my speculation is as good as theirs and yours is as good as theirs.

The Endangered Species Act has been expanded to include invertebrates. You should understand what that means. Potentially, the black fly, mosquito, May fly and zillions of bugs and critters could be included on there and you could go through a heck of a process to establish that. Make no question about it. The black fly is very important to Brook Trout in this state. The May fly is important. It does a lot of things like a dragonfly, it eats twice its weight in mosquitoes everyday. Do I want to see the dragonfly go away? No thank you.

Just so you know that we are not picking things out of the air, under the current law and under L.D. 428 the standards of the commission are the only difference as in the past a commissioner would designate and we have changed that to recommend a species. There are five of them. I want this in the record. It says the commissioner shall recommend the species to be listed as endangered or threatened whenever the commissioner finds one of the following to exist. I want to point that out. It doesn't have to be all five, four out of five, three out of five, two out of five. One of the following and just listen to what criteria we use in the State of Maine.

A. The present or threatened destruction, modification or curtailment of its habitat or its range. Range means, men and women of the House, anywhere that critter could go, for whatever reason it wants to go there. If that range is being

threatened, that qualifies a species to be considered for inclusion on the list.

B. Overutilization for commercial, sporting, scientific, educational or other purposes. It is qualified to be on this list.

C. Disease or predation. It is qualified to be on this list.

D. Inadequacy of existing regulatory mechanisms. That means if anyone feels that of all the laws we have in this state that those laws don't protect all of these things, all of the above and all the critters, then that qualifies them to be considered for this list.

E. Other natural or manmade factors affecting its continued existence within the state.

These are the five criteria that the commissioner must use to either designate as the law is now or recommend as the law would be if we passed this bill. Think about those five areas. Potentially, there is not a creature on the face of the earth that today could not be in the most far fetched scenario offered up to be included in the species list. You might argue that there is a lot of them around, but it doesn't say that there has to be 5 million, 3 million or 2 million.

It just says that if any of those things are occurring and the department wants to look at it, they use those criteria, then it has to be reviewed. It might be that there used to be 50 million of them and now there are 20 million of them. That is a threatened species. Don't think it can just mean that there used to be 50 million and now there is 50. I will give to you the fact that if there is 50 million of something and it was down to 50, politics or not, that would be on the endangered and threatened species list.

Representative Perkins is exactly right. I asked Mr. Smith in the Sportsmen's Alliance of Maine who had some concerns about what would happen with politics if the Legislature would play politics with this. I asked him a question, "Have you ever come across a bureaucrat, and I understand they are four levels above us, that play politics with the situation?" He was quiet and said, "As a matter of fact we have."

I sat in the office of a LURC employee one time that said he knew what the law said and he knew the Legislature passed a law, but philosophical he didn't agree with that law and he was going to do it his way. No outrage and indignation about that. Here is a man who wasn't elected by anybody and basically answers to no one, which I found out later on, who sat right there and told a couple of people and me that he knew what the law said. He knew what the Legislature said, but he had a philosophical problem with that and just wasn't going to do it.

My question to you is, are we any more or less capable of being political or nonpolitical than the bureaucrats that are there now? When you start talking about throwing invertebrates on there, someone somewhere with some degree of accountability to the people had best be involved in that process. I think ultimately if they are not we will not only fail the people of this state, we will fail the species that people are trying to protect, because the public sentiment will turn and endangered and threatened species will mean nothing. It will mean nothing anymore, much like our wetlands legislation meant nothing in the last 10 years. It means nothing. We protected no significant wetland and as

a matter of fact, while we were arguing over little small patches of cattails on a farmer's field, major wetlands of significant importance were done away with all across this country. So, yes, we failed. We failed the people who own the land and we failed the species. I don't want to see that happen again. I firmly believe that if this is going to work, government, elected Representatives of the people have to be involved in the process. The bill which got blown here, states that in recommending this the commissioner shall make use of the best scientific, commercial and other data available; consult, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species and interested persons and organizations; it also allows the commissioner to delete species off the list if that data shows that the species is on a comeback and no longer needs to be there.

We have established in law by listing of their common name, scientific name and status the species that everybody has agreed on already. Just so that you understand that over the 30 species that was submitted to the department this last year they went through this whole process and you know what the ultimate results were, they referred it all back to the department because it was becoming such a convoluted mess that no one was sure what direction they should be going.

That is under the system that we have now. The system that is pure. The system that is so sanctimonious. The system that is going to solve all our problems and protect all these species. Is it perfect? I don't think so. Will the other way be perfect? I don't think so. At least the people who are going to be impacted will have some input. It won't be people who are paid to do this. Just ask yourself this question. How many times have your constituents been able to take a day off and come down here in Augusta and testify at a public hearing, much less a rule making proceeding? How many? How many times does that input involve?

Just so you understand even further on Car Test, I was asked to come down to speak on behalf of our committee in that building next door and was told by the Assistant Attorney General that what we had to say was irrelevant now. We have gone by that process. They had taken it over. They were going to continue on our work. He told me I wasn't qualified to speak for the committee as the House Chair. He told me I wasn't qualified to speak for myself and politely told me I should go home. When I climbed off the roof that morning and took a shower, got dressed and came down here, I wasted my time and theirs and you all know what happened after that.

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

Representative TREAT: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative TREAT: To anyone who may be able to answer this question, I noticed in reading both the bill and the amendment together in the Majority Report that the commissioner is allowed to make a decision to remove an endangered species from the list, but the Legislature is the only body that can add an endangered species to the list. I am wondering why that distinction was made. If the commissioner is competent to make a decision to take

something off, why is he not competent to put something on?

The SPEAKER: The Representative from Gardiner, Representative Treat has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Thank you Mr. Speaker. I would be glad to answer that question. Taking something off the endangered species list based on scientific data does not cause anywhere near the consternation of putting something on the endangered species list based on the same scientific data according to the people who testified on this bill. I think we should have the authority in both those cases, but I lost out.

Clearly, removing something from the endangered species list was not anywhere near as critical of people as putting it on. The commissioner does not do this alone as the Representative from Gardiner well knows. This is done in cooperation with all the groups involved and now he makes a designation or dedesignation. He would still be able to make the dedesignation. He just wouldn't be able to make the designation without coming to the Legislature first.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I will be voting in favor of the indefinite postponement motion. Briefly I would just like to say the reasons why. I do think that this bill puts what is, in fact, a scientific decision into the legislative and necessarily political arena. We are a political body. We are not a scientific body. I think that the current process works very well. We have not had problems with that process.

I would note that one of the factors that may have prompted this bill to be put in, is that the commissioner had proposed to add a number of additional sites to the endangered species list. I would just note that of those sites that we are proposing, and we have proposed over 158 new sites, of those 134 or 84 percent already were on conservation or protected land. We are not even involving lands that were owned by private persons.

I would just say that as an attorney we have frequently represented citizen groups who were seeking to stop various forms of development, usually in the form of solid waste, ash or radioactive waste dumps. I have been called on to look at our current laws to see whether there was any way there might be some insect that could be called upon to restrain that development. I would just say that the way the laws are written they really cannot be used in a willy nilly fashion to restrict development.

I represented the Town of Pittston, which was facing the siting of a low-level radioactive waste dump and there were five or six eagles' nests within the vicinity of that site and basically the restrictions were very, very narrow in terms of those nests infringing on any future development. There was absolutely no way that could be used to stop that development. I think the law has worked very well.

I would just note that there is a Minority Report. That if we defeat the Majority Report and go with the indefinite postponement motion you will have an opportunity to look at that which does provide for some additional legislative control, but in a more

appropriate way. Therefore, I hope you will join with me in voting for the pending motion.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I wanted to let you know that I would be supporting the current motion for indefinite postponement and I thought I would tell you why.

I have been listening to this debate and I don't think this bill is before us because we have too few species on the endangered species list. I think it is because some people think perhaps we have too many or we may have too many. I wouldn't want to answer if we have it or we don't, but the fact that some are quarreling that we might add invertebrates says to me that people are thinking we have too many species on it.

Invertebrates serve as much of a function of our ecological balance as the vertebrates do. If need be to be protected to keep the life chain alive, I think they should be protected. Furthermore, listening to this debate in the last few weeks, two quotations have come to mind. One of which regards the biologists here and that is an old expression that if you buy a dog, don't bark. The meaning of that is simply that we hire experts to make these decisions for us and I don't think we ought to run up and challenge their decisions. The second is actually a poem by Robertson Jeffers who said, all things by immortal power, hiddenly to each other linked are, that thou cannot touch a flower without troubling a star. I grew up with that saying in my mom's kitchen and it stayed with me all my life. Very simply, it means that there is nothing in this world that doesn't have a purpose. That purpose is linked to the purpose of every other species. I think all of them are warranting protection.

What I worry about with this bill, if passed, is that we may be debating the future of a species some day and a member will rise and indefinitely postpone that species and extinction will be forever.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I am rising in support of the current motion. I think contrary to some of what we heard, the people that are making these decisions currently are answerable to the people of Maine. The executive in this state is elected by the people. The Executive chooses who to appoint for commissioners. Those commissioners are subject to appointment by committees of this Legislature and are able to hold special hearings on incidents that may be of great importance to the state, where they feel there has been some injustice done. There are adequate safeguards and I think if there is an agenda some people perceive as being dangerous for development, because of misuse of the Endangered Species Act. There is adequate vehicles to question those incidents.

I see this bill as being an overreaction to some specific incidents or some few abuses, perhaps, of this system. There is no need to go so far and to add to our own workload to bring a multitude of individual decisions that should be made by a department and by the appointed officials of that department rather than us. I urge you to vote for indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: I would like to correct an answer that was given to Representative Treat when she asked why we are allowing the commissioner to take a species off the list. In the Committee Amendment I would like to read a section to you. It says the amendment also strikes out a provision in the bill that proposes to allow the Commissioner of Inland Fisheries and Wildlife to delete a species from the statutory list. Under this amendment the Legislature is the only entity that could add or remove a species from the list of endangered or threatened species.

That pretty much answers the question of the good Representative, Representative Treat. We did discuss this in committee and decided that this body should both add and remove species. One other thing that I would like to point out is, some of you may have received some information from the Sportmen's Alliance of Maine a few weeks back stating that they were opposed to this "Ought to Pass" report. I have spoken with the Executive Director of SAM in the last couple of days and I would like to tell you that with the Senate Amendment that has been on, they are in favor of this bill at this time. I ask you to defeat this motion to postpone. Thank you.

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

Representative PERKINS: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Thank you. To one or more of the opponents of this bill, if you are so excited about the idea of having the department biologist make these types of decisions, would they extend that to allowing them to take over the management of moose and including the setting the number of the kill each year. Thank you.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I will answer that. Yes, I would be happy to have the department deal with the moose question. I have always thought the department should deal with how many permits should be given out. I figure they have a much better idea of the conditions of the herd than we do. I have voted to give them that ability in the past when that has come up.

I am afraid we have been getting into legislating by anecdote and allegation here again and pandering to fear. I would like to believe that when we get the information from the experts and we get the facts that we actually act on those facts and make the right decision or policy. But my experience here has been that facts don't count when politics are more important. I am an expert in a few things and I have watched a department come in with the facts and with recommendations. Their recommendations were totally rejected because of unsubstantiated allegations by a supposedly aggrieved party. That happens time and time again.

We should be in the business of making broad policy, not micromanaging. Whether it is

micromanaging by setting the number of moose permits or micromanaging by deciding what species we are concerned enough about before it is too late or maybe we will only be concerned when it is too late. The Spotted Owl was brought up, there is a Red Herring, if you ever saw one. The real issue of the Spotted Owl is the industry out west, which has been cutting so fast and so heavily on public, as well as private lands out there, is using the Spotted Owl as the excuse to divert attention from the fact that they have so over cut the timber resource out there that now that they can't get at the last five percent of the publicly held timber resource out there.

They are blaming the Spotted Owl for the collapse of the entire industry, when it was the overcutting which caused the collapse of that industry. I suppose we could get into the same situation here. I expressed some concern about the future of our fiber supply yesterday on another bill. When we get to that point, if we do, and I hope we don't, I am sure there will be some species that the paper companies will then bring up as somehow causing the entire demise of our forest industry. And that's what will sell in the Legislature, not the facts, not the experts' recommendation. This is where I think this bill is so deceptive.

Representative Jacques has repeated time and time again the criteria by which the commissioner currently makes the decision and which once this bill is passed will make a decision whether to recommend to the Legislature listings. Those criteria are good criteria, but don't confuse them with any criteria by which you or any of us will make our vote. You don't have to pay any attention to them and we won't if experience is any guide. We simply don't have to accept their recommendations. The question was asked are we any more capable of playing politics with something than some nameless bureaucrat? Yes, I think we are much more capable of being political. Be honest. In the law those criteria exist. And they say, if these criteria are met, this is what should happen.

We don't have any such constraints. A Legislature can't bind another Legislature. We can't bind ourselves. We will do what we want to. A question was asked, how many of your constituents get a chance to come down here? I think that is a good question. Paper companies always have a good hand of lobbyists around for any bill. It is hard for an independent logger or constituent to get down here and testify. I would ask a question. How many endangered species get an opportunity to come down and testify? I urge your support of the pending motion. This is a very inappropriate and dangerous bill.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: I believe we are missing the point. I believe that the so called experts are in most cases where they are because they too have strong beliefs and want to influence public policy. Our job is to make policy through committee and their job is to enforce that policy. I will not be supporting the proposed motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Mr. Speaker, Men and Women of the House: I happened to sit in on these hearings as a sort of innocent bystander. It became very

apparent that toward the end of the hearing and through the persistence of questioning by the members of the committee that the issue got away from endangered species, but more toward habitat. I would only like you to consider, I mean, most of the people who have spoken today, I didn't see them down at the hearing. I don't know how many of you own vast tracts of land or a tract of land. I happen to own a substantial amount of land and I would just like to think that before somebody comes in and makes an arbitrary decision to take a good portion of my property, because of an endangered species, they are going to say I can't do anything with 30, 40 or 50 acres, but at least it would be substantiated by some fact. We operate sometimes down here in a vacuum. We don't have a lot of fact. I would like to think before you go taking people's property it would be based on fact and not based on some group just saying, "Oh by the way, this species is endangered." Give that some consideration. Thank you.

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

Representative ROSEBUSH: Mr. Speaker, Men and Women of the House: The key to this is every one of us sit on a committee. We hear testimony. A lot of the time you have opposition and people in support. A lot of it I found is not fact. This bill brings fact to the committee. Before you vote please think of that. You are voting for facts that are brought before the committee and then brought before the body, the truth. Thank you.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I feel like I have just been given a big promotion. Now it is not enough for the experts and the scientists to bring forth facts, they are going to have to convince me of their facts and if they can't make me a biologist in 20 minutes then they are not going to win their points. This is an economic bill. This is a bill to make sure that nothing that is going to impede economic development in any way gets passed. I have no illusions as to where this is going, but I think it is a sad day for the State of Maine. Thank you.

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

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: A couple of points, I just want to quote a couple of lines from the Portland Press Herald editorial dated May 30, 1995. Before I quote this, I want to say an old Maine saying that many of you are well aware of, "If it ain't broke, don't fix it." I would argue right now, there is nothing wrong with the current law and I want to quote another letter for you to try and help persuade you to vote to indefinitely postpone this bill and all its accompanying papers.

Mentioning the Portland Press Herald editorial, just a few brief lines here. A bill to make Maine Legislature a God squad with the power to decide which imperilled species should live and which should parish is misdirected. It is a good bill for politics, but a bad bill for science. The whole purpose of Maine's historic endangered species law is to determine which species really are in need of that designation, not which listings will be politically palatable.

This is the sort of decision that should be made by scientists with credentials for it, not legislators under the influence all too often of the special interest lobbyists. The current law properly requires listings be made on a scientific basis. This is as it should be, rather than making decisions on listings purely on economic basis, which is what would happen if the Legislature were the sole authority as the proposed emergency legislation would dictate.

Briefly I want to read this short letter from the Department of Inland Fisheries and Wildlife to Senator Sean Faircloth dated June 15, 1995. "Dear Senator Faircloth: This letter can be to your request about the effect of Maine's Endangered Species Act has had on the development proposals and specifically if we have ever denied a project under that law. During the 1980's a considerable amount of confusion, inconsistency and uncertainty existed regarding the endangered species and land use decisions in Maine at both the state and municipal level.

With no state standards or authority to guide decisions a number of unfortunate situations arose. Due to the laws in place at that time, these unfortunate situations were arising due to independent and inconsistent actions by various state agencies and municipalities. This resulted all too frequently in costly delays, dead ends and legal actions. The Maine Legislature recognized this problem and dealt with it in 1988 by amending the Maine Endangered Species Act giving this department the necessary authority to deal with the issues and charging the agency with developing clear state standards and a predictable, efficient decision making process regarding endangered species and land use decisions in Maine.

Since that change in 1988 no development proposals have been denied due to endangered species issues. All projects coming before us for review have been approved typically designed with the assistance from this agency to meet the needs of both the land owner and the species involved. In addition to having been able to find acceptable ways to improve every project we reviewed, we have also been able to eliminate the costly delays that were typical before the Legislature adjusts the problem in 1988. I hope this reply answers your question. If you have any further questions, please feel free to contact me. Sincerely, Frederic Hurley, Director of Bureau Research Management."

Again, that was a letter to Sean Faircloth dated June 15, this year.

Who here knows the cure for cancer, Alzheimer's disease and all the other diseases and problems that we have with our health currently? Who knows what species might be a part of that cure? Who here wants to play God and say I have more information than the biologists and the scientists who have carefully looked at this issue? I certainly don't.

Again, I just want to close and we have talked a long time on this issue, but if it ain't broke, don't fix it. I am glad someone made the motion to indefinitely postpone this bill, because I certainly would have. I urge you to support it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 193

YE - Adams, Benedikt, Berry, Brennan, Chartrand, Chase, Daggett, Etnier, Fitzpatrick, Gates, Green, Hartnett, Heesch, Johnson, Jones, K.; Kontos, LaFountain, Lemaire, Lemke, Luther, Marvin, Meres, Mitchell EH; Mitchell JE; Ott, Peavey, Richardson, Rowe, Saxl, J.; Saxl, M.; Shiah, Stevens, Townsend, Treat, Volenik, Watson.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Damren, Davidson, Desmond, Donnelly, Dore, Driscoll, Dunn, Farnum, Fisher, Gamache, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lumbr, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Paul, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Samson, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

ABSENT - Carleton, Dexter, DiPietro, Kneeland, Lovett, Yackobitz.

Yes, 36; No, 109; Absent, 6; Excused, 0.

36 having voted in the affirmative and 109 voted in the negative, with 6 being absent, the motion to indefinitely postpone the Bill and all accompanying papers was not accepted.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Thank you Mr. Speaker, Members of the House: I urge you to defeat the pending motion which is the Majority Report so that we may go on to accept the Minority Report which does provide for legislative review of this process, but doesn't turn the Legislature into a God.

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

ROLL CALL NO. 194

YE - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Damren, Davidson, Desmond, Donnelly, Driscoll, Dunn, Farnum, Fisher, Gamache, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Paul, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Samson, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Benedikt, Berry, Brennan, Chartrand, Chase, Daggett, Etnier, Fitzpatrick, Gates, Green, Hartnett, Heesch, Johnson, Jones, K.; Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Meres, Mitchell EH; Mitchell JE; Ott, Peavey, Richardson,

Rowe, Saxl, J.; Saxl, M.; Shiah, Stevens, Townsend, Treat, Vollenik, Watson, Winn.

ABSENT - Carleton, Dexter, DiPietro, Dore, Kneeland, Lovett, Martin, Yackobitz.

Yes, 106; No, 37; Absent, 8; Excused, 0.

106 having voted in the affirmative and 37 voted in the negative, with 8 being absent, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-248) was read by the Clerk and adopted. Senate Amendment "B" (S-274) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

On motion of Representative JACQUES of Waterville, the House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

**CONSENT CALENDAR  
Second Day**

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

(H.P. 1099) (L.D. 1546) Bill "An Act to Expedite the Appeal Process in the Case of a Writ of Possession"

(H.P. 1047) (L.D. 1466) Bill "An Act to Create an Adopt-A-River Program" (C. "A" H-538)

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

**BILLS IN THE SECOND READING  
As Amended**

Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (EMERGENCY) (S.P. 167) (L.D. 428) (C. "A" S-248 and S. "B" S-274)

Bill "An Act to Amend the Excise Tax Charged on Commercial Vehicles" (H.P. 472) (L.D. 653) (C. "A" H-539)

Bill "An Act to Regulate Hybrid Wolves" (S.P. 360) (L.D. 986) (C. "A" S-287)

Bill "An Act to Enable Small Farm Owners to Process and Sell Foods They Produce" (H.P. 794) (L.D. 1111) (C. "A" H-537)

Bill "An Act to Amend the Operating-under-the-influence Laws" (H.P. 836) (L.D. 1167) (C. "A" H-543)

Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles" (H.P. 1093) (L.D. 1538) (C. "A" H-541)

Bill "An Act to Implement the Recommendations of the Governor's Task Force on Motor Carrier Safety Laws" (H.P. 1118) (L.D. 1562) (Governor's Bill) (C. "A" H-542)

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 and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**SENATE PAPERS  
Divided Report**

Majority Report of the Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-276) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Future Unfunded Liabilities and to Maintain the Current Amortization Schedule (S.P. 70) (L.D. 158)

Signed:

Senators:

BEGLEY of Lincoln  
MILLS of Somerset  
RAND of Cumberland  
HATCH of Skowhegan  
CHASE of China  
JOY of Crystal  
LEMAIRE of Lewiston  
SAMSON of Jay  
STEDMAN of Hartland  
TUTTLE of Sanford

Representatives:

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (S-277) on same RESOLUTION.

Signed:

Representatives:

JOYCE of Biddeford  
PENDLETON of Scarborough  
WINSOR of Norway

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-276)

Was read.

Representative HATCH of Skowhegan moved that the House accept the Majority **"Ought to Pass"** as amended Report.

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

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

Senate Divided Report - Committee on **Natural Resources** - (1) Members **"Ought to Pass"** as amended by Committee Amendment "A" (S-286) - (2) Members **"Ought to Pass"** on Bill "An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact" (EMERGENCY) (S.P. 383) (L.D. 1060) which was tabled by Representative GOULD of Greenville pending his motion to accept the Majority **"Ought to Pass"** as amended Report.

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

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the two people who signed the Minority Report on this bill and I want to basically tell you that there are two reports on this bill, the Majority "Ought to Pass" as amended and the Minority Report, which is basically the original bill. This is a bill having to do with the Low-level Radioactive Waste Commission and the Texas compact dealing with low-level radioactive waste.

It is a complicated issue, but the key difference between the two versions that came out of committee,



at the last minute Maine Yankee brought in an amendment that would set the \$125,000 funding that they and other providers currently put in a fund to fund the staffing of the Low-level Radioactive Waste Commission. I and Representative Bailey opposed that amendment. However, the rest of the bill is fine. It is basically the issue around how the low-level radioactive waste commission will be staffed and whether or not it should continue as current staffing of one and a half staff people that this bill will be addressing.

The majority amendment would move these positions over to the Department of Human Services. However, there are many problems, I believe, with that. I have a long list here that I was going to pass out, but I think people are sick of reading stuff so I will just highlight a few things. Basically the current advisory commission staff will come in under budget this year and if the positions were transferred to DHS they would have to increase their budget to continue the current advisory commission staff activities. Now that basically means additional taxpayer money as compared to money coming from the producers of low-level radioactive waste.

Currently, also integrating the commissions budget with the rest of the radioactive waste fund from DHS would leave the DEP without funds to keep abreast of the radioactive waste management to fill its responsibilities to license future radioactive waste facilities in Maine. It might make it harder for the commission to maintain control over expenditures. There are basically some future uncertainties here. We are trying to enter into a compact with the State of Texas to take our low-level radioactive waste. That is not a complete deal yet and should that compact fail, due to the recent problems there, Maine's only option may be to resume an in-state search. In such a case, the DEP will need the expertise in radioactive waste issues that I believe the current staff has.

Also, I know the staff has done a good job. They have put out that little yellow booklet that all of you receive each month on issues affecting radioactive waste and other nuclear related issues in Maine. It comes out monthly. It is an excellent publication. It has won high praise from people around the country for keeping the citizens of Maine informed about what is going on in the low-level radioactive waste field. High-level is a totally different issue.

Again, basically that is the major difference between these two reports. The Majority Report, which I would urge you to oppose, takes the staffing and moves it over to the Department of Human Services and the current staff people will not go with it. Other people will be taking over their responsibilities. I am concerned with the loss of the institutional memory and the valuable expertise that these staff people develop and the excellent library and materials they put together. It is an adequate way to meet this continuing problem of low-level radioactive waste.

Again, I have a lot more issues and I don't want to get too in-depth here right now. I know we have a lot more ahead of us, but I would urge you to vote against this motion and to vote for the Minority "Ought to Pass" on this L.D. Thank you.

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

Representative SAXL: Thank you Mr. Speaker. I concur with my good friend, Representative Shiah, on voting against this pending motion. The Low-level Radioactive Waste Commission has a very important role in informing us about what is going on. Just recently Bangor International Airport proposed to take low-level radioactive waste and ship it to the Soviet Union. That valuable and important information would never have come to our attention if it had not been for the Low-level Radioactive Waste Commission. It is very important to me that this information get out so that the public knows what is happening with the waste that comes to us either from our own generation or from out-of-state. I think it is important that we maintain this in its current state so that we can make informed and knowledgeable decisions. I would appreciate your vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Damren.

Representative DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote with the Majority Report and I will give you a few reasons. As a past employee of the Maine Low-level Radioactive Waste Authority who was commissioned to site a low-level waste site in this state, if necessary. This is/was our counter part or our watch dog.

When we were dissolved last year because the Texas compact was in view, it was recommended at that time that these activities go to Human Services. There were positions created there. They now do all the assessment of the low-level radioactive waste producers. They handle all the financial things. This is \$110,000 of ratepayers' money that you could save. They could carry out the same charges as the commission has had with the same employees that are now employed in the Department of Human Services.

It really is a savings to the business community and to the ratepayers of Maine. The same identical newsletter and so forth would be put out giving all the information that is current concerning low-level waste. They handle all the other things concerning radioactive waste and it is the ideal place to put the position. Thank you.

The Chair ordered a division on the motion to accept the Majority "Ought to Pass" as amended Report.

A vote of the House was taken. 88 voted in favor of the same and 25 against, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-286) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, June 21, 1995.

House Divided Report - Committee on Criminal Justice - (11) Members "Ought to Pass" as amended by Committee Amendment "A" (H-513) - (1) Member "Ought Not to Pass" on Bill "An Act to Require Minimum Mandatory Sentences for Persons Convicted of Assault Crimes (H.P. 900) (L.D. 1276) which was tabled by Representative CLARK of Millinocket pending his motion to accept the Majority "Ought to Pass" as amended Report.

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

The Bill was read once. Committee Amendment "A" (H-513) was read by the Clerk and adopted. The Bill



was assigned for second reading Wednesday, June 21, 1995.

House Divided Report - Committee on Legal and Veterans Affairs - (10) Members "Ought Not to Pass" - (2) Members "Ought to Pass" as amended by Committee Amendment "A" (H-522) on Bill "An Act Establishing Procedures for New Political Parties to Participate in Primary Elections" (H.P. 369) (L.D. 499) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

Representative NADEAU of Saco moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: I urge you to defeat the pending motion so that we may go on to accept the Minority Report, which will make a small improvement in the ability of new parties to form and organize in this state. Many of us bemoan the lack of involvement of voters in the political process. We worry about why aren't people taking part in party politics? We wonder why aren't people voting? We wonder why are there so many unenrolled voters?

I think one of the reasons that the people are somewhat disenchanted with the way politics play out as usual, they are disenchanted with the particular two parties, at least at this time. They don't feel that they represent their views. I think it is pretty clear in the last couple of elections that we have had, both last year and two years before that. The people do want to get involved, but they just don't feel that traditional parties are representing their concerns. The enormous vote that turned out during the election when Perot was a candidate, I think is evidence that people want broader choice.

The fact that last election an independent won this state indicates to me that people want more choice. I don't agree that the solution is to let unenrolled voters take part in party activities without belonging to a party whether it is elections, primaries or so forth. We have defeated such bills in the past and I agree with that. I think that we do have a party system. I think it can work, but I believe it would work better if we had more parties. I think we would find out whether the unenrolled are totally turned off from politics overall or whether they would support other parties if, in fact, we had other parties.

Our current system makes it virtually impossible for a party to last long as an official party in this state unless it is a Democratic or Republican party. One not only has to run a candidate in a statewide race, rather than letting parties grow naturally from the ground up, not only do they have to run in a statewide race and qualify as, in fact, Jonathan Carter did last year, but under our current law, next year that party will have to be required to have a national candidate or at least run in a national campaign.

I urge you to defeat this motion so we can go on to accept the Minority Report, which takes a small step. I am not going to go into what details there are, but I should note that if you are looking at the original bill, forget that, because that has been replaced by one small step, which allows a four year qualification.

I also ask you if you can't step back from your connection to party politics, to two-party politics, think a bit about the implication of our current system. Even if you believe that really two parties are all that is necessary and you represent everybody's interests if they would just realize it. Think about what it means to have someone running every two years, not with the intent of successfully winning a race for either the governor or presidential nomination from this state, but rather simply to qualify a party in this state. I think that throws a wrench into our process.

We can improve that by allowing it a qualification on a four-year basis rather than a two-year basis. I think we need to move beyond that, but I think it would be a good first step. I believe having to run solely to qualify a party statewide means that there are dynamic happenings in our most important, well all races are important, but the most significant races, the races that we are going to result in the most impact on us statewide. I think it is inappropriate that we essentially force that to happen. We force someone to run merely to qualify a party and there are votes that are cast that aren't going to actually choosing a winner in those races. I do urge you to oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: We are all political animals in here. Whether you really think of yourself as such or not. The fact is we belong to a party and we have certain philosophical reasons why we feel so strong about government. I dare say all of us in this room feel we can make a difference and that is why we are here.

This bill would potentially undermine the political system, the democratic with the small "d", system that we now have. This would potentially turn us into the European flavor of democracy where you could have possibly six or seven parties. By definition you would have no one with any great mandates at all.

We kind of moan and groan, some of us, including me, have been moaning a little loudly about the perceived inactivity that tends to happen around here every once in a while. Just close your eyes for a second and think about the potential gridlock, if you will, of what will happen if on every issue that came across this body. There was, by definition, no consensus. You want to talk about a full-time legislature. I think there is your bill.

I think it is also kind of interesting that this morning we chatted a couple of minutes about run-off elections and the fact that nobody received a majority in the recent past and therefore, it might have made sense to have run-off elections. That old argument went the way that issue needed to be dealt with. However, in dealing with the flip side of that whole argument. If I have ever seen a divide and concur technique, this is it. I don't really think this is the way we want to go. I would strongly urge you to support the Majority "Ought Not to Pass" Report.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: Like my good seat mate, I am a political animal. Quite frankly, I think it is much overstated the danger in the particular bill. Having multiple parties is nothing new. In the 19th Century

we had many parties, Greenback Parties and Temperance Parties, you name it and the State of Maine survived. We have a number of parties now and I think we will do well.

If we really were as concerned about this issue as we should be according to my good seat mate, then we would have voted differently, I assume, on the run-off election bill. I guess this is another one of those bills whether you want to vote for politics as usual. If you want to, you can vote for this. If you want to vote for a minimal change, it is not a major change, we can kind of jump out there for a minimal change as the good Representative Heeschon pointed out, then you can vote against the pending motion. It is really quite a lot of ado about almost nothing, not exactly nothing, but close. You have nothing to fear except fear itself.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heeschon.

Representative HEESCHON: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative HEESCHON: To the good Representative from Saco, I would like him to be explicit, if he can, as to how this particular bill, which the Minority Report would simply allow a four year qualification either as in a presidential race or a gubernatorial race rather than every two years, how this will undermine our political system?

The SPEAKER: The Representative from Wilton, Representative Heeschon has posed a question through the Chair to the Representative from Saco, Representative Nadeau. The Chair recognizes that Representative.

Representative NADEAU: Mr. Speaker, Men and Women of the House: As simply as I can state it, the answer to the question is, we all play under certain rules. It seems to me that anybody who also wants to join this game should play with the same rules that we played under.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heeschon. 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 HEESCHON: Thank you Mr. Speaker. I thought I was just posing a question last time. I didn't even make a statement. The good Representative from Saco said that you play by our rules or forget it. If you look very carefully at our rules, our rules simply say that unless the already established party had a statewide organization and national capability of running a national campaign, well you are just not in our party that our two parties are having. Forget it. Go home. I want to know what would have happened if at the beginning of the Democratic Party or the beginning of the Republican Party that they were forced to run everywhere all at once in order to be qualified anywhere one place.

It is a real exaggeration to say that this is going to undermine. It takes quite a bit of work for a party to run statewide and that is not going to go away. I would much rather have people out trying to organize parties and getting involved in political activities, getting involved with parties that they feel will truly represent them, than to go around blowing up buildings or running around with guns in

the woods. I would rather have this be turned into party politics. I think those energies could only benefit us if they were able to happen. I don't know what is going to happen if we continue to say "play by our rules," which only allow established parties really to stay.

I think you can see some of the frustrations out in the public. This really would be thumbing our nose at a lot of people if we don't do anything. Perhaps it is true that this body can never bring itself, tied as we are, to our local and state parties respectively, can never bring ourselves to opening up the process so new parties can actually be in long enough to make any difference. Once again, in the interests of democracy, with a small "d", I urge defeat of the pending motion so we may accept the Minority Report.

The Chair ordered a division on the motion to accept the Majority "Ought Not to Pass" Report.

Representative HEESCHON of Wilton 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.

The pending question before the House is to accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 195

YEA - Ahearne, Aikman, Bailey, Bigl, Birney, Bouffard, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Damren, Desmond, DiPietro, Dore, Driscoll, Dunn, Farnum, Fisher, Fitzpatrick, Gamache, Gieringer, Greenlaw, Guerrette, Hatch, Heino, Jacques, Jones, S.; Joseph, Joy, Joyner, Keane, Kerr, Kilkelly, Kneeland, LaFountain, Lane, Layton, Lemaire, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Rotondi, Saxl, J.; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Winglass, Winsor, The Speaker.

NAY - Adams, Ault, Barth, Benedikt, Berry, Brennan, Buck, Bunker, Chartrand, Chase, Daggett, Davidson, Donnelly, Etnier, Gates, Gerry, Gooley, Gould, Green, Hartnett, Heeschon, Johnson, Jones, K.; Joyce, Kontos, Labrecque, Lemke, Luther, Meres, Perkins, Pinkham, Rowe, Samson, Savage, Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Volenik, Watson, Whitcomb, Winn.

ABSENT - Dexter, Hichborn, Lemont, Richardson, Ricker, Yackobitz.

Yes, 101; No, 44; Absent, 6; Excused, 0.

101 having voted in the affirmative and 44 voted in the negative, with 6 being absent, the Majority "Ought Not to Pass Report was accepted and sent up for concurrence.

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

House Divided Report - Committee on Natural Resources - (11) Members "Ought Not to Pass" - (2) Members "Ought to Pass" as amended by Committee Amendment "A" (H-517) on Bill "An Act to Exempt the State from the Mandatory Use of Reformulated Fuel" (EMERGENCY) (H.P. 274) (L.D. 376) which was tabled by Representative GOULD of Greenville pending his motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Tufts.

Representative TUFTS: Mr. Speaker, Ladies and Gentlemen of the House: The good people of Maine have a serious problem that has been mandated on them. It is best known as RFG and it is currently sold in seven counties, Knox, Lincoln, Sagadahoc, Kennebec, Androscoggin, Cumberland and York. RFG means reformulated gas, but I call it real funky gas. Its stated purpose was to clean the air in Maine so more polluted air could blow in from the west. The sensible thing to have done was to start controlling the air quality in the west and work east. Common sense seems to be a quality lacking in those who decide what is best for us.

I put this bill in originally to save the small stores in Waldo County who were opted into the program last December. A few days of RFG sales quickly saw motorists driving through Waldo County to get to Penobscot. The only store on Route 1A soon put her store up for sale as her business dropped dramatically. She began a letter and calling campaign to both state and federal officials, which ultimately lead to Waldo and Hancock Counties being removed from RFG sales. One of the stores, as most of the stores in my counties are mom-and-pop, saw such a decrease in gas sales, which also lead to a decrease of in-store sales.

If you live in the country, you know, you buy your gas, go inside, you see something else you want and you buy that too and that is where they make their money. I got a letter from a gentleman, he said his cigarette sales are off 40 percent a week and his deli sales went off 50 percent. A month after he went on RFG sales, he and his family were out of business. Now that little town doesn't have a store at all. If you want a quart of milk, you drive 10 miles to get your milk.

Waldo County now benefits from Knox County residents to the south who come up to get their good gas and bring containers with them to bring it back. Many of you represent the seven counties that are still mandated to sell RFG and I am sure you must have heard a few complaints, quite a few. It is costing your local stores money and I am sure you must be concerned and your vote will reflect that. I no longer worry about RFG being sold in Waldo County, but I did promise some gas station owners in Kennebec and York Counties that I will pursue this bill for them. When I give my word I keep it.

Back in January when I started using RFG, I noticed that I was using one-quarter of a tank more fuel to get back and forth to Augusta. I had read that you can expect lower mileage with that fuel. The second week of use I found out that every time I stopped at an intersection, my truck would stall

out. After a few days of this, I took it back to where I bought it and described the problem. They knew right off what the problem was. A valve that controlled the idling had burned black. They said I was the fourth one to have the same problem that week. What a coincidence. Yeah, right!

One of the biggest complaints about this fuel is lower mileage. This fact alone is going to cost Maine people millions of dollars a year. The comparison of MPG by the State Police using regular and RFG fuel showed an increase of 13 percent according to one report. It has later been revised down. The State Police drive 2 million miles a year in this state. In talking to a local bus driver here in Augusta, he said that using RFG required an extra three to four gallons a day more than the regular fuel. That is about \$5 a day and \$25 a week with 36 weeks of school and about \$900 a year or more.

How is this going to affect our school transportation system? I checked with the Department of Education and they said they reimbursed them at 60 percent of cost. When I taught 30 years ago it was 100 percent. They also said they are going to put a cap on that. How many more dollars of taxpayers' money is this going to cost and how much more will the budget have to increase to allow them to drive the same number of miles using the RFG fuels? This would also have to include other state vehicles in the seven counties, the warden services, highway crew and all other state vehicles. Don't forget county vehicles as well. Is someone anticipating extra income for the state treasury or are cuts going to have to be made in programs to obtain these funds?

I am sure that those who think RFG is so great have already worked this out. Yes, I know, another supplemental budget. There is an old saying that a lie is as good as the truth if someone believes it. There has been a lot of information being disseminated about possible sanctions if RFG is taken off the market. The DOT is concerned about possible losses in federal funds. The paper industry is concerned that it might have to spend more funds in air emission control. There is legislation in Congress presently that would forbid federal agencies from placing sanctions on states, H.R. 1602 if you need a copy. It concerns me that many people are more worried about sanctions than they are about the health risks to Maine citizens.

The DEP, also known as the discouraging of economic progress, and the EPA, also known as every persons advisory, both think that RFG is wonderful and should take precedence over the health and welfare of Maine citizens. This is based on their testimony at the hearing on this bill held several months ago. I read recently that some want to put vapor collectors at stations that pump over 500,000 gallons a year. FAME will loan the \$20,000 to do so. I don't see too many small town mom-and-pop stores picking up that option. If you have a choice, would you pump a gas that stinks or pump at a station that controls the odor. That is another strike against the mom-and-pop stores adding to the cost of buying. Remember most of our businesses in Maine are small businesses.

Another problem that this bill has to address is how it affects engines of all types. Here are some the complaints that I received by the hundreds. Head gaskets and burned tips from spark plugs of snowmobiles. Lost the motor in my snowmobile. Ran my weed wacker one hour and the motor seized up. Put

a new engine in my truck and it melted the ceramic on the spark plugs. I am worried about how my five antique cars will run. I have a shop full of chain saws with seized engines. I got home last week I got this letter from a lady in Portland. I would like to share it with you.

"Dear Representative Tufts, I am not a resident of your area, but I am very glad to hear someone is listening to what is in this RFG and trying to let people know what it contains. I am very concerned about my children and grandchildren breathing in this gas. I, myself, have just invested in a 1994 car, which I thought would be safer to drive, but find that now my gas pedal is not getting enough gas to get me into traffic quickly. I know that oil companies won't miss one person like myself, but my family would. I am much more concerned about our children. Hoping something can be done and it is nice to know that someone is thinking of the people of Maine and not themselves."

Here is a quote of Chemical Engineering of April 1995. "At a meeting last month in Washington, D.C., sponsored by the Oil and Chemical Atomic Workers Union, specialists considered the potential dangers proposed both by MTPE blends composition and their exhaust products. Some toxicologists believe that enough evidence, based on individual case studies and animal experiments, to restrict MTPE's use. The use of oxidant agent, particularly of gasoline treated with MTPE, emits large amounts of formaldehyde. A known hallucinogenic and carcinogenic substance, according to Dr. Myron Melman, a toxicologist from New Jersey.

In addition some fuels containing MTPE also contain trace elements of polycyclic aromatic and they produce leukemia and cancer in experimental rodents. Even a concentration as two-tenths part per million the results were detrimental. With a higher level of post combustion formaldehyde emissions exposure was higher and inhalation was higher and tumors developed in the test animals.

Other secondary health effects were outlined by Bernard Goldstein, M.D., a director of New Jersey's Environmental and Occupation Health and Science Institute who cited case studies in the Alaska and New Jersey. Surveys of workers in Alaska and New Jersey revealed the MTPE exposure from stationary sources including chemical plants and oil refineries cause illnesses. Furthermore he has documented cases where exposure of gasoline filling stations has caused headaches, anxiety, inability to concentrate and light-headedness.

It is the specter of carcinogenicity that is the heart of the controversy. While MTPE by itself does not produce acute health problems in 66 percent of the population, scientists indicate that there is an ethological relationship between the development of acute leukemia and cancer in expose to petroleum products containing MTPE and their exhaust compounds. Despite the absence of specific test data should be announced to label MTPE as a potential cause of health problems. Formaldehyde has already been identified as a carcinogenic in several studies."

This is a quote from the Maine Department of Environmental Protection Report. "Octanes enhanced without additives is possible. It is achieved by reforming some of the components during the refining process so that the refined gasoline already has sufficient octane. Some producers prefer this reformative method of obtaining the required octane

and it does not have the environmental disadvantages of MTPE on its alcoholic competitors."

Chevrolet Bulletin of November 1994, "Oxygen is not a natural component of gasoline. At the time Congress was legislating the composition of RFG it was relieved that the oxygen requirement would advance the RFG goals. Subsequent testing has shown that oxygen content has very little affect on volatile organic compounds or toxic emissions." Yes, the requirements for Maine.

Here are some typical complaints of people who are getting sick. The fumes cause headaches. I ache all over. I am tired and dizzy. I work in a repair garage, I have headaches everyday and the pills don't work. They should blow up the refinery. I get fatigued while I am driving. I cough and I sneeze. I sell the gas and it has an abrasive reaction on my skin and my eyes are irritated.

I was talking to a lady downstairs the other day at the Magnet School Program. She and her daughter walked around the block, stopped at the intersection, looked at the Blaine House and she got back and said, "What is that stink out there?" I said, "Well, that is that clean air that was promised to you when they started to use RFG." "Isn't it wonderful?" I had a petition from York County with 1,200 names that we gathered in two weeks saying enough is enough.

I have pages of complaints from across the state. The people are asking for your help. Are we going to listen to their concerns or are we going to listen to those who sit behind desks deciding what is best for us. Some have asked me what the solution is if we don't sell RFG? I tell them that I didn't create the problem. I am just trying to help people who are being hurt by it. Do you really believe deep down that those promoting the continued use of RFG really care about your health? I voted to do away with the air emission program since it is a horror show from the start. It should have been made part of the state car inspection program and handled by your local garages. All it took was a little common sense to realize this, which seems to be a quality lacking in certain departments.

You probably noticed the media blitz several months ago before the hearing on L.D. 376 was held. It recently started again and as before they are asking you to call someone and tell them how much you enjoy using RFG. I couldn't find any number to call if I didn't like it. We know it costs more to drive your vehicle as you get less mileage. People are getting sick from the fumes and small engines run so hot, they sometimes seize up. They want us to call and tell them we enjoy this. Yeah, right! You probably ask yourself a few times a day, what am I doing here? I suspect your answer is the same as mine. You like helping people. You can start by stopping the sale of RFG in Maine until they study it and make sure they are not going to be long-term health problems which will bring a lot of law suits. Those law suits have already started.

We know the MTPE gets into your lungs, blood, water, wallet, your skin and under your skin. It is time to say to those that think that RFG's only solution that enough is enough. Your vote to support this bill and against the "Ought Not to Pass" motion will show your constituents that you care for them and are listening to their concerns. Thank you Mr. Speaker, when the vote is taken I want a roll call.

Representative TUFTS of Stockton Springs 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.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Tough issue. Tough vote. No question about it. Not one that we can joke about. Not one that we can scruff off. Gasoline is not good for you. Don't put it on ice cream. Don't drink it. Don't bathe in it. Don't put it in the water, whether it has MTPE in it or not. Gasoline is hazardous to your health. No question about it. It is hazardous to your health. Polluted air is hazardous to your health.

Reformulated gas from all studies that I have read and I have been working on this for six years. By the way, I am a married man with five children, seven grandchildren, that I love dearly and I do care about them. Even though I may favor reformulated gas, I do care about my children and all of the other children in the State of Maine. Let's dispense with the fact that anybody that may be supporting reformulated gas doesn't care about kids and people of the State of Maine. All of us in this room, no matter how we vote, when the vote is taken care about children. We care about the people who live in this state. We care about the people who live down wind of us. We care about the people who live up wind of us. That is why when I got up and I said tough issue, tough vote.

There are a couple of things that I wish to answer. I do apologize because I am breaking a very long held rule that I like to go by and that is three minutes. If you feel the need to have to get up and go get a cup of coffee and come back, that is fine, too. I am going to talk longer than three minutes.

The health issue, I would like to briefly read to you from the Wisconsin Health Study. I will be brief on this. "The study does not support the conclusion that exposure to RFG is associated with wide spread or serious acute adverse health affects in Milwaukee. However, gasoline vapors are known to cause health problems and DOH recommends exposure to these vapors whether from traditional or reformulated gasoline should be avoided." The State of Maine did exactly the same thing. They went out and studied and they found the same conclusion as Wisconsin. Does that mean that there are not people that may be sensitive to RFG? Of course not. It is something that we need to continually monitor. It is something that we need to continually look at.

Why do I favor retaining RFG? The answer is simple. It is an intricate part of the 15 percent plan that we have to submit to the federal government by July 26. Yes, there are issues in front of Congress right now that will not do away with the law that is already in effect. The last major point that I want to make is this. The 15 percent plan isn't something that just the State of Maine has to do. It is something that every state in the Ozone Transport

Commission has to do. New York has to do it. New Jersey has to do it. Connecticut has to do it. They all have to do it.

The State Police did a study and they didn't revise it. This is the actual study that they did and I have the report and I have had it for some time. "Troop A, which is located in York County averaged 13.85 miles per gallon using reformulated gasoline. Troop F, which is in Aroostook County which is not reformulated gasoline had 14.53 miles per gallon." For those of you who are just as poor in math as I am, you can't do that kind of figuring in your head. It figures out to 4.63 percent difference. Those are the actual figures that were given to me from Colonel Alfred Skolfield, Chief of the Maine State Police. They were submitted to him by Lt. Malcolm T. Dow, Deputy Chief of the Maine State Police. Thank you for being patient and I am glad I didn't see anybody go get a cup of coffee. Thank you very kindly.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago or a month ago there was a conference held in Portland by Congressman James Longley, who is our Representative down there in the First District. It was to discuss the Clean Air Act. The committee was the House Government and Reform and Oversight Committee, as subcommittee on national economic growth and natural resources and regulatory affairs and this was held in South Portland. Nearly 100 people attended this hearing.

Some of the questions that were asked and came up was last July the EPA said we had seven counties that had a high ozone level. Now we are told that two do for sure and Cumberland doesn't. How can they tell Maine what to do when they don't even have their own act together? It was also noted that while Maine has until July and the good Representative just mentioned this, that all the other states like New York, Massachusetts, Connecticut have to do it, too and I grant you this is right, but it was discussed down there and it was noted that Maine has until July 1996 to reduce its air pollution and other states such as Massachusetts and New York have as long as 10 more years to clean up their air. Instead of the EPA putting our backs to the wall, we should be given more time to form a plan that makes sense for Maine. More pressure needs to be put on to contribute to our pollution.

John Devillers, the EPA Regional Administrator for this district said it doesn't make sense to allow Maine to delay improving its air quality. The other states have 10 years and I have lived in York County and the southern part of the state since the day I drew breath and I have never seen air pollution in that area, such as I have seen in Massachusetts when I go to Boston. How can they give that state 10 years? I would like to know. These are some of the questions that the people back where I come from are questioning. I think they have a right to their questioning. The reason why they are allowing Massachusetts and New York to have more time is because they have the worse problem. Well, how do you like that one?

If the plan that we are doing now goes into effect, it will cost gas station owners about \$35,000 each to install the special gas nozzles and hoses. We are going to come up with a plan to let people

borrow with small interest or whatever we are going to do. Ladies and gentlemen, what are we doing to our businesses in our state in hard economic time. If those other states have 10 years, why haven't we got 10 years. Never mind a health problem. We are all concerned with health. No one has the monopoly on that.

The president of one company explained that it would cost that company 2 million dollars to carry out this clean air plan that we are going ahead with in this state. It would be 10 percent of the net worth of that company. It is easy for us to stand up here and tell these companies 2 million dollars, that's no big deal, because it is easy for us to say they are in business, they have plenty of money. Believe me ladies and gentlemen, they don't have. Today it is hard times to try to do business in the State of Maine, especially in the southern part of the state. I think we have got to stop and look back and know just exactly what we are doing.

It is pretty easy for the people who don't have to have this reformulated gas and whose businesses aren't being hurt by it to stand up here and say this is a good idea. The question I want to ask is why we do not have 10 years? Why are we rushing into it? I would like to say something else. I have a car that has a computer on it. I have been watching this gas since the first tank I put in. It has been fairly consistent. I was getting 24.45 miles per gallon on the pike. I went down to 20.4 and it has been very consistent. I check it because I just have to push my little buttons. I really like pushing my little buttons.

I also check around town and I am down to 18 something. I do not recall what I was getting before. I feel as though I am using 20 percent more gas. I am losing four miles to the gallon. I read where we are supposed to be cutting air pollution 15 percent and this gas will do that. If I am using 20 percent more of this gas then I was with the other gas, am I putting 20 percent more pollution in the air or am I reducing it 15 percent. I don't know. I wish somebody would answer that question for me to. That is exact, it is not me figuring. It is my computer figuring for me. I don't know what the state police are doing, but I do know what I am doing.

I was driving up one morning and I listened to a talk show and there was a gentleman who came on and he spoke of his car, it was identical to the year and make of my car, and his figures were exactly like mine. It is not only my computer. It is his computer, also. He told how many miles a year he travels in business and he told what it would cost him. It was about \$250 a year more, because his business was traveling. It would cost him to run that car just for gasoline.

Ladies and gentlemen, we better stop and think what we are doing to the businesses in the southern three counties. I would like to know why and maybe the good Representative on Natural Resources can answer why we don't have 10 years like the other states. That pollution is blowing up here. It is not our pollution. I was lobbied out here today by the paper company on reformulated gas. I said, "Gee, the district I have we don't have any paper companies." Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I guess basically what it comes down to and I don't want to simplify it too much, I'm sure I can't, what we are going to do is keep a system or a gas in which this problem has no scientific models or basis. I listened to a lot of the testimony and went down to the work shops and have done all of the reading as most of you have. There is no sound scientific basis to support this theory. There is no monitoring on the border to see where the pollution is coming from.

We are setting up economically depressed areas where we are going to be having different towns that are going to be requiring this gas that will be in direct competition with the town next door. Right down town in Bridgton we have a station that has lost a tremendous amount of money and now that the tourist people are coming up he has a lot of them coming up and pulling into the gas station. As soon as they see he has reformulated gas they pull right out. People who live there also go across the border into another county.

What we are looking at here is something that we are required to do without scientific basis creating economic disadvantaged areas. Also I have to address the health issue. I agree with Representative Gould and I am sure none of us are the people who want to keep this gas on-line want to affect people's health. You just can't shrug it off. I think gas fumes are not good for anybody to breath, because they are poisonous, but it goes beyond that. Ever since this gas has come into my area, there has been a tremendous amount of people reporting getting sick. Also, the MTPE has an odor that many people find offensive and there are unresolved questions.

I am reading out of a report coming from Alaska where they found the MTPE levels were found in the blood of people who reported headaches, nausea, throat and eye irritation. He requested from EPA an exemption from this gas and they received that. I don't think you can just shrug that off. What we are doing is keeping this gas under duress. We have a federal directive to do this. Is this something we want to put our people through because the federal government says we are required to do it? Is it worth doing that or do we stand our ground and say we are not going to put our people's health at risk because of a federal directive?

You can make some real good arguments that the federal government is exceeding its authority under the 10th Amendment and there is a lot of states that are standing their ground on that. I know a lot of people think that is irresponsible, but I think it is a lot more irresponsible to put people's health at risk with no conclusive data on this gas while we wait for conclusive evidence on this gas.

I think it would be a lot more responsible considering Maine's position and one of the least polluted states in the union. We are always advertising in the papers, come to Maine the cleanest air in the country and then we turn around and say we have an air problem. I hope that you will vote against the Majority "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Damren.

Representative DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I think there is more at issue here than just the use of reformulated gas. I think people should understand that the State of Maine is the only state in the union that has not

submitted their 15 percent attainment plan that was due in 1993. The original 18 month extension is running out in July and at that time the sanction clock will start ticking. As you know our businesses have done a good job of cleaning up that part of the problem. At this time to ask them to do more is unfair.

A lot of the emissions that are emitted in Maine come from the mobile sources, which are your automobiles. As a part of the 15 percent plan, reformulated gas makes up about 20 percent of that plan. In order for business to grow in Maine, if the sanctions are imposed, we would need to have for every ton of emissions, we would need to have two tons of reductions somewhere else and that would start immediately when the sanctions are imposed. Think about this if you are thinking about the Westbrook Mill expanding in southern Maine. That is where paper companies come in. It may not be York County, but it is southern Maine.

The issue here goes beyond just reformulated gas. MTPE has been in Maine's fuel since the 1970s, not at the same limit that it is today. It has been at 6 percent or 7 percent level in states to the south of us. Our winter fuel, which caused problems for some of the drivers and I myself experienced the difference in mileage, was approximately 15 percent MTPE and the summer blend is down to around 11 percent. I think we need to think about how we are going to meet the attainment of 15 percent reduction in what we create in Maine, not what is drifted in, but what we create. As you know, the southern part of the state is the heaviest populated area. What we want to make sure of is that the fuel that we use burns cleaner, does not emit as much toxic fumes as the regular gasoline with benzene, and this is one of the ways that we can meet the requirements of the Federal Clean Air Act.

I hope when you vote that you will accept the Majority "Ought Not to Pass" Report. If there is a question, bring them up later to individuals on the committee or come to some of the caucuses and ask for some medical and technical people to answer your questions. I thank you.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I have a simple solution to this whole thing. Mandate this reformulated gas all through the State of Maine. I think you will see a change in vote in here. Either for all of the people or none of the people. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: Last summer I had the opportunity to serve on the joint select committee to investigate the auto emissions program. One of the charges of that investigating committee was to look at some of the problems that we were having with the auto emissions program. There were seven counties that were required to have this program. We felt very strongly that we should go to these seven counties and hold public hearings once in the afternoon and also in the evening to allow the people the opportunity to come and share their opinions and their concerns with us on this program.

The one thing that I heard out of those 14 public hearings, I was able to attend 13 of those. Were the

people angry? You bet they were angry. They were the angriest group of people that I have seen in a long time. The one thing that I did get from all those people is they were saying, "You know, tell us what our fair share is and we will do our fair share." I don't think that I could tell them what their fair share is. Their fair share was if either we all do or none of us do it.

I live in Androscoggin County and in Poland. Poland is located on the border of Oxford County. My constituents were very angry and still are very angry, because it is just a skip and a hop over to Oxford and South Paris where we can pick up nonreformulated gas. My corner station has lost a tremendous amount of business. They are located on Route 26 and I have been in the station quite a bit and I used to buy my gas there. I said, "I am sorry." "I will not buy reformulated gas unless I have to." I asked them if their sales were down and they said yes. Over the line in Oxford County, business is booming.

I did tell my corner store that I would do whatever I could to help them out. These people who are asking to sell reformulated gas remember it was just a few years ago that we asked them to replace their fuel tanks. We added a tremendous amount of expense when we asked them to do that. We have heard a lot about 2 to 1 offset and 15 percent reduction.

Let me also leave a few words about some of the monitoring stations that I felt I had questions about as to when they recorded the levels of ozone and what level were they taking their testing at and where did ground level ozone stop and stratospheric level ozone begin? What level were they taking their test? Could they also tell me why levels on the coastal areas were higher than levels in the interior? What part did water play? Would the sun reflecting off the water play with those readings? What part did vegetation play on those readings? Guess what, they couldn't come up with an answer.

I ask you to oppose the pending motion and vote against the pending motion because I still feel there is a lot more information that needs to be attained out there and to also remember that the people of the State of Maine said, "Let us know what our fair share is and do it to us all." Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Thank you Mr. Speaker, Members of the House: I wish to note first that the weather report I heard last night leaving this place said that the ozone levels yesterday were unhealthy.

I just wanted to address the mileage issue, only that. Earlier this year when the outcry was that the gas mileage was really down with the use of RFG. I decided to do my own experiment. I always kept regular gas mileage and regular records at every fill-up. I kept track of that, where and how much. I have a good basis for comparison. I switched to RFG for several weeks and I did it over several fill-ups because I don't believe you can make a fair comparison of mileage from just one fill-up to another, because you have different mixtures of the gas if you change from one. You don't always fill it up fully. I don't think you can really tell unless you do very careful calculations.

Anyway I switched to RFG for several weeks and back to nonRFG for several weeks and again to RFG. I did my first then I back calculated prior to that. Mid-January to Early March this year. I should note



that the driving here is essentially all back and forth to Augusta. It is a little more than 40 miles for me one way. I drive everyday. In that period my mileage with nonRFG, I am in a nonRFG area, was 32.5. I calculated the next period from the 6th of March to 23rd of same month, again, not RFG gas, I wanted to see if the warmer weather made a difference, 33.8, it was a little bit better.

I switched to RFG. I bought it in Augusta. I have been buying the gas in the same station in Augusta. I bought the gas in the same station back home each time. In the next period from the 23rd of March to the 1st of May, I got 35.3 miles per gallon, that was better than the last time, but it wasn't what I was expecting, based on everything that I was hearing. After that period there and right off the bat I was getting higher mileage and I attributed that to just being one fill-up and not an accurate measurement and so forth, but it was consistent over that period. I switched back the first of May, throughout May, to nonRFG back home. I got 37.3. Again, it is better. I thought I better switch back again. I did in the end of May until last week and I was getting 37.5. Somewhat better, about the same.

For further comparison I decided to look back at 1993 mileage. I picked 1993 because it was the First Session of the Legislature, similar driving and similar everything. Last year wouldn't have been an accurate comparison because we only went through April. In the first period, comparable dates, I got 32.5 this year. My 1993 mileage was 32.1, pretty much the same. That was obviously nonRFG gas. The second period I got 33.8 this year with nonRFG gas and got 31.5. It was down a bit. I don't know, I could check my weather records. I have pretty careful weather records too to see if it was colder then. The third period which went from the end of March to May when I got 35.3 this time, I got 36.5 two years ago, but I had one extended long trip of about 1,800 miles which might account for better mileage. In the May period, I got 37.3 with nonRFG this year and I got 37.5 roughly the same, two years ago. In the latest period, which I got 37.5 with RFG gas comparable period two years ago, 37.1, just about the same.

My conclusion is RFG makes very little difference in the mileage. I think the seasonal variations are dominant. This is just an ordinary car. It is an 86 Escort so you can't say that I have a new car that is running a lot better. I do keep it tuned up. I think by comparison the roads are pretty much the same. The weather is pretty much the same. The kind of driving, all pretty much the same. Frankly, I expected to see big differences and I didn't see it.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I get lousy mileage and my car is running lousy from this gas. I guess it is a matter of what your perspective is on how your car is running. One small comment on small engines. I heard a lot of testimony when this was being discussed how the gas did not affect small engines. It seems awful strange, I was talking to a neighbor and I was going to get the manual and I forgot it, but he just bought a weed wacker and in the manual it said do not use reformulated gas, which seemed kind of strange to me.

In response to Representative Heeschen's comment about the ozone levels yesterday being unhealthy. It was very, very hot yesterday, if you can remember. Trees pump out a tremendous amount of ozone when it is hot. Maybe we ought to consider thinning some of the trees out. I would like to make a comment and maybe get a response from the Natural Resources Committee. When I was down there during the work sessions when they were getting ready to vote on this matter it was hashed around quite a bit and it drifted one direction and then another. There was always a constant threat of federal sanctions.

Somebody made a straw request that if the federal sanctions were not being threatened, would they vote for this gas and somebody from the committee can correct me if I am wrong, but I think it was a unanimous decision that they would not vote for this tax if it wasn't for federal sanctions. In fact, one member said when he finally did take the vote, said he voted, but under duress. I think that is a poor way to vote. It is no reflection on the Representative that had to vote that way, but I feel it is a real sad commentary when state Representatives have to vote for an issue they feel is not good for the people, but under duress from mandatory requirements from the federal government, which I again stress, I think goes beyond the 10th Amendment and they don't have the jurisdiction. Thank you.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House: I am very much in favor of clean air as anyone else is in this house. It doesn't make much sense to introduce another chemical into our environment, especially a poison like MTPE. This is worse than benzene. I wish that we could thoroughly research this before we continue to use it.

It is my understanding that MTPE, a chemical used in reformulated gas dissolves in fat, but not in water, that causes me to ask the question, with all these snowmobiles on our lakes in the winter months using RFG and the boats during the summer months in our water, how is this polluting our drinking supply. I think we have a great danger here. It has also been pointed out that MTPE is much like DDT, an insecticide used in the 60s. Remember that we banned the use of this in 1972.

I have had 300 or 400 constituents supply the Governor with a petition stating their feelings on RFG. They are not happy with it at all. I have also had a constituent who has a small engine repair shop and he had informed me, it is a big business, he has a real big business in Scarborough. He works on lawn mowers, rototillers and he is seeing a great number of these engines that are all messed up coming into him. His business is good right now.

That brings me to a problem that I haven't heard any of us address and that is the airline industry. Our little single engine planes, they use auto gasoline. I am fearful that we are going to have accidents in the sky until we look into this. You know something that really, really bothers me is that the airports were not exempt from this. I would think that the EPA would be able to give them an exemption, because this is in direct conflict with an air tragedy. In all, I am going to say that I would hope that all of you until we have more data on this



particular problem, I would like to see us all vote against the pending motion. Thank you.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate very much the concerns that the folks who are upset about the offsets and about the sanctions in this state, because that seems to be the only compelling argument that we have for RFG. I also appreciate how hot it is in here and how much people have already decided apparently how they are going to vote on this subject. It seems to be important to read into the record some of the comments that we have seen before on a similar matter. Three years and three months ago, this body debated and eventually decided to get into an automobile testing program. Some of our same speakers have used some very interesting parallel comments. There are some who are no longer members of this body who fought very vigorously against that. It seems to me that they were quite right.

Representative GERRY of Auburn inquired if a quorum of the House was present.

At this point, the Chair declared a quorum present.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: As we started a discussion about the parallel between the item before us and a period of three years and three months ago where we discussed another threat of a federal mandate in its relevance to the action of the legislature. We had some of the same team players, a few different ones who spoke on the subject. I thought it would be useful to help us recall what people were saying then and what I think people are saying now.

There was, at that time, a good Representative from Freeport who was normally a very, very strong advocate of environmental issues who fought long and hard and fought every reading against the position of Car Test plan. Some of his comments are relevant because it seems to me that they are very similar to what we are hearing now. I quote from the record of March 19, 1992. "The proponents will insist that this is necessary because if we don't do it the federal government will make us do something bad. The proponents will say that it is a federal mandate and we have to do it. If we don't do it, we are going to get in trouble with the Department of Environmental Protection and the EPA."

Another opponent of what eventually ended up being Car Test, who lost this discussion in the House. "Talk about your mandates. When are the people of Maine going to get the backbone and nerve enough to stand up to the federal government and tell them to take a hike." These gentlemen, of course, are not from my political party. A proponent, a member of this body, "If you are content to sit back and wait and do nothing, the federal government will come along and threaten you and take action." In fact it sounds strangely familiar. It sounds exactly the same and then what happened to the federal government on the issue of Car Test. Well, the demand changed and the legislature eventually made up its mind after the citizen outcry that that really wasn't in the best benefit of the people of Maine and although there is a federal mandate that we do some kind of testing in part of Maine, we had decided not to do it anyway.

It seems to me in the course of three years and three months, the lines have become kind of blurred. We are back at the starting gate again. I quote, I don't do this in a disrespectful way, from the now chair of the committee, who talked passionately about the concern of the environment and the concern with the family and also advocating, at that time, for a testing program. Interestingly enough said he never spoke for more than three minutes on the floor of the House, except on two issues. The chair in the other body of this committee, again quoting, "The EPA says we have to do it in a certain period of time." The argument that parallels the arguments we are hearing today when asked where is the pollution coming from? "I can't tell you how much is coming down from Massachusetts and New York, but EPA says we have to do it anyway."

The comment was made by the good Representative from Wilton that the ozone perhaps was high yesterday. My understanding is that the two monitoring stations that do establish the EPA test for us out on Small Point and in Kennebunk found us to be in attainment yesterday. So much for a terrible day. I guess it depended on which way the wind was blowing. I have yet to figure out how Small Point and out on a cape in Kennebunk, no offense to the people who represent those areas, have much to do with the rest of Maine, but yet, that is where the standard is set for what we are now being told to do.

This may sound a little bit anticapitalist to you, but doesn't it strike you as a little bit fishy about how this has all come together so well. I have kept, I don't normally keep a lot of things mailed to me, the very slick newsletter that was mailed to us by the National Coalition for the RFG hot line. In there, on the front page they show in full color a meeting of the folks in the Washington EPA, Petroleum Institute and the National Automobile Manufacturers Institute and the Small Motors National Institute. All advocating for this stuff and that is perhaps helpful.

We got a little dose of that in Maine. As the advocates for RFG were found to have hired a consultant who most of us know, who has been mailing a letter with names on it, some of whom didn't ask to be on, soliciting support. I have had a few calls in response to that letter. They thought I had sent it out or something, although my name wasn't on it in any manner. The folks seemed to be highly confused about where it came from and how it came about and why it is we have this. It is all just a little bit, in my mind, suspect.

Why is it that we have such strong advocacies for a certain type of motor fuel? Why is it that this mandate that costs the people of the State of Maine perhaps millions of dollars is seen as ok, when other kinds of impositions on the people of Maine are not so ok? Why is it Cumberland County has not been aggressively sought as an opt out. I have not had, fortunately, in my mind, found it necessary or been forced to sit in the Natural Resources Committee as they have wrestled with this issue over and over again. There are a huge number of unanswered questions.

The Wisconsin poll that is so frequently quoted and yet there is some suggestion that it was a telephone poll to talk about adverse reactions. I asked the commissioner when he was imploring me to support this bill today, how it would work if, I, if I had a pesticide, phoned my neighbors and found out

if it was ok if I simply did what I chose to do with what is known as a pollutant product. It seems to me that that kind of polling was a little bit suspect. Perhaps it is ok. Many questions still are unresolved. I understand the big club that is being held over our head, at least in southern Maine, at least in perhaps two counties or at least in a couple of small areas that are in nonattainment that there is a threat.

I understand full well that Maine hasn't filed its plans. What we have sort of been pushed and pushed by the whole issue of this clean air act until, it seems to me, as we were implored three years and three months ago and one day to stand up and say no. We didn't do it then until the people made us. Now we have a choice to make today. Sorry for the work that those who have spent long and hard laboring to find a better solution for us. It seems to me from a choice of whether we should have RFG or not, we should be voting in support of this bill and not for RFG. Thank you.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I feel that perhaps many of you are searching your minds as to how you intend to vote on this. I am in that category today. There are many things that are unanswered as far as I am concerned.

The Representative from Berwick, Representative Murphy mentioned something that brought to mind an issue that I had in a conversation with somebody a long way from here. She mentioned about, why is Maine having to go through this exercise and you heard Representative Whitcomb question, do we have all the information? Going back to, why, Maine? Is Maine being the scapegoat? Is Maine being zeroed in on to provide the environmental impact for many other states? What is going on? I think we need to have that question answered.

I know that the Natural Resources Committee is in a quandary. What is the other option, if we don't go for reformulated gas? Do we have to go back to Car Test? What have we got to do? Who are we going to force this 15 percent attainment on? When it came out it was zeroed in on York County, down in the Kittery area. Yes, they are targeted down there. Now do we have to let them stand all the burden? I think we need to get a few more questions answered. It is a very serious problem.

A year ago, I made a trip and I went out through Niagra and along the Canadian shore of the two lakes, Erie and Ontario. What I saw was, belching from their factories, lots of pollution. The prevailing winds for us is from the northwest. Are we the victims of the pollution that they are putting into the atmosphere? A while back they reported that the little town of Rogue Bluffs, which is only six miles from me, had a problem. Rogue Bluffs may have a population of maybe 300 people, fewer cars, and I don't know of any reason why there should be a pollution problem there.

I highly question some of the so called statistical data that is being produced to bring Maine into compliance. Yes, I too feel there may be a problem as far as using reformulated gas, because I have experienced some problems. I experienced more problems in the winter with my car than I do now, but whether that is because of the time or year or what, I don't know. I still feel that we deserve to have

better answers to this problem than what has been provided to our Natural Resources Committee at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to attempt to answer Representative Look's question when she asked if there was another option to this RFG proposal.

I don't pretend to be an expert on the issue, but it is my understanding that if Maine opted out of the rural transport, whatever it is called, and the Governor, by the way, can do that, Cumberland County, which is already in attainment, York and Sagadahoc Counties would be reclassified through some formula that the federal government has. By doing that, it is my understanding, that we would still have to somehow come into compliance with the 15 percent rule, but we wouldn't have to do it through RFG.

We could, for example, I hesitate to say it, impose emission testing in only the Portland area and the four or five towns around Portland. It wouldn't be the emission testing as we presently know it, it would be a simple tailpipe test that you take when you have your automobile inspected. The answer to your question, Representative Look is there are other options. It is my understanding that the chief executive does not want to opt out of this ozone transport region because he wants to have the ability to be at the negotiating table. It seems to me that when you consider the expense to Maine businesses, particularly the expense of the people who are in the region having to purchase RFG gas, I think the Governor should exercise his right to opt out of that region. Thank you.

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

Representative LIBBY: Thank you Mr. Speaker, Members of the House: I had to stand up because Kennebunk got involved. The monitoring system that is located in Kennebunk is just checking the pollution which comes in from our sister states. We do not pollute anyone in our area as our pollution, if we have any, goes out to sea with the prevailing winds. I think perhaps the answer to a lot of this problem is, if we went to the crutch of the whole problem, which is certainly not us, but I think, perhaps, comes from the west. I think this problem may be overcome and it wouldn't be necessary for us, at that time, to come in with reformulated fuel. Thank you.

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

Representative SIMONEAU: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SIMONEAU: In trying to gather facts here, a while back I read somewhere in the whole mass information that we have been given on this that an option to this was a 55 mile per hour speed limit. Could someone explain what that was all about? Thank you.

The SPEAKER: The Representative from Thomaston, Representative Simoneau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Thank you Mr. Speaker. In regards to the 55 miles per hour speed limit, that is an option, but it is not an option to take the place of reformulated gas, because it does not give nearly as much credit as reformulated gas. Fifty-five miles per hour is part of our contingency plan that we can use, if we need to use it to meet the 15 percent.

A couple of quick other questions that have been raised that I would like to answer. Again, I apologize, but there are some things being said that I think need clarification. First, Maine is the only state now, not having a 15 percent plan. We need to get a 15 percent plan. Every state that is required, like New York, New Jersey, Pennsylvania and these other states, have already submitted their 15 percent plan. Maine is not being made a scapegoat. The 15 percent plan is 15 percent of the pollution that we initiate, not the pollution coming in. We are a victim of transport, no question about it. The 15 percent that we have to reduce is our own 15 percent.

Other options, it was pointed out that we have another option, INM. I, too, traveled around the state during the summer and spent my summer talking to people on INM. If you think they still want INM, I suggest you, too, travel around the state and see if they are all still in favor of it. We have a petition with 70,000 signatures and I need to remind some of us that not long ago, we voted by 108 not to have INM testing.

Finally, the idea that there are other options as far as opting out. It has been stated that the Governor does not want to opt out. That is incorrect, the Governor is in favor of opting out all of the counties and areas that he can opt out. We also have a Joint Resolution that is encouraging him to do so. He is in favor and encouraged us to put that Joint Resolution in. In order to opt out of the remaining areas, we have to have our 15 percent plan done before the EPA will consider us opting out. Again, I apologize for taking so long, but I felt I had to. Thank you.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, four points. Having spent a fair amount of time, myself, trying to find out the facts and circumstances and the law concerning the federal Clean Air Act. Four things appear to me to be true.

The first is, there is an awful lot about the facts on this situation which are suspect scientifically. We really don't know how much of those emissions we are supposed to be dealing with are created in this state. At least I haven't run across anything that is definitive. We really don't know how much of these emissions come into this state. I have heard speculation, I haven't heard that there is any definitive way of determining that.

We don't know what the effect really of RFG is going to be on reducing emissions. Sure there is a formula, but we don't know with any reasonable degree of certainty, as far as I can tell, what the effect of adopting RFG is going to be on reducing emissions in this state. As the discussion here has indicated, we don't know what the effect of RFG is going to be on the health of particular individuals, whether or not it is enough of a hazard that we ought to weigh it heavily in our calculations. Finally, we don't know what the effect of RFG is on mileage. That is point number one.

Point number two, however, is that we do know that most of the emissions that exist in Maine do come from out-of-state, simply because of the prevailing winds. They come from Massachusetts, New Hampshire, New York, Ohio and Pennsylvania. These are states that do not have their programs in place, because of the prevailing winds we do know that most of the emissions do come into the State of Maine from these other states. We further know and I think I know that a lot of the emissions, perhaps an overwhelming amount of the emissions, come from natural sources within our own state, that is forests. Somebody mentioned 70, 80 or 90 percent of them. I don't know if that is true. I suppose I will be corrected if I am wrong, but it seems to me that by spending an enormous amount of money that we are going to be required to spend under this proposal, that we are going to get relatively small benefits by virtue of supposed reductions in air emissions in this state.

Third point, some has been said in the law, what are the considerations in all of this is that the emissions that are created in Ohio, Pennsylvania, New York and Massachusetts need to be controlled because those emissions do not respect state boundary lines and they go into other states. That is one of the reasons for the federal law, rather than state laws, because it is a federal problem. I think it is a consideration. If you are in a state like Ohio or Pennsylvania or New York, that the emissions that you create within your state go across state boundaries and they affect other states. That should be an important consideration in mandating that something be done about them at the federal level. That is not so in Maine, because of the prevailing winds the effect of anything that is created here in Maine goes out into the ocean. I think that is something that we need to consider.

Finally, with regard to the federal law, I have read portions of the federal law. It is an extremely complex law, undoubtedly there were political calculations and compromises that went into the law. Given the complexity of the subject, I wonder whether or not it is pretty much unworkable. There have been lots of people in other states who have complained about how the federal law affected them. There are lots of proposed laws in congress that would change the requirements of the Clean Air Act. I think by our vote today we ought to add our voice to send a message to Washington that we want to have something that is more reasonable. So I hope you vote to accept the Minority Report and reject the Majority "Ought Not to Pass" Report. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I urge you to vote against the current motion in order to move forward and pass this bill. There is a lot of problems with this program, in my mind, and I know you have heard about most of them in the last hour. I will try to be brief.

For me, one of the problems come from where I live in Knox County, which is what we have now come to know as a border county, which means that a lot of residents of my district and other districts in Knox County drive 15 miles away to fill their gas tanks or gas cans for their small engines, that costs a lot of those small businesses that used to sell gas to those customers in Knox County some amount of money. That is pretty much a local issue.

I also think this program costs all of us in the State of Maine extra money. It costs us more, because this gas clearly has less mileage capability in our cars. We have heard different estimates about what that is, but even a conservative estimate by the State Police study of 4.63 percent, to me, that is a heck of a lot of gas, if all the citizens of Maine burn 5 percent more gas. The gasoline itself costs more. There is the possible impact on small engines, the outboard motors, snowmobile motors and lawn mowers, especially the two cycle variety, last winter when we were starting to get a lot of calls about this, I distributed a questionnaire around my district and I got back well over a hundred of these. Each one had individual stories about their problems with the gas. They ranged a full gamut of things we have heard today, impact on small engines, mileage, health, etc.

There is a lot of anger over this program and I know there was a lot of anger over the last program that we were trying to meet the 15 percent with, the auto emissions testing. I don't think we should be doing our votes solely on what people thought six months ago, but maybe what they are going to think six months from now. I think the proper vote with this program would be to end it as soon as possible so that we can come up with a sensible alternative to meet that 15 percent guidelines. It seems to me that if anywhere near the amount of money and time that was spent on selling the people of Maine this program was spent on researching truly reasonable alternatives to it, we could be moving further in that direction right now.

The inconvenience of the gas, as I mentioned, is considerable especially for those in border counties and for those running car, boats and cycles. I talked to one constituent who has a BMW motorcycle and he was instructed by the manufacturer that if he was to burn this gas, he could purchase \$20 parts for the float bowl of the carburetor in order to continue running it. You might say \$20 is a small amount of money, that is true, but multiply that by the amount of similar purchases that people may have to make.

In terms of the health effects, we heard about the Maine Task Force Study, but I would like to read a few quotes from that study in the summary section. Under number one, "Further study is clearly needed. However, the available data is reassuring that MTPE probably does not increase cancer risks." Under number two, "Adding MTPE should reduce the concentration of higher potency carcinogens, however, no animal data is available to test it." Under number three, "The cancer risk of RFG should be less than regular gasoline as a result of more complete burning." Under number four, "Cancer was seen at increased frequency in the kidney and liver in animals exposed to 8,000 PTM of MTPE for several hours per day for weeks. When compared to human exposure this would seem to be a very small increased risk to a low potency potential carcinogen. More study and higher exposure populations are needed."

Under number five, "Since the net effect of RFG would be to decrease air pollution, the relative risk of cancer from air pollution should theoretically decrease over time." In my mind, that is the about the most qualified set of summary statements that I have heard. In my mind, somebody who wrote that could just as well put, we think there is no danger from this, because that is about how clear those summaries are. It is clear to me that study is not

complete on this and it will, in fact, will be done as we use the gasoline, with us as the guinea pig. In terms of the sanctions, I understand that we are very close to a deadline on coming up with a plan to meet that 15 percent, but, unfortunately, we have waited a long time to debate on this bill and the time is short to come up with alternatives, but I don't think that should weigh heavily in our decision on how to vote today. We have to make the right decision, not be rushed into because we only have a few weeks left before we meet the sanction deadline.

As Representative Buck said before, there are possibilities with a low-level type of testing that isn't centralized and that does more with catching vehicles on the roads as they go by, especially in the counties with the worst problems. An added cost that we'll pay with this program as an indirect cost is that the potential money will pay in a suit settlement with Car Test could go a long way to establishing some minimal testing that would, in fact, meet the 15 percent, rather than all of us paying more everyday burning RFG in our cars.

Another related issue to the health risk is those, even the great majority of us have no problem with RFG, but there is no question that there is small sensitive groups of subpopulations which probably are definitely allergic to this. Those people have to let others fill their tanks for them, go to full serve stations or otherwise inconvenience their lives so they don't get near this gasoline.

RFG does not help the worst polluting vehicles in our fleet either. Those are continuing to run on the road and they will continue to pollute more than most of our vehicles no matter what kind of gas they burn. I think we have to address the state of the worst vehicles in our fleet in some way, even if that involves some subsidy of repairs or junking of those vehicles. I think money would be available for that if we considered the savings by rejecting the RFG program. It is not too late to repeal this program. I don't think we should wait six months to decide that we made the wrong decision by keeping it here. Now is the time to reject it and I hope you will join me in voting against the current motion. Thank you.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: This debate, all of the arguments, sound very familiar. I heard all of them or variations of them three years ago. Three years ago I went against my gut instinct and cast a vote which I regretted and only recently has been rectified. I do not intend to make that same mistake today. I urge you not to make that mistake as well. I, therefore, urge you to vote against the pending motion.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I have two plans for you today. One plan, Plan A, you can work within the bureaucracy. Plan B is you can work without the bureaucracy. Which of those plans do you think the people of Maine want you to choose. I am opting for Plan B and I am going to tell you why.

Two years or so ago, I am not sure quite when, we had a vote in this body in the 116th Legislature on low-emission vehicles, LEV. I favor LEV, because I think when you have a problem, you go to the source to fix it. The source in this particular case and

with this particular problem is the manufacturer. Cleaner burning engines, battery operated cars, alternative powered vehicles or whatever you want to call them. Why should the people of Maine pay hundreds and thousands of dollars more because the Washington bureaucrat bow down to the big oil lobby? That is what it comes down to, ladies and gentlemen. I firmly believe that.

I think you should go home and tell your constituents that I support low-emission vehicles, for sale and on the market as soon as possible. I don't support congressional and bureaucratic arm twisting. In my mind, we have to look at this motion seriously, carefully and say to ourselves, does Washington run us or do we run Washington? Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. 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 WATERHOUSE: Thank you Mr. Speaker, Ladies and gentlemen of the House: I am going to be very brief this time. I know you have heard that before. I am going to read you a little article from a national syndicated magazine. It says the following: "On April 28, a federal appeals court ruled that the Environmental Protection Agency may not mandate the sale of gasoline mixed with ethanol. Although the Clean Air Act amendments of the 1990s empowered the EPA to set standards for reformulated gasoline, the EPA overlooked its authority the court said, by requiring that 30 percent of such fuel include ethanol. The ethanol mandate illustrates how environmentalism has become a vehicle for dishing out pork or harming consumers, taxpayers and the environment." Thank you.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: It is not easy to stand up here today and try to explain what I have done. You will notice on Page 6, that I am on the "Ought to Pass" side of the bill. This was done for one reason, the chairman of the committee from the other body, which we don't mention by name, decided to hold a workshop knowing the sponsor of this bill could not be there. My vote in opposition to the committee was a protest against the chairman.

Today I will be voting the "Ought Not to Pass." I do it with a lot of difficulty. I have been lobbied like everyone has. I have been lobbied from the second floor and I have been lobbied from everywhere. I think it is a responsible thing to do. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House: I rise today not to talk about the reasons to oppose reformulated gas. I rise so that you will understand that the people in my district, in York County, say give whomever one message from me. They expect this body to exempt them from using the reformulated gas. I would be remiss if I did not say this to you folks and without mentioning a lot of reasons, but I would ask that you exempt the State of Maine from the use of reformulated gas. Thank you.

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

Representative GERRY: Mr. Speaker, Men and Women of the House: I rise as a lot of us to oppose this measure ahead of us. I am going to vote against this measure and vote against this. The reason I do this was, I worked very hard on the auto emission repeal petition drive. I have kept in contact with a lot of our petitioners and with a lot of people who have signed our petitions. They have asked me to vote down this measure. They do not want reformulated gas. They have pledged that if we have to keep any form of Car Test or reformulated gas out of the state that we will start another petition drive. I also want to go on record that I cannot support a 15 percent plan that is based more on assumptions than true scientific fact. We do not have a testing machine in the State of Maine that can tell us a difference between manmade pollution and natural pollution. From what I have read and heard, no matter what we do to comply with the federal standards, we will never be in total compliance. I ask for your support to vote down this measure.

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

ROLL CALL NO. 196

YEA - Adams, Ahearne, Berry, Bouffard, Brennan, Bunker, Cameron, Clark, Daggett, Damren, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gates, Gould, Green, Greenlaw, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Keane, Kontos, Lemaire, Martin, Marvin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Perkins, Poulin, Pouliot, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Tyler, Vigue, Volenik, Watson, Winglass, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Buck, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Cloutier, Clukey, Cross, Donnelly, Dunn, Farnum, Fisher, Gerry, Gieringer, Gooley, Guerrette, Hartnett, Hatch, Heino, Jones, S.; Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, LaFontaine, Lane, Layton, Lemke, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Mayo, McAlevey, McElroy, Murphy, Nass, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Povich, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rotondi, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Truman, Tufts, Tuttle, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor.

ABSENT - Dexter, Hichborn, Lemont, Ricker, Yackobitz.

Yes, 64; No, 82; Absent, 5; Excused, 0.

64 having voted in the affirmative and 82 voted in the negative, with 5 being absent, the Majority "Ought Not to Pass" Report was not accepted.

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

The Bill was read once. Committee Amendment "A" (H-517) was read by the Clerk.

Representative TUFTS of Stockton Springs presented House Amendment "A" (H-544) to Committee Amendment "A" (H-517) which was read by the Clerk.

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

Representative CAMERON: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMERON: To anyone, could you tell me what exactly the amendment will do to the bill?

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 Stockton Springs, Representative Tufts.

Representative TUFTS: In answer to the good Representative's question, this adds the fiscal note necessary to carry out the functions of this bill and conduct a study. Thank you.

House Amendment "A" (H-544) to Committee Amendment "A" (H-517) was adopted.

Committee Amendment "A" (H-517) as amended by House Amendment "A" (H-544) thereto was adopted.

The Bill was assigned for second reading Wednesday, June 21, 1995.

House Divided Report - Committee on Banking and Insurance - (12) Members "Ought to Pass" as amended by Committee Amendment "A" (H-521) - (1) Member "Ought Not to Pass" on Bill "An Act Regarding Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 432) (L.D. 595) which was tabled by Representative VIGUE of Winslow pending his motion to accept the Majority "Ought to Pass" Report.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I am in a very, very novel situation here. I find myself, for the first time in my five-year tenure, supporting a mandate that will be sent to my people in the State of Maine. I don't do this with a light heart. I support L.D. 595. The L.D. would provide the same level of coverage for mental health illnesses that we provide for physical illnesses. I think that this is a question of fairness. Fairness for the people with mental illnesses. Ladies and gentlemen, I ask you to support L.D. 595, "Ought to Pass" as amended by Committee Amendment "A." I thank you.

Representative LIBBY of Buxton moved that the Bill and all accompanying papers be recommitted to the Committee on Banking and Insurance.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I would like to discuss just briefly some of the weaknesses of this bill and some of its strengths.

The bill is a mandate, as was spoken earlier, but the bill in essence really does not consider the position of psychologists in Maine. Maine psychologists during the hearing and work session were not properly represented. In fact, there was a conflict with the lobby of Maine Psychological and from there that lobby resigned from their position, because they admitted the conflict. So during the work session and hearing a very important component of this bill, the psychologists in the State of Maine were not properly represented. At this late date, the last thing that I want to do is recommit a bill like this, but I do want to say that there are some merits to this bill.

I feel it is an important bill, it takes a big step forward. Some of you may support it and some of you may not, but certainly before we pass a bill like

this we ought to have a very clean bill that has everybody's interests in mind. That is the reason why I presented the motion today. I hope you will support me on that motion. Thank you very much.

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

Representative GATES: Mr. Speaker, Men and Women of the House: As a member of the committee on Banking and Insurance, I guess I would just like to say that we did consider the psychologists and the fact that they are left out of this bill is actually quite intentional both in the way they are included and the way that they are excluded. I say we spent more time on this bill than on any other single matter before our committee. I don't think recommitting it is going to be the way to go. I urge you to vote against this motion and once we are done with that, support the Majority Report. Thank you.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote on this motion, I would remind everybody first that it is June 20 and second, if you will look at today's calendar, you will note that it is a 12 to 1 Committee Report. I think those 12 people knew perfectly well what they were doing. I was there during every single work session and I feel that proposal by Representative Libby was discussed at length. I think there is merit to his proposal, but to do it at this late date, when the committee has already considered it, is not appropriate timing.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I, too, am a member of the Majority Report on this particular L.D. The committee discussed what is now before you. The committee spent more than 10 hours in work sessions on this particular bill and covered all of the various aspects of it. This is a very late and ill-advised attempt to refer the bill back to the committee and to have it before us a year from now. I would urge you not to recommit the bill and I would ask for the yeas and nays, Mr. Speaker.

Representative MAYO of Bath requested a roll call on the motion to recommit the Bill and all accompanying papers to the Committee on Banking and Insurance.

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: Mr. Speaker, Men and Women of the House: There are a couple of things that I think are being left out here that concern me greatly. Number one, we are talking about mental illness here. We are talking about psychologists. Is there a link? Yes there is, but this bill, the way it is crafted now would allow, for instance, stretching it a little bit, a radiologist, for example, to diagnose a mental illness, but not a psychologist who has years of training. It does do



that. There are flaws with this bill. You can deny it all you want.

I appreciate the work that the committee did on this bill and I think there are some merits to the bill and until the psychologists came to me with the problem, I was ready to say well there are a lot of good things about this bill and may be I will vote for it. The truth of the matter is a family practice doctor cannot diagnose a mental illness. Many times they go to a psychologist and ask their advise for a diagnosis, that is what really happens out there. How come we exclude them from this bill? You tell me. I don't understand it. No one has been able to explain that to me. What I am saying is we need to consider that the psychologists of the State of Maine have a doctoral degree. They have studies five years past undergraduate work. They have had practical training and years of diagnosis in mental illnesses. Those things are all important.

Another huge question that has come from this debate is, are the illnesses that the bill discusses, are they biologically based? I don't know the answer to that question, but I do know one thing. Maine psychologists are saying, some of them are not. I think that has to be debated. All I am asking is that we recommit this to make the bill better. Is that so wrong that we improve on this bill, even if we had to hold it over? I am not saying it is a bad bill. I am saying that there are some things that are problematic in this bill and I would just like to see us make sure that we have all of our bases covered. I would really appreciate your support. Thank you very much.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: The last thing I want to do is recommit this bill. This bill has provided a lot of hours of sound interest for us and we for the first time have got a bill where we are unified in support. These people deserve our support. The change that Representative Libby is referring to has no bearing on the existing licensing or insurance coverage that psychologists have had in the past. Things remain the same. They are still covered. They can still continue doing the same work and be covered under the same contract. The only thing that changes is this new area, which is where they want to go. If they want to go, then I would suggest in the next session that we take a look at it. If Representative Libby is interested, then he can submit legislation to allow us to look at it and work it. I urge you to oppose the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recommit. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 197

YEA - Aikman, Birney, Buck, Carleton, Clukey, Heino, Jones, S.; Joyce, Kilkelly, Labrecque, Layton, Libby JL; Libby JD; Lumbra, Marvin, Nass, Pendleton, Pinkham, Reed, W.; Robichaud, Shiah, Stedman, True, Wheeler.

NAY - Adams, Ahearne, Ault, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette,

Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Joy, Joyner, Keane, Kerr, Kneeland, Kontos, LaFountain, Lane, Lemaire, Lemke, Lindahl, Look, Lovett, Luther, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Perkins, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Rice, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Whitcomb, Winglass, Winn, Winsor, The Speaker.

ABSENT - Barth, Dexter, Hichborn, Lemont, Richardson, Ricker, Yackobitz.

Yes, 24; No, 120; Absent, 7; Excused, 0. 24 having voted in the affirmative and 120 voted in the negative, with 7 being absent, the motion to recommit to the Committee on Banking and Insurance was not accepted.

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

Representative LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: At this point, I really have to ask the body not to support the bill. This is a bill that it really needs, I think, additional work. We are talking about here, a mental health mandate. How many of us are really aware of what the cost of this might be? There is a lot of discussion and debate that needs to go on, some additional debate on a bill like this. I think I have already explained Maine Psychological's position very adequately, so I won't stand up here and debate that. I do think that the vote on this particular bill, itself, is much different than a motion to recommit. I am hoping that I will get your support. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BUCK: My concern is the fact that, what I view here is an unfunded mandate. If this bill is implemented, it is my understanding that the average family policy goes up about \$15 a month. I understand that the state, obviously, through various contracts we have with state employees would be paying for that. That, in itself, is bad enough, but my other concern is the fact that the rest of us who work in the private sector are going to see our Blue Cross and Blue Shield or whatever policy we have go up an average of \$15 a month. This represents, if my figures are correct, an increase of between 18 and 20 million dollars a year in health costs for the people of the State of Maine. My question to the committee is, are my assumptions correct and if they are I would seriously consider that we not pass this bill? Thank you.

The SPEAKER: The Representative from Yarmouth, Representative Buck has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: I am also on this same committee and as you will know, I voted alone on it opposing the pending motion. The reason being is exactly what the Representative from Yarmouth, Representative Buck just brought up. He is exactly

right. If I remember correctly, the fiscal note was close to \$700,000. For that reason, I sympathize with these folks and I think their time has come to be included, but I didn't think the time was quite right, at this time, with that kind of fiscal note on it. Most of them that do have insurance do have some coverage presently for their illnesses. For that reason, that is why I voted that it should not be passed, the main reason being financially. The fiscal note of close to \$700,000. Thank you Mr. Speaker.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: In answer to the question, reading from the report of the Bureau of Insurance, the monthly cost for an individual contract would increase by around \$5 per individual. Family coverage somewhere in the range of \$12 to \$14. There are other types of policies in between those two figures.

The committee, as I indicated on an earlier motion, wrestled long and hard for this. It is a mandate. We are aware that it is a mandate and the committee, if you think back, has been split on many mandates this year. However, in a letter which went forward to the Appropriations Committee on last Friday in response to their request, this bill was our number one request as far as mandates are concerned by an overwhelming majority of all of the members of the committee voting. We feel that the time has come to equate mental illness with physical illness. We have played around with this and played around with it. It is about time that we brought these two things into parity.

Also, the remark was made a few minutes ago that many of these people are covered by insurance. That is incorrect. They are covered by your tax dollars and my tax dollars through Medicare and Medicaid and not by private insurance.

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

Representative CARLETON: Thank you Mr. Speaker. I am speaking only for myself and as a former member of the Banking and Insurance Committee, which has considered several bills like this in the past. I agree with the last Representative who spoke concerning the importance of treatment for mental illness. I agree that it is something that is just as important as the physical illnesses that we have, perhaps increasingly more important. The problem is, that unlike treating a broken arm there has to be mechanisms in place to determine how much treatment is the appropriate amount of treatment for these types of illnesses. I am not aware what the protocols that are necessary to control a utilization so that we don't have inappropriate utilization and costs have been established.

I have a philosophical objection to not only mental health mandates and to health mandates anyway and especially since I believe that our health insurance industry is now competitive and will respond to the request of the consumer, that has not been the case in the past. We go and we pass mandates. I asked somebody whether or not any of them had ever been repealed and the answer is no. You might argue that none of them should be repealed, but I think it is an inappropriate way for us to handle what is going to be covered in someone's health insurance policy. We are saying, in effect,

and I have said this before, that we don't care what the consumer wants. We don't care how things may change in the future. We don't care what employers or employees want. We are going to mandate that you do this.

One final point, I understand from previous years that the major argument in favor of mental health coverage for these particular items mentioned in this bill are that they are biologically based. I know there is some evidence for that. I have taken a look at the handout that was recently put on my desk entitled the Biology of Mental Disorders. I read it. When I got down to the summary and conclusions I read the following sentence which says, "It is difficult to put the strands of evidence together in a unified hypothesis about the role of biological factors in a given disorder." To me, this indicates that the argument that all of this is biologically based is not yet established. Thank you.

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

Representative DORE: Mr. Speaker, Men and Women of the House: While I respect Representative Carleton disagreeing with me, we have been having this discussion, Representative Carleton and I for about five years. If you read the entire packet and it is part of a book that I am happy to supply to anyone, it is abundantly clear that each and every one of the illnesses listed is based in a physical reaction in the brain.

There are those who want to say mental illness and mental health are the same thing or reverse side of the same coin. That is simply not true. I haven't talked to psychologists who have said that these illnesses are not physical. I would suggest that psychologists who say that these illnesses are not physical are not only doing a disservice to consumers who have these illnesses and further stigmatizing them and blaming them for their own illnesses as though people are responsible for their high blood pressure. I would also suggest that they have not read the literature in the last several years.

The Maine Psychological Association supported this bill because these illnesses are all physical. They understood fully well the implications of this legislation. The Maine Psychiatric Association supports this bill. The Alliance for the Mentally Ill supports this bill. It is totally nonpartisan. In fact, some of the founding members of the Alliance of the Mentally Ill of Maine are founding members of the Republican Party in the last several years. The reason this bill has had bipartisan support in the past and I certainly hope it does today is because mental illnesses are not subject to party participation.

They are not subject to whether you come from a wealthy family or a poor family. They are simply subject to bad genetics. One of the ways that I explained this is the wrong two people made a baby on the wrong night. Genetically what showed up in the brain around the adolescence usually, that is when these illnesses show up, is a biologically based mental illness. We know it is biologically based because if you take a look at this and you came to the luncheon, which you were invited to come to, you would see that there were MRI scans of brains when they have excessive compulsive disorder and when they don't. When they have major depressive disorder and when they don't.



I am not saying that people don't get depressed by lousy events in their lives, a divorce or a period of unemployment can lead to a period of despondency and perhaps self-destructive behavior, that is not the same as having major depressive disorder. That is a biologically based illness and what this bill says is that if the brain is an organ, it is not something your mother and father gave you, it is an organ, like the liver is an organ, it is not a difficulty you had at home or in your marriage, and it has malfunctioned just like the liver or heart has malfunctioned. We can't replace the brain when it is malfunctioning. It is largely treated with a combination of medications and psychotherapy to help you understand when your illness is overcoming you and to help you learn some coping skills to better manage your illness.

In many ways the psychological counseling is not different than the counseling you get if you have diabetes and you have to get some counseling to learn to manage that. Interestingly enough people get mood swings from diabetes and we are all aware of it. People get mood swings from bipolar disorder too. They are having a physical reaction to a brain disorder. A lot of time and work has gone into this over the last five years and I feel the legislature is finally in a place where it is comfortable with the amount of background information and material.

I certainly hope that is true to understand that these are physical diseases and that they require medical treatment. The medical treatment is effective. It has an efficacy rate of over 80 percent. There are many physical diseases that have no limitations on their coverage, but they don't have an 80 percent efficacy rate of treatment. What that means is these illnesses in over 80 percent of the cases can be treated successfully. Let me just talk to you briefly about what happens when they are not treated successfully. When they are not treated successfully and people get sicker, we don't dispose of human beings in this society, we put them on Medicaid. When we put them on Medicaid, because their insurance coverage has lapsed and they are no longer able to pay their bills, we essentially disable them. That means that if they choose to go to work, they will lose their Medicaid and then they will have overwhelming medical bills.

You may have heard from families in your district who run up \$20,000 and \$30,000 second mortgages keeping a child in the hospital who is suicidal. Once that child gets stabilized it is going to have a whole and I hope wonderful life and in 80 percent of the cases, that is the truth. If we don't stabilize that child and instead they spend their life with this mental illness and not allowed to work without losing their Medicaid coverage, what is going to happen is they are going to get sicker.

I don't agree with a lot of what Freud had to say, but he said something very important over 60 years ago. He said, "Mental health is the capacity to work." Our system now stops people from having coverage when they have major mental illnesses at a cut-off point in a way it does with no physical illnesses and that forces them onto Medicaid. It is bad from a Republican point of view because over 25 percent of Medicaid is mental illness now. If you want to stop utilization of Medicaid for mental illness, we have to stop putting middle class, otherwise able to work people onto the Medicaid

system by making insurance cover this in a nondiscriminatory way.

Is this a mandate? Yes, it is a mandate. It is necessary to end discrimination with a mandate. I want to quote something Representative Carleton said in another debate on another mandate. I wrote it down because it was absolutely true and fitting for this bill. He said, "Mandates would be necessary if we had a system that did not respond to competitive pressures." In mental illness we have the only system that does not respond to competitive pressures and we have it for a few reasons. The first reason is because nobody anticipates this illness is going to happen in their family. If you take out health insurance and it covers every physical illness, but this. This it limits, because the insurance industry used to think of this as untreatable.

Today, it is treatable and by stopping the coverage at a certain point for mental illness as though it were mental health, which it is not, nor biologically based mental illnesses or physical conditions by stopping the coverage, you force people onto Medicaid. There is a stigma attached to having a mental illness. People blame them for their illnesses. They act like somebody would volunteer to have schizophrenia or bipolar disorder or excessive compulsive disorder.

In case you don't know what excessive compulsive disorder is, it is when a child maybe washes their hands to the point where the skin comes off. They are not volunteering to do that. That isn't because they have a terrible father. They are doing that because they have a brain disorder that is telling them to repeatedly do a function that it turns out is very self-destructive. When they are treated correctly, with the right medicine and right therapy, they stop doing that and they go on to have whole wonderful productive lives and become taxpayers. If they are not treated correctly, they spend their lives in institutional care costing all of us a great deal of money and wasting their lives. Because nobody will stand up in a union hall and say I insist on coverage for mental illness because it is in my family. I have an old aunt who lived at AMHI. I had a grandmother who died there. I had a grandfather who was at BMHI for 30 years.

Nobody even knows half the time that this has happened to relatives of theirs and they don't think of it as a genetic possibility the way they do with diabetes or heart disease, but there is a genetic possibility. I know this because it is a genetic possibility in my family. I am blessed to have very healthy children, but I have a mother with a major mental illness. She did not choose to have her disease and yes, we are paying for her care and we will continue to. This bill will not have an impact on her life, she is a gravely ill person.

I will tell you, it has an impact on 16, 17, 18, 19 and 20 year olds whose families call me today and say, my kid would like a life. My kid would like to work and I am now out of insurance and we are at day 65 and the insurance company stopped paying at day 60 so now it is on my dime. If I take my kid out of the hospital, I can't arrange 24-hour care. If I don't keep this child alive, they will not survive their illness. People don't anticipate this kind of disease. It is a horrific thing to have happen and it is very treatable today and it ought to be covered with parity. We are sophisticated enough to read the literature and know that. I think that once it's

been on Newsweek, on the front cover and U.S. News and World Report, a few years ago with an article on lithium and bipolar disorder. I think we are all sophisticated enough to understand and I think we are compassionate enough to understand it must be mandated. Lets talk about the cost, because there has been objections to the cost.

I won't take much more of your time up because, frankly, I think you know this. The reason we pushed the bill out for a year and a half and put the effective date July 1, 1996, the committee asked me because the insurance industry asked them to give us time so that we can make this offer to people and give them time to (A) prepare for higher premiums or (B) renegotiate their contract. People will have over a year in which to renegotiate their contracts. There are one of several ways they can do that. They can move from group insurance coverage, because it is all large groups to HMOs and PPOs, that will reduce the cost. You can do this for zero dollars by better management of your care. One of the reasons we started with physicians diagnosis is because they will have better control and management of the care and that will lower the cost. People don't have to have higher premiums. I am not interested, frankly, in the state paying more for insurance.

I am interested in the next year in renegotiating the contract so that we can end this discrimination without additional financial burden, but provide health insurance coverage to everybody with a medical problem, regardless of the nature of that medical problem. Another way is that you can change it instead of 80/20 co-pay. A study was done last year nationally, you can change it to 21/79 co-pay for all illnesses and then people with mental illness will be treated no differently than people with heart disease or diabetes. I think 79/21 is reasonable and I think most large companies and state employees would agree with that as a way to contain the costs without additional expenditures. I am not interested in this costing a lot of money.

My driving passion has been to prove that this is a very low-cost or no-cost alternative that will end discrimination. I hope you will vote with me. I hope you will vote with the majority of the committee. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Men and Women of the House: Earlier in this session we eliminated the Maine Health Care Program. We didn't do that because it wasn't a worthy program. We did it because the state simply could not afford it. I don't see how we could possibly be standing here today advocating an expansion of these programs, which are going to cost millions and millions of dollars more to the citizens of Maine. It just doesn't make any sense to me. Thank you.

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

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: Two hundred years ago we burned people who were mentally ill at the stake. Thank goodness we don't have stakes anymore.

We have a hidden cost here and many of these people who fall through the cracks end up in our prisons and our jails. We are paying tax dollars to support them. There is no need to do that, if you have a system where they can receive assistance

through insurance companies. I have a daughter who is bipolar. Fortunately she was diagnosed in the service so she has a service connected disability. Otherwise if she hadn't, we would be spending hundreds of dollars a month, about \$450 a month, supporting her medication.

There is a time to be fiscally conservative and there is a time to be a realist and address an issue. We are paying on the other end through prisons and Medicaid. I would much rather pay up-front through insurance premiums. It is cheaper for me to pay \$5 a month for my insurance premiums than the other way around. Thank you very much.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to urge your support for the Majority "Ought to Pass" motion. This bill was the bill that was worked long and hard in committee. It resulted in a great deal of compromise to get the 12 to 1 report that it got. While it may not be perfect in every measure, it is an issue of fairness and I urge you to support it. When the vote is taken, I request the yeas and nays. Thank you.

Representative GUERRETTE of Pittston requested a roll call on the motion to accept the Majority "Ought 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.

The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Just to go along with the previous speaker, we are paying, in a sense, for these people at the present time. We are paying through loss in jobs, loss in productivity and loss in people's self-esteem. We are able to gain. We are either going to pay out in insurance or pay out in some way. What I am asking you to do is accept the Majority "Ought to Pass" as amended Report and go on to try to cover these people as best we possibly can. Thank you.

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

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: I think we all know that substance abuse is covered under all hospital plans. Years ago they weren't covered under all plans, but now they are covered under all hospital plans at considerable cost to those insurers that have to pay their claims for people who abuse substances and have to go and get treatment. Now we take it for granted, we don't even think of the fiscal cost or the fiscal note involved with substance abusers.

We all know what is happening across the country. Many of them are using the money that they get on supplemental social security income and they are buying other drugs and they are wheeling and dealing in drugs and the money that is being wasted and just being thrown away all over the country is disgraceful, but we don't think anything about that.

Here we have sick people, ill people and we are talking about money. These people have nothing to do with their condition. Substance abusers make the conscience decision to do that and yet we support them. I will just leave you with that thought. Thank you.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I normally do not rise to speak on things other than financial matters and taxes. I try to keep it down. I have been asked by a couple of people to share with you why I support this bill and what I said to the committee.

I supported this bill two years ago and I lobbied for it. I cosponsored this bill. The reason I do is because it comes down to a basic question of fairness. A couple of years ago when we were debating this, I heard all the arguments that I have heard here from lobbyists and so-forth about the cost and what have you. We are paying for it one way or another, anyway. I took the time to read the bill and I found that it applied to people who had genetic problems. It wasn't something because you just couldn't cope with life, because you drank too much or had a divorce or what have you. It was something you were born with and you couldn't control.

I got talking to this one lobbyist who was lobbying me pretty hard to vote against it and I said, "Let me ask you a question. Would you take and give a person an organ transplant and would you pay for it?" He said, "Oh yes, all the way." "Suppose a person was born into a family that had a history of hypertension and diabetes, chances something happening to a kidney, is that pretty good?" He said, "Yes." "Would you pay for the kidney transplant?" He said, "Yes." "Well let me just add one more factor to that. Before someone was born into a family with hypertension, diabetes and one kidney, what are the chances of that kidney going bad? Pretty high, but you would replace it. You would replace it and pay all the money?" He said, "Yes."

I said, "I just described myself. Hypertension, mild diabetes and born with one kidney." I asked the lobbyist what are the chances of being born with those conditions and one kidney, do you know? He didn't know. I can tell you. It is one in 10,000. I said you will take care of a physical freak like me with no concept of cost because the insurance policy will do it, but you won't take care of some poor unfortunate person who was born with a disorder they can't control. That doesn't make sense to me. It is just a basic question of what is fair. We are paying for it one way or another. We may as well give these people this coverage. I urge you to support the bill.

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. 198

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch,

Heeschen, Heino, Jacques, Johnson, Jones, K.; Joseph, Joy, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Martin, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Barth, Buck, Carleton, Cluke, Jones, S.; Joyce, Joyner, Libby JD; McElroy, Nass, Winsor.

ABSENT - Dexter, Hichborn, Lemont, Luther, Marshall, Ricker, Yackobitz.

Yes, 133; No, 11; Absent, 7; Excused, 0.

133 having voted in the affirmative and 11 voted in the negative, with 7 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-521) was read by the Clerk.

Representative LIBBY of Buxton presented House Amendment "A" (H-540) to Committee Amendment "A" (H-521) which was read by the Clerk.

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

Representative GATES: Mr. Speaker, Men and Women of the House: What this amendment does is it includes psychologists in the bill and giving them the privilege of diagnosing biologically based mental illnesses. This is something that 12 of the 13 members of the committee specifically decided not to do. It was after a lot of discussion. We had a very good reason for it.

The reason is, these are biologically based mental illnesses, usually that relates to a chemical imbalance in the brain with many of these items. We were very concerned to limit this bill to truly biologically based illnesses, because we didn't want any abuse in any additional cost. Often the way these illnesses are diagnosed is you think you know what it is and you prescribe a certain medication and if the patient responds to the medication then you know you have a biologically based mental illness. Only physicians can prescribe that medication. Psychologists when they end up doing treatment have to work in tandem with an M.D., usually a psychiatrist, if that person is on medication. So because medication is involved and because you have to have a physician probably a psychiatrist involved, we wanted to limit this to the biologically based illnesses by requiring a physician to make the diagnosis. Once the diagnosis is made, the psychologists are free to treat that person as they see fit. I urge you to vote against the pending amendment. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Representative Gates is 100 percent correct. Going along with what is being asked by Committee Amendment "A," I cannot support any additional mandates. This is adding a mandate to another mandate. This has not had a public hearing and I don't feel it is right for us to pass laws that

have not had a proper public hearing. Like I said previously, if this is something that is wanted and desired by Representative Libby, then he should come back and we can have a public hearing and do what is right, if it is the right thing to do. I ask you to oppose the pending motion. Thank you.

The Chair ordered a division on adoption of House Amendment "A" (H-540) to Committee Amendment "A" (H-521).

A vote of the House was taken. 10 voted in favor of the same and 106 against, House Amendment "A" (H-540) to Committee Amendment "A" (H-521) was not adopted.

Committee Amendment "A" (H-521) was adopted. The Bill was assigned for second reading Wednesday, June 21, 1995.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-273) - Minority (3) "Ought Not to Pass" - Committee on Natural Resources on Bill "An Act Concerning Ring Holding Devices Used in Packaging" (H.P. 940) (L.D. 1329)

TABLED - June 19, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Motion of Representative GOULD of Greenville to accept the Majority "Ought to Pass" as amended Report.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to Order by the Speaker Pro Tem.

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

Representative ADAMS: Mr. Speaker I object to the adoption of the Majority "Ought to Pass" Report, but I would like very much to hear somebody who supports it explain why they do. Thank you.

The SPEAKER PRO TEM: The Representative from Portland, Representative Adams has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Thank you Mr. Speaker, Men and Women of the House: I oppose the adoption of the present report, but I posed a question through the Chair to anyone who may care to answer from any of those on the other side who support the adoption thereof and I have yet to receive my answer. I would pose the question again, Mr. Speaker. Thank you.

The SPEAKER PRO TEM: The Representative from Portland, Representative Adams has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Adams.

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

Representative ADAMS: Thank you Mr. Speaker, Men and Women of the House: Since obviously no one supports it and is willing to say why they obviously

don't I would like to say a few words why I would hope, in fact, that you will vote no with the full realization of what then you will hear is from the other side about why you should vote yes.

Freshmen members of the House I know you will be surprised to imagine that we are debating such things as this at such hours as this. I am a little bit surprised too, having just listened to the eloquence of my friend, Representative Dore on an item of absolutely vital and crucial interest to all families in the State of Maine that we should then move to something that others would probably claim as moving quickly from the sublime to the ridiculous. I will be frank. I am amazed that the issue is back on the floor now.

We are speaking about those little plastic rings that hold together various cans of things that you may buy in stores. What happens to them afterward is always been a bit of a concern to the Legislature. Some years ago, we found that this was one object, which by application of some careful thought, Maine could be responsible for coming up with a better answer to.

Last year we reached a unanimous decision, a unanimous agreement, everybody, both parties, both sides of the aisle, both houses, both sides of the table, whether one bought or made or cared about the issue to discuss this again in 1996. Freshmen members of the House I would caution you that nothing you ever agree to can you turn your back on, because somehow all of a sudden it pops up again in 1995.

I would hope that when Mainers give their word and make a deal that is what we keep. For those reasons, I am going to only suggest three things for you to think about while I will ask you to vote with me against adopting the majority position on this bill. You are surely going to hear about it again next year in 1996. Discussion which I fully support then.

Number one, why I believe you should vote against it. Number two, why the heck should we even care? Number three, what we have been doing about it.

Number one, I have expressed my concern that all of a sudden things that are presumably a rock solid agreement from everybody on every side of all the issues all of a sudden come around and hit you in the back of the head through the back door again. I will also express to you why I am a little bit concerned about the proposal before you.

Whatever you may think about these little jiggers that hold together cans, both the United States Government and the State of Maine upon investigation found there was good reason to think we could make better ones. They do entangle wildlife. They do litter beaches. They do litter everywhere they fall and they do not decompose. We will talk more about that in a moment.

The bill before us would simply repeal all the law we have on the book on this subject and replace it with a United States standard, which I am sure the lobbyist were hoping you wouldn't go and look up. I did. The standard which they refer you to, in fact, you can look up.

You will find it on page 969 of the Federal Register, March 1, 1994, which specifically points out that for example this ring carrier under discussion for which federal standards will be set will require that it degrades within 35 degrees. In the latitude of Miami, Florida and particularly they point out that the rule is not meant to apply and I quote "within 35 days in northern coastal waters,"

for example, Maine they know how to spell it M-A-I-N-E.

Specifically they cite us, anything they could apply to us they could not market nationally because it would degrade too quickly in the south. The EPA did not intend and I quote "to interfere with local state or other federal programs pertaining to the regulation of degradable plastics or believed that Congress intended this rule to preempt stringent state and local regulations." You call the people who write the Federal Register and they will tell you they are responding exactly to us and the good progress we had made.

If the idea is to take a good law on the books that is doing good things for good people and replace it with a law that does nothing and doesn't apply to you, people ought to come out honestly and say that, because that is what this does.

Number two, why should you even care? Folks, you and I have been through a lot to come to this point. You and I may not give a dang about ducks, but I am sure you may give a bang about big bucks and that is what this thing represents. These carriers are made by one company in Illinois largely. Illinois Toolworks, a 3 billion dollar company that since 1989 has not been able on its own to come up with a product that would meet the standards that Mainers have set.

We saw it as one little corner of the world where we could take an invention, apply pressure, come up with a better result, answer the concerns of Maine and play a part in the responsibility of coming up with a new invention and reap some of the rewards for doing it.

Believe me folks these little babies are everywhere and you know it. The company that makes them won't tell you, but they make about eight or nine billion, with a b, a year. Now even if they are only a cent or two a piece, you can see that there is big bucks involved. Somebody who invents a better mousetrap is going to make a lot of mousetraps and a lot of money out of selling that mousetrap. If all you make is the old one then you don't want the new to ever get seen.

So, three, what are we going to do about it? What Maine did in 1989 was to issue a challenge to all people who make such things to come up with a better mousetrap. That is, one of these holding devices that would not necessarily strangle things, that would decompose when it fell out of your canoe or fell onto the beach, that would be possible to be recycled, that would live up to the promises that it made.

The industry that makes them since that day has done nothing but try to either repeal or duck or delay that law. Trying to be a responsible citizen, Maine has responded to that, because then again we knew that big money was at stake. Maine could play a part in a good answer, in a little thing, in a small corner of the world.

The result was that in the year 1990, 1991, 1992, 1993, 1994, the one company with the clout, the bucks and the product on the shelves right now tried to repeal the law, duck it, delay it, diddle it, do anything they could to it and has sometimes come very close to it within margins of one vote in some other years in this body.

Maine has held firm with the result that you can see, more or less, in the articles passed out upon your desk, the fact that we were able to push by

pleasant pressure of an existing law a new little invention onto the market. Necessity is the mother of inventions. The guy who came up with this little invention may someday be a millionaire because he found a small thing that answered a big need, solved a small problem that was everywhere and can do a good thing. The company has given Maine that credit.

It is exactly what we should be doing, is finding our corner in the world and doing these things, we have, largely in the telecommunications field, as you have heard when the Utilities Committee has had to debate, we have in many other courses of the natural world as you have heard when we have had debates from the Natural Resources Committee.

Why should we even care? Number one has been a struggle. I will tell you that. The company that makes the plastic ones was caught faking their photo evidence presented to the Legislature in 114th and 115th. They will bring lobbyist of every kind and stripe and both parties all over us. They hired a fellow whose job it was to follow me around and yell at me. They did so, slap that wall over there, question my maternal origins, cussed me out royal. They got a \$10,000 check for it.

If I knew I could earn \$10,000 just by cussing out members of the Legislature I would have signed on myself. Unfortunately that was not offered to me. On the other hand, steady progress has been made because Maine has kept steady pressure upon this one small piece of law with the happy result that indeed you do see.

To conclude, because I do wish the other side, which probably has thought of something, to have a moment to speak. I would point out a number of claims made on the previous sheets that have been handed out.

Do the rings degrade? Folks, talk to employees of the Agriculture Department who nailed them to the roof of the Agriculture Department and they were still there two years later. Go find old State Representative Jim Mitchell who nailed one to his garage and it was still there two years later. You can come up and see me later, we are not allowed to present visuals here in the House. I can show you a plastic ring that was brought to me in 1992 from the summit of Mt. Katahdin where it had wintered over in the crevice of the rocks. If you want to come and look at it, that we have. Or I can show you a whole bunch of these bloody little widgets that I put into my front window in the year 1989, under full blast of the sun, when we first passed this law, which was still there this spring when fire claimed my home. All that changed in those rings was that the plastic tape holding them together weathered and yellowed. The rings are just as good as the day I set them there.

If would seem to me folks that when Mainers make a promise they stick to it. When Mainers look for a result we want it. We have that result slowly making its way to us on the market. In 1996 I fully supported a full discussion of this and a hands off or a hands on as the case may be. I had never anticipated we would be spending your time and mine here just before we go to supper in the year 1995, where folks with a record of dubious promises all of a sudden got another one back onto our desk.

Folks, plastic rings are the buggy whips of the beer can business. Something better is coming and Maine is going to be part of it. Mainers will indeed join in the rewards for it. I want to tell you in

closing that in the great blaze that took my house, a handful of things did survive completely intact. I lost autographed copies of books by Mark Twain burned, letters from Longfellow burned, letters from Chamberlain burned, and my Baxter manuscript burned. What survived, my NRA tote bag and next to it a sack full of plastic six-pack rings. Totally unburned, totally usable and totally opened to your inspection.

Since we are not allowed to use visuals in the House, I would like it if you do not take notice of the fact that I have been holding eight of the cardboard alternatives in the papers from which I have been speaking to you all afternoon. These eight rings were placed in a cooler in August of 1993. In a small store in Portland, Maine where they remained until this morning when I took them out. They are fine. They are perfect. They could be used right now. Humidity did not affect them at all, but if you put them in water they would be dissolved within a very few days, as a testing organization in Rep. Verdi Tripp's very own home town of Topsham discovered and reported as you can read upon those sheets.

Folks, I am tired of talking about these things. I try to sit here quiet and be good. I thought we had made a deal and I expected to tell you all about it again in 1996. I will close until a response may be needed from me again by pointing out these things are unnecessary, unneeded and nasty little annoyances like death, taxes and killer bees. We can do without all three of them and Maine is trying to show the way where we can. You can read all about it on those sheets. Please vote no! Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: A reminder to the members of the House. A reminder of an election a number of years ago and in the elections that as Maine goes, so goes Vermont, but in this article here, as Maine goes, no goes any state in the union. If we go into cardboard rings and what not as the previous speaker has said, manufacturers are going to have to set up machinery just for Maine. Cardboard rings just for Maine. That is going to raise the cost of the goods and Maine is going to pay more. I am tired of Maine paying more for everything they buy, when I can go right across the border, one-quarter of a mile and buy things a lot cheaper. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House: In order not to interfere with my good friend, Representative Adams, I defer interfering with the drama of his first three questions by deferred rising until now. I pledged while campaigning that I would try to help small business a tiny little bit. This bill will help. Who cares? Well, I do. Please support the pending motion. Thank you.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: Normally I have a great deal of respect for the speaking abilities of the good Representative from Portland. However, I think the theatrics this time have gone a little too far.

I have hunted and fished in Maine all my life, ever since I was old enough to be hauled around. I

guess to this point I have never seen a fish or a duck or a woodchuck or anything wearing a ring. I don't know where they get these pictures, but they are not anywhere near my house. I am close enough to New Hampshire so that as Representative Farnum says, if we want to go shopping for groceries, it is not that we go to New Hampshire because we want to, it is because the next nearest place, instead of going five miles across the river we would have to go 20 to 30 miles to Sanford and you would have to pay a lot more anyway, that is neither here nor there.

The big problem with the argument against these rings as far as degradation of them, as I worked in the plastics industry several years ago in the polyethylene film company, just down the road from here, one of the things that we got into back then, in the 80s really before it was too popular was recycling. We would buy used plastic bags specifically the bags that were used in the returnable beverage system. The bags that had cans in them that went back and we took the bags and grind them up, repellet them and turn them back into industrial film. In other words, we recycled the stuff.

One of the things that was necessary, however, of this material is that it couldn't have been degraded. Some of you that use polyethylene film on construction sites and around farms and what not know that if you leave it out more than one summer, it all crumbles and falls apart. At that point you can't recycle it.

Another one of the things we have asked the ring industry to do is to come up with a recycle and reuse policy. They do reuse the things. We have heard from the folks like Representative Povich that has stores. They buy the soda in bulk and have one of their storekeepers put these used rings on these beverages to come up with six-packs and they save a few cents a six-pack that way and make a little more money. I guess that is a dirty word. If these things degrade, the way some would like them to degrade, we wouldn't be able to reuse or recycle them. They would be of no value at all. It would just be a one time shot.

One thing that I am concerned with the cardboard rings, even if they work, one of the problems with them is sliding through the machine that inserts the cans in them. I am wondering if one of things that they are going to have to do to make them work is to put a film of polyethylene in them and that will cause the same problem that we have now. As far as a new product coming on the market, I don't have any problem with supporting anybody that comes up with a better mousetrap or a better package to do the job.

I am a little concerned with coming up with legislation that stands as a stumbling block to the current best practice in order to let somebody else slip in. I think that is abuse of legislative power and of rulemaking. Thank you very much.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: There was a study recently done called the wood lot alternative study and I would like to just make mention of one of the findings of the scientific study and then I will sit down.

"It is such an infrequent occurrence to have fish and wildlife become entangled in any carrier that impacts are likely not measurable at population levels." That should tell you that we are debating

something here that maybe we ought not to be debating at this point in time. I hesitate to rise as far as I think some of my colleagues, but I think it is important that we add that to the debate. I hope you will support the pending motion. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House: I rise to oppose the pending motion. My name will appear on the Minority Report. Representative Libby from Buxton stated that this debate should not be held now. I would agree with that. It should be held in 1996 as it was planned. Cardboard will be recycled. It can be recycled. It can be reused. The ring holders, we had sampled in our committee, but we felt that it would be ungumane to our conversation. There was a lot of old baggage with this bill. Being new to the legislature, it was obvious that there was some old baggage with it. It was dumped on some of us. I didn't appreciate it. I think someone is taking steps forward. I think Representative Adams is working hard. It obviously had support in the past. I would appreciate you postponing this now and we will revisit it in 1996 as it was planned.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: I am in the same business as Representative Povich and I spend my Sunday mornings going around to the various stores in my area, they don't reuse those plastic rings, but I do. I save a great deal of money for myself and for my customers by reusing that product.

I have another statistic here that is important. The Maine Beach Sweep from the Center for Marine Conservation during 1988 and 1993 showed that when they cleaned 996 miles of beaches, six-pack rings represented only .34 percent of the total debris gathered. The total number of entanglements they found were 14. Most of those were through fishing lines and only one entanglement was attributed to six-pack rings. Thank you.

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

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I have not seen birds caught in the plastic rings myself, but and I know about the report regarding the beaches being cleaned, but if you are sailing in the outer islands of the coast of Maine, I have spent enough time doing that and walking on the perimeters of the island to have seen the plastic rings spoiling the beauty. I have also been fortunate enough to spend some time on vacation down in the Caribbean on a little island off Puerto Rico. There they are not so diligent about cleaning the beach that sometimes you want to swim from, so the beach which faces the north Atlantic on this island is encumbered by all manner of plastic stuff that just sits around and sits around. I saw. I hope that we can do something to help clean up our environment.

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

Representative ADAMS: Thank you Mr. Speaker, Men and Women of the House: When my friends Mr. Buck and Mr. Povich both run small stores speak I do listen. I went to one of their colleagues, the family that runs the small market down the street from me a year

ago. I asked if we might run a test in their store. We were using the cardboard alternatives. They agreed. We went through several thousand cardboard six-packs. That is six-packs held together by these cardboard rings. Over the period of time that indeed we ran that test.

They have sent me a lovely testimonial letter which I won't read into the record. It is available down in the Natural Resources room. They also have copies of it. Street test in a pretty rough part of town, bare knuckle folks walked in grabbed what they wanted and left. They had their option of regulars or the ones in cardboard. Over all the months we did it no drop outs, no breaks, no trouble, no nothing, no returns and just a lot of compliments and indeed it did work.

Cost, I do listen when my friends Mr. Povich and Mr. Buck speak about that. So far as we know, because they won't tell us the people that make the plastic ones more or less cost 1.2 cents a piece. The cardboard ones cost 1.6 cents. There should be no reason to worry about the cost of your beverage going up unless they are going to raise it already for other reasons and they have.

In 1989 when we had no law about plastic rings a six-pack of Diet Dr. Pepper up at the Shaws up here in Capital Plaza in Western Avenue cost \$1.89. Last night with no difference in the rings carrying it cost \$3.99. Now Mr. Buck and Mr. Povich I am sure have never raised prices like that in their life and I trust their stores are good ones.

The plastic, the container made absolutely no difference. Can you reuse them? Yup. Gentlemen I invite you to come and see me. I will loan you one of the little frame devices that you can put the things back into your own cardboard rings. I have one, but I can't show you here. In the office it has been used six times that we know of to carry a complete set of six home and the empties back filled up and gone home again. The thing is still fine. Glad to show you how to use it.

Recycling. Mr. Marshall brings up an interesting point. Regrettably you really can't throw these rings into a normal recycling bin because allegedly they being biodegradable under sunlight. They can't be mixed in with regular plastic because it adulterates the regular run of plastic with an unattractive feature. That is degradability.

The only place where they are reused is back in Illinois where they are made. Everyone of these, and we don't know how many there are in Maine because again they won't tell us, have to be trucked back to Illinois where they can be used for only one thing, making more little rings. They breed like coat hangers in Illinois.

The machines did indeed exist. They were run upon a test basis in March of 1994 to see how they could stand up to the speed necessary for ringing and canning, average soda or beer cans, industrial speeds are between 1800 and 2200 cans a minute. The test machines and the plant in Ayer, Massachusetts in March of 1994 ran at test speeds, at that speed, in three days packed enough rings in cardboard to last three days for three months of the summer trade in Maine or a month and a half in the summertime. Those were sold on Maine shelves to good response last year.

Only a tiny portion of Maine's shores are cleaned in any given year where these rings may be picked up in the coastal cleanup. Maine's coast has just been expanded due to the latest satellite survey to about



7,000 miles long. Cleaning a little less than 9,000 miles of it by weight, which is the secret word, you will find that the rings are probably .3 percent or something in weight. In number, however, they are the second largest thing found. Second only to monofilament fishing line and plastic cups.

Thirdly, aren't you tired of all this. Folks, I anticipated we would be talking about this at length in 1996 to give the science a chance to work itself out to give both sides a chance to put their best foot forward and both of us, no matter what side we have on the issue, a chance to talk about it in 1996. When I make a deal I stick to it. That is where we will be talking about it.

My friends Mr. Povich and Mr. Buck I would love to talk to you about it. As far as the State of Maine goes, I hope that we stick with what we did before because nothing we do right now can harm it all. It will be on the shelves this summer. Nothing will change a bit. There is no law in effect. It is on the books. We can repeal it. We can deal with it. We can do anything we want with it in 1996. When both sides have had a chance to put their best foot forward. Not preempt it now. When we make a deal I hope we all stick to it.

I would ask you please to vote no now and brace up to hear about it again in 1996 when all sides have had their chance to do their best. Thank you.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: We can do anything we want to do right now on June 20, 1995 and I certainly hope that what we are going to do is pass the Majority "Ought to Pass" Report. I am going to use one swear word and I am sure the Speaker may possibly gavel me on this.

I am a capitalist. Some people do consider that a swear word, but he didn't gavel me on that. What do I mean that I am a capitalist? What I mean is very simple. If there is a better product on the market, the market will then show which product is better. Now as much has been said of the Illinois Tool Company. What a big company they are and how much money they got behind them, etc. That is a good point, but I want you to realize that the market test that is being done now on the paper cardboard yokes is not being put out by some little company that has no money. They are a company called International Paper. They do have a buck or two to market those goods.

If those goods, the paper yokes are better than the other yokes, the market will prove that. That is what I have the greatest faith in. I will close with this remark. I live three miles south of here during the session. One thing that I have noticed lately, in fact the past two days, there are seven dead squirrels in the three miles from here to my house that have been run over. That is more dead animals, I have seen there than I have seen as a woodsman, hunter and fisherman with yokes around their necks.

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

Representative LEMKE: Thank you Mr. Speaker. The good Representative from Greenville brought something to mind. Actually, I am a capitalist myself. I try to sell books, but it just occurred to me, I am a biologist too, because we voted this morning that we had the ability to deal with issues that deal with the birds and the bees and invertebrates. I must say

in this handout that this gull, it doesn't look much like a gull to me, does look like he is in distress. I think this is our first test here on this particular vote on this. We are going to make history so be very serious on this vote.

The Chair ordered a division on the motion to accept the Majority "Ought to Pass" as amended Report.

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

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of 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 pending question before the House is acceptance the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 199

YEA - Ahearne, Aikman, Ault, Bailey, Barth, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Clark, Cloutier, Clukey, Cross, Damren, Davidson, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gould, Greenlaw, Hartnett, Heino, Jacques, Jones, K.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, Lane, Layton, Lemaire, Libby JD; Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, Ott, Paul, Peavey, Perkins, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Savage, Saxl, M.; Simoneau, Stedman, Strout, Taylor, Thompson, True, Truman, Tufts, Tuttle, Tyler, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Adams, Benedikt, Berry, Bigl, Brennan, Chartrand, Chase, Chizmar, Daggett, Desmond, Gates, Gerry, Gieringer, Gooley, Green, Hatch, Heeschen, Johnson, Jones, S.; Kilkelly, Kontos, LaFountain, Lemke, Libby JL; Lindahl, Look, Martin, Mitchell JE; O'Neal, Pendleton, Pinkham, Richardson, Rowe, Samson, Shiah, Sirois, Stevens, Stone, Townsend, Treat, Tripp, Vigue, Volenik, Watson.

ABSENT - Dexter, Guerrette, Hichborn, Lemont, Luther, Meres, Ricker, Rotondi, Saxl, J.; Spear, Yackobitz.

Yes, 96; No, 44; Absent, 11; Excused, 0.

96 having voted in the affirmative and 44 voted in the negative, with 11 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-273) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, June 21, 1995.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

On motion of Representative CLOUTIER of South Portland the House reconsidered its action whereby Bill "An Act to Change the Licensing Year for Certain

Marine Resource Licenses" (H.P. 1032) (L.D. 1451) (C. "A" H-528) was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Wednesday, June 21, 1995.

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On motion of Representative BARTH of Bethel the House adjourned at 7:20 p.m. until 9:00 a.m., Wednesday, June 21, 1995.