

# 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  
69th Legislative Day  
Thursday, June 29, 1995

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

Prayer by Honorable John L. Tuttle, Jr., Sanford.  
The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Ought to Pass as Amended**

Report of the Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-339) on Bill "An Act to Promote the Health of Maine's Children by Preventing Illegal Tobacco Sales" (S.P. 306) (L.D. 845)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-339) as amended by Senate Amendment "B" (S-361) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-339) was read by the Clerk. Senate Amendment "B" (S-361) to Committee Amendment "A" (S-339) was read by the Clerk and adopted. Committee Amendment "A" (S-339) as amended by Senate Amendment "B" thereto adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-33) as amended by Senate Amendment "B" (S-361) thereto in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 251) (L.D. 648)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-332) as amended by House Amendment "A" (H-638) thereto on June 27, 1995.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-332) as amended by House Amendment "A" (H-638) thereto on June 28, 1995 in concurrence.

- Recalled from Engrossing Department pursuant to Joint Order (S.P. 601)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-332) as amended by Senate Amendment "A" (S-362) thereto in non-concurrence.

House voted to Recede and Concur.

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

**COMMUNICATIONS**

The following Communication: (H.C. 236)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY  
June 26, 1995**

The Honorable Jeffrey H. Butland  
President of the Senate  
The Honorable Dan A. Gwadosky

Speaker of the House  
117th Maine Legislature  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	36
Ought to Pass	0
Ought to Pass as Amended	18
Ought Not to Pass	17
Re-referred	1

Divided Reports	7
Carry Over	4
Total number of bills	47

Respectfully submitted,  
S/Vinton E. Cassidy      S/Marge L. Kilkelly  
Senate Chair              House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 237)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

June 26, 1995

The Honorable Jeffrey H. Butland

President of the Senate

The Honorable Dan A. Gwadosky

Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	44
Ought to Pass	0
Ought to Pass as Amended	27
Ought Not to Pass	17

Divided Reports	21
Carry Over	9
Total number of bills	74

Respectfully submitted,  
S/I. Joel Abromson      S/Marc J. Vigue  
Senate Chair              House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 238)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

June 26, 1995

The Honorable Jeffrey H. Butland

President of the Senate

The Honorable Dan A. Gwadosky

Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	65
Ought to Pass	4
Ought to Pass as Amended	32
Ought Not to Pass	27
Re-referred	2
Divided Reports	15
Carry Over	4
Total number of bills	84
Respectfully submitted,	
S/Philip E. Harriman	S/G. Steven Rowe
Senate Chair	House Chair
Was read and ordered	placed on file.

The following Communication: (H.C. 239)

**STATE OF MAINE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**  
**COMMITTEE ON CRIMINAL JUSTICE**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	81
Ought to Pass	9
Ought to Pass as Amended	32
Ought Not to Pass	39
Re-referred	1
Divided Reports	18
Carry Over	6
Total number of bills	105
Respectfully submitted,	
S/John W. Benoit	S/Herbert E. Clark
Senate Chair	House Chair
Was read and ordered	placed on file.

The following Communication: (H.C. 240)

**STATE OF MAINE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**  
**COMMITTEE ON HUMAN RESOURCES**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Human Resources during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	86
Ought to Pass	5
Ought to Pass as Amended	29
Ought Not to Pass	51
Re-referred	1
Divided Reports	14
Carry Over	3
Pursuant to Joint Order	1

Total number of bills	104
Respectfully submitted,	
S/Joan M. Pendexter	S/Michael J. Fitzpatrick
Senate Chair	House Chair
Was read and ordered	placed on file.

The following Communication: (H.C. 241)

**STATE OF MAINE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**  
**COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	46
Ought to Pass	0
Ought to Pass as Amended	13
Ought Not to Pass	32
Re-referred	1
Divided Reports	10
Carry Over	3
Total number of bills	59
Respectfully submitted,	
S/Stephen E. Hall	S/Dorothy A. Rotondi
Senate Chair	House Chair
Was read and ordered	placed on file.

The following Communication: (H.C. 242)

**STATE OF MAINE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**  
**COMMITTEE ON JUDICIARY**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Judiciary during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	112
Ought to Pass	9
Ought to Pass as Amended	44
Ought Not to Pass	55
Re-referred	4
Divided Reports	18
Carry Over	13
Total number of bills	143
Respectfully submitted,	
S/S. Peter Mills	S/Sharon Anglin Treat
Senate Chair	House Chair
Was read and ordered	placed on file.

The following Communication: (H.C. 243)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	52
Ought to Pass	6
Ought to Pass as Amended	22
Ought Not to Pass	23
Re-referred	1

Divided Reports	32
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Carry Over	5
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Total number of bills	89
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Respectfully submitted,

S/Charles M. Begley	S/Pamela H. Hatch
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 244)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	102
Ought to Pass	13
Ought to Pass as Amended	31
Ought Not to Pass	58

Divided Reports	27
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Carry Over	5
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Total number of bills	134
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Respectfully submitted,

S/Norman K. Ferguson, Jr.	S/Guy R. Nadeau
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 245)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

June 26, 1995

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

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	42
Ought to Pass	1
Ought to Pass as Amended	14
Ought Not to Pass	27

Divided Reports	8
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Carry Over	2
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Total number of bills	52
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Respectfully submitted,

S/Jeffrey H. Butland	S/Peter A. Cloutier
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 246)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	71
Ought to Pass	1
Ought to Pass as Amended	33
Ought Not to Pass	37

Divided Reports	17
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Carry Over	2
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Total number of bills	90
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Respectfully submitted,

S/Willis A. Lord	S/Richard A. Gould
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 247)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	85
Ought to Pass	13
Ought to Pass as Amended	25
Ought Not to Pass	45

	Re-referred	2
Divided Reports		31
Carry Over		6
Pursuant to Joint Order		5
Total number of bills		127
Respectfully submitted,		
S/Jane A. Amero	S/Beverly C. Daggett	
Senate Chair	House Chair	
Was read and ordered placed on file.		

The following Communication: (H.C. 248)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	111
Ought to Pass	2
Ought to Pass as Amended	31
Ought Not to Pass	75
Re-referred	3
Divided Reports	22
Carry Over	8
Total number of bills	141

Respectfully submitted,  
S/W. John Hathaway S/Susan E. Dore  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 249)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Transportation during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	97
Ought to Pass	4
Ought to Pass as Amended	27
Ought Not to Pass	66
Divided Reports	7
Carry Over	3
Pursuant to Joint Order	1
Total number of bills	108

Respectfully submitted,  
S/Albert G. Stevens S/William B. O'Gara  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 250)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

June 26, 1995

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	55
Ought to Pass	5
Ought to Pass as Amended	24
Ought Not to Pass	26
Divided Reports	9
Carry Over	6
Total number of bills	70

Respectfully submitted,  
S/David L. Carpenter S/Carol A. Kontos  
Senate Chair House Chair  
Was read and ordered placed on file.

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

**ORDERS**

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 31)

ORDERED, that Representative Sumner A. Jones, Jr. of Pittsfield be excused June 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard Kneeland of Easton be excused June 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael J. McAlevey of Waterboro be excused June 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Robert E. Yackobitz of Hermon be excused May 25 for the duration of his illness.

Was read and passed.

**UNFINISHED BUSINESS**

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

An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws (MANDATE) (H.P. 1029) (L.D. 1444) (C. "A" H-572; H. "A" H-587) TABLED - June 28, 1995 (Till Later Today) by Representative HICHBORN of Lagrange.  
PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all members being necessary, a total was taken 105 voted in favor of the same and 2 against, accordingly

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

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

**SENATE PAPERS**

The following Communication: (H.C. 252)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

June 28, 1995

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

Dear Clerk Mayo:

Please be advised that the Senate today Insisted on its former action whereby it Accepted the Minority Ought Not To Pass Report from the Committee on Legal and Veterans Affairs on Resolve, to Allow Jose Gonzales to Bring an Action Against the State (H.P. 1077) (L.D. 1519).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Regarding Narcotic Dependency" (S.P. 600) (L.D. 1585) (Governor's Bill)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-365).

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Under suspension of the rules and without reference to a Committee, the Bill was read once.

Senate Amendment "A" (S-365) was read by the Clerk and adopted. Under suspension of the rules the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-365) in concurrence. Ordered sent forthwith.

**Non-Concurrent Matter**

Bill "An Act to Establish a Management Framework for the Lobster Fishery within State Waters" (H.P. 577) (L.D. 782) which was passed to be engrossed as amended by Committee Amendment "A" (H-570) in the House on June 22, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-570) as amended by Senate Amendment "C" (S-359) thereto in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Related to Optometry" (H.P. 590) (L.D. 800) which was passed to be engrossed as amended by Committee Amendment "A" (H-534) as amended by House Amendment "A" (H-558) thereto in the House on June 21, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-534) as amended by House Amendment "A" (H-558) and Senate Amendment "C" (S-357) thereto in non-concurrence.

The House voted to Recede and Concur.

On motion of Representative BIRNEY of Paris, the House reconsidered its action whereby the House voted to Recede and Concur.

Representative BIRNEY of Paris requested a roll call on the motion to Recede and Concur.

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 Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I also would encourage you to vote in support of this amendment. It was an agreement reached by all parties involved and we would all appreciate your support. Thank you.

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

**ROLL CALL NO. 266**

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

ABSENT - Bigl, Cloutier, Dexter, Dore, Keane, Kilkelly, LaFountain, Martin, Nickerson, Poirier, Poulin, Spear, Tyler, Yackobitz.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, the House voted to Recede and Concur.

On motion of Representative JACQUES of Waterville the following item was removed from the Unassigned Table:

Resolve, Directing the Department of Environmental Protection to Extend the Deadline for Licensure of

the Transfer Station on Long Island (EMERGENCY) (H.P. 4) (L.D. 1)  
TABLED - January 4, 1995 by Representative JACQUES of Waterville.  
PENDING - Reference.

On motion of Representative JACQUES of Waterville, the Bill was indefinitely postponed and sent up for concurrence.

On motion of Representative JACQUES of Waterville the following item was removed from the Unassigned Table:

HOUSE ORDER - Relative to amending House Rule 49 (H.O. 7)

- In House, Read on January 24, 1995.

TABLED - February 17, 1995 by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES, the House Order (H.O. 7) was indefinitely postponed.

On motion of Representative JACQUES of Waterville the following item was removed from the Unassigned Table:

JOINT ORDER - Relative to establishing the Joint Select Committee to Investigate the Implementation of the Maine Motor Vehicle Emission Inspection Program (H.P. 526)

- In House, Read on March 2, 1995.

TABLED - March 7, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

On motion of Representative JACQUES, the Joint Order (H.P. 526) was indefinitely postponed.

On motion of Representative JACQUES of Waterville the following item was removed from the Unassigned Table:

JOINT ORDER - Relative to the Joint Standing Committee on Natural Resources (H.P. 529)

- In House, Read on March 2, 1995.

TABLED - March 7, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

On motion of Representative JACQUES, the Joint Order (H.P. 529) was indefinitely postponed.

On motion of Representative JACQUES of Waterville the following item was removed from the Unassigned Table:

Expression of Legislative Sentiment recognizing Peter Miesburger (HLS 137)

TABLED - March 23, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

Subsequently, the Legislative Sentiment was passed and sent up for concurrence. Ordered sent forthwith.

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

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

#### UNFINISHED BUSINESS

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

JOINT ORDER - Relative to the Joint Standing Committee on Education and Cultural Affairs reporting out a Bill. (H.P. 1144)

- In House, Read on June 28, 1995.

TABLED - June 28, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage.

Subsequently, the Joint Order was indefinitely postponed.

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

#### COMMUNICATIONS

The following Communication: (H.C. 253)

#### DEPARTMENT OF LABOR BUREAU OF LABOR STANDARDS

June 14, 1995

The Honorable Dan A. Gwadosky

Speaker of the House

State House Station #2

Augusta, ME 04333

The Honorable Jeffrey H. Butland

President of the Senate

State House Station #3

Augusta, ME 04333

Dear Speaker Gwadosky and President Butland:

I am pleased to submit, in accordance with M.R.S.A. Title 26, Section 1724, the annual report of the Maine Chemical Substance Identification Program.

The 1994 program year was very active. Program staff are to be commended on their efforts in maintaining a high standard of response to evolving needs.

Please do not hesitate to contact me directly with any questions or comments regarding this program or the report.

Sincerely,

S/William A. Peabody

Deputy Director

Was read and with accompanying report ordered placed on file.

#### ENACTORS

##### Emergency Measure

An Act Regarding the Functioning of the Department of Mental Health and Mental Retardation and Several Professional Regulatory Boards (H.P. 483) (L.D. 664) (H. "A" H-648 to C. "A" H-626)

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 Amend Certain Laws Affecting the Department of Environmental Protection (H.P. 989) (L.D. 1397) (C. "A" H-552; H. "A" H-549)

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

An Act to Amend the Adoption Laws (S.P. 515) (L.D. 1400) (C. "A" S-350)

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. 106 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, Requiring a Study of How the State Should Regulate Naturopaths (H.P. 1087) (L.D. 1532) (H. "A" H-613 and H. "B" H-647 to C. "A" H-508)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 24 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act Regarding Unredeemed Deposits on Beverage Containers (H.P. 506) (L.D. 687) (H. "A" H-639 to C. "A" H-498)

An Act to Ensure the Continuation of Current Hospice Services (H.P. 712) (L.D. 969) (H. "A" H-652 to C. "A" H-649)

An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs (H.P. 946) (L.D. 1335) (C. "A" H-456)

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

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

#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

Bill "An Act to Protect Constitutional Property Rights and to Provide Just Compensation" (H.P. 867) (L.D. 1217)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-601) on June 27, 1995.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-601) as amended by Senate Amendment "B" (S-363) thereto in non-concurrence.

TABLED - June 28, 1995 by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative GOULD of Greenville, the House voted to Recede.

Senate Amendment "B" (S-363) to Committee Amendment "A" (H-601) was read by the Clerk.

On motion of Representative GOULD of Greenville, Senate Amendment "B" (S-363) to Committee Amendment "A" (H-601) was indefinitely postponed.

The same Representative presented House Amendment "B" (H-653) to Committee Amendment "A" (H-601) which was read by the Clerk and adopted.

Committee Amendment "A" (H-601) as amended by House Amendment "B" (H-653) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-601) as amended by House Amendment "B" (H-653) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

Bill "An Act to Establish a Management Framework for the Lobster Fishery within State Waters" (H.P. 577) (L.D. 782) which was tabled by Representative JACQUES of Waterville pending further consideration.

-In House passed to be engrossed as amended by Committee Amendment "A" (H-570) in the House on June 22, 1995.

-In Senate passed to be engrossed as amended by Committee Amendment "A" (H-570) as amended by Senate Amendment "C" (S-359) thereto in non-concurrence.

On motion of Representative CLOUTIER of South Portland, the House voted to Adhere.

Representative ETNIER of Harpswell moved that the House reconsider its action whereby the House voted to Adhere.

Representative CLOUTIER of South Portland requested a division on the motion to reconsider.

A vote of the House was taken. 70 voted in favor of the same and 24 voted against, the motion to reconsider was accepted.

Representative ETNIER of Harpswell moved that the House Recede and Concur.

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 Cloutier.

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief in my remarks. The reason I asked for a division was simply to get everyone back into the House because I think this is an extremely important piece of legislation. I have always felt that it should be defeated. I would like to bring to your attention, ladies and gentlemen, a couple of issues that we discussed in the last debate and they were simply my objection to this particular piece of legislation was the trap limits. It is beyond me how any of us who are here in the House can impose such a serious, serious threat to our own Maine lobstermen and each one of their own family owned individual businesses by limiting what they have worked for 25 to 30 years to build up and take 60 percent of their business away from them. We are only talking a mere 50 to 60 lobstermen in the State of Maine.

We have legislation in front of us that would strip them, rip the guts out of their families and their future families and possibly the whole industry

in the State of Maine. It is such a serious, serious piece of legislation. It has run into all types of problems, ladies and gentlemen. These are the amendments that have been made up on this bill. I don't even know what was in the latest amendment, because it was done so quickly. This is a bad bill. I have always wanted this bill to be recommitted to committee so we could discuss the whole bill, knowing all the facts, not amendment after amendment after amendment and not the whole committee discussing this. We are talking about the future of the Maine lobster industry.

I have to share with you a letter that I don't think anybody here has seen, but it is a gentleman from South Harpswell. His name is Scott Roberts. I would like to share with you his remarks. "Dear Representative Cloutier: I write this letter with regard to the lobster bills now before you. It is time you heard a different perspective. My name is Scott Roberts and I have been a Casco Bay fisherman for 40 years and a lobster buyer out of Harpswell. I believe that the New England Fisheries Management Council is no friend of Maine. It is controlled by draggersmen of the southern New England States. They have designed to put whatever pressure they can to influence the only fishery left that can extend the life of the draggersmen of southern New England, namely the Maine lobster fishery.

In the name of conservation, they will propose a management program, which if implemented will devastate Maine and enhance the rest of the New England state. Two blatant examples are the threat of the 3 1/2 inch measure and a proposed trap limit for Maine. I am not too concerned about the 3 1/2 inch measure, however, the lobster industry is. I am concerned about the trap limits, which is the second issue. I will eliminate the carapace. The second ill-conceived concept is the trap limit proposal."

I ask that you listen to what this gentleman has to say. "If conservation is the real goal, why force action that targets only a small group of lobstermen that fish more than 1,200 traps? It makes no sense. That group consists of less than 50 to 60 boats out of 3,000 full-time lobstermen. There are 6,000 lobstermen in the industry. What does make sense are two things. If you are a fisherman from out-of-state dragging lobsters three miles off the coast of Maine, the last thing you want to see are Maine lobster traps and Maine lobstermen in your dragging way." I will add especially if you are grabbing our breeders and you are scrubbing them and you are bringing them down to Portsmouth, Massachusetts, Connecticut and Rhode Island and laughing at our lobstermen.

Second, the only Maine lobster trap fishermen that are geared to fish outside the three-mile limit are those with bigger boats that fish large gangs of traps of 1,500 or more. The New England Fisheries Management Council knows who they are and how many there are from the FCC permits. Those are the federal permits issued to fishermen outside the three-mile limit. They are trying to eliminate all of those that they can. These are the very fishermen that the trap limit proposals target. The council's contention, that is the New England Fisheries Management Council, is that if the Maine fisheries fleet can be held to small boats with small gangs of traps of 800 or less by the implementation of trap limits then the off shore-fishery beyond three miles will be fair game, unopposed and available for devastation by out-of-state dragging interests.

The feds threaten that if Maine doesn't implement the trap limit a lot of conservation programs similar to theirs will impose a measure to increase a 3 1/2 carapace objective. It is now at 3 1/4. I contend that if we do impose trap limits and other demands by them, we will still get the measure increase as it is one of their prime objectives. The waiting fishery of the lobster draggers beyond Maine limits has no interest in Maine's smaller and cheaper in-shore fishery. They lie and wait, listen to this, this is a great line, for larger more valuable lobsters after we in Maine have grown them in our bays and rivers and that is what is happening.

If you don't wish to accept this view of what motivates the NEFMC, which is the New England Fisheries Management Council, ask yourself why the council doesn't even consider pushing any of Maine's obviously time proven conservation measures. We have the best conservation in the lobster industry in the world. The Maine lobster industry is the international lobster industry. Why aren't Maine lobstermen more fairly represented on the council? Why aren't they more fairly represented on the council? That has been my contention from the beginning. They have a clear majority. The draggers on the New England Fisheries Management Council have the clear majority. I believe the reason is clear.

They don't have a conservation bone in their collective bodies and greed and survival are their only motivators. It is a question of following a buck. Kick our lobstermen right off their traps. Kick them out of our gulfs. Kick them out of Casco Bay. Kick them out, up and down the coast and let the draggers move in. They are doing it. Neither reason, history nor common sense will reverse their formula for achieving their goals. For Maine to adopt any measure proposed by the NEFMC places us right in their hands and at their mercy. So long as the New England Fisheries Management Council remains unchallenged, they will continue to push their hidden agenda on Maine. They have ruined the ground fishery and now they must atone by opening the door to drag more lobsters. That is the bottom line.

The off-shore waters of Maine are a nearly untouched resource and those in the dragger business in all the other states have only recently come to realize its potential. Now they are poised to use and abuse it if necessary, but only if we bow, only if this state, the only state that, so far, is willing to enact trap limits. The rest of the states don't have them. The rest of the New England states don't have them, Massachusetts, Connecticut, Rhode Island and New Hampshire. They do not have trap limits. Massachusetts has a voluntary trap limit. I believe that is because of legal reasons. They are now poised, like I said, if we bow to the NEFMC, we will be one step behind the ground-fish dragger fishermen in 5 to 10 years.

In closing, if Maine adopts anyone of the council's proposals in this years legislative round, we will send a loud and clear message to the feds that their demands are justified and the need for the council exists. If, on the other hand, Maine stands up and calls the council's bluff this year, Maine will enact the largest conservation to date for the lobster fishery. If we have the resolve to stand upon the legacy of our forefathers, it is my belief that the feds will back off and they won't be telling our lobstermen what to do, they will be telling all of the New England lobstermen what to do and maybe

they will take our lobstermen off the endangered species list.

Ladies and gentlemen, Maine must stand up for herself, even if she stands alone. It won't be the first time. The choice is clearly yours. I thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to refocus a little bit. Let's go back to why we are here. For those of you who were here the last time we talked about this bill, we are here for one reason, because the lobster fishermen came to us and said that we have to help them out. Otherwise, we wouldn't even be standing here. We would be already to go home.

We started the process of helping them out. This body, with its wisdom to pass the bill initially, we sent it over to the Senate and they put some dressing on it. They corrected a few errors we had made and tried to make some adjustments for a few concerns and now it is back to us. It is still in good form.

Here are four very quick things for you to think about. One, the red sheet you received, this was killed in the other body and that is not under consideration today. That doesn't affect the debate today. One, I have already talked to you about why we are here. We are here because the lobstermen asked us to be here. Otherwise, we wouldn't be here, that is the lobstermen up and down the coast, I already mentioned why the bill is back, they did some work in the Senate so it had to come back to us in nonconcurrency. It is still a good bill. It is not a perfect bill, but it is a good bill. Why it is a good bill is because we finally brought the lobstermen in to help themselves out.

We have a good framework set up here. This is a framework. This is not the road. This is the framework that points in the right direction and then we are going to turn it over to the lobstermen to manage themselves along the coast. That is the real key part of this. I would like to have you have a little update on what is going on. I have the coastal commercial fishery news. The last debate I didn't read to you a short piece out of there where lobsters, it was a hard time finding them back in June. There was concern about the ever increasing amounts of gear in the water as was mentioned in this article.

In an update in the Coastal Fisheries News that I got this morning, actually I got in the mail yesterday. I am going to read out of it. There was a discussion about the ever increasing number of traps covering the ocean bottom. The reason that came up was because the catch is not there right now. They need to do something. Not to simply stabilize efforts, but to scale it back. Here is a quote. "When everything is moving, you can catch nearly all the marketable lobsters and make a big dent in the resource," one lobster fisherman said. That is a lobster fisherman that is not one of us. He felt a need for stronger protective measures of sort and says, "The resource cannot fight for itself. We have to fight for the resource."

You have heard some talk about the lobstermen. They are pretty smart and they are small business people. Most of them have their own boats and or have one sternman, that is pretty close to 80 percent of them and that is the way they operate. They are pretty smart. They know what is going on. They also

know what is going on out in that fishery and that is why you see in the coastal Commercial Fisheries News that little waiver of anticipation. There is a tentativeness around the lobstermen. It isn't there. We had the big catch last year and it has been up there this year. What is happening? They started years ago trying to do something, but last year is when they approached us.

I think it is time now to say to the lobstermen who came to ask us to do something for them, I think it is time for us now to say, "Ok, were going to do something for you." It is time we step up and do that and I recommend that we do that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House: A former Representative of this body once said to me, "When you make a speech, it should have a good beginning, a good ending and it should be relatively close together." I think now is the time for that. It has been a long session and I know the last thing you want to hear about is lobsters, but you're going to.

Last week, on Thursday evening, this House debated for 2 1/2 hours the virtue of managing the lobster resource. It was a strong vote and it sent a strong message that they wanted to do that. It is a good first step. We could possibly have a lobster management plan in place. I appreciate what the good Representative from South Portland said about the New England Management Fisheries Council. They are tied in 16 knots. Action from them will never come, never. The person, committee or group that is going to take action is going to the Atlantic States Fishery Management Council and they are made up of every single state on the east coast from Maine to Florida. We only have three votes on that council.

They will do what they want. There will be no public hearing. There will be no public input. They will dictate from Washington, D.C. and what they will give us will look nothing like this plan. It will be much more severe. It would be wonderful if we could do this on our own. Earlier today, under the hammer, we implemented a fantastic smoking bill that addresses the problem of minors smoking in the state. It is landmark legislation and the State of Maine has been the lead on this. Wouldn't it be nice to be the lead of the management program. This certainly is not the end of this bill.

I see in the second session the zones and councils that this bill establishes giving input into the Marine Resources Committee. I see the committee taking another look at this. This is the first step, not the final step. I see input, possibly, from the feds. I would also like you to keep in mind concerning the feds, they are from three miles out. They can do anything they want in their waters. If it is more restrictive than our laws, it comes to the beach, it will come right in and take out every one of your lobstermen, especially the 2,000 in the State of Maine that have lobster licenses to fish in the federal waters.

In closing, that is all I would like to say about this. I would like to stop talking about lobsters and I would like to have the opportunity to go home and catch a few. I would hope you would very much support this motion and when the vote is taken, Mr. Speaker, I request the yeas and nays. Thank you.

Representative LEMONT of Kittery requested a roll call on the motion that the House Recede and Concur.

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 Chair recognizes the Representative from South Bristol, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: My position hasn't changed on this bill. I still support the bill. I have had many, many calls and lots of fishermen in the halls that all support this bill. Many of whom have 1,200 to 1,800 traps. I am a lobster fisherman and I think we did a good thing the other day and we should continue on today and support the recede and concur motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Mr. Speaker, Ladies and Gentlemen of the House: I just want to bring up a couple of things in the amendment on this L.D. First, who can get in and who can't get in. We have heard a lot of talk about dragging for lobster that has ruined the fisheries, which I believe it has.

Other states allowed dragging in their states and we don't allow it in ours. Under the new amendment here, the people who can get licenses are people who have held a lobster license 1 year out of the last 10, but held dragging licenses last year. We are putting and letting the exact people that we say are ruining our fisheries to be able to come back into the fisheries. We allow people with commercial fishing licenses, which is a dragging license. We allow people with a scallop license, which is a dragging license. We allow people with a cuahog license, which is a dragging license. We allow people with a mussel and a sea urchin license, which are dragging licenses. Those are the people that can come in a get licenses now if they held a lobster license anytime 1 year out of the last 10.

The reason that any of these draggers hold a lobster license is to sell illegal lobsters in the State of Maine. The lobsters that they drag up in their drag are not being thrown back. They are crating them up and tying them off shore for someone to bring in for them. They can't sell them under a dragging license. They have to have a lobster license to sell those lobsters. That is the only reason that people that drag have lobster licenses is to sell illegal lobsters in the State of Maine. They can't sell them on a dragging license, scallop license or a sea urchin license. They have to have the lobster license. Those people can get lobster licenses. The very people that we say are ruining the industry.

Also, going to the new amendment there are 19 new regulations that the commissioner will be able to put on the books as laws. These laws, rules and regulations that the commissioners make become laws. Just the same as state laws. Just the same as the laws we pass right here. Under this amendment and the law, there are 19 new laws that will pass and that you put on the state books without going through any legislative process or through the Marine Resources Advisory Council, which was set up years ago just for this purpose, to advise and give consent

to the commissioner on making laws that affect the whole State of Maine.

Under this proposal, the commissioner doesn't have to go through the advisory council. He or she can do as she wants to in making laws without their permission. Also, public hearings under the APA, public hearings are required under state law now to make any laws and regulations. Under this bill, it exempts the Commissioner of Marine Resources from holding public hearings. There is no input from the public on what goes on in making these laws. Under the Lobster Seed Program, which was set up many years ago, so much money out of each lobster license that is sold was set aside to buy seed lobsters for the State of Maine.

These seed lobsters that have been bought over the many years and liberated in the coastal waters of Maine is why our catch in the last three years has increased and broke all records for the last three years in a row. Last year being close to 40 million pounds. It is the Seed Lobster Program that has done this and Maine's many good conservation laws. This is a bad bill. This is going to let people in that shouldn't be in. It is going to keep people out that use traditional fisheries that want to make a living lobster fishing.

They won't be able to do it as the tradition it has been in the past. The lobster fishery is in good shape. The licenses are way down. They are 27 percent down over the last 10 years. It is not being overfished. There are no statistics that Maine has that shows that the fishery is in trouble or being overfished. All of the studies have come from the Gulf of Maine, which is 85 percent outside of Maine's jurisdiction and in an area that they allow dragging. I would ask you to vote against this bill. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Bristol, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: Any of the people that get a license under any of these new rules will only catch lobsters with traps. To answer another question, any new rules that are made by the commissioner will be done in conjunction with zone management committees, who are going to be made up of fishermen and neither one can act without the other. There is a check and balance here and the fishermen have said that this is the best idea that has come down the road for a long time. They will actually have an input into what happens in their fishery and would take it out of this process because we can see how bad this is. Thank you.

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

Representative Etnier: Mr. Speaker, Ladies and Gentlemen of the House: Needless to say I strongly urge you to support the Recede and Concur motion that is before us now. There is a lot of discussion about dragging off our state waters and Massachusetts waters. This debate is not about dragging our lobsters. To the men or women on the committee, we are definitely opposed to dragging for lobsters. It has nothing to do, in my opinion, with the issue before us.

We, as a committee, have worked hard to send a message to the federal level that we abhor this practice on the federal level and in the states to the south of us, that is not the issue before us.

The issue before us is continuing to support the law that you supported the other night. The amendment that you supported the other night, Senate Amendment "C," that I am asking that you recede and concur to, is a fine tuning of the bill that you voted on the other night. It does make some minor changes to it.

You have a fact sheet in front of you. A pink fact sheet that showed up earlier today. I won't belabor the point by reading that to you. I am very appreciative of your time listening to this debate the other night. I certainly don't intend to put you through it again today. I just ask that you support the recede and concur motion. Thank you.

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

Representative PERKINS: Mr. Speaker, Surviving Colleagues of the House: I believe in limited entry of some form for the open range fishery that we have had for 200 years. It is inevitable. It will come. It is all over the west coast and New Brunswick. It will come. I believe this is a flawed bill and amendment.

I want to give credit to the committee for doing a lot of hard work and if I say disparaging things, it doesn't mean I don't respect the work they have done. I just think this is a huge bill and huge set of amendments and it needs to go back for another year, next session or something. Every bill does not fit into the time frame of the six months we are here and this is one of those.

Thursday night the House passed Committee Amendment "A," which replaces the bill. It is this thick. Friday, the very next day, Senate Amendment "A" to that amendment came on and it is nearly as thick as the bill. I talked with some of the people and asked why it wasn't all together? I would like to ask that question, if I could, before I get done, if I may, through the Chair. Why weren't they combined? As I understand it the amendment that came Friday was already printed Thursday when we were debating it in here. I would like to ask that.

They aren't minor adjustments. I heard somebody mention, a previous speaker, that there were some adjustments made. One of the adjustments was a whole new class of licenses called the student licenses. We heard debate Thursday night about the rationale for the apprenticeship program, which is going to be part of the limited entry program. One of the major reasons for the apprenticeship program we heard Thursday night was that anybody can just go out and buy a license and throw traps around and they don't know what they are doing and they fowl up everybody else who does. Come along Friday in this amendment here is a new class called the student license. You can have up to 150 traps if you are up to age 22 and a full-time student.

I would like to know what the rationale is there. They don't have to go through the apprenticeship program. It says right on your pink sheet here. How are they going to be any different from anybody else that hasn't had the training? What is the rationale for 22? Does that mean that somebody who is in college should have better access to a public resource than the person who graduates from high school? Isn't this a full-time student? I would just like to know what the rationale behind that is.

When we hear that the coast is for this, I think you will find that Penobscot Bay is about the dividing line, from there south perhaps. From there north and east, from what I hear of the people and I

am kind of at the dividing line, they don't want any major changes. I called a meeting in my area and put notices in all the papers and there were 32 lobstermen in Brooksville. None of them wanted any major changes. They did say they could go along with the zones, but they didn't want any major changes.

If this was something to do with conservation, somebody should be able to come up with something showing some research that we are hurting the fishery. I have asked for it from the commissioner. I have asked for it from other people and I haven't gotten any research to show that we are hurting the fishery. I urge you to defeat the recede and concur so that we can adhere to our former position and perhaps it will die in the other body and then maybe we can give this thing some more work. Thank you.

The SPEAKER PRO TEM: Does the Chair understand that the Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who might answer. Could the gentlemen please restate his question, please?

Representative PERKINS: Thank you Mr. Speaker. I appreciate that. I would like to know what the rationale is for the student license since we need an apprenticeship license for all other classes. Why don't they need one? What is the rationale for age 22? Why is that person any better than the 21 year old who is the full-time student? What about the person down on the coast who is struggling to keep a young family going? What is the rationale for that?

The SPEAKER PRO TEM: 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 Sedgwick, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House: I will try to answer those questions. The reason, first of all, that we had this amendment come along relates to the dynamics of the committee at the end of the session whereby the majority was not able to put in place all of the issues and items that it wanted on its final amendment and it had to be done as a follow-up amendment. Including a lot of technical language which our committee analyst, John Kelley, felt it was necessary to put in in order to make the bill workable. It is very important that we get that language in.

Second, on the student licenses, it is traditional for students in fishing communities to be able to fish to support themselves through high school and college. It doesn't discriminate in that a student in college can go to age 22 fishing 150 traps. A student who just finishes high school can then go on and get a regular fishing license and his student time fishing will count toward his apprenticeship and there will be no problem getting into the field as a regular fisherman at that point.

I am not sure if this was a question, but I will answer it anyway. As far as the dividing line that Representative Perkins said that the area east of the Penobscot Bay was not in support of this bill or amendment, my district includes eight towns east of Penobscot Bay as well as three towns pretty much in the center of Penobscot Bay, the fishermen are pretty much behind this bill. I would especially quote the Swan's Island people who have their own trap limit and it has been in effect for approximately 10 years. Their trap limit is currently 475 traps. Those towns are substantially in favor of this bill.

If I missed any other questions, others can feel free to jump in.

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

Representative LAYTON: Mr. Speaker, Men and Women of the House: I just want to address some of the comments that were made during some of the earlier debate. Representative Bigl said that there is too much gear in the water. That is precisely the problem. You don't have traps all over the state, you know, water saturated with traps. These are isolated areas that traps are congested. As I suggested to this body Thursday, we should be addressing those areas. We should not be blanketing the entire state because a certain area or areas have congestion problems.

Representative Bigl also said something along the lines, that the catch is not there. Therefore, we should be doing something. I would like to remind the body that the catch last year was in excess of 39 million pounds, which is a record for the state. Representative Lemont said we debated this 2 1/2 hours. We debated all the issues Thursday, yet we have two or three more amendments since Thursday, so we didn't debate them. Representative Rice says his position hasn't changed since Thursday. We have two or three more amendments, something has changed. This is a bad bill. This bill has had more plastic surgery than Phyllis Diller. Thank you.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: Representative Perkins would like to have us hold this bill over and go over it again. This bill has been in front of the Legislature year after year and year. We finally got a vote on the floor of the House and it ultimately passed. I urge you to go along with the recede and concur. Since we have been debating this, there have been at least three surveys handed out to you showing 80 percent support by the lobster fishermen that responded to those surveys. No one in opposition to this bill has come forward with any surveys showing their fishermen are opposed to it.

I would also like to add for those of you who weren't here for the debate last night, I don't blame you for not sticking around, Canada has a trap limit. Prince Edward Island has two zones. Their largest trap limit is 300 traps. Prince Edward Island caught 44 million pounds of lobsters with that 300 trap limit and 1,300 fishermen in an 8-week season. New Brunswick, 1,666 licensed fishermen. A 375 trap limit and 16 million pounds. Nova Scotia, Cape Breton Island, 3,400 fishermen. Their largest trap limit is 375 traps. They caught 45 million pounds of lobster. Quebec has 649 licensed fishermen with a 300 trap limit. They caught 6 million pounds in 8 weeks. Newfoundland has 4,357 licensed fishermen with a 200 trap limit. They caught 6 million pounds in 8 weeks. All total is 11,385 licensed fishermen in eastern Canada caught over 100 million pounds of lobster for predominately an 8-week season. Their total traps in the water ran from 2.25 to 2.5 million traps. That is as many as the entire State of Maine and we are licensed to fish year round.

I would say to you that in the State of Massachusetts their landings in 1993 were less than half of what the State of Maine had. New Hampshire, you might as well not even say they fish. They

caught 1.3 million pounds. They weren't even a figure. Probably a lot of their lobsters come from the State of Maine waters. I say to you that we aren't going to hurt the industry one bit by adopting a trap limit. I encourage you to do so. Thank you.

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

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Lindahl is exactly correct. The problem is we are in America, but we still have the freedom of enterprise. A free enterprise. Not to have our families decimated by a bad, bad, bad bill. Representative Lindahl is also correct because they are dragging the coast of Maine, lobsters. We probably would get our lobsters up to those levels had we put the horse before the cart and instead of the cart before the horse, the way we are doing it and eliminate the dragging industry from taking any by catch whatsoever. Get the dragging out of the lobster business. I don't care if it is AFSME or the New England Fisheries Management Council and I don't care who the feds are. Get those draggers out of the Maine lobster business.

I am not a lobsterman. I am not a draggerman. All I did was listen. All I can do is pour my heart out to each and every one of you and tell you that I have been associated with the maritime business all my life. Yes, occasionally I have been on the back of a lobster boat with some of my friends. I have never been on a dragger. What we are talking about, ladies and gentlemen, is this precious thing called the ability to make a living along the coast of Maine. It has been here for 200 years. I can't believe that anyone of us would want to take this away from anyone of our people who so vigilantly take care of our coast. Thank you ladies and gentlemen. I ask you to defeat the recede and concur motion.

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

Representative LAYTON: Mr. Speaker, Men and Women of the House: I would just like to make a few comments to Representative Lindahl. Again, to remind you what I said Thursday night that the 80 percent of the fishermen is 80 percent of 23 percent of those responding. That tells me that 77 percent did not respond. That is my survey. You know that when you get surveys, all kinds of surveys when you were running for office, you know what you did to the ones that you didn't want to respond to for whatever reason. I am telling you that 77 percent probably represented a good portion of the fishermen that did not even like the survey.

Representative Lindahl's comment about the reduction in traps increases the catch. It was a very convincing argument. However, I don't think it holds up to logic. If that was the case, we would be down to 40 traps a vote and we would be catching all kinds of lobsters. If you keep reducing and it expands the catch, it just doesn't make sense. It doesn't make sense or we would be down to 40 traps per boat. Thank you.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: I heartily concur with Representative Cloutier. Let's get the draggers out of the coastal waters. We do not have that authority. As many of you know, I am retired from

the State Police, but I am currently a lobsterman and have been since I retired. I have five brothers and all are commercial fishermen. I have two nephews now that are currently lobstering. That is how they make their living year round. That is all they do.

I come from a fishing family and my family tells me that yes, we do need a trap limit. As far as Representative Layton said, he hasn't shown any other survey and I doubt anyone took and threw away responses from people just to taint their survey results. I, again, urge you to support this motion and if we can do something to urge the federal government to stop the draggers from dragging the State of Maine, let's do it.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: As I said the other night during the previous debate and others from different coastal regions have said, the fishermen in my area that I have talked to or heard from on surveys, do support the bill that we passed the other night. Shortly after that, one of them drove up to my house afterward to find out more about it. He thought it actually wasn't strict enough and he was concerned about what the bill said. When he saw it, he was quite pleased with it.

There is nothing in the Senate Amendment that we are now deciding whether to recede and concur with that I can see would affect the feelings of those who answered my survey or those I have spoken to. It is true that a large number of the people that we sent surveys to didn't respond, but you must keep in mind that there are some license holders who are no longer fishing and who don't live where we sent them and things like that. I believe the great amount of active fishing people who received our surveys did respond because they are concerned about the fishery. They did respond with the majority supporting this bill. I would urge you to go with the motion to recede and concur. Thank you.

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

Representative TRIPP: Mr. Speaker, Ladies and Gentlemen of the House: Think of this before you push your button today. What if you made a 30-year investment in a business, you had a monthly mortgage to pay from that income and someone legislates your income possibility by two thirds, but not your accounts payable? Result, loss of business for a select number of Maine fishermen.

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

Representative HARTNETT: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want the good Representative Lindahl's prior comments to go unnoticed. New Hampshire doesn't catch a lot of lobsters. I am so thrilled to hear that people from New Hampshire are coming to Maine. It is the first time I have heard that on the floor of this House. I do wish the Representative from Berwick had been here to hear that. I would like to pose a question if I might regarding the idea of grandfathering those with more than 1,200 traps. How do we know who does? What is to prevent any fisherman from coming forward and saying I have 2,000 or 1,800.

The SPEAKER PRO TEM: The Representative from Freeport, Representative Hartnett has posed a question through the Chair to anyone who may care to

respond. The Chair recognizes the Representative from South Bristol, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: The fisherman that have over 1,200 traps will have to document to the commissioner how many traps he has. He will be issued trap tags for whatever number he documents to the commissioner for up to whatever that number is in the initial year. From that time on, he will have to divide the number over 1,200 by 7 and reduce by that number over 7 years. That is the grandfather clause in it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: I want to make one quick comment. The words I was giving to you earlier about the catch out there and about people being nervous came from lobstermen. I read that to you out of this Commercial Fishery News. That didn't come from me, it came from lobstermen.

I would like to close by telling you a little story. The other night when we were debating you heard the story, so for those of you who weren't here, I will tell you the story. I was new on the Marine Resources Committee and I was standing in the hall when a lobsterman showed up. He was a pretty big one. His index finger must have been 1 foot in diameter. He had a big index finger. He put that big index finger right into my chest and he pushed me back and he said, "You blankity-blank people up here are going to do just like you have been doing every year and we are going to come up here and we are going to talk and you are going to do nothing for us. We need some help out there." Now, here is your chance to do something for them.

When we come to recede and concur, paint it green and we will see that he gets the word that you have listened to him. 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: For two sessions now, I have been listening to this lobster thing, but one thing has not been brought up. Just a few years ago, there was plenty of cod and haddock in the ocean. Now it is almost depleted. Right now there is probably plenty of lobsters in the ocean, but it isn't going to take long with the people fishing the way they are fishing to deplete that, then where are these lobster people going to be?

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I come from an area of lobster fishermen. I have represented them here for nine years. I have worked with the people who are involved in the fishing industry since the early 1960s and the courts of this state will elude to that. I want to say that during these last few years, I have attended many meetings in downeast Maine from Ellsworth east. I have attended much of the fishermen's forum. The fishermen in my area say we are fine. We don't need all of these regulations. We are afraid of what the feds are going to do. If you put in any measure that is like what they want, that gives them a signal that it is all right. They will push them more and more and more.



Last Thursday night, I told you about the gentlemen I talked with at the fishermen's forum when I asked them if they are going to recognize the provisions that the Maine lobstermen have put on themselves, the carapace size, the vent size and the v-notch and all this. His response was, "No." I said, "Why not? It is working. Why don't you have it imposed on the other New England States?" They said, "We don't have scientific evidence that it is working." Ladies and gentlemen, this morning we got the Commercial Fisheries News. On the front page it says, National Marine Fisheries Service tags Rosenberg to fill the position as North East Regional Director. That is all I wanted to say. He was the one I talked to. He is the one that does not recognize that Maine is doing anything to help them conserve their lobster industry.

The Canadians have been mentioned here. I want to say that in Washington County we battle the Canadian boats all the time. Remember that the Hague Line that comes down through there does not go straight south. It varies diagonally to the southwest which cuts off the area which those fishermen have. Canada is just waiting for an American fishing boat to go over there. You know exactly how they treated the Spanish. So, yes, they have a good fishery. I think it is considerably on the strictly corporate commercial vein.

Representative Cloutier gave you a stunning explanation of what is going on. When the committee voted on the first bill that we voted on, immediately after the meeting those on the prevailing side sat down and started drafting an amendment, a change. That had about four different sessions of work and then the finished product from that came onto the floor here as the bill that we were looking at last Thursday night. Since that time, there have been at least three other versions of amendments that have come through. Let me ask you this. If that first bill was so great, why did it have to be changed? How was it changed?

I will tell you how it was changed. There was a great deal of additional language put into those 10 pages that came out or more over the time period of a week that granted power and took it away from the people. It was amazing to me and quite astonishing that I saw representation from the department working feverishly with these committee members on these amendments. It did not go unnoticed by many of you that lobbying was going on here also by the department.

I would like to read this to you. Already the Majority Report gives the commissioner the authority to one, establish coastal zones and determine how they are to be administered. In one of these amendments it said that there would be a committee for these zones and they would give their report to the commissioner, but the commissioner does not have to go along with what their decision is. Please understand that.

Second, undergo rulemaking without the need of public hearings. This is something we have debated here. I think over the years we have found that through the APA process, which is rulemaking, that it is not as good as it was first proposed to be. We debated a bill here, considerably, about the rulemaking process.

Three, to determine the length, cost and substance of the apprenticeship program. As Representative Perkins has pointed out, this has changed.

Four, to determine on an individual basis whether to waive the apprenticeship requirement, this is left solely in the hands of the commissioner.

Five, to determine the manner in which trap limits will be enforced and most disturbingly have blank-check authority to pay for all of this by raising the fees on the trap tags.

Ladies and gentlemen, make no mistake about it. The commissioner will be within his or her right to double, triple or quadruple trap tag fees to pay for all of this. We will see the bill reflected in the higher prices of lobsters. You have heard about the draggers. Let me tell you about what the draggers are doing. Right now the young lobsters are coming in to shed. On the Down East coast, draggers are patrolling the waters right along the coast. This is going to destroy those young, unprotected lobsters forever. The dragger business is responsible for what is not out there in the water, whether it is three miles, 12 miles or 200 miles.

The federal government has not protected the off-shore waters. Coincidentally the fin fish are not there within the three-mile limit. Can't you imagine what will happen if we impose all of these desired regulations of the federal government. We hear and joke about it. We are the feds and we are here to protect you. Oh yes, look what is happening. I hope that after hearing this debate that you will consider the plight of the fishermen and consider all of them, not just those who are part-timers or those who have another job on shore. Think about those who this is their only job. That is the only life they have known. They are bringing their children up to respect this way of life. If there is nothing out there, because of draggers and mismanagement, they won't continue. The fishermen themselves are able to handle this. They have proven it. Let's not invite the federal government in to take us over. Thank you very much.

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

#### ROLL CALL NO. 267

YEA - Aikman, Ault, Benedikt, Berry, Bigl, Bouffard, Brennan, Cameron, Carleton, Chartrand, Chase, Chizmar, Clark, Clukey, Cross, Daggett, Davidson, DiPietro, Dunn, Etnier, Farnum, Fitzpatrick, Gamache, Gates, Gerry, Greenlaw, Guerrette, Hatch, Heeschen, Heino, Johnson, Joseph, Joyner, Kerr, Kil Kelly, Kneeland, Kontos, Labrecque, Lane, Lemaire, Lemont, Lindahl, Luther, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Peavey, Pendleton, Plowman, Pouliot, Povich, Reed, G.; Rice, Richardson, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tufts, Vigue, Volenik, Waterhouse, Watson, Winglass, Winn, Winsor.

NAY - Adams, Ahearne, Bailey, Bunker, Cloutier, Damren, Desmond, Dore, Driscoll, Fisher, Gieringer, Gooley, Gould, Green, Hartnett, Hichborn, Jacques, Jones, K.; Jones, S.; Joy, Joyce, Layton, Libby JD; Libby JL; Look, Lovett, Lumbra, Madore, Murphy, Nass, O'Neal, Paul, Perkins, Pinkham, Reed, W.; Ricker, Robichaud, Sirois, Stedman, Tripp, True, Truman, Underwood, Wheeler, Whitcomb.

ABSENT - Barth, Birney, Buck, Campbell, Chick, Dexter, Donnelly, Keane, LaFountain, Lemke,



Nickerson, Poirier, Poulin, Rotondi, Tuttle, Tyler, Yackobitz, The Speaker.

Yes, 88; No, 45; Absent, 18; Excused, 0.

88 having voted in the affirmative and 45 voted in the negative, with 18 being absent, the motion to Recede and Concur was accepted. Ordered sent forthwith.

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

# **ENACTORS**

An Act to Amend the Laws Related to Optometry (H.P. 590) (L.D. 800) (H. "A" H-558 and S. "C" S-357 to C. "A" H-534)

An Act Regarding Narcotic Dependency (S.P. 600) (L.D. 1585) (Governor's Bill) (S. "A" S-365)

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

An Act to Reduce Tobacco Use by Juveniles (S.P. 306) (L.D. 845) (S. "B" S-361 to C. "A" S-339)

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

On motion of Representative LIBBY of Buxton was set aside.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative LIBBY: Thank you Mr. Speaker. My question is, does this bill including the amendment still require that tobacco sellers obtain a license from the Bureau of Alcohol, Beverages, Tobacco Sales and Lottery Operations?

The SPEAKER PRO TEM: The Representative from Buxton, Representative Libby has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: The quick answer is yes. However, what is different about this license as opposed to liquor licenses, this is a one time license. You have it for the duration of their business unless there is a reason to talk about it.

While I am on my feet, Mr. Speaker, I would like to remind this House that although unanimous reports have not really had that much weight this year, this is a unanimous report. It came out of a subcommittee, which reports to the full committee, which had at least six different work sessions. The Maine Grocers are behind this. Every other tobacco lobby that I can find are behind this. The American Lung Association is certainly behind this. The clean air, natural resources and all of those folks are behind this.

I think this is a great piece of legislation to start with. There is a provision within the bill which says that our successors in a couple of years will review this policy. If it is working terrific, they will still review it.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative LIBBY: Thank you Mr. Speaker. The question is, could you explain the cost to the local retailer of the license please, to the Chair of the committee?

The SPEAKER PRO TEM: The Representative from Saco, Representative Nadeau 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: I am not positive that I fully understand the question. I suspect we are talking, what is the cost of the license? The cost of the license is \$25.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I think that is a sign Mr. Speaker. I move that this bill and all accompanying papers be indefinitely postponed. I would like to speak to my motion. With all due respect to the committee, who I know spent a lot of time on this, I feel, personally, that I would like to keep the cost of business as low as possible and here, I think, again, is imposing a cost to very, very small retailers.

I stopped at a real small retailer on the way to work a couple of days ago on Route 202 in Gorham. He headed me off and talked to me a little bit about the cost to his business of what we do here in Augusta. He continued to repeatedly say, "If I get one more mandate, I am going to have to close my store." The small retailer with a long tradition, but I believe him.

If we continue to pass on these licensing fees, regulations and other types of fees, I really think we are pushing small business to the brink. On that basis, I have asked for indefinite postponement of this bill and accompanying papers. I would ask you to support my motion. Thank you.

Representative LIBBY of Buxton moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative TRUE: Mr. Speaker, Colleagues of the House: I ask you to vote against the indefinite postponement. I was the last person to sign on this bill and that may seem strange, because I have never smoked in my life. However, we really need to do something if we possibly can to prevent the young people who should not be smoking and should not even be having access to cigarettes if we can do anything to help them, I ask you and urge you to give us this opportunity.

Secondly, I know exactly what the Representative from Buxton is talking about. However, \$25 is a very, very small part of the profit that these people are making in selling these cigarettes. It would seem to be me and I believe that is why it was listed as low as it is. I think that we ought to defeat this motion and put it to rest. 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: Here we go again, driving more

business just a quarter of a mile from my house right into New Hampshire.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to the motion on the floor. I would like to share with you a little bit of where licensing came from. We felt it was important to license the local retailer so that when someone is in violation of selling to minors, we get some justification by taking them to administrative court. Administrative court is the only place you can go if someone has a license. If you go to district court, they don't have a license and you know as well as I do, the Attorney General's priority list. Someone who is selling cigarettes to minors is going to be very low on that list and would probably never get to court.

Being a local vendor and owning a small retail store, the \$25 is well worth it. It is well worth it to stop youth from possessing, purchasing and using tobacco. Let me share just a few facts with you. In Maine alone, the rate of smoking in young people is higher than in most other states. Twenty-three percent of Maine high school seniors are already smoking. Ninety-one percent of the current smokers began smoking within the ages of 10 and 20 and most are around 18 and the legal age to purchase tobacco in Maine.

I hope you all noticed the Wall Street Journal the other day, there was a full-page ad by Philip Morris, they are super concerned about youth smoking in America. They support licensing. Thank you very much.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise against this motion of indefinite postponement. I do realize \$25 is kind of high. I personally had a feeling that we should do it every year for \$2 or \$3 a year. I had a license from another state for 20 something years and that license started out at \$2 and it did happen to go to \$5. No big deal. You sent in for your license and you got it back. If I had done something illegal, such as sold cigarettes without the New Hampshire state tax on it, there is a big black market of cigarettes out there and don't think there isn't, they could come in and take that license and jobber could sell to me. That safety net is what we need so kids cannot get cigarettes.

If you don't have a license to take, no one has any control over anything. It is not exactly as I personally would have written it, but it is better than nothing. I think we should have done it each year. I think it should have been down to \$3 to \$5 each year, but it didn't happen that way. I do support this L.D. I would like to say however though, there is not a big profit in cigarettes. You carry cigarettes because it brings people into your store. There is no big profit in cigarettes, not like beer and those things. That is where your profit is. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Robichaud.

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative ROBICHAUD: Thank you Mr. Speaker. I would pose a question to any member of the Legal Affairs Committee. Having served on that committee last year, we did take up similar issues relating to youth and smoking. One of the big difficulties we had in our discussions was that we did not get any assurance from law enforcement officials that they were enforcing any of the measures currently on the book that would help keep our young people from having access to cigarettes. I would ask any member of the committee if they had any new assurances either from the law enforcement community or from the community that will be handling this license administratively? Will this be an effective tool above and beyond what we currently have on the books?

The SPEAKER PRO TEM: The Representative from Caribou, Representative Robichaud has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House: To answer Representative Robichaud's question, one of the reasons why we wanted to put licensing in place was to put a place where it would get attention. Obviously if you have to go through district court, which is going to have a higher priority, a juvenile who has purchased cigarettes illegally or a theft or that type of thing?

If I may continue, I would also draw to your attention in the bill the word Synar Act. This is one piece of legislation that we need to put in place to help us come in compliance with the Synar Act, which gives this state 40 million dollars in grant money to help with drugs, drug information and drug education and this will fall under that. This is a piece of legislation with all of its components that falls within the restrictions of that act. If we do not come into compliance, we will begin to lose portions of that grant money, up to 40 percent. I urge you to defeat the present motion.

Representative LIBBY of Buxton moved that the Bill and all accompanying papers be indefinitely postponed.

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

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 Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of clarification, I think people are locked in on \$25. I would like to point out that in the amendment that replaces the bill, it says the fee for a one-time retail tobacco license was set by the department at the actual cost of processing the application and issuing the license, up to, but not exceeding \$25. I think the license may be considerably less than the \$25. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I would like to apologize for not

rising earlier. I had a file on my desk and I apparently had an amendment in on this bill. That is what it was about and I didn't realize it. I didn't intend to hold the action up. I did want to say that I really appreciate the work that the Legal Affairs Committee did on L.D. 845. I think it is a great bill.

I testified at the public hearing. I have two children and both of them have experimented with tobacco products. I am proud to say that they are not using them today, at least not to my knowledge. They both acquired these at stores. The question was about licensing, is it going to do any good? In my testimony, I don't have it now, but I presented facts where several cities around the country have licensing and I believe there is a handful of states. Statistics do show that the use of tobacco products by minors had decreased when there is licensing for the very reasons you have heard. The store owners will work with the clerks and educate them about how to recognize young people and how to ask for identification.

I know this will do good. It is a good bill. There was a couple of things which I wish had been done, but it was a unanimous committee report. I applaud the committee and I strongly urge you to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to ask.

The SPEAKER PRO TEM: The Representative may pose his question.

Representative POVICH: Mr. Speaker, Ladies and Gentlemen of the House: Under this bill, could a municipality pass a law banning the sales of tobacco products?

The SPEAKER PRO TEM: The Representative from Ellsworth, Representative Povich has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Thank you Mr. Speaker. The answer is no. There is no preemption language in this bill. That would have been considered by many a "deal breaker" and it did not happen.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative HARTNETT: Mr. Speaker, Ladies and Gentlemen of the House: I am curious as to how this license would be applied to vending machines and the operators thereof?

The SPEAKER PRO TEM: The Representative from Freeport, Representative Hartnett has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question just posed is vending machines have no additional requirements than they had last year. They are still required to be in a conspicuous place, within visual eye shot of the employees. Vending machines that contain tobacco products must contain only tobacco

products. That is the same thing that was last year or the year before that.

As far as the signs, there is going to be, I believe, three-eighths of an inch sign which will say, this operation is not for the consumption of young folks. There are no requirements that weren't in existence last year.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative WATERHOUSE: Thank you Mr. Speaker. I would like to know of anybody who could answer, what is the present penalty or fine for selling cigarettes to minors? How is that enforced? How will that be enforced under this law? How many violations presently are listed per year for this offense?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: Mr. Speaker, that was a series of questions. The answer as best as I can remember the questions is currently there is no real data that explains exactly how many violations there were and how many arrests were made. Quite frankly the answer to that is it is ridiculously stupid right now.

Right now it is illegal for a young person to buy tobacco products, but it is not illegal for them to have them. A couple weeks ago, when school was still in session, you could go by Cony High School and see at least 50 people congregated, smoking cigarettes and an officer can go by and there is not a darn thing they can do about it. There is no logical carry through on the whole legal aspect. There is no consistency there. That is one of the big things that this bill did. It does have consistency. As far as those numbers and those stats, we don't have that at this present time.

Part of the bill will require that the Department of Human Services shall provide to the committee having jurisdiction in this area, those facts. My successors, as I said before, will evaluate whether or not this vehicle is working. If it is, terrific. If not, they will change it.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer a couple of those questions and one in particular. What will this do to stop selling to minors? Right now, if I had a business in Maine and I sell cigarettes to a minor, which is against the law and I get caught, they can give me a big fine. There is no jail sentence to it. That is all they can do.

If I have a license, they can come in and I can get fined, but I can also lose that license. When I lose that license, no jobber in this state can sell me cigarettes. Actually you are putting me out of the business of selling cigarettes. I am going to take it a little more seriously than I am if I don't have to have a license. That is where the license makes a big difference, in my opinion. You have to have it in order for the jobbers to sell to you.

There is nothing in the law now that says that jobbers do not have to sell to me, if I get caught selling to a minor. Under a license, they can take that license and the jobbers can't sell to you. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I think we are suffering from a case of faulty logic here. I am sure it is the first time ever that we have suffered from a faulty case of logic. I want to point out that first of all, I am one of the most probusiness people you could ever ask for.

Second of all, if a \$25 on time licensing fee would break that business, they are going to go down anyway. Let's be real about this. I think what our focus really needs to be on is the children. I have been a smoker for 20 years. I have tried time and time and time and time again to stop, but I can't stop. I would have given anything if back then when I was in high school, sneaking around behind my parent's back, buying cigarettes at the local store, if it would have been a whole lot more difficult for me to start this habit.

I think what we also need to do is bear in mind that nicotine is one of the worst drugs we have. It is worse than morphine. It is harder to break. It is harder to kick than heroin. We are talking about a heavy duty drug here and there is no problem with licensing the selling of such a toxic drug. Let's get real here.

In closing, I would like to say that I think, on behalf of Representatives Mona Walker Hale and Priscilla Attean, that they would really appreciate it if we could wind this up quickly and ignore Representative Libby's motion and pass this bill.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I would just like to point this out to you that earlier this year I submitted a bill in front of Transportation. It was a bill which would stop the department from raising the cost of signs that small businesses put out on the roadside that give directions to the business.

The SPEAKER PRO TEM: For what purpose does the Representative rise?

Representative NADEAU: Mr. Speaker, I seriously question where this line of argument is going. If it has anything to do with Transportation, I would submit that it is probably not germane to this discussion.

The SPEAKER PRO TEM: The Chair understands that, but the Representative does have the floor and there is no real reason why he shouldn't keep it. The Chair apologizes.

The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Thank you Mr. Speaker. I am making a connection with the cost. The cost of those signs were to be raised from \$5 to \$25 per sign per year. If there is one thing I have noticed about the hearings that we have on issues like the one we are looking at here today, it is that the small mom-and-pop grocery stores are hardly ever represented. These are important businesses. On occasion sure they come up and they have representation. They have a lobby here and there and these are important businesses. The small businesses

are just barely surviving. Sometimes they are one-and-two-person operations with just enough money for them to get by. We are looking at not just this one cost. There are a variety of costs that are all imposed on them by the state. I know you understand that.

Without taking any further of your time, ok, if this happens to pass there is a lot of good parts of this bill. I will be fighting like heck to make sure this licensing fee isn't more than \$5. We have enough fees. Want to license them and that is going to help with enforcement, well fine. I can tell you right now that the laws that we have currently are not being enforced and that is part of the problem. I think you know that. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Men and Women of the House: I have tried to stay off my feet all year long. This is a unanimous committee report. The American Lung Association supports it. Many kids were here supporting it. Tobacco people are supporting it. Storekeepers are supporting it. Let's vote on it.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is that this bill and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 268

YEA - Greenlaw, Joyce, Libby JD; Marshall, Nass, Rosebush, Underwood, Waterhouse.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dore, Driscoll, Dunn, Etnier, Fisher, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Joyner, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Treat, Tripp, True, Truman, Tufts, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winn, Winsor, The Speaker.

ABSENT - Barth, Birney, Cloutier, Dexter, DiPietro, Donnelly, Farnum, Fitzpatrick, Joseph, Keane, Kerr, LaFountain, Lemke, Marvin, Morrison, Nickerson, Ott, Poirier, Poulin, Pouliot, Rotondi, Simoneau, Townsend, Tuttle, Tyler, Winglass, Yackobitz.

Yes, 8; No, 116; Absent, 27; Excused, 0.

8 having voted in the affirmative and 116 voted in the negative, with 27 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.

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

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

**ENACTORS**  
**Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Laws of Maine (S.P. 251) (L.D. 648) (H. "A" H-638 and S. "A" S-362 to C. "A" S-332)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish a Management Framework for the Lobster Fishery within State Waters (H.P. 577) (L.D. 782) (S. "C" S-359 to C. "A" H-570)

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

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

**SENATE PAPERS**

The following Joint Order: (S.P. 602)

**ORDERED**, the House concurring, that "Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1995," H.P. 1137, L.D. 1580, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate read and passed.

On motion of Representative JACQUES of Waterville, the Joint Order (S.P. 602) was indefinitely postponed and sent up for concurrence.

**Ought to Pass as Amended**

Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-85) on Bill "An Act to Revise the Maine Turnpike Authority's Powers with Respect to Commuter Tolls" (S.P. 139) (L.D. 325)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-85) as amended by Senate Amendment "B" (S-353) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-85) was read by the Clerk. Senate Amendment "B" (S-353) to Committee Amendment "A" (S-85) was read by the Clerk.

Representative MAYO of Bath moved that Senate Amendment "B" (S-353) to Committee Amendment "A" (S-85) be indefinitely postponed.

The same Representative presented House Amendment "C" (H-654) to Committee Amendment "A" (S-85) which was read by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative HEESCHEN: Thank you Mr. Speaker. To the Representative from Bath, does this amendment make essentially just make an academic study of alternatives to the turnpike to satisfy the Sensible Transportation Policy Act, rather than real life experiments and testing?

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

Representative MAYO: Mr. Speaker, Men and Women of the House: In answer to the question of the good Representative from Wilton, the difference between this amendment and the one that came to us from the Senate, is that the one from the Senate established in the Committee Amendment, there was a commuter pricing situation with a two-year sunset. The amendment removed that two-year sunset, which the Turnpike Authority and the Transportation Committee felt was micromanaging the turnpike.

To further answer your question, this amendment to Committee Amendment "A" precludes the Turnpike Authority from doing disincentives or surcharges. It does not prohibit them from offering incentives. They could, if they so desire, at some time this summer, have time on the turnpike that would be at no cost to the particular vehicle. That is up to them.

We have been at this trying to arrive at an amendment that everyone could agree to for about two weeks. This one is agreed to by all of those who are involved in an agreement on an earlier bill that, I believe, is on the Governor's desk dealing with the turnpike widening. Everybody involved with that agrees with this amendment. There will be a study that will be a report to the Transportation Committee in January of the coming year. I believe that answered all of the good Representative's questions. If it didn't, he could pose further ones.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I would urge you to vote against this motion. We have been lobbied quite a bit on this bill as Representative Mayo said. We have been meeting on this bill for the last few weeks. The initial amendment, the Committee Amendment to this bill, was what we agreed on at that time as being the right way to treat this bill, which was to allow the Turnpike Authority the right to do adjustments of pricing on their tolls, be they discounts or surcharges, whatever they wanted, it did not direct them to do either. It allowed them and, in fact, required that they do some sort of study on time-of-day pricing, which could be a discount or it could be a surcharge over the next two years. The reason it requires them to do that was because it is, in fact, one of the requirements of the Sensible Transportation Act. If we are to widen the turnpike, at some time, that such a study be done.

We recently passed another bill as Representative Mayo said that is on the Governor's desk right now. It is L.D. 1323, it was passed by 119 to 18 in this House. In fact, the text of that bill also by agreement with all the parties who agreed on that bill, was to have a two-year study of congestion pricing. What this amendment does, if you read it

carefully, is actually removes any requirement for the Turnpike Authority to implement the study using either discounts or surcharges. We got a lot of testimony both during the hearing and afterward about surcharges and their negative effect on the Maine economy. I don't think anybody on the committee or elsewhere, at this point, favors surcharges. If this amendment is added to the bill, it will, in fact, remove any responsibility on the authorities part to do any sort of implementation of a study. All it will require them to do is think about it and issue a report on that.

I feel that is really not in keeping with the Sensible Transportation Act or, in fact, L.D. 1323, which many people met for many weeks to discuss and come up with a plan that met all parties. I don't believe all parties to that agreement do, in fact, agree with this amendment. Further, I don't think it is our part to, in a sense, protect the Turnpike Authority, which is what this amendment is trying to do, from any further litigation. It is, in effect, changing the Sensible Transportation Act, so that the turnpike is free to do as it pleases with these studies. I think it is in all of our best interest to require that they do some study of time-of-day pricing. The Committee Amendment without any further amendments from the Senate and House would achieve this. Thank you.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I would repeat what I stated earlier. All of the parties to the original agreement on the bill on the Governor's desk do now, as of about an hour ago, agree with this. There are parts of it that one of the parties would not have written exactly the way that it is, however, they do agree with it, that includes DOT, the Tourism Council, the Maine Merchants, Chamber of Commerce and NRCM, to the best of my knowledge an hour ago. I could go on about all of the things involved with this and what tourism means to the state, but I don't really think, at this time of night, any of you wish to hear that. I urge your adoption of this so we may move forward. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I come from this from a little different perspective. I have no problem with having the Turnpike Authority having a study to widen the turnpike, that is not what I am trying to stop or halt or anything.

I firmly believe that adding a \$2 surcharge at this time on that turnpike, rather it is for 20 hours or 24 hours a day, it is not the \$2, it is not that at all, it is the perception that we are sending out there. We have sent out so many perceptions that hurt our businesses. I know some of you say well, gee, she's very parochial and I am looking out for York County. Believe me, ladies and gentlemen, the perception we send out there is for the whole State of Maine. Some of those tourists will come this year and pay the \$2, but God help the toll takers because they are going to take the brunt of this and don't think they aren't.

When they stand and tell us they can put them on Route 1, I travel Route 1 all summer long. It cannot happen. They would have a backup there so bad from Ogunquit to the York exit off, exit 1. The

perception we are sending out there is that the whole State of Maine doesn't want anybody. That is the main road into this state. It is the only main road coming from Massachusetts down. It is the only road that they can travel. When I am going on vacation or anyone else, you want to get there as soon as you can. You aren't going to take the side roads. I can bypass the turnpike. I can make a u-turn and I can go up over the mountains, but you can't put traffic over the mountains. It is a dirt road. I was told not even to put my car over it, but I do come across it. I don't listen to them very often. It is not a road anyone can travel.

This is what is happening down there. It will hurt the economy of the whole state. I don't know, but those tourists, I love to see them coming. They come with a pocket of money. They spend it. They love to come to Maine. They don't mind spending their money. Right now the Canadian exchange is 40 cents on a dollar. We depend on Canadians down there. I am going to tell you that \$2 isn't much, but it is that perception and they are not going to be happy people and I don't blame them. I hate to stand and listen to people tell me that you are just out to take everything you can get. I say, no, I am not.

Last year I cut the exchange rate in half with my Canadians. I absorbed half and let them take half, because I realize it is so expensive for them. I do enjoy them. Believe me, they leave a lot of money in this country. We have to stop and think that tourism is the second largest industry in this state. Some will tell you that it is number one. Are we going to put another burden on them? Remember these people down on the beaches have 10 to 12 weeks to make it. They have some pretty expensive places there and they have some pretty high mortgages. It doesn't take too much for them to go under. If that is what we want to do here tonight, I just can't believe it.

I hope you support that amendment so that we can assure the businesses in this state that we are not going to put another obstacle in their way for the 10 or 12 weeks that they have this summer to make money and they can send their tax dollars into this Legislature to spend. We spend their money. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CHASE: Thank you Mr. Speaker. It is specifically for the good Representative from Berwick, but I would take anybody's answer to the question. Not being involved with this issue, I have read the bill and Committee Amendment "A" and I don't see anything that says that we have to charge an extra \$2 at any point in time. I am confused because I have heard testimony that seems to contradict that. Could somebody straighten me out please?

The SPEAKER: The Representative from China, Representative Chase has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question from the good Representative from China, it is the interpretation of the Turnpike Authority, under the

guidelines of the Sensible Transportation Policy Act and L.D. 325 with Committee Amendment "A." They would, in fact, have to do both incentives and disincentives or surcharges and whatever. That is their interpretation and that is how they set the thing up and announced it a month ago. They feel that the only way that they can not do that is by action of the Legislature. Otherwise, at some point this summer they will go forward with what they announced a month ago.

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

Representative CHARTRAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't quite agree with that interpretation. I will read you the part of L.D. 1323 which says that one of the alternatives must be studied. This is the bill we passed a few weeks ago that will, in fact, speed up the process toward widening if that is what we will do.

These are the things that we should accomplish according to that legislation. One of those things is to complete a two-year study of the effects of congestion pricing on the turnpike and travel needs of the southern part of the state. The wording, in fact, that is interpreted by our staff analyst did not require any actual adjustments to pricing. It is a study and it requires a study. I think the Turnpike Authority would like to have as much leeway as possible as to how that is interpreted. I think Representative Mayo's amendment would go too far in allowing them to do much less than may be accepted later.

I think the quickest route to having a fair evaluation of the whole widening issue is to let the Committee Amendment stand as it is so that a study can be one which might include this incentive, which could be discounts. I am quite sure it will not include surcharges. In fact, this legislation in no way forces them to do that. What this amendment is asking you to do, as a Legislature, is to make that interpretation now and give them, in effect, is retroactively erasing some of the conditions of both L.D. 1323 and also the Sensible Transportation Act. I would ask you not to support the amendment.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: As you can probably tell, I have remained quiet on this because I thought Representative Mayo was doing a very good job in presenting this. It was always a unanimous report out of the committee, but in this particular newest compromise that we have worked out finally, as you can tell we have one member of the committee who is opposed to it. I wanted you to know that all the other 12 members are, in fact, in support of it. In fact, all the parties that have been involved with this from day one have come to an agreement. However reluctant some of us might be in some part of it, it is a report from the committee. We urge you to support it.

We have been working on this since the latter part of March, first of April. I have trust in the turnpike that, in fact, they understand the things that we are looking for them to do. It has never been really that spelled out. Earlier, I had interpreted that, in fact, they had to do congestion pricing. In truth and in fact, the law doesn't say that. It urges them to study all parts of people

coming and going on the turnpike. Who uses it? When they use it? Why they use it and that type of thing?

We believe, the 12 members of the committee and all those who have worked so hard to put this thing together really believe that we have it now where the turnpike understands what they have to do and they have the committee's support. I would urge you to support Representative Mayo's amendment. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I rarely ever read anything. I have a letter here from a woman in Massachusetts who wrote to me. I am just going to read you the last paragraph that she wrote. She said, "Be assured that the potential Maine visitors that I know from this part of Massachusetts are aware of what the Associated Press calls 'your scheme' and found it a strange way to compete for tourist dollars. There must be other ways to relieve road congestion which would not penalize your visitors." Thank you.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I urge you to oppose this pending amendment. I think this amendment really goes into micromanaging what the Turnpike Authority can or can't do and really doesn't let them find out what is effective and what is not effective. I stepped out briefly to find out whether it was true that the NRCM had signed onto this amendment. It is not true. This amendment prohibits for all time the authority from imposing these variable surcharges. What the NRCM might accept would be a limited moratorium this summer on the surcharges, not forever. I think we should oppose this. In fact, I move to indefinitely postpone House Amendment "C" and I request a roll call.

Representative HEESCHEN of Wilton moved that House Amendment "C" (H-654) to Committee Amendment "A" (S-85) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "C" (H-654) to Committee Amendment "A" (S-85).

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: I have been working with Representative Mayo and some Senators in the other body on this particular issue because obviously it hits home when you live in York County. I didn't really want to speak on the issue because the good Representative from Westbrook, I thought, really made our case very well.

I am very disappointed that we are looking at the motion we are looking at. If we were to have a surcharge into any of our towns, we would all be standing up and fighting against it. I think that is what you have to realize. What if there were a surcharge of \$2 into the good Representative from



Wilton's town. It is something that we are talking about that in order to study congestion pricing, you don't have to have a surcharge. You can use incentive pricing and that is a scientific study. We want the study. In fact, most of the people in this body voted a couple weeks ago on the turnpike widening bill that really laid the foundation for the study that would make up the Sensible Transportation Policy Act.

I think it is important when the committee takes a look at this and says, "No, this is really not good policy." It is important to pay attention to the committee. A couple members of this body, I can understand what their issues are and I appreciate them. For York County, I can assure you and parts of Cumberland County, for anyone who uses the turnpike down south, we all know that the perception is the most important thing. Most of the phone calls that I have had, the perception is that we don't know what we are doing up here by forcing a \$2 surcharge on the commuters in the middle of a very important tourist season.

I would urge you to oppose the pending motion. Thank you.

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

Representative WELLS: Mr. Speaker, Men and Women of the House: I would just like to add my voice to those from York County who have urged you to oppose the pending motion. I will be very brief and add my comments to it.

I think the reason for this amendment is to make the law very clear because if the law is not very clear, then there could be a lawsuit by those who oppose anything to do with the turnpike. Having said that, I live on Route 1 in Wells. My office is on Route 1 in Wells. I was formerly in the tourist business in Wells and I know our summer visitors. The congestion-pricing scheme that is proposed as an experiment relates to people who travel to our region on Friday nights during the summer. That means tourists who come to the State of Maine. The idea behind congestion pricing is to try to reduce and even out the traffic flow of people coming to town. Think about it.

People come to Wells and to southern Maine. They pay \$500 to \$1,000 to rent a place for the week. They aren't going to change their plans about when they arrive because of a \$2 charge by the Maine Turnpike at certain times during the day. If they do know about it and if they wish to avoid the \$2 surcharge, guess where they go. They go up Route 1. I can tell you that Route 1 does not need that traffic. If people know about the \$2 surcharge, they may not come at all, but if they do not know about the surcharge and they come up to the toll booth, they are hit right in the face with a charge that seems to them to be truly exorbitant.

In my particular town, a \$2 surcharge would mean that somebody using the Maine Turnpike would pay \$2.70 to travel 12 miles. That is an insult. I don't think we need it. I think we need this amendment in order to preclude the use of such a ridiculous scheme. I urge you to vote against the motion to indefinitely postpone. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House: It might be of interest to you ladies and gentlemen here to know that in the

last three or four weeks, I have had questions from people in my district that commute over the Maine Turnpike to Portland and other places. They would say to me when are we going to have to pay the \$2. That is all they talk about is the \$2.

In the last couple of weeks, I used the turnpike to come here to Augusta and the only ones I have a chance to speak with would be the toll takers. I would ask that question and I have had a variety of answers. I have never had the same one twice. The people that ask questions at the tollbooth must be some confused because you can get one answer in Biddeford and you get another one in Portland. I would urge you to vote against this motion. This turnpike is really for you that don't have the occasion to see the traffic on it, the traffic on Route 1 or the traffic on Route 202. These are real problems that are going to affect the economy here in the State of Maine. Please have some thought for the people that have to use these highways. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would get through the session without speaking this much on any bill. I know you are all getting tired of debating this. I just want to make this very clear that we are not debating surcharges. I read from our analyst. We went over this in committee to try to find out and once again neither bill, L.D. 325, which we are discussing or L.D. 1323, which some people feel we must correct in order to take away that pressure, neither bill requires the Maine Turnpike Authority to impose a surcharge or to implement this incentive pricing as part of a congestion pricing study. There is no requirement. That was the turnpike's idea.

It was not well accepted by many in the Maine community and they are not going to do it. What we are talking about really is whether we should ask them to do a study of discounting because it is my opinion that they are not going to do a study of surcharges. That is quite clear no matter what we do here, now or in the future, that is dead. They may, in fact, do a study of incentive pricing, which would give discounts or perhaps free traffic at certain hours of the day when there might be less traffic to encourage that, but it is a good likelihood that if this amendment is put on there, which basically removes the responsibility from doing any implementation of either discounts or surcharges they will, in fact, do no implementation of discounts or surcharges. That will remove any responsibility to give discounts and it is my belief you won't see any discount toll program on the turnpike this summer if this amendment is successful.

In any case, if the amendment is not successful, I think there is much more likelihood that we will see a discount program and for the future of the turnpike and for its widening, I think down the road there will be a lot less questions of whether those studies have been well done if we let them go ahead with the original committee amendment. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I feel I must answer a statement of the good Representative from Rockland. He was at the committee room on the fourth floor when



one of the members of the turnpike authority said there would be some type of incentive pricing taking place on the turnpike this summer. He was also present when, three of us in that room who had been on a long conference call with Paul Violette earlier this week, Paul indicated to us in that conference call that there would be incentive pricing in the summer of 1995.

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

#### ROLL CALL NO. 269

YEA - Adams, Chartrand, Chase, Green, Hatch, Heeschen, Jones, K.; Richardson, Rosebush, Saxl, M.; Shiah, Treat, Volenik, Watson.

NAY - Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Rowe, Samson, Savage, Saxl, J.; Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Tripp, True, Truman, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Barth, Birney, Cloutier, Dexter, Gamache, Keane, LaFountain, Lemke, Look, Luther, Marvin, Meres, Nickerson, Poirier, Poulin, Ricker, Rotondi, Tuttle, Tyler, Yackobitz, The Speaker.

Yes, 14; No, 116; Absent, 21; Excused, 0.

14 having voted in the affirmative and 116 voted in the negative, with 21 being absent, the motion to indefinitely postpone House Amendment "C" (H-654) to Committee Amendment "A" (S-85) was not accepted.

Subsequently, House Amendment "C" (H-654) to Committee Amendment "A" (S-85) was adopted.

Committee Amendment "A" (S-85) as amended by House Amendment "C" (H-654) thereto was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-85) as amended by House Amendment "C" (H-654) thereto and sent up for concurrence. Ordered sent forthwith.

#### Non-Concurrent Matter

JOINT RESOLUTION (H.P. 1143) RELATIVE TO MEMORIALIZING CONGRESS TO ALLOW ALL STATES EAST OF THE 100TH MERIDIAN TO REGULATE THE EXPORT OF UNPROCESSED LOGS which was adopted in the House on June 28, 1995.

Came from the Senate indefinitely postponed in non-concurrence.

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

Representative GOOLEY: Mr. Speaker, Ladies and Gentlemen of the House: I had prepared a speech on this, but I don't know what I have done with it. I would like to move to recede and concur.

On motion of Representative GOOLEY of Farmington, the House voted to Recede and Concur. Ordered sent forthwith.

#### SENATE PAPERS

##### Divided Report

Majority Report of the Committee on Education and Cultural Affairs reporting "Ought Not to Pass" on Bill "An Act to Implement Recommendations of the Committee to Study Organizational and Tax Issues in Public Schools" (EMERGENCY) (S.P. 321) (L.D. 902)

Signed:

Senators:

SMALL of Sagadahoc  
ABROMSON of Cumberland  
ESTY of Cumberland

Representatives:

MARTIN of Eagle Lake  
CLOUTIER of South Portland  
STEVENS of Orono  
BRENNAN of Portland  
AULT of Wayne  
BARTH of Bethel  
LIBBY of Buxton  
McELROY of Unity

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-367) on same Bill.

Signed:

Representatives:

WINN of Glenburn  
DESMOND of Mapleton

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

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

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: This particular L.D. is the original Rosser Report that was in the committee. As you are aware, we subsequently held the bill primarily to see if we need any language change in the rest of the educational laws. It was subsequently determined that there was none that was necessary. The Minority Report is the same amendment that is contained in Senate Amendment "A," which was discussed, as you know, yesterday. The issues have not changed since yesterday.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I have been asked to only speak for one minute. I have had a hard time with that because we are talking about 1 billion dollars here. I ask you to oppose this motion.

What we have attempted to do is in the Minority Report replace Plan 10 with Plan 8 for the school funding formula. You need to know that all we need is a simple majority to pass this. Most of you said that you were very much interested in Plan 10, but that you were very worried about tinkering with the budget and you didn't want to do anything that might cause a state shutdown. I promised you all that I wouldn't amend the budget. Many of you asked if we could just come out after the budget was passed and

come out with the language so that we could do Plan 10 and that is what this does. I ask you to vote red on this motion.

Again, we only need a simple majority. The budget is passed. Everybody can continue working. We don't have to worry about it. It is a simple method of replacing plans. Stopping Plan 8 and then starting with Plan 10. I also want to rebut what the good Representative from Eagle Lake, Representative Martin said about keeping it locked up in the committee. I went through more than any other human being should have to go through to get this bill to you today. Just to stand here and watch you kill it for me. I hope you appreciate the efforts that went into it. I hope it is a start for next time. I am concerned because there were many people that listened to my speech last night, I thought they listened and it turned out they didn't even know they were voting for the school-funding formula. They didn't know the school-funding formula was in the budget.

I am trying to make it very clear to everybody that this is your chance to keep your constituents' hard earned tax dollars in your district instead of sending them as Plan 8, the takings bill, would send them to some other more affluent districts in our state. Please bear in mind that Plan 10 benefits 77 percent of the schools. That is 221 schools compared to Plan 8, which you voted for last night, which benefits 64 schools.

I have a hard time with that kind of math. In fact, my youngest daughter who has been hanging out here for it seems like a month with me, last night we were talking about it and she was going over the details. She said, "Wait a minute. I don't understand. Plan 10 helps 211 schools and Plan 8 helps 64 schools and they can't figure that Plan 10 is probably better for all the kids. Shouldn't they think about the other kids that maybe aren't in their schools, but in some other school?" Then she said, "Maybe they need to go back to first-grade math so they can figure out that 211 is better than 64."

Just bear that in mind if you vote red you are showing some support for the 77 percent of the schools that would be better off under Plan 10. Maybe you could show Natalie that we don't all have to go back to first grade to figure this one out. Again, in conclusion I just ask you for your support. I do ask for the yeas and nays. You are free to vote for what is in the best interest of your constituents. You are free to vote parochial. You don't have to worry, the budget is passed. If all 92 of you voted for what is in the best interest of all the people you supposedly represent and in the best interest of the state, we could make this happen.

I realize that is not about to happen, but I did want to give you this opportunity and I also did send out these yellow letters a few minutes ago. It is a package with yellow paper. There are seven different superintendents that took the time. Most of them are on vacation right now. Seven different superintendents and then there was another one I received from Representative Jacques a few minutes ago. Eight different representatives that have taken their time to write and show their support for Plan 10. That includes Mark Eastman, who is the President of the Superintendent of Schools Association. Lenny Nay, which most people think knows more about the school-funding formula than every other single person in the state. It includes Terry McCanal, who is also very well respected. It includes John Grady, who is

the Superintendent of Schools in Old Town. It includes William Braum of SAD District 48. It includes Carol Howe from SAD 21, which is Canton, Dixfield and that area. It also includes another Superintendent from SAD 58, which is in the Kingfield area. As you can see, there is a great deal of support all around the state for this. It is not just the north against the south.

The superintendents' conference was interrupted so that they could look at Plan 8 and Plan 10. There was an incredible amount of support for it. My problem is that none of them bothered to call you and let you know how they felt. Anyway, I thank you for your time. I guess I did go over a minute. I have a hard time understanding why lobsters get discussed for five hours and our schools are discussed for about 15 minutes. I guess that is what the priorities are in this building. Again, thank you and I would appreciate it if you would vote red on this.

Representative STROUT of Corinth 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 Chair recognizes the Representative from Houlton, Representative Clukey.

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

The SPEAKER: The Representative may pose his question.

Representative CLUKEY: Thank you Mr. Speaker. I need to know if we were to pass this legislation it would seem it would be in conflict with the budget amendment, then what would take place. Could anybody answer that question?

The SPEAKER: The Representative from Houlton, Representative Clukey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Men and Women of the House: Thank you for asking that question. We would do basically as we would do any other time when we changed the school-funding formula or any other law. The law that was signed by the Governor a few minutes ago, will take effect and it will operate until a new law takes effect and starts operating. All the superintendents will have their money and everything will keep flowing. Three months later, Plan 10 would take effect.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Just to make sure there is no misunderstanding. The only way you can amend existing laws is by having a chapter number to amend. This bill, of course, has none.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Men and Women of the House: The floor amendment does include the chapter number. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I am in kind of a unique position here because I have a district that benefits from Plan 8 and I also have a district that benefits from Plan 10. What I feel from this situation is that what we have done with this bill and the attempt to shoot down the "Ought Not to Pass" Report has done exactly what we had hoped not to do. We have turned it into a purely political exercise pitting one district against the other district. I don't like it. We had sent a mission to the Education Committee to do the best they can and come up with a school funding formula. Most of them agreed on it. Some didn't. I think that we should accept the "Ought Not to Pass" Report and get this over with. Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and listened to quite a lot of debate on the educational issue in the last several days. I would like to make a couple of comments. I just couldn't keep my pants to the seat of my chair.

First of all, there aren't 200 superintendents in the State of Maine that can come up with a majority agreement. I have been a member of that organization for years. They can't agree on a funding formula anymore than we can in this House. The good Representative Winn says that Superintendent Mark Eastman mentioned that he was the President of that association. He did not write this letter as president of that association. He wrote that letter as a superintendent of one district. He was not representing all of the superintendents in the State of Maine. I can assure you of that.

I live in the southern part of the state. I am not getting any of this gravy train that is supposedly coming from the north to the south. I can't believe that a report that comes out 12 to 1 hasn't taken into consideration what is in the best welfare or best education for all of the children in the State of Maine. It is not an easy task. If we were to reshuffle the cards and pick 13 other members to be on the Education Committee for the 117th Legislature, we wouldn't all agree. If you reshuffled again and you put 13 more on, whatever they came up with, we wouldn't agree. I would urge you to please vote in favor of the Majority "Ought Not to Pass" Report. Give credence to the majority of this committee. It hasn't been an easy task to complete.

We aren't going to all be happy this year, last year or the year before or the 10 years in advance, but we have to let someone make some decisions and we need to follow and agree. Thank you.

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

Representative DESMOND: Mr. Speaker, Ladies and Gentlemen of the House: I will also be brief because speaking is not what I do best. I am good at listening and I am good at doing. I just had to speak for the education of the children, which is near and dear to my heart. I speak because our last speaker alluded to this and I think Plan 10 really is best for the children of Maine.

The Education Committee did work hard and long to come up with a new formula. The '85 formula was not what the committee wanted to consider since there was

no longer an abundance of money to put into it. Continuing on last year's formula was not suitable since percentage reductions had changed the intent of the formula. The committee wanted an 85/15 division on community wealth with income and cost-of-living increased. Plan 8 has 100 percent from property per unit wealth. It uses 2 million as a cushion for eligible school units with 83 5/10 percent for transportation costs.

Plan 10 uses 85 percent for property, 15 percent for income per unit wealth with 2 million as a cushion for eligible school units with 100 percent transportation funded. It is ironic to me that these were the elements that the committee wanted in a formula. Now we are hard pressed to make it clear that if we accept Plan 8, we will be taking a plan that we really didn't want in the first place. Plan 10 comes closest to what everyone wanted. It maintains the integrity of the funding formula discussed in the committee.

Again, I would say that Plan 10 considers Maine as a whole state. This plan will make it possible to live anywhere in Maine and receive a quality education. This plan does not further divide Maine into the haves and the have nots. We should not make any decisions that would have a negative impact on the education of any child in the State of Maine. I would urge you to go along with Plan 10.

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

Representative CAMERON: Mr. Speaker, Men and Women of the House: This may be the best formula for the State of Maine, but I submit to you that this is not the time to be doing it. We should have had this the end of May, not the end of June. I apologize if I sound angry, but I am a little bit. I will not take part in anything that jeopardizes what we did here yesterday in passing this budget. I will not take part in that. I hate the school funding formula, quite frankly. I don't like anything about it. It is in the budget and I want to make it perfectly clear that I knew last when I voted that it was in the budget. I have yet to talk to anybody that didn't know it was in the budget. This is not the time to be doing this. I was disappointed that we did not have an opportunity as a body to discuss this funding formula on the floor like we are doing now, but I say again, this is not the time to be doing it. It is too late, ladies and gentlemen, there comes a time when you have to accept the way that it is. Yesterday, we accepted that this is the way it is. I ask you not to belabor this issue much longer. We all have other lives.

Please let's get on and vote on this thing and accept the Majority Report of "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn. 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 WINN: Mr. Speaker, Men and Women of the House: In closing, I just wanted to straighten out for the record that first of all, in case Representative Cameron wasn't in yesterday when I was speaking, I have tried and tried and tried to get this to you much, much earlier. I requested back in March information from the Department of Education and I was locked out and refused time and time and

time again. I had to file under the Freedom of Information Act and go to the Governor, President of the Senate and the whole bit. I finally get the information. I am the last one to get it. They have already decided without even looking at it. It sits in committee and I go to the Chair, Representative Martin refuses to let it out. I asked why and he said, "Tough, tough, tough, tough, tough."

The SPEAKER: The Chair would interrupt the Representative from Glenburn, Representative Winn. The Chair would encourage the Representative from Glenburn to please focus her comments on the bill before us.

Representative WINN: Ok. I have tried to get the bill before you much earlier. I am just as frustrated, probably a little more frustrated than you are. I apologize. I also wanted to point out that this would not jeopardize the budget. The budget has already been signed and it has been chaptered. The last and final point is Representative Heino was saying a few minutes ago that he didn't think that superintendents could come to agreement about a budget.

I wanted to say for the record that there was a group of superintendents that worked on the school funding formula for over a year. There is evidently nine different regions in the state and there was one superintendent from every region, a total of 11 superintendents that worked on this whole issue for an entire year. They came up with a recommendation and a solution that they all agreed to. The superintendent from Portland saw these printouts. He said, "Oh no, I don't think so." He threatened to pull out of the association if the association went forward with their plan. After I found out about that, I have been working with them and I have been working with anybody else who has any good ideas, trying to pull it all together. Basically Plan 10 is what the committee was working on with the Governor and somehow it just never came together.

I just wanted to set the record straight that yes, people can come to a point where they see that something does work. I think the problem right now is that we are just too tired to deal with it. I recognize that. Thank you.

The SPEAKER: A roll call has been 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. 270

YEA - Adams, Ahearn, Aikman, Ault, Benedikt, Bigl, Bouffard, Brennan, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Clark, Daggett, Damren, Davidson, Dore, Driscoll, Dunn, Etnier, Farnum, Fitzpatrick, Gates, Gieringer, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joyce, Joyner, Kerr, Kilkelly, Kontos, Labrecque, Layton, Lemont, Libby JD; Libby JL; Lovett, Lumbra, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Reed, G.; Rice, Richardson, Rowe, Samson, Savage, Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Taylor, Thompson, Treat, Tripp, Truman, Underwood, Vigue, Volenik, Waterhouse, Watson, Whitcomb, Winglass.

NAY - Bailey, Berry, Bunker, Chizmar, Clukey, Cross, Desmond, Donnelly, Fisher, Gerry, Gooley, Green, Heesch, Joy, Kneeland, Lane, Lemaire,

Lindahl, Look, Plowman, Reed, W.; Robichaud, Rosebush, Saxl, J.; Stedman, Strout, True, Tufts, Wheeler, Winn, Winsor.

ABSENT - Barth, Birney, Buck, Cloutier, Dexter, DiPietro, Gamache, Joseph, Keane, LaFountain, Lemke, Luther, Marvin, Meres, Morrison, Nickerson, Poirier, Poulin, Pouliot, Povich, Ricker, Rotondi, Townsend, Tuttle, Tyler, Yackobitz, The Speaker.

Yes, 93; No, 31; Absent, 27; Excused, 0.

93 having voted in the affirmative and 31 voted in the negative, with 27 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act to Improve Highway Signing Information" (H.P. 691) (L.D. 942) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-491) in the House on June 28, 1995.

Came from the Senate with that Body having insisted on its former action whereby the Bill and accompanying papers were indefinitely postponed and asked for a Committee of Conference in non-concurrence.

The House voted to Insist and join in a Committee of Conference.

Reference is made to Bill "An Act to Improve Highway Signing Information" (H.P. 691) (L.D. 942)

In reference to the action of the House, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative O'GARA of Westbrook  
Representative LINDAHL of Northport  
Representative GWADOSKY of Fairfield

#### Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone" (H.P. 609) (L.D. 819) has had the same under consideration and asks leave to report:

That the Senate recede from its action whereby it accepted the Minority "Ought Not to Pass" Report and Recommit the Bill and Accompanying Papers to the Committee on Natural Resources.

That the House recede and concur.

Signed:

Senators: CARPENTER of York  
BEGLEY of Lincoln  
Representatives: GOULD of Greenville  
BUNKER of Kossuth Township  
MARSHALL of Eliot

Came from the Senate with the Committee of Conference Report read and accepted and the Bill and accompanying papers recommitted to the Committee on Natural Resources.

The Committee of Conference Report was read and accepted. The House voted to Recede and Concur. Ordered sent forthwith.

**ENACTORS**

An Act to Improve the AFDC Program (S.P. 548) (L.D. 1496) (Governor's Bill) (H. "D" H-650 and S. "B" S-348 to C. "A" S-322)

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

Representative GWADOSKY of Fairfield requested a roll call on passage to be enacted.

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

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

The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 271**

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Mayo, McAleve, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

ABSENT - Barth, Birney, Buck, Cloutier, Dexter, Gamache, Joseph, Keane, Kerr, LaFountain, Lemke, Marvin, McElroy, Morrison, Nickerson, Plowman, Poirier, Poulin, Pouliot, Povich, Ricker, Rotondi, Tuttle, Tyler, Yackobitz.

Yes, 126; No, 0; Absent, 25; Excused, 0.

126 having voted in the affirmative and 0 voted in the negative, with 25 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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On motion of Representative BUNKER of Kossuth Township, the House adjourned at 8:20 p.m., until 11:00 a.m., Friday, June 30, 1995.