

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
January 3, 1996 to April 3, 1996

Senate
January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
24th Legislative Day
Wednesday, March 13, 1996

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

Prayer by Reverend David Clark, First Baptist Church, Nobleboro.

National Anthem by Oxford Hills Middle School Band, South Paris.

Physician for the day, Steven I. Weisberger, D.O., Jonesport.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Combine Certain Reporting Requirements for Employees" (S.P. 738) (L.D. 1846) (Governor's Bill)

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

Was referred to the Committee on Labor in concurrence.

Ought to Pass as Amended

Report of the Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-460) on Bill "An Act to Amend the Laws Pertaining to the Regulation of Denturists" (S.P. 342) (L.D. 947)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-460).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-460) was read by the Clerk.

On motion of Representative ROWE of Portland, tabled pending adoption of Committee Amendment "A" (S-460) and later today assigned.

Ought to Pass as Amended

Report of the Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-465) on Bill "An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife" (EMERGENCY) (S.P. 666) (L.D. 1726)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-465).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-465) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 14, 1996.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to the Potential Improvement of the Maine Turnpike Authority" (S.P. 648) (L.D. 1690)

Signed:

Senator: PARADIS of Aroostook
Representatives: RICKER of Lewiston
BOUFFARD of Lewiston
HEINO of Boothbay

STROUT of Corinth
O'GARA of Westbrook
DRISCOLL of Calais
LINDAHL of Northport
CHARTRAND of Rockland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-443) on same Bill.

Signed:

Senators: STEVENS of Androscoggin
CASSIDY of Washington
Representatives: BAILEY of Township 27
FARNUM of South Berwick

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-443).

Was read.

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

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

Non-Concurrent Matter

Bill "An Act to Amend the Atlantic Salmon Authority" (H.P. 1338) (L.D. 1832) which was referred to the Committee on Inland Fisheries and Wildlife in the House on March 7, 1996.

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-466) in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith.

Non-Concurrent Matter

Joint Order (H.P. 1340) relative to the Joint Standing Committee on Transportation reporting out a bill concerning logo signs which was read and passed in the House on March 7, 1996.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to Insist.

COMMUNICATIONS

The following Communication: (H.C. 372)

**ASSISTED LIVING TASK FORCE
STATE OF MAINE
OFFICE OF STATE FIRE MARSHAL
18 MEADOW ROAD
52 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0052**

March 1, 1996

The Honorable Jeffrey H. Butland

President, Maine Senate

The Honorable Dan A. Gwadosky

Speaker of the House

Dear President Butland and Speaker Gwadosky:

Pursuant to Public Law 1995, chapter 362, I am pleased to submit the report of the Assisted Living Task Force which relates to legislation which I forwarded to you under cover of my letter of February 13, 1996.

Sincerely,

S/Stephen B. Dodge, Chair

Assisted Living Task Force

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 371)
FINANCE AUTHORITY OF MAINE
83 WESTERN AVENUE
P.O. BOX 949
AUGUSTA, MAINE 04332-0949

March 11, 1996

The Honorable Dan A. Gwadosky
Speaker of the House
Maine House of Representatives
2 State House Station
Augusta, Maine 04333
Dear Speaker Gwadosky:

On behalf of the Finance Authority of Maine, I am pleased to enclose for your perusal and consideration a copy of the Authority's recently completed report on the Electric Rate Stabilization Program.

At your convenience, I hope you will take time to review this report and the recommendations contained within. As always, your thoughts, comments and suggestions will be welcomed and appreciated.

Sincerely,
S/Timothy P. Agnew
Chief Executive Officer

Was read and with accompanying report referred to the Committee on Utilities and Energy.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Labor

Bill "An Act to Clarify the Retirement Status of Certain Employees of the Child Development Services System" (EMERGENCY) (H.P. 1349) (L.D. 1850) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: AULT of Wayne, HATCH of Skowhegan, SIMONEAU of Thomaston, WATSON of Farmingdale, Senator: PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reported Pursuant to Resolve

Representative MITCHELL for the Task Force on Naturopathy pursuant to Resolve 1995, chapter 49, section 8 asks leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Board of Complementary Health Care Providers and to Regulate the Practice of Naturopathic Medicine" (H.P. 1351) (L.D. 1852) be referred to the Joint Standing Committee on Business and Economic Development for Public Hearing and printed pursuant to Joint Rule 20.

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

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Public Law

Representative TRUE from the Committee on Legal and Veterans Affairs on Bill "An Act to Clarify the Process for Referendum Recount" (H.P. 1350) (L.D. 1851) reporting "Ought to Pass" Pursuant to Public Law 1995, chapter 506, section 2.

Report was read and accepted. The Bill read once and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" Pursuant to Joint Order (H.P. 1290) on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1996 (EMERGENCY) (H.P. 1348) (L.D. 1845)

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo
SAXL of Bangor
GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
SAVAGE of Union
LOOK of Jonesboro

Representatives:

Minority Report of the same Committee reporting "Ought Not to Pass" Pursuant to Joint Order (H.P. 1290) on same Resolve.

Signed:

Representative:

LANE of Enfield

Was read.

On motion of Representative SAXL of Bangor, the House accepted the Majority "Ought to Pass" Report.

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

Under further suspension of the rules, the Bill was passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 335) (L.D. 916) Bill "An Act to Improve the Function of the Maine Health Security Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-462)

(S.P. 528) (L.D. 1445) Bill "An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-463)

(S.P. 692) (L.D. 1762) Bill "An Act to Further Streamline Licensing Procedures at the Bureau of Insurance" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-459)

(S.P. 704) (L.D. 1793) Bill "An Act to Extend the Electric Rate Stabilization Projects" (EMERGENCY)

Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (S-458)

There being no objections, the above items were ordered to appear on the Consent Calendar under the listing of Second Day later in today's session.

CONSENT CALENDAR

Second Day

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

(S.P. 667) (L.D. 1727) Bill "An Act Concerning Special Licenses in the Department of Marine Resources" (C. "A" S-457)

(S.P. 678) (L.D. 1735) Bill "An Act to Clarify the Agency Rule-making Process" (C. "A" S-455)

(S.P. 696) (L.D. 1770) Bill "An Act to Exempt All Individuals Engaged in Fishing from Unemployment Insurance Requirements" (EMERGENCY) (C. "A" S-453)

(H.P. 244) (L.D. 346) Bill "An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence" (C. "A" H-754)

(H.P. 546) (L.D. 742) Bill "An Act Regarding Wrongful Death Actions" (C. "A" H-755)

(H.P. 1234) (L.D. 1694) Bill "An Act to Amend the Dispositional Alternatives for Juveniles Adjudicated to Have Committed Gross Sexual Assault upon 2 or More Child Victims" (C. "A" H-752)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Authorize the Formation of Limited Liability Partnerships" (S.P. 499) (L.D. 1358) (C. "A" S-450)

Bill "An Act to Reinstate the Maine Meat Inspection Act" (H.P. 1050) (L.D. 1469) (C. "A" H-749)

Bill "An Act Relating to the Sale of Alcoholic Beverages" (S.P. 624) (L.D. 1632) (S. "B" S-456)

Bill "An Act to Make Changes to the Motor Vehicle Laws" (S.P. 643) (L.D. 1687) (C. "A" S-454)

Bill "An Act to Amend the Laws Relating to Recovery for Property Damage" (H.P. 1246) (L.D. 1708) (C. "A" H-753)

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

ENACTORS

Emergency Measure

An Act to Amend the Laws Regarding the Revolving Loan Fund for Wastewater Facilities (H.P. 1221) (L.D. 1671) (C. "A" H-733)

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. 125 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 Liquor Licensing Laws (H.P. 1267) (L.D. 1742) (S. "A" S-447 to C. "A" H-726)

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

Emergency Measure

An Act to Provide for the 1996 and 1997 Allocations of the State Ceiling on Private Activity Bonds (H.P. 1317) (L.D. 1801) (Governor's Bill)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Make Available Coverage for Mental Health Services Provided by Counseling Professionals Who Are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems (S.P. 38) (L.D. 68) (C. "B" S-441)

An Act to Prohibit Home Repair Fraud (H.P. 918) (L.D. 1294) (C. "A" H-731)

An Act to Amend the Law as It Pertains to Payment of Rent by a Blind or Visually Impaired Individual Who Operates a Vending Facility (S.P. 610) (L.D. 1614) (H. "A" H-744 to C. "A" S-435)

An Act to Amend the Unorganized Territory Tax Laws (H.P. 1237) (L.D. 1697) (C. "A" H-736)

An Act to Clarify the Landowner Liability Laws (H.P. 1245) (L.D. 1707) (C. "A" H-730)

An Act to Repeal the Sunset and Reporting Requirements Regarding Transportation of Unscheduled Freight in Casco Bay (H.P. 1302) (L.D. 1783) (Governor's Bill)

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.

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

ENACTOR

Emergency Measure

An Act to Amend the Atlantic Salmon Authority (H.P. 1338) (L.D. 1832) (Governor's Bill) (S. "A" S-466)

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. 122 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. Ordered sent forthwith.

By unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized from this day forward send to the Senate, thirty minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider will be allowed.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-451) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (S-452) - Committee on Business and Economic Development on Bill "An Act to Amend the Membership of Certain Boards and Commissions" (S.P. 640) (L.D. 1675)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-451).

TABLED - March 12, 1996 by Representative DAVIDSON of Brunswick.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-451) Report.

On motion of Representative ROWE of Portland, tabled pending the motion of Representative DAVIDSON of Brunswick to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-451) Report and later today assigned.

Bill "An Act to Exempt Working Rural Mail Carriers from the Seat Belt Law" (H.P. 1265) (L.D. 1740)

TABLED - March 12, 1996 by Representative CARLETON of Wells.

PENDING - Adoption of House Amendment "A" (H-758) to Committee Amendment "A" (H-747).

Subsequently, House Amendment "A" (H-758) to Committee Amendment "A" (H-747) was adopted.

Committee Amendment "A" (H-747) as amended by House Amendment "A" (H-758) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-747) as amended by House Amendment "A" (H-758) thereto and sent up for concurrence.

JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF THE INTERIOR TO SETTLE AN 11-YEAR DISPUTE BETWEEN THE NATIONAL PARK SERVICE AND THE SKI AREA LOCATED ON SADDLEBACK MOUNTAIN (S.P. 718)

- In Senate, Adopted.

TABLED - March 12, 1996 by Representative JACQUES of Waterville.

PENDING - Adoption in concurrence.

Representative HARTNETT of Freeport requested a roll call on adoption.

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 Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Men and Women of the House: Seeing as we are going to a roll call on this, I don't recall having anybody discuss this at all. I would like someone to answer my question as to just what is this all about? Thank you.

The SPEAKER: The Representative from Mexico, Representative Luther has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House: This has been an ongoing battle between the National Park Service and Saddleback Ski Area for the last 11 years. Information on this subject was put on your desk two days ago. It needs to be dealt with and Saddleback needs to get on with its life. They have been held hostage for the past several years. It is important that we support Saddleback's side of this, I believe. It has been a debate between the National Park Service and Saddleback.

It comes down to, how much room the National Park Service feels it needs to have for the Appalachian Trail corridor. Saddleback, indeed believes that the 3,000 acre proposal that the National Park Service feels it needs is far in excess of what the actual needs are. The recent offer by Saddleback is to provide a corridor meeting the National Park Service guidelines, which are an average of 1,000 feet of width or 125 acres per mile. It is more than a mile. It comes out to an offer by Saddleback. They are prepared to offer 330 acres across its land. I think that we need to get on with this. It has been going on for 11 years and somebody needs to bite the bullet here. I support Saddleback's side of this. I support this resolve. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRIPP: Thank you. May I ask if the committee that this bill came through, if it held a public hearing on this bill?

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: By way of a quick biographic preface, I should indicate to you that though I proudly represent a piece of the City of Portland now, where I grew up, in fact, is in the western mountains of Maine. They are still very precious to me. There is still a good degree of that kind of thinking that is part of my own being that says in matters of private property and matters of public money, that it is not awfully smart of any of us, unless we know absolutely all the details, black and white in front of us, to tell anybody they should be buying sheep or selling deer or just the other way around. Unless you know all the details, whose land it is, why they want it,

how wide and whatever on earth it has been that has held the thing up for 11 years of well hired, well paid and very talkative lawyers on both sides.

I am told that with the little material we have had set on our desks that, in fact, it has only been three of the most recent of those 11 years, in which there have been on again, off again rather intense negotiations about the land. Either way you look at it, if lawyers and government entities and private business, well able to speak for itself, cannot settle the thing in 11 years, then I am not sure I am going to be able to figure out in 11 minutes what it is all about. If in three years of intense negotiation, they haven't worked it out yet, I am not going to be able to sort it out in three minutes either, much less with no hearing, no knowledge of how either side is working and where public money is going and for what purpose.

It is not my business to tell anybody to sell their land, much less to put my vote up on that board and put the force and full moral fiber of the people of the State of Maine behind a resolution that I quite haven't got a handle around yet. For those reasons, with regret, I would ask that we vote no upon this until such time it does have an opportunity to go to the proper place, be fully heard and that we are not in the position of being told to play Solomon and try to figure out and vote today to do what lawyers haven't been able to figure out for either three or 11 years. Thank you.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Like the previous Representative, I also have lived most of my life and grown up in western Maine. I have hiked a good part of the Appalachian Trail. I know very much the issue involved here and how long it has been dragged on and how long it has been held up by those who, for their own particular purposes, just kind of throw road blocks into what most of us would call good sense, good faith negotiations. Because of that this thing has dragged out longer than it should and I see this as merely an opportunity for us to say, look, agencies of the federal government and the local businesses, get your act together, get going, resolve this and let's get on with it because we are talking particularly in my district, well over 100 jobs that could be there, which could help greatly.

I know there has been a lot of misinformation out there. You have gotten a number of things across your desk that I hope you have taken the time to read, which I think clears up a lot of this. I would certainly urge your vote for this resolve. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House: As I mentioned before, it is a 3,000 acre proposal that the National Park Service wants to take and that is 25 percent of Saddleback's property. It is expanding the corridor up to 11,500 feet in width on Saddleback property and it is far beyond any reasonable expectations. This is a resolve and I think it is important that we, as a Legislature, show our support for a private industry here in Maine, which has been negotiated and we need to do something. Thank you.

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

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: Just a few background points on this resolution. The Appalachian Trail predates the ski area by more than two decades. It was completed in 1937. The ski area was not begun until 1960. The ski area did not purchase the land currently under dispute until 1983, some 15 years after Congress had adopted legislation requiring the land surrounding the trail to be permanently protected, nor were their requirements that the trail be protected a surprise. The purchase occurred while negotiations were underway with the prior landowner to protect the trail on Saddleback. After lengthy public hearing, at which protection of the trail is supported overwhelmingly, the U.S. Park Service eight years ago offered to purchase 3,000 acres on the mountain. Four years ago the ski area offered to sell the park service 98 percent of the land the agency had sought. That offer, however, was never consummated because of a disagreement over the price to be paid and because federal law prohibits the park service from paying more than appraised value.

The trail over Saddleback is one of the most important of the Appalachian Trail. In Maine, only the alpine areas of Katahdin and Abraham Mountain exceed that found at Saddleback. Other alpine areas along the 2,000 mile trail are bogus strewn expanses. In contrast, Saddleback's crest is glacial polished bedrock. There is no other area like Saddleback in any of the 14 states through which the trail passes. The compromise being touted by the ski area clearly fails to meet the requirement of the federal law requiring the trail be protected. The proposal would allow two service roads and six ski trails to cross the Appalachian Trail. The trail would be moved off the ridge line of the mountain.

The Park Service proposal is comfortably within the federal guidelines imposed by the 30 year old law designed to protect the trail. Trail groups have not opposed the lift trail and condominium development on the lower slopes of Saddleback despite their ready visibility. In an attempt at a compromise, the Maine Appalachian Trail Club, a volunteer organization, which maintains the 270 miles of trail in Maine, it even supported the installation of a T-bar lift within 450 feet of the trail, stating that because of the value of the ski area to the economy of the region they couldn't reasonably oppose the lift. The Maine Appalachian Trail Club is not a radical group. Its key membership includes paper companies, foresters, UMO forestry professors, retired forest wardens and other forestry industry representatives. Saddleback is still being debated because the Maine Appalachian Trail Club resisted for years federal intrusion of protecting the trail in this state.

The Park Service was forced to become involved only because voluntary agreements couldn't be worked out. The Appalachian Trail was created mostly by volunteer efforts in the late 1920s and 1930s. Each year it attracts an estimated 1 million hikers, even more are expected in the future thanks to national publicity last summer. Other states are trying to take advantage of the trail to attract year-round tourism. Passage of this resolution would put Maine at odds with other trail states, all of which recognize the tremendous value of the trail and what it brings to the tourism industry. The 2.7 miles of the Appalachian Trail on Saddleback are among only 42 miles of the 2,159 miles of the trail still not permanently protected.

Hopefully, you are all thoroughly confused now by this issue as you rightly should be, because it did not have a public hearing, being a resolution. That is the problem I have with this resolution being brought before us today. It has been a long, simmering dispute. I don't think we can figure it out here today. I think when we vote on something, we should know as much as we can about an issue before we cast our vote. Therefore, Mr. Speaker, I would like to move we indefinitely postpone this resolution. Thank you.

Representative SHIAH of Bowdoinham moved that the Joint Resolution (S.P. 718) be indefinitely postponed.

The Clerk read the Joint Resolution in its entirety.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: When the vote is taken, I would request the yeas and nays. It has been mentioned that there has not been a public hearing and yes, that is correct. This is a resolve and this body has not had a public hearing. There have been many public hearings, particularly through LURC in which jurisdiction in this matter lies.

I just get a little upset when the intervenors told me at one of those LURC hearings that they would do anything and would continue to do anything to stop the ski area from expanding. I just have a little bit of a problem with that.

If any of you think that I am not a supporter of the Appalachian Trail, I just want to put that to rest. I have hiked many a mile of the trail both in New Hampshire and Maine through Gould Academy where I used to work. We maintain and the school continues to maintain one of the sections north of Andover that is on the Appalachian Trail. I think that Saddleback Ski Area has made a reasonable offer and that we need to get on with this. I would urge that you defeat the motion to indefinitely postpone. Thank you.

Representative BARTH of Bethel requested a roll call on the motion to indefinitely postpone the Joint Resolution.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am a little bit confused. I am sure that most of us here are, but I think before we make any vote or discuss any matters here, could I ask the Speaker a question, please.

The SPEAKER: The Representative may pose his question.

Representative DiPIETRO: Thank you. Mr. Speaker, why is this before this body? I think that the two parties that are involved in it should be able to handle it and not bring it to us and let us make a decision or tell them that they have to make a decision. If they can't figure it out, I don't think that this body should be brought into it. I would like to have somebody answer me why it is before us, if I could. Thank you very much.

The SPEAKER: The Representative from South Portland, Representative DiPietro has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from East Millinocket, Representative Rosebush.

Representative ROSEBUSH: Mr. Speaker, Ladies and Gentlemen of the House: I am just going to be brief on this. This is basically just to send a message to

Washington. The Department of Interior has its hands on this, just as it does with the dams up in our area that have been there for 10 or 11 years. It is just to send a message. A public hearing is not going to do anything in this state. Washington has it. It is Washington's decision. I think that maybe we should just vote against this pending motion and send the message out there to let them know we are concerned with it.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I thank my friend, the Representative from Bethel, Representative Barth, for bringing up the fact that it is useful to know that 100 jobs are at stake here. However, that also does somewhat concern me. If after 59 years of existence of a trail, then all of a sudden 100 jobs are absolutely at risk tomorrow because of a 60-foot easement, then that seems to indicate to me that there are some other complicated issues that need to be settled in the back room that have nothing really to do with the resolution being placed upon the floor here. Those are the provinces of lawyers and those are the provinces where it should stay.

Secondly, it is useful for us to hear right here that federal law prohibits paying more than the appraised value for land. I don't think that is a bad idea. That is our money, yours and mine, that they are using to buy it. If all of a sudden the appraised value of the land is not good enough for one or both of the two sides in this case, it makes me wonder what the heck was wrong with the appraiser, number one, or number two, what they are really asking for the price. This is public money. This is private land. What are we doing? Does your town want that much private land to go off the tax rolls forever in your community without a public hearing here, where it is going to matter most? I should hope that you would think about that because, indeed, whether in the part of the world where I live now or in the part of the world where I come from, that is exactly what could happen.

Messages can be sent to Washington any number of ways. The best way is for you and I to write. The second best way is probably in the world of litigation today for you and I to hire lawyers. It sounds to me like that is what they have been doing for 11 years. If they have hit a stone wall, then that is the lawyers fault, not yours or mine. You and I have no better understanding of the issue at the end of the conversation that we did at the first. I think it is a pretty good reason to set the thing down until the parties concerned can figure it out. I make no brief for either side. It is not our duty to figure it out. I say give that duty to them.

We can't play Solomon here when all the players aren't even in the same temple. They have never even been in this temple. I think we should, in this case, vote for the indefinite postponement until the folks at home figure this out and then have a hearing and then maybe make a decision as to whose side to come out on. Thank you.

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

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: I was glad to hear that, finally, this was the most important part of the Appalachian Trail when, after fighting the National Park Service for four years in regards to the trail in Monson, where I was manager, that was the most important part of the trail. I can only say to you this, you are fighting the national government and they have all kinds of backing. They probably can exert enough power to take it. I feel as representatives of the State of Maine and the people of the State of Maine that we should support this referendum for whatever it is worth.

Let the people there in western Maine know that we support their endeavors to maintain a pleasant little business, expansion of business and employment, which is what we are down here for.

There is plenty of room on the 125 feet each side of the corridor for them to walk on. That is all it is a walk on trail. Why do you need, as they did in Monson, to buy a whole lot, which covered a whole pond for no avail? What did they need it for? The opportunity was there and they bought the land. We took it off our tax rolls.

I am sorry, ladies and gentlemen, but I believe that you should support this resolve. Thank you very much.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: A number of my seat mates have been asking why I initially asked for a roll call vote on this. I wasn't sure I wanted to spend any political capital on an issue I don't fully understand. I decided to speak because that is the whole point. I don't fully understand the issue. This resolution, to me, has a lot of the same characteristics and traits of a bill that was brought before the Judiciary Committee in the first session of the 117th Legislature, which involved the expansion of a court in southern Maine and the taking of a land from a church. Suddenly we had a bill rushed before us, after deadline, brought to our committee and what really I came to understand was that this is a disagreement between parties, local parties that are having difficulties working out their problems and one side decided, well, I will get the Legislature on my side and that will carry a lot of weight.

Frankly, in a sort of rhetorically infiltrated hearing that we had, I don't know if we ever really came to a greater understanding of that issue down in southern Maine. What I came to understand was basically if somebody was trying to bring their big brother to the Legislature to be involved in the argument. I think that is what we have here a lot. I got more faxes in this issue in the last few days than I have probably received since I came up here. I am not sure I understand, but I think it is a lot like a war and the first victim has been the truth. I don't know if what the Appalachian Trail people are asking for is too much. I don't know if what Saddleback Mountain is offering is too little.

I am concerned that the trail would be hurt in some way that would take from the glorious of use for

most people who hike it. I am also concerned with Saddleback Mountain. It would not be able to expand in a way to that would boost the economy of that region. I just don't think that absent a public hearing with just the faxes coming across our desks, that we fully understand this issue. That is why I asked for a roll call.

I would like each of you to make up your mind if you understand this issue and is it the proper place of this body to be involved in it. I don't think you can make your mind up about whether or not this is a good thing which the resolution asks for because I don't think we have those facts and that is why I asked for a roll call. I will be voting for indefinite postponement. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House: Everyone got this blue sheet on this issue two days ago. I would hope that you have all read it. This easement would settle the issue tomorrow and at no cost to the federal government. I am going to read just the last paragraph of this. This is another clear example of bureaucratic waste. With the present budget constraints facing Congress, it seems foolish to reduce funding of existing national parks while continuing to spend countless dollars here in western Maine. Saddleback urges the National Park Service to cease the threat of land confiscation and accept Saddleback's free offer of permanent protection of the Appalachian Trail across this land. Thank you.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I did get that on my desk and I did read it. I didn't really understand too much about it then. I guess I would have no trouble supporting this resolution, if we weren't telling the National Park Service to accept an offer. It seems to me that it goes way beyond what this body ought to be doing. Since that is in there, I am going to vote to indefinitely postpone. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I am truly disappointed that this has happened. In the short tenure that I have had in this House, we have all sat here and said that we were concerned about the economy of Maine. We have all sat here and said that we are in trouble for jobs. We have all sat here and said that we would do everything we can to support our small businesses in this state.

Saddleback Mountain, ladies and gentlemen, is a small business in western Maine. This issue has cost that business 1 million dollars in litigation, up to this point. That serves absolutely nobody and I don't mean to offend any attorneys, but all the money spent on them does none of us any good. If we continue the way it is going, I don't know how many more hundreds of thousands of dollars it is going to cost Saddleback Mountain. Saddleback Mountain is in a position of many other small businesses around the state. Sugarloaf and Sunday River are eating up the majority of those tourist dollars in the winter for skiers that come from around the world, quite frankly.

Saddleback is geographically in a place where they are less competitive. They don't need this other hindrance of more litigation in order to accomplish

the expansion that they are trying to accomplish. I am not necessarily taking a position of who is right and wrong here. It is just a bunch of people with different opinions and different agendas. I would ask that any one of you in this House stop and think about how you would react if the National Park Service threatened to confiscate how ever many hundred of feet out of the middle of your district. Do you think any of the people in your district would be calling you? I suspect you would be getting all kinds of calls and I suspect you would be reacting to those calls.

It just happens to be that a lot of us don't live in a district that has a section of the Appalachian Trail. Therefore, well, it is not a big issue to us. It is just Saddleback and it is up in the mountains and who really cares. I think that is the message that we are sending here. It is in western Maine and it is up in the mountains. None of us see it, so who cares if they expand. To me, that is the message I am getting here today. To me, this is just another piece of the Green Party Referendum and restore the northern Maine woods and it is another piece of that pie to close down any economic development in this state in the rural areas in particular.

The rest of you may say that my interpretation of this is way off because it has nothing to do with these other issues. I believe it has to do with these other issues and I believe that there is no small business in Maine that can survive over a long period of time having to face the federal government and try to litigate against it. A million dollars, my friends, is a tremendous amount of money for a small Maine business. They have already spent a million dollars and Lord knows how many more hundreds of thousands they are going to have to spend. This resolution doesn't force anyone to do anything. As you all know, we have all had experiences where we had hoped to have some influence on the federal government and that is virtually impossible.

What this resolution does is it says that we support small business in Maine and please, the two parties sit down and resolve your differences and get on with providing some economic growth in western Maine for potentially 100 or 120 new jobs for people who, quite frankly, desperately need those jobs.

We constantly hear about development in southern Maine. Ladies and gentlemen, it is not happening in other parts of the state. I am, quite frankly, offended when I constantly hear that if we support development, we are opposed to conservation and we really don't care what happens to our state. That is as far from the truth as anything can possibly be. We live in that part of the state, ladies and gentlemen. We don't want to see it destroyed. We care about the people that come and spend part of their vacations with us. We are proud of where we live. We have absolutely no intention of allowing it to be destroyed, but we also ask that we be treated reasonably and be allowed to live in some economic par with the rest of the state, not always being the poor stepister and this isn't just western Maine, it is northern Maine and eastern Maine.

This resolution, again, doesn't do anything but say please, the two parties that are involved, sit down and negotiate seriously and stop costing so much money that this small business is unable to expand because of this and provide some more jobs. Thank you very much.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: If we do not ultimately pass this resolve, we will once again be relying on the same federal government that helped us develop Sears Island. Please defeat this motion to indefinitely postpone and vote to pass the resolve.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: During this debate I turned on my memory and 63 years ago, I climbed Saddleback Mountain for the first time. Every year up until World War II, I climbed it again. The day I got back home from World War II, I found enough gasoline and borrowed a car and climbed it once more. Every time I went to Saddleback Mountain, I looked at the neighbors there and I wondered how they made a living. There was nothing, shacks and what not, people were living in. Today, things have changed. People have better homes, better livings and better cars. I want you to defeat this motion and let those people up there have a good life. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: If this resolution only directed the two parties involved to quickly work out their differences, I would have a lot less problems with it. What it does is direct one of those parties to take a certain action in order to resolve it. It is not basically saying work out your differences and get this done expeditiously. It is telling one of those parties how to do that. I would agree with those members who have expressed the idea that we don't have enough facts in this case to make that decision here and we should let the parties work it out expeditiously, but without our direction on how to do that. I would urge you to vote to indefinitely postpone the resolution.

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

ROLL CALL NO. 306

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Chartrand, Chase, Chizmar, Davidson, Desmond, Etnier, Fitzpatrick, Gates, Gerry, Green, Hartnett, Hatch, Heeschen, Johnson, Jones, K.; Joseph, Kontos, LaFountain, Lemaire, Libby JD; Luther, Madore, Mayo, Mitchell EH; Mitchell JE; Nadeau, Nass, O'Neal, Ott, Paul, Perkins, Plowman, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Townsend, Treat, Tripp, Tuttle, Volenik, Watson.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Cameron, Campbell, Carleton, Carr, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Dexter, DiPietro, Donnelly, Dore, Driscoll, Farnum, Fisher, Gamache, Gieringer, Goolley, Gould, Greenlaw, Guerrette, Heino, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Lane, Layton, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbr, Marshall, Martin, Marvin, McAlevey, McElroy, Meres, Morrison, Murphy, O'Gara, Peavey, Pendleton, Pinkham, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Ricker,

Robichaud, Rosebush, Savage, Simoneau, Spear, Stone, Strout, Taylor, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

ABSENT - Dunn, Labrecque, Lemke, Nickerson, Stedman, Stevens, Thompson, True, Truman.

Yes, 51; No, 91; Absent, 9; Excused, 0.

51 having voted in the affirmative and 91 voted in the negative, with 9 being absent, the motion to indefinitely postpone the Joint Resolution (S.P. 718) was not accepted.

A roll call having previously been requested and ordered was taken now on adoption of Joint Resolution (S.P. 718).

ROLL CALL NO. 307

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Cameron, Campbell, Carleton, Carr, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Dexter, DiPietro, Donnelly, Driscoll, Farnum, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Heino, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Lane, Layton, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbra, Marshall, Marvin, McAlevey, McElroy, Morrison, Murphy, O'Gara, Peavey, Pendleton, Pinkham, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Savage, Simoneau, Sirois, Spear, Stone, Strout, Taylor, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Chartrand, Chase, Chizmar, Davidson, Desmond, Dore, Etner, Fitzpatrick, Gates, Gerry, Green, Hartnett, Hatch, Heeschen, Johnson, Jones, K.; Joseph, Kontos, LaFountain, Lemaire, Lemke, Libby JD; Luther, Madore, Mayo, Meres, Mitchell EH; Mitchell JE; Nadeau, Nass, O'Neal, Ott, Paul, Perkins, Plowman, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Townsend, Treat, Tripp, Tuttle, Volenik, Watson.

ABSENT - Dunn, Fisher, Labrecque, Martin, Nickerson, Stedman, Stevens, Thompson, True, Truman, The Speaker.

Yes, 87; No, 53; Absent, 11; Excused, 0.

87 having voted in the affirmative and 53 voted in the negative, with 11 being absent, the Joint Resolution (S.P. 718) was adopted in concurrence.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Major Improvements at State Park and Historic Site Facilities and for the Public Access to Maine Waters Fund and the Land for Maine's Future Fund" (S.P. 740) (L.D. 1848) (Governor's Bill)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 to Investigate, Abate, Clean up and Mitigate Hazardous Substance Discharges, to Clean Up Tire Stockpiles, to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills and to Address Environmental Health Deficiencies in Drinking Water Supplies" (S.P. 741) (L.D. 1849) (Governor's Bill)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Freedom of Access Laws to Include Policy-influencing and Fact-finding Advisory Boards and Commissions in the Definition of Public Proceedings" (S.P. 739) (L.D. 1847)

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

Was referred to the Committee on Judiciary in concurrence.

On motion of Representative POVICH of Ellsworth, the House recessed until 4:30 p.m. this afternoon.

(After Recess)

The House was called to Order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 1230) (L.D. 1683) Bill "An Act to Establish the Town Boundary between the Town of Canaan and the Town of Cornville and between the Town of Canaan and the Town of Skowhegan Located in the County of Somerset" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 1281) (L.D. 1760) Bill "An Act to Amend the Definition of 'State Agency Client'" Committee on Education and Cultural Affairs reporting "Ought to Pass"

(H.P. 1190) (L.D. 1631) Bill "An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-761)

(H.P. 1208) (L.D. 1658) Bill "An Act Regarding the Cleanup of Uncontrolled Tire Stockpiles" Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-768)

(H.P. 1284) (L.D. 1764) Bill "An Act to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-769)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 14, 1996 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 335) (L.D. 916) Bill "An Act to Improve the Function of the Maine Health Security Act" (C. "A" S-462)

(S.P. 528) (L.D. 1445) Bill "An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning" (C. "A" S-463)

(S.P. 692) (L.D. 1762) Bill "An Act to Further Streamline Licensing Procedures at the Bureau of Insurance" (C. "A" S-459)

(S.P. 704) (L.D. 1793) Bill "An Act to Extend the Electric Rate Stabilization Projects" (EMERGENCY) (C. "A" S-458)

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

BILLS IN THE SECOND READING

Bill "An Act to Clarify the Process for Referendum Recount" (H.P. 1350) (L.D. 1851)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed and sent up for concurrence.

ENACTORS

An Act to Limit the Use of Certificates of Participation (H.P. 952) (L.D. 1341) (C. "A" H-738)

An Act Creating a Process for Municipalities to Withdraw from the Cobbossee Watershed District (H.P. 1176) (L.D. 1608) (C. "A" H-734)

An Act Concerning the Seasonal Sale of Reformulated Gasoline (H.P. 1201) (L.D. 1651) (C. "A" H-741)

An Act to Allow Municipalities and Regions to Include Beneficial Use of Waste Originated in Their Jurisdiction As Credit in Demonstrating Recycling Progress (H.P. 1209) (L.D. 1659) (C. "A" H-739)

An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police (H.P. 1229) (L.D. 1682) (C. "A" H-740)

An Act to Place Penobscot Land in Trust (H.P. 1306) (L.D. 1787)

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 items which were Tabled and Today Assigned:

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-712) - Minority (2) "Ought Not to Pass" - Committee on Criminal Justice on Bill "An Act to Include Sexual Contact in the Definition of Prostitution" (H.P. 1216) (L.D. 1666)

TABLED - March 12, 1996 by Representative JACQUES of Waterville.

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

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative CLARK of

Millinocket to accept the Majority "Ought to Pass" as amended Report and later today assigned.

Bill "An Act to Restrict the Taking of Eels Less than 6 Inches in Length from Maine Coastal Waters" (EMERGENCY) (H.P. 137) (L.D. 185)

TABLED - March 12, 1996 by Representative JACQUES of Waterville.

PENDING - Adoption of Committee Amendment "A" (H-759).

Representative PINKHAM of Lamoine presented House Amendment "A" (H-762) to Committee Amendment "A" (H-759) which was read by the Clerk.

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

Representative PINKHAM: Mr. Speaker, Men and Women of the House: I stand today to ask your support for my amendment. If this bill passes without my amendment approved, it will raise the cost of doing business in this small fishery in the State of Maine by 2,500 percent. I would like to explain why.

Last year in the elver fishery in Maine, the license to fish for these elvers was \$33 and there was an unlimited number of nets. You could have as many nets as you wanted at no cost. This year, if the bill passes without my amendment on it, you still have to pay \$33 for a license to fish for these and there is a limit this year of only five nets. If you fish those five nets, there is a net fee or a tax. You can call it a net fee or a surcharge or whatever, but it is no more than a tax that will cost \$100 a piece for the first two nets and \$200 a piece for the next three for a total of \$800 on five nets. My amendment only speaks for the net fees.

The other parts of the bill, we have in the bill about 10 different conservation measures, which is good for the industry. I feel that a 2,500 percent increase in the cost of doing business in a six to eight week fishery in the State of Maine is just too much to put on the industry. There are some in the industry that will support the high increase. We have had testimony in committee hearings that some of the people would support a high net fee along with a license cap on the number of licenses issued. We didn't pass the cap. We didn't put a cap on the number of licenses.

This testimony from the Department of Marine Resources as to why they would like to have the net fees, they need the money for some enforcement and research. The figure they have given us is \$180,000 a year for research and something in the line of \$150,000 a year for more enforcement for capital equipment and some overtime for the officers that they already have hired. This is only a six to eight week fishery so they wouldn't be hiring permanent wardens. These would be either part-time people that they could get. They could get retirees or just pay overtime for the existing force that they already have. That figure comes out to roughly \$300,000.

If this bill was to pass with the \$800 fee for the nets, it would generate up to 1.3 million dollars in revenues for dedicated funds. My amendment, which would change from the \$100 for the first two nets and the \$200 each for the next three nets would put a flat fee of \$50 per net on. Making the total, if you fish five nets, it would cost \$250. That would generate over \$300,000. With my amendment, they will still get the money they need for enforcement for a short time.

Last year we passed lobster legislation that gave dedicated revenue to the Department of Marine Resources for enforcement and other things. This all went into effect the first of January and within two months there was already \$180,000 surplus in that fund. I feel that this money doesn't go to the general fund to help everybody, it goes to dedicated revenue and to have that much of a surplus in dedicated revenue where you account for where it is going is just not responsible.

This bill, with the high net fees, would put a lot of the small fishermen in the State of Maine, the guys who have to make a living at it, out of business. This is a fill-in fishery. It comes at the end of scallop season and before the summer lobster fishery starts. There are people in eastern Maine, Hancock and Washington County and I am sure other counties along the coast, that depend on this fishery to make a few thousand dollars to fill in between the other fisheries. Those people would be the ones who get hurt. Everybody doesn't make a bundle of money out of this. There is a lot of people who make under \$2,000 in those six or eight weeks. If they have to pay \$800 to make \$1,500 or \$2,000, it will put them out of business. It won't be worth their while to do it. I feel that \$50 a net is sufficient and it will give the department the money that they need to do what they have to do and still help out the fishing industry. Thank you.

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

Representative BIGL: Mr. Speaker, Men and Women of the House: I would like to move that House Amendment "A" (H-762) to Committee Amendment "A" (H-759) be indefinitely postponed and I wish to speak to my motion. I need a little prologue here just to get us to where we belong and the kind of frame of mind where we belong. This is a fishery and it is one of many out there. It is one that has been built up over the past few years, very quickly, because of the economic return. What this says is that the basic bill itself is a good start in an elver or eel management bill. In that eel management bill because we don't want to lose that fishery like we did the groundfish and where the shaky urchin fishery is right now, we are not sure that is going to make it. We want to be proactive.

We also want to protect some of the elver fishermen from the south. For example, last year, I had a person I worked with in Bucksport and sat down and chatted with him and he had one eye pretty well closed up with a big bruise on the side of his head where he got hit with a baseball bat. I also spent some time very early in the morning behind a Dunkin' Donuts where there were five pickup trucks with rifles, shotguns, bats and axes laying around on their seats. It was tough out there. This bill includes some additional, temporary wardens to help manage the gear conflict out there. The bill provides for six temporary wardens over the elver season.

It provides for two immediate small scale studies. You all know you work with bills that you really don't understand, because we don't have the science or the background for it. It is hard to pull that out. We want that science to come right up real quick. We have already established in this bill for two immediate small scale studies. One of those two is to study the catch effort. That will help us make

any near term changes to the management bill as we move along.

Secondly, eel life history studies at the University of Maine, we need to get a quick handle on the quick life of the eels and get everybody agreeing on that. We also charged the Marine Resources Department to put together a plan that is going to come up in May. This plan includes extensive research activities and aquaculture studies so that Maine gets, if possible, the value added portion of the elver industry. We don't want to just send the little eels, that maybe you saw out in the hall the other day, off to someone else to grow them and sell them overseas in Asia and make all the money on it. We would like to see if we could put together our own value added here in Maine.

The Fishery Advisory Group, a cross section of the elver fishery firmly support this. Secondly, the money raised in the bill would give us an immediate pool of money that we could start doing our science with. We don't want to do it the way we did it with other fisheries where we waited until it was down and then we started parceling in a little bit of money here and a little bit of money there. We can put this right up front. That has the firm support of an advisory group that is a cross section of the industry.

The money raised by L.D. 185 will also protect the little guy. Let me give you a picture of the fishery out there, so you will know and understand that. Based upon studies, again the scientists went out and looked at people actually dipping elvers with what they call a dip net. At last years low price, it was about \$230. A small fisherman with one net can pay for his license of \$108, which was L.D. 185, with 50 dips of his net. If he continues just dipping with that net and he is a good fisherman, over the season he can make \$55,000. If he is a poor fisherman, he can make \$25,000. There is a lot of money to be made out there. Based upon the prices in New Jersey right now, they are getting \$550 to \$575 a pound. Let's say on the Maine coast we get \$500, with 22 dips of his net, he can dip out enough to pay for his fees.

In a telephone conversation last week, well many telephone conversations, two specifically with very small fishermen, they told me personally on the phone they can make \$25,000 to \$55,000 in a season. With all that said, yes, it is a lot of money. I can use a lot of jerk around words of 10,000 percent and all that, but I won't do that. I will just say that it is good management to get the money up front, put it away and then when we have the money we can turn around and in one or two years, if we have the money, we can back the fees down. The advisory board, which is a cross section of the fishery, that is the harvester right on through, that is a good cross section of the fishery, firmly believe that.

I hope that you go along with us to indefinitely postpone this amendment. Thank you.

Representative BIGL of Bucksport moved that House Amendment "A" (H-762) to Committee Amendment "A" (H-759) be indefinitely postponed.

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

Representative PINKHAM: Mr. Speaker, Ladies and Gentlemen of the House: You hear how much people make in this industry with several dips of the net, \$40,000 to \$50,000. Last year there were 1,700 licenses sold for elver fisheries. The fishery last year was worth 3.8 million. Simple math shows you

that these licenses were worth less than \$2,500 made in this fishery. Granted, there is some that make more, but for everybody that makes over that, there are a lot that make less. I think those guys are the people that we would like to see still in the fishery. The guy that is making \$2,000 to \$3,000 or \$1,500 to put food on the table between the fisheries. Those are the guys I would like to see stay in it.

The license fees for the guys that are making, if they are making the \$30,000 to \$40,000, like we hear, it is not going to hurt them. We could put the net fees up to \$500 a piece. It is not going to hurt those people because they are backed by people from out of the country with big loads of money that come in here and try to make a monopoly and get a monopoly on the industry. Those are the people that can afford to pay and they will pay no matter what the fees are.

It is the people that are making a living here in Maine that have to do it to put food on the table between fisheries, that I am concerned with. You are going to price those people right out. In a few years when the cycle goes around and the elvers aren't as plentiful as they are right now, the big guys aren't going to be here, so there won't be enough work to make it worth their while to be here. You are going to have to depend on the people who live here to do it.

If you price them out of the business, they just won't be able to do it. This goes right against the things that we have been doing for the last two years with the executive office and the Legislature, trying to keep people working in the State of Maine by keeping the cost of doing business down and by keeping regulations down. I think all of us heard that when we were campaigning. This is exactly in reverse of what we have been trying to do. This is going to raise the cost of doing business by a large percentage and put more regulations on.

My amendment only deals with the fees. I have no problem with the other conservation measures. I am only talking about the fees at this time. Using the department figures and the fiscal note on the amendment, you will see that even at \$50 a net there will still be plenty of money in there to do the research and the enforcement on this bill. Once this bill passes, I don't know how many of you have seen taxes lowered in the state, once you get a tax, it usually never goes back down, the 6 percent sales tax and different taxes. You can say that while we put it up to get a bundle of money this year, next year will take care of it. Well, next year usually never comes. It is the guy that has to pay the taxes that is stuck with the burden of doing this.

Again, I will say that the industry, if you can stand up and say the industry supports this, then you had better be able to say that everybody that had a license support this. I don't think you can say that because the people that I heard from, I had two calls this morning that didn't support it, the industry is everybody that fish for these. It is not just the few that come up and stand in the hall or that come because they want some special interest. The industry is everybody that holds a license and they all should be heard.

I mentioned about putting a license cap on, a lot of the industry was the high net fees, with a license cap. If they could have gotten a license cap where the licenses would have been froze at last years

level, then they would just as soon pay the fees because they know nobody else is going to come in the business and as sure as they could weave the little guy out that has to make a living then they would have had the fisheries for themselves and the high fees would have meant nothing because they have the money behind them. It still goes right back to the little guy taking the blunt of the sport. Again, I urge you to vote for my amendment.

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

Representative NASS: Mr. Speaker, Men and Women of the House: I am pleased to report that three weeks ago, I didn't have the slightest idea what an elver was. Just to show you that not all the fishermen voiced their opinion on this. It turns out in Newfield, Maine, which is in my district, a very inland town, there are several elver fishermen and they object strenuously to this proposal.

I will leave you with a summary remark of what I have learned in the past three weeks. As the Representative from Lamoine has already stated, this is a 2,500 percent increase in the fees. That in itself is enough to vote against this proposal. All of this money that is raised, and some people would suggest there is an excess of three-quarters of a million dollars that is not needed under the current proposals. All of it is going into dedicated revenue, another reason to vote against this proposal. Dedicated funds are a disaster. This fishing season is only six to eight weeks long. The license fee for a normal fisherman at \$800 or \$900 is vastly in excess of what it costs for a license to lobster in this state, which you can fish all year long.

I urge you to vote against the indefinite postponement and pass the amendment now before us and go on to pass the bill. Thank you.

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

Representative ETNIER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support my esteemed colleague on the Marine Resources Committee, Representative Bigl of Bucksport, on the indefinite postponement that is before you at the moment. Our committee has heard countless hours of work sessions and public hearings on elvers, believe it or not. It started last year thanks to Representative Heino's bill and it resumed this year.

Believe me, we have heard just about all we need to hear on elvers and you are hearing more than you will ever need to hear tonight. Please bare with us and hopefully this won't take to long. The industry strongly, in my humble opinion, supports high fees. We heard that over and over again. I have three inches of written testimony here from a number of people. One of the public hearings, I found my notes on, on the eighth, there was major public hearing on the bill this year, on January 8th. There was one person, a Mr. Choate from Madison, who spoke against the high fees that were on the table at that time. He, himself, mentioned that he would like to see a fyke-net fee of \$100 per net and a limit of three, not five.

The main reason these people support the high fees, I also heard this at the fishermen's forum where there was an open meeting at the elvers legislation that was on the table at that time, is because this is a dedicated revenue source to support their fishery. They realize that. Once it is

explained to them and they understand what a dedicated revenue source is and know it is not going to come into the general fund to be used for who knows what, they support it. The law clearly spells that out, as has been said before, exactly what the uses are in terms of enforcement personnel and also research.

This is a very valuable fishery of 4 to 8 million dollars are the numbers we have heard. It is a very short fishery, that is true. The fees that people will receive for these elvers is extremely high. As has been mentioned, if you want to spend around \$800 or so to fish five fyke nets, you can. The beauty of the proposal the way it is, if you want to fish one fyke net, you can spend \$133 and that puts you in the game consistent with just about any other commercial fishing license. The lobster license is a prime example and was just mentioned, that is around \$133 to fish a lobster license, on an average basis. If you want to go to more than one net, certainly you have to pay another \$100 for the next one, etc. etc.

This is a means of discouraging people from going to the maximum number of nets that are allowable in this law, which is five. Representative Pinkham eluded to the cap. I didn't gather that same clear impression that he did that they only supported the high fees with a cap on the number of licenses. That may have well been the case, but I suggest to you that there is a cap in the committee amendment. There is a cap that goes into effect on March 15, at which point there will be no new elver fishing licenses sold for this season. It is not a physical number, but it is definitely a calendar date and at that point, there will be a cutoff.

I have in front of me the work that our analyst did for one of our meetings. The Industry Advisory Committee that was put together, their proposal, at this particular time and it was pretty much consistent through all our work sessions was \$300 basic dip net fees for residents and \$200 per fyke net with a maximum of five. It also says here that the department, it is my understanding, both the Fish and Wildlife and Department of Marine Resources took no position on the fees. They didn't come to us and advocate for a high fee, low fee or no fee. They just left that up to this Industry Advisory Group that worked on this starting last December.

I urge you to support the indefinite postponement and let's get on with it and move onto our other business. Thank you very much.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: As we deliberate this bill and this amendment that is before us, keep in mind that this bill that has been worked on for two years came out of committee a unanimous report of "Ought to Pass." Let me repeat that, it came out of committee a unanimous report "Ought to Pass." Over the past two years, this is a compromise. It has been worked on and worked on and worked on. I really need to apologize, I guess, to the people that served on the Marine Resources Committee for ever having brought this bill in. They have done a wonderful job. They have taken a great deal of labor to do this.

Let me put this into perspective about costing \$108 to get a license to take a dip net and go down to a stream where the salt water meets the fresh water and over a period of six or eight weeks, making, let's say, a minimum of \$4,000. It is going

to cost you \$108 for that license. This resource, ladies and gentlemen, belongs to all of us. This doesn't belong just to the people on the coast of Maine.

Let me ask you if I were a lumberjack and I went to the State of Maine and I asked to cut timber on State of Maine property, would you allow me to go and cut there, enough so that I could make \$3,500 in six weeks and only charge me \$108, not by a jug full. You wouldn't allow it nor would anybody else in this state. The fishermen are getting a bargain, this is not a lot of money. Give this some thought.

We are trying through this bill to save a resource. We are attempting to save jobs. We are attempting to have a resource so that small fishermen can, year after year, have this available to them in the springtime. We are not trying to push aside small people and people trying to make a small living in this. If you don't have some regulations on this, we soon will have no fisheries in it and if you do have a fisheries, it will only be the big boys in it. I think this protects everyone.

It has been mentioned that it is a 2,500 percent increase. Well, if you charge me a dollar for an ice cream today and tomorrow you charge me \$25, that is a 2,500 percent increase, too. Everything has to be put into perspective. Again, I would urge you to support the indefinite postponement of the House Amendment. Thank you.

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

Representative LAYTON: Mr. Speaker, Men and Women of the House: The sole purpose of these increased fees, these exorbitant fees, is to drive the little guy out. In the fishing community, this is happening throughout. We see it happening in the groundfish industry, the lobster industry and this is no different. The little guy, in the state, is not going to have a chance. I urge you to vote against the pending motion. Mr. Speaker, I request the yeas and nays.

Representative LAYTON of Cherryfield requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-762) to Committee Amendment "A" (H-759).

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

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House: I in no way want to stand here today and criticize the work of the Marine Resources Committee. I commend them for their efforts in conservation of this fishery, just as they have done in the lobsters and sea urchins.

My problem and this amendment addresses it, are these fees. I believe fees should only be for licensing, not for revenue enhancing with the department. These fees are way high for someone in a part-time fishery for six to eight weeks. If we pass this amendment for the good Representative from Lamoine, this will provide money for law enforcement and this will provide money for research of this fishery. I don't understand the purpose of having these fees so high that it creates a dedicated fund to the DMR. Why are we building up this huge pile of money in the DMR? I hope you will join me in voting against the prevailing motion.

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

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the motion before us. The fees were suggested by the fishermen. The committee reduced those fees by almost half. Almost any person can get in this fishery for \$108 for a dip net and \$133 for a fyke net. If you compare that to other fisheries, the lobster fishery there is a fee of \$118, the sea urchin fishery is \$249 and for scallops it is \$124. The increase in these fees when you have more nets was recommended to perhaps keep the number of nets down. If you fish one or two nets, you can do it on a very economical scale. These nets will fish between a half and one pound of elvers a night, I have been told by quite a few fishermen at a value of between \$250 and \$500 a pound. If that is true, then you get a pretty good return on your \$108 investment. I urge you to support the pending motion. Thank you.

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

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

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

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make just a couple more comments. It has taken me a while to get myself turned around. I was in the paper business for years. I am anti-tax. I am anti-anything you want. I got on this committee and I had to start taking a new look on what was going on. I kept seeing fisheries going down the drain. What do you do to prevent that? Sometimes you have to look ahead, look to the future and say, how can we prevent this fishery from going the way of others? You put things into place, rather than wait and drag it out. That is one reason for putting a good solid hunk of money up front for science. In a year or two years we can drop right down. We did that with the Maine Sardine Council, they cut their money down over a period of years. We are perfectly capable of doing that. The industry will not let us keep it up there. That advisory board is going to tell us that we have enough, you bring it down. They don't want to pay those fees. They are willing to do it now to get us started.

Secondly, if you look at the difference between the amendment and the bill, the small guy, for example, under the amendment, the small guy pays \$83. Under the bill, the small guy pays \$108, that is with one dip net and a license. That is about a 10-dips difference. I urge you to support the indefinite postponement so we can move on and pass the bill. We can put a management system into place. We can get that science money right up front and we can start moving the scientists in the direction so we can protect that fishery for our fishermen for many years. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone House Amendment "A" (H-762) to Committee Amendment "A" (H-759). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 308

YEA - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Greenlaw, Heesch, Heino, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lemaire, Look, Luther, Meres, Mitchell EH; Morrison, Nadeau, O'Gara, O'Neal, Paul, Pendleton, Poirier, Poulin, Povich, Rice, Richardson, Ricker, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stone, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tyler, Volenik, Watson, Whitcomb, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Birney, Buck, Bunker, Cameron, Campbell, Carleton, Clukey, Cross, Damren, Dexter, DiPietro, Donnelly, Farnum, Gieringer, Gouley, Guerrette, Hartnett, Hatch, Joy, Joyce, Joyner, Keane, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Madore, Marshall, Marvin, McElroy, Murphy, Nass, Ott, Peavey, Perkins, Pinkham, Plowman, Reed, G.; Reed, W.; Richard, Robichaud, Taylor, True, Tuttle, Vigue, Waterhouse, Wheeler, Winglass, Winsor.

ABSENT - Carr, Chick, Dunn, Fisher, Hichborn, Martin, Mayo, McAlevey, Mitchell JE; Nickerson, Pouliot, Stedman, Stevens, Truman, Underwood.

Yes, 79; No, 57; Absent, 15; Excused, 0.

79 having voted in the affirmative and 57 voted in the negative, with 15 being absent, House Amendment "A" (H-762) to Committee Amendment "A" (H-759) was indefinitely postponed.

Representative LOOK of Jonesboro presented House Amendment "B" (H-763) to Committee Amendment "A" (H-759), which was read by the Clerk.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I realize it is not easy to vote against someone's amendment, but I want to thank you for the vote because the amendment I am offering is a follow up to Committee Amendment "A." This amendment was received after Committee Amendment "A" received a unanimous vote from the committee, it came to our attention that there were some things that we should take a second look at, which we did.

At this time, I would like to go down through these items and identify them to you. Item number one, on House Amendment "B," which I am presenting, reduces the fee for nonresident fishermen from \$1,000 to the current fee of \$334, that is what the license is now. It is the commercial license, the general commercial license in the Department of Marine Resources.

Secondly, I want to talk to you a little bit about this elver fishing gear. The Committee Amendment "A," under that a person must have a license to fish elvers and be in the presence of the net owner or a person must have a license to fish elvers and have written permission from the net owner. This amendment addresses that a little more explicitly. It provides that a person must have a license to fish elvers and be in the presence of a net owner or a person must have a license to fish elvers and have written permission from a marine patrol officer. The officer may issue permission if the net owner cannot tend the net or trap because of a disability or personal or family medical condition. The reason this is in there is that it has been a custom in the

past that they would let anybody tend this. To have this stipulated that this person must have permission from the owner because of the multitude of nets that have been in and the fact that there have been cases where the owner of the net is never present. This is a means of attempting to provide a conservation measure. It also allows other people to have the nets in the water, if the owner can't tend all of his nets, he must be either ill or have a family emergency to grant this right of this net to be tended to someone else.

The fees and tags, it is going to be necessary for all of these nets that are in the water to have an identification tag on them, which matches to the license, which the fishermen carry. As has been said before, effective March 15, that is two days from now, there is going to be a five-net limit. Here again, this is a conservation measure. These net fees must be paid by April 15, that is if you want to fish in this season, you must make application and receive your license no later than April 15. That is what the amendment says now. I want to say that the fishermen have already put their nets in the water and there is nothing in the law, because there is no law at this time to keep them out. These fishermen have been fishing these nets. We thought we would ask them to take it out and they were very, very upset. Believe me, our telephones rang off the wall last weekend. It has been decided to allow this to continue. However, they must take these nets out by April 1. They must have the tags on them by April 1. They have to take them out to put the tags on them, but they can put them right back in the water as soon as they take them out. They can't fish them until April 1. The net fees must be paid by April 1. This is a change from the original amendment. The tags must be affixed to the nets by April 1, 1996.

The proposed net fees are as you have heard, \$100 for the first two fyke nets. That is a type of net that has a funnel like structure with a pocket type part at the base of it, which contains these little creatures that come into the net. The third, fourth and fifth fyke net has a cost of \$200 each. That is the fee for that. The dip net has a fee of \$75. Let me give you a little bit of history of this. I never heard of an elver before this came up. I knew what eels were, because I used to go fishing with my father and when those eels crawled at me in the skip, I thought I would like to jump over. I realized there were as many in the water as there were in the boat.

What we are looking at here and what has happened in Maine and it is happening all along the Atlantic coast. There is going to be on April 3rd, the Atlantic States Marine Service is meeting in Farmington, Connecticut to decide what the federal government may do with the eel fishery on the eastern sea board. I think Maine is ahead of them, if we can enact this law. We need this because last year here on the coast of Maine, we were experiencing a very, ticklish, difficult and uneasy situation during this season. You heard Representative Bigl indicate what he saw in Bucksport. Yes, these people had guns. They had bowie knives. We don't want anything to happen. We want to keep this a viable fishery. We want to keep it a legal fishery and therefore, we need law enforcement. We need the presence of law enforcement in these areas. That is why the department has proposed that they be allowed to hire

additional help just for this fishery and to be able to have people trained in such a short time, they intend to hire retired wardens, who know the laws and do not need training. Therefore, we need some money to pay these people for this short time.

We also would like to know a bit more about this creature. The nature of it and for those of you who don't know what the scientists already know about the fishery, these little glass eels, they have many stages of development. They come out of the Sargasso Sea in the spring of the year. They come to the eastern coast of this country and they migrate up. When they feel the presence of fresh water and the warmth, they will go into the rivers, brooks and streams and into the lakes and ponds. The Maine season is later than it is in South Carolina or New Jersey and they have already hit the coast here in western Maine. They go into these lakes and ponds and they stay there for many, many years, as many as 30 years and develop into adult eels. When the urge comes on that they want to spawn, they come down the rivers and they eventually go back to the Sargasso Sea and spawn and then the next generation starts. Every year there appears to be a generation that comes into lakes and ponds for this purpose. That is about the extent of what is known of the biology of this fishery. We would like to know more.

We feel that it is a viable fishery because the Asian market now has learned of this. These are shipped to Asia, Japan, Taiwan and some are consumed at this state. Others are put into their aquaculture projects and raised to an adult eel size and then put on the market. It brings a very high price. Also, there are people who come from South Carolina here to Maine to buy these eels, take them back to South Carolina and raise them and then ship them to the Asian countries or to the European countries, this could be done here in Maine. This is what we are talking about. Help us to try to develop this industry into something that is going to have added value and still allow our people to fish as they are doing now and it can become a viable industry for Maine. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative NASS: Thank you Mr. Speaker. The question is as follows: It appears to me that we just increased the licensing fees for residents of Maine for this fishery by 2,500 percent and now this amendment proposes to decrease the fees for nonresidents by almost 200 percent. Is that true?

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I would disagree with the gentleman, because the amendment proposed a \$1,000, which is a new fee. It is not in effect and by this amendment it reduces it back to the fee which is being utilized now in the industry. By now, I mean today.

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

Representative PINKHAM: Mr. Speaker, Men and Women of the House: These are all new fees. These

net fees are new fees too. There were no fees on nets last year. They are all new fees we are talking about. We are imposing high fees on the residents of the State of Maine, but cutting the out-of-state nonresidents from \$1,000 down to \$334. Thank you.

House Amendment "B" (H-763) to Committee Amendment "A" (H-759) was adopted.

Committee Amendment "A" (H-759) as amended by House Amendment "B" (H-763) 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" (H-759) as amended by House Amendment "B" (H-763) thereto and sent up for concurrence. Ordered sent forthwith.

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

Senate Divided Report - Committee on Transportation - (9) Members "Ought Not to Pass" - (4) Members "Ought to Pass" as amended by Committee Amendment "A" (S-443) on Bill "An Act Relating to the Potential Improvement of the Maine Turnpike Authority" (S.P. 648) (L.D. 1690) which was tabled by Representative STROUT of Corinth pending his motion to accept the Majority "Ought Not to Pass" Report.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I speak to you tonight to give you the reason why I signed this bill out "Ought Not to Pass." I make it very clear to the members of the House that personally I am not opposed to the widening of the Maine Turnpike. I will tell you that when the people voted in 1991, they made it very clear that when they voted for the Sensible Transportation Act, that they voted against the widening of the Maine Turnpike.

My concern this year is that I do not believe that the time is right for us to send this back out to the people to get another vote. Some may say that when they voted in 1991, that the people didn't know what they were voting on. I guess I would have to disagree with that because I have a lot of respect for people, especially in my district or across the state that when they vote, they know what they are voting on. Some would say to put this referendum out now with another issue that is coming up on the November ballot, to make the law the same. I am going to give you the other side of that.

I am going to make it very clear to you that when I speak on the floor of this House and I feel strongly about an issue, I am sincere and I am going to tell it like it is. You talk about the Clear-cutting Referendum, there is going to be a competing article out there, if you put this out to referendum. Let me tell you, from where I come from in eastern Maine that our Maine concern is, I can tell you right now, we are going to be concerned about the clear-cutting issue and we are going to spend all the effort we can to see that is killed. As far as the widening, even though some of us that travel over that some of the time, couldn't care less, I repeat, couldn't care less in November whether the widening passes or not. Our main emphasis is going to be on defeating the other referendum. That is my concern.

If you think that the Natural Resources Council of Maine is not smart enough to see what I just told you, you are wrong. As we go on later on this summer and they see very clearly that they are not going to be able to win the clear-cutting issue, they are going to back off and they are going to work against the widening. There is no mistake about it. As far as the timing is concerned, the study is not complete. It may be a year from now, I believe, that when the study is complete, it very well may show that the turnpike should be widened. If that is the case, at that time, we will be able to go out and defend it. I, as one legislator, right now, cannot go out of here and defend that the widening of the turnpike should be now. I cannot do that. If we send this out to the people, my people are going to start asking me, should we widen the turnpike? I cannot defend that. I think you ought to ask yourself, can you honestly go out of this session defending the widening of the turnpike now? I don't believe that you can do that.

I would urge you tonight to vote against this issue and pass it on its way.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: You don't have to think back too far, only until 1991. We are having distributed to you now, the 1991 referendum question. You also have on that sheet of paper, what is proposed for a referendum question today. If you can sit in your seat and look at the referendum question in 1991 and tell me that the voters of this state realized that they were passing this environmental regulation onto the transportation of this state, I think you are mistaken in that. I know that talking to my constituents, they didn't realize what they were voting on. Most of those who voted yes and got this, felt that they were voting yes on widening the turnpike. I feel that we owe it to the people of this state to give them a clear question on whether they want to widen the turnpike or not.

Traffic since 1991 has increased 20 percent from 34 million vehicles to 43 million vehicles. There is no question that safety is the major issue down there, economic issues come second, but the safety issue is that we are killing people on that section of road between the two-lanes in Portland at three times the rate we are on the six-lanes. From Portland north, we are killing people on that section of road twice as often as we are on the six-lanes. There is no question that safety is an issue. The troopers that patrol that area of the road, you have another article that has been distributed that shows that 10 out of the 13 troopers that patrol that stretch of road from the six-lanes to Portland have been injured, struck either in their vehicle or while outside their vehicle checking other vehicles.

There is no question that at the public hearing on the widening of this turnpike, that when I asked the Natural Resources Council, would you go on record today saying that if the studies justify and warrant the widening of the turnpike, saying that you would support that initiative? They would not support that. The Green Party, Jonathan Carter, when he testified in our public hearing, no question, his testimony was, they are not satisfied with the studies that are being done. They are not aggressive enough. "The Green Party will personally defeat the

widening of the turnpike." Those were Jonathan Carter's exact words. I am not going to take a lot of time because of the hour here tonight.

I would urge you to vote no on this Majority "Ought Not to Pass" Report so that we can pass the Minority Report. Let's get this out to the voters and let the people of this state decide on this important issue. There is no question that it is a bottleneck. The tourists that come into this state are being discouraged from coming in here because of that bottleneck. We need to widen that turnpike. Now is the time to do it. I would urge you to vote against the "Ought Not to Pass" Report, so that we can pass the Minority Report. Thank you.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I am going to say to members of this body, the Democratic members, the same thing I said to the Republican members in a caucus today. I am going to talk a little bit about defending your vote. How hard can it be to go home and tell your people that I put it out to referendum? That is what we are really discussing here. We are not discussing whether the turnpike should be widened. Let's get that straight. In fact, I think we should be defining what we are discussing here a little bit better. We are talking about sending this out to referendum and that is an important distinction.

I also want to discuss a little bit about turnpike policy. What is more important, a new exit into Scarborough or direct access into the airport? What is more important? What is more important three or four lanes so that we can have tourists coming in or grinding down the economic development of this state? That is what we are doing. We are wearing it down. We are grinding it down. What we are saying is, I'm sorry, this is Maine and we aren't going to have further economic development. That is what you are saying. This is a state that depends on tourism. I think we have to recognize that. We are not asking for a miracle here. We are just asking that the people of Maine get an opportunity after six years to have another referendum vote of whether we should widen the turnpike or not. It is a simple yes or no vote. It is putting it to them straight so that they can understand and decide the issue, not one that is attached to Sensible Transportation Policy Act.

I remember last July and I know you have all been there, but I am going to repeat it. Last July when I was on the turnpike coming north after being in Boston and getting through the York toll and seeing that there was stopped traffic from the York/Ogunquit line to South Portland and that I was in it. I thought at that point, I said to myself, who in the world is going to come back to Maine if they have to go through this every time. This isn't the Frogs Neck Bridge, this isn't Long Island, this is Maine. We should have easy access. We should promote tourism. We should be user friendly. These are all important concepts. We are not asking for the world, we are just talking about a minor expansion of what we already have. If you get past South Portland, you have four lanes going north. It is not a problem. It is a 31-mile stretch. We are not asking for the world.

I think the Maine Turnpike Authority would love to expand this. They have been handcuffed by the Sensible Transportation Policy Act. Now that we know

what that has done, it has created millions of dollars worth of studies. We have wasted a whole lot of money in this state. Now that we know that, have we learned from that? I hope we have, because that is what this issue is all about. Have we learned from our mistakes? Let's put this issue to rest and put it back out to referendum. The voters will decide in the fall and what do you have? You have a clean issue. It is either yes or no and it gets left alone from here on out. I would urge you to vote against the pending motion. Thank you.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I have some remarks that I would like to make, but I would like to, at first, respond to the most recent speaker. If I were a citizen on the outside, not being part of the legislative process and I were reading about what is going on here and if this were to pass, I would be saying to the Legislature, what you are simply saying to me is, we didn't like what you did in 1991 and we are going to give you another change. We are going to do it and I might suggest that some of you might do it over and over again until you get it right. That is what I think the public would be saying.

Secondly, let me make sure everybody understands, this is not a question about widening the turnpike or not. It is a question of whether we are going to send it out to referendum before the reports are done.

Thirdly, in response to the question that was asked by the previous speaker, who would come back with that kind of traffic? I would remind everybody here that tourism, again, last year went up once again. That is repeating something again and again, I know some English teachers are going to correct me on that. It continues to go up. I would submit to you ladies and gentlemen of the House, that people, in fact, are returning to this state year after year. There are several reasons why I am urging you to support the Majority Report of the Transportation Committee. There are some things I want to make sure you understand.

Number one, this legislation is forcing individual organizations, legislators, the Turnpike Authority, business organizations and many, many others to take a position that they ought not to be put in. That is opposing this legislation, which would sort of suggest that they are opposing the widening of the turnpike, which, of course, is not accurate. They should not be put in that position. At this particular time, today, there is no opponent of widening the Maine Turnpike who can say with any justification at all that the turnpike hasn't been doing exactly what they were told that they must do, not asked to do, but told they must do in 1991. They are trying to complete that task and that task is not finished. That task will be finished in December or January. That is the projected target of it, not in November or September, but in December and that was the way it was assigned. That is what their job was.

Something is very important, that you understand that we are short-circuiting what the voters told the turnpike they had to do. They have not completed their assignment as of yet. I support the widening. I want to make sure you understand that. The overwhelming majority, if not everybody on whatever side they are on the report, favor the widening. All the organizations I read to you favor the widening. We do not support this method of doing it.

A couple of other quick things, you have another fact sheet passed out, by somebody other than myself, on your desk, it has to do with who controls the future. I would like to respond to a couple of things that are on that paper. Whether you agree or disagree on whether the citizens who voted for it understood what they voted for in 1991, the point is that they did vote for the Sensible Transportation Act and against the widening. I agree with the House Chair, that the people in Maine, we may not always agree with their vote, but I suspect that none of us disagree, let me put it another way, I suspect that none of us who are sitting in this House at this time, would suggest that the voters who cast their ballot for us two years ago, somehow didn't understand what they were voting for.

The vote is the law and that is the rules of the game. The Maine Turnpike is following those rules and they will be able to come back and tell you whether or not the turnpike should be widened by December of this particular year. To have a referendum in 1996 questions those citizens, as I have said before. I submit to you that if this issue goes out, I started to tell you about no opponents have a leg to stand on at this moment as to whether the turnpike has done their job. If this legislation is passed, I submit to you that there are people out there who could very well sue the turnpike and drag this thing out for a number of years because we passed legislation before all the hoops were jumped through and all the dots in the i's and that kind of thing.

I ask you, ladies and gentlemen of the House, to consider all of that. Finally, something that I was just made aware of today and I think it is important for you to understand. The Maine Turnpike lawyers have advised that the Turnpike Authority will not be able to release to the public any information after August, that is if there is a referendum in November 1996, that could be considered as influencing the outcome of the referendum. That would be considered using toll dollars to influence the outcome of the referendum. The Natural Resource Council of Maine sued the turnpike in 1991 on that very exact same issue. As a result, if the election is in November and the Maine Turnpike Authority has advised them that they must not release any information or say anything after August, then you see much of the information that would be needed, would not be available to the public at large.

Ladies and gentlemen, there are a lot of reasons that I am asking you to support the Majority Report of the Transportation Committee. Let the Turnpike Authority complete its work. You will have tremendous support of widening the turnpike following that report. I am quite confident. All the agencies will be able to pull together and work together. It will delay it only a year instead of this November. Whereas, if it is taken to court, I think my experience is good enough to know that it is dragged out for several years and then where would we be. I don't think we need to do that. I think we ought to let it run its course and I urge you to support the Majority Report. Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I think that if we could write history today, a couple of years ahead, we would see that no matter how we vote here tonight,

you are going to have some problems through lawsuits or challenges because no matter what happens to the reports that might come forth from studies that are now in operation from the Maine Turnpike Authority, you are going to have someone saying that is not quite good enough. We need to do this or I like that, but, we are not going to solve that problem no matter how you vote here tonight.

Since the committee took a vote on this bill, I have had an opportunity to talk with a number of constituents. I spoke to about 45 or 50 constituents at a public meeting a week ago yesterday. I found that many of my constituents were confused as to the dollars and where they come from and where they go. Some of my constituents felt that when they voted back in 1991, that the roads in Maine are like they are now, tough shape, that someone did a poor job of educating the public that the 100 million dollars or whatever the figure might have been to widen the turnpike could have been used for their roads if they voted against the widening of the turnpike.

I found out through some talking that I have done in the last two or three weeks with my constituents, that once you have told the people that is a whole different ball game and you don't widen the turnpike. You don't have 100 million dollars to construct bridges and roads and so forth elsewhere in the State of Maine. They scratch their head and say, is that so, well maybe I would look at it in a different light.

Ladies and gentlemen, when we took a vote in this committee on this bill, I voted with the majority of the committee. I can tell you right now, up front and honestly that if I were to vote on it today, I would be voting with the minority. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: Someone has suggested that we would be thwarting the will of the people if we were to put this out to referendum again. I disagree. It is my understanding that according to the Sensible Transportation Act or whatever it is called, there are five criteria that the Turnpike Authority has to meet before the turnpike can be widened. One of those five criteria is to take this issue out to referendum so that the people could decide again on this issue. It seems to me that we have an obligation to send it back to the people.

The other four criteria are very interesting and that is what this study, as I understand it, is all about. Electronic polling is a requirement and I understand that is being instituted in Scarborough. Congestion pricing is another criteria that has to be studied. I understand that last year the state spent \$300,000 on congestion pricing and it resulted in less than one half of 1 percent in terms of reducing the congestion on the turnpike. Another requirement is that there should be a ride-share program implemented. It is my understanding that to date there has been \$200,000 on a ride-share program and they have signed up 146 individuals to participate in that, which means that reduces about 10 to 20 vehicles a day on the turnpike.

The point that I am trying to make is that I am not convinced that these alternative modes of transportation are going to significantly impact the traffic on the turnpike. I think it needs to be widened. I think we need to do it today. We have an obligation to put it out to the voters. It is part

of the requirements for the transportation study and I think we should get on with it.

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

Representative MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I live right on the end of the turnpike where it begins and get to see it quite often. You don't need much of a survey or much of a test or study to find out on the weekends, in the summertime, it is too crowded. It is so crowded that when we come back from northern Maine, in the summertime, we usually get off at Gray to go to the Kittery area. I just have a hard time spending that kind of money to go that slow on that boring road when I can take a trip down through Gray on Route 4 and it is at least an interesting ride.

I don't think putting this out to referendum would be thwarting the will of the people. We are just asking them for their will today. However, I do think that in 1991 the people were deceived on this issue. I think it was very cleverly written. Most people that I talked to said they think now is a bad time to widen the turnpike, but I think it needs to be widened. What their reasons were, I think have all been mentioned here tonight. There are various reasons on what they were, whether they thought the money should be spent on something else or if they just thought it was bad economic time and it would give the wrong impression. There are various reasons. However, there are a few groups in this state and perhaps outside of this state that will never be in favor of widening this turnpike. They have stated that. They will never be in favor of widening this turnpike.

I think the turnpike needs to be widened. I think it needs to be widened now. You don't have to be a rocket scientist to figure that out if you see this turnpike. However, if we try now, I am afraid we will have lawsuits coming out of our ears and that will stop the widening of the turnpike. It could stop it for a long, long time. I think we are in a situation right now where we need to wait until we get all our weapons put together. Let the Turnpike Authority finish their surveys. Let us get our weapons ready, collect our funds. This summer is going to be a busy one for funds on other issues, but let's get our forces trained, get them together and try it again next year when we are ready to charge ahead. Thank you very much.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am a little concerned when I hear this Legislature size up the will of the people. I have been here too long because I have a memory. I remember when the people of Maine voted against a bond issue and this Legislature said that we need a new motor vehicle building and we got it with a certificate of participation. We thought it was essential that we had that.

I would hope this same Legislature would think it would be essential to have a safe road. That road down there, not only do we need it widened for the economic welfare of the State of Maine, we need it widened because of safety. Those of us who use that road realize just how dangerous it is when you are driving bumper to bumper, 75 or 80 miles per hour and that is the way they go. We all keep up with them. We are all guilty. I am no different than anyone

else. If something happens, there is going to be a crash.

A week ago Monday, we had a 12-car pileup and a couple of semis in it. It was a wonder someone wasn't killed. It was tied up two and a half hours on the turnpike. I wasn't, but a friend of mine was. From 1991-93, we had 5.1 injuries. You all got this, so you all know what it is in the four-lanes compared to 3.1 injuries per mile in the six-lanes. That ought to prove something. Ten out of the 13 state troopers who patrol the four-lanes have been struck by traffic, either while unprotected or in their cruisers and that certainly puts them in danger.

The Department of Safety and Mr. Skolfield, they did a study because of the bill we had on opening up the scales down there in York and Kittery. In that study, when he brought it before the Legal and Veterans Affairs Committee, he said he found in their survey 120 semi-trucks went through that turnpike in one hour, 24 hours a day. That is two trucks a minute going down that turnpike at all times of the day and that is the average. At some point, there is 180 an hour going down there. That is a road that is used. It is the main artery coming into Maine. Maine does not have another artery. It is the only road coming in.

We have 202 that comes in through East Rochester, New Hampshire into Lebanon, Maine. The road that comes in through East Rochester is just a two-way road, one coming and one going. Route 202 through Lebanon into Sanford and down through Alfred and up into Waterboro, it is only a two-way road and it does not connect with any other road. The economic welfare of this state, I firmly believe, depends on widening that turnpike. I have sat in on the Taxation Committee and we have tried to do tax increment financing for small businesses, industries and retail businesses to bring jobs into Maine. I don't think that any jobs will come into this state until we have our infrastructure in place.

I can remember a few years ago here when we had a bill to put an east/west highway in. That was from Calais across the state the other way. I voted for that because I think it is very important that if we want economic growth in this state, we have to have some highways and this, here, would be a beginning. This road was built in the early 40s, 50 years ago and it hasn't been widened and believe me the traffic, there is a big increase. I don't know why we are thinking that it is too soon. I believe that this Legislature should put out that referendum so that we can word it so the people of this state can understand it. Even the last referendum, I had to stop and read it two or three times before I really realized how to vote. If we don't even understand what we are putting out, how can the people out there understand it. It was just mass confusion. They were told that it was tax money, but I think some of them realize now it is not.

Those of us who really use that road realize what a safety hazard it is. Last year, this same Legislature, they wanted to put a \$2 surcharge on that road at certain times of the day during the summer. We voted that down because we knew what it would do to the economy of this whole state. Believe me, actually as far as the economy of Kittery and York, it is not going to hurt those two towns or those along the border because people can come in there and there are no tolls and it is a six-lane highway. It is a beautiful road. Once you hit the

Ogunquit line, you are right into two lanes. The whole rest of the State of Maine that is hurting and is going to hurt bad unless we have some infrastructure down there on that road, the economy of this state is never going to grow.

The Governor keeps saying that Maine is on the move, I wish I was as optimistic about it as he is. I don't believe that Maine is going to be on the move until we can do something about the roads that trucks can get into and remember, the people who want to vote this down, even last year when I said to a member that was against the turnpike regarding the surcharge, where do you want the traffic to go? He said, "Route 1." I don't know how many of you have been through Ogunquit and Wells in the summertime on Route 1. You are just not going any where. It just "ain't gonna" happen. You are going to set there and set there and set there. If you put that surcharge on it, it would have been backed up to the bridge. I firmly believe that.

Who is going to control the future of this state? Are we the people of the State of Maine going to control it or are we going to let outsiders come in here and control our economic future? They have already killed Searsport and I think that was a disaster. I didn't even realize that so many people from my district even thought about Searsport until the article was in the paper. More of them said to me, I can't believe the Governor has backed off. I said, "Well, I don't know his reasoning completely, but I can't believe it either really." They said it was so important to this state. If we want to be a state as a whole, we have got to have infrastructure all over this state. I think it is time we begin in York County.

Please join me in allowing the people of Maine to speak for themselves and tell us that they want to widen the turnpike. I believe they will vote to do it. All we have to do is get the message out of them. There is not a Mainer in this state who doesn't want a job. They all want jobs. Thank you.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I was a girl in high school when Governor Edmund Muskie, remember Governor Muskie, it wasn't in the early 1940s, it was the mid 1950s that the turnpike was built. Governor Muskie promised us that as soon as the bonds for the turnpike are paid, we will take the toll booths out of there. It will be an open and free road and it will bring tourists and business into Maine. I wonder if we would have a safety problem or a congestion problem, if you would simply take those toll booths out of there. The rest of the turnpike flows very freely until you have to start slowing down to go through the toll booths. I know it is an old political promise, but it is after all still a political promise. How I wish we would send to referendum the question, shall we keep the original promise of Governor Muskie and tear down the toll booths on the turnpike and have what we promised you you would have, an open and free good highway in the State of Maine? Thank you.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: I firmly believe that probably the ultimate outcome is the turnpike is going to be found to have to be widened. However, I voted with

the Majority "Ought Not to Pass" on this. I am looking ahead to the future litigation, much like is happening to Sears Island. I think it will strengthen our case immensely if we have all these studies behind us and we have jumped through all these hoops and done things as the Sensible Transportation Policy Act dictates that we must.

I agree wholeheartedly with the good Representative from Eliot, Representative Marshall, when he said to get our ducks in line and do this properly. The referendum question in 1991 was very confusing and had two issues on it and that cannot happen again. We passed a law that says we can only have one issue on each referendum. I think the next time we have a referendum issue in front of us, it is going to be much clearer to the voters what they are voting for. I urge you to accept the Majority "Ought Not to Pass" and continue on with this in a more reasonable and thought out manner.

This may not pass this fall if we go to referendum with it. There is going to be a lot of people speaking against it. We have a sheet of paper on our desks that we all got that the Portland Press Herald has written editorials against it. The Lewiston Sun Journal, the Waterville Morning Sentinel, the Maine Sunday Telegram, the Brunswick Times Record, the Bangor Daily, they have all said we are doing this too soon. Let's get all the facts and do it in the proper order. I think the quickest way to get the turnpike widened is to jump through these hoops, have a referendum and have a very strong case when it does go to court. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House: I urge your support with the motion that is before you, the "Ought Not to Pass" Report. It seems that there are some people that are saying that back in 1991 the voters of the State of Maine didn't know what they were voting for and not understanding what they were voting for. I should probably agree with you that that is true. This referendum question is going to be put out to the people is the same thing. The reports are not in to allow the people, the voters of the State of Maine, to say yes, you should widen it or no, you should not widen this. Once again, you are asking the people of the State of Maine to vote for something that they don't know the facts thoroughly. I urge your support of this "Ought Not to Pass" Report and let's move on.

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

Representative AULT: Mr. Speaker, Men and Women of the House: Everyone talks about getting the public involved in the democratic process. After every election there is much discussion about how few citizens turn out to vote. This afternoon, out of curiosity, I took the time to find out just how many citizens voted five years ago in 1991 on the turnpike referendum question. A question that, I believe, was confusing and misleading. Ladies and gentlemen, 381,000 citizens voted in that election. I repeat, only 381,000 people.

You need to know that one year later in the 1992 presidential election 678,000 citizens went to the polls to vote, that is a difference of approximately 300,000 people from one year to the next. Let's put this question out to the people of this state in an election year that will attract the most voters. I have heard environmentalists say that another

referendum in inevitable. Let's do it sooner versus later. Let's do it in 1996 when citizens of this state are in a position to be motivated to go to the polls. I urge you to vote against the pending motion so that we can go on to accept the "Ought to Pass" Report.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I hope you will join me in voting to pass the Majority Report on this bill. Sometimes we have short memories in this chamber. Last year in the last session, we had a movement to have this same referendum. We had a lot of hearings and meetings with the Transportation Committee and all parties in the battle over this issue, both for and against. At that time, everybody felt a referendum on this was not appropriate, would be deceiving and would waste a lot of time and money for many people in the state.

What was decided on was to develop a set of bench marks, criteria to work on and study over the next year and a half and come up with some results, so that we in the Legislature and the Maine Turnpike Authority could make a decision down the road, which would be in January 1997. Those of us who attended the Economic Growth Council luncheon yesterday heard a lot about bench marks and how we need to have appropriate information to make decisions. I think the project of this magnitude is certainly one of those for which we should have the right information.

Suddenly here we are again a year later, voting on the same issue of whether to have a referendum or not. I think we took the responsibility last year to wait a year, develop the information and face this question in 1997. I don't think voters really want to face this issue again. They voted on it in 1991 and most of the ones I talked to were quite surprised they would be faced with this so soon. Four years goes by pretty quickly in some ways and a lot of the people feel like they just voted on this and are almost offended that we would send this back to them so soon without any new, real information. If there is anything they are sure they voted on in that referendum in 1991, it was on the widening of the turnpike. I can't believe anybody in this chamber thinks that voters weren't aware that was the main issue.

An argument can be made that they weren't sure about the Sensible Transportation Act, but if any one thing is clear about that vote, it was on the widening of the Maine Turnpike. The voters spoke at that time and I think they would be angry that we are asking them to vote again on the same issue without any real new information on that. Whether you support widening or not, I don't think this referendum would be a good idea at this time. In fact, those who think this is a quick route to widening, I think would be sadly disappointed in November when they saw the results of that. Partly due to voter anger over having this issue before them again so soon.

I think it is one we can take responsibility for acting on in this chamber next year when the information is in. If, at that time, people feel it needs to go to the voters, at least it will be done with proper information. Now is not the right time for either side in this issue. Thank you.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree that last year we went to great depths into ensuring that these studies were going to be done and done properly. Before we had this public hearing on this bill, the Natural Resources Council who participated in all of the studies to this point, had taken the exact same figures from the studies, giving it to their own specialists who have come out with figures and statistics that are just completely opposite from what the Turnpike Authority has come out with. They released those figures to the press before this public hearing. There is no question that their intent is to not widen the turnpike no matter what the voters of this state say.

I agree that we did go to great depths to see that this could be done. We compromised. We included the Natural Resources Council into these studies and it just goes to show that if you include them, they are going to twist the facts to their benefit and the "Greens" are going to do something. Jonathan Carter said that in no way are they going to support the widening of the turnpike with the figures, tests and studies that are being done right now. Before the question came up, the Turnpike Authority had suggested or predicted that there would be a 15 percent growth in the traffic on the turnpike. The environmentalist said that it would be 5 percent. The actual growth was 13 percent.

The facts that were given about the Turnpike Authority not being able to produce the results of the studies, I was told today by Conrad from the Turnpike Authority, those studies will be done in October. Those figures will be available, if there isn't a gag order on, we should be able to use those figures to justify and support the widening issue.

Just another little tidbit that was brought before the Transportation Committee today, it doesn't have much to do with this widening, but it does have a lot to do with the environmental issue. Bridges that were built in the 70s today, to paint that same bridge costs 25 percent of the cost that it cost to construct that bridge. If you don't think that that is crippling this state and the highway system, then I say continue on with the Sensible Transportation Act and see our highways deteriorate year after year after year.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I just want to make it clear that I don't think anybody in this chamber is saying that the voters of Maine didn't know what they were doing in 1991. I know they are not. All we are saying is that the voters in Maine deserve another chance to vote on this issue. If we didn't have another chance to vote on issues, we would still have CarTest. We gave ourselves another opportunity to vote on that, so why can't we give the public another opportunity to vote on this issue.

In the meantime we have an accident rate that is causing deaths out on that turnpike that are higher than the normal. People will die. We had this whole issue last year about putting the seat belt issue out to referendum. Well, we did that and now supposedly less people are going to die and I guess we should be happy about that, but why can't we use the same

arguments here. It is time to make a change. It is time to put it back out to these people. Let them vote on it. It is just like we do in the Legislature every time something comes up, we get another vote on the issue. Thank you.

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 Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I would say just one more time, please, I urge you to support the Majority Report. I would like to make two comments.

One, in response to the statistics as you were presented by the Representative from Yarmouth a little while ago. Nobody on the Majority Report, nobody who supports the widening and nobody that I know of could dispute the data he gave you. All the data he gave you is accurate. I just want to point out to you that is not our issue. The issue isn't whether the turnpike should be widened, it is whether we should be doing it this way. That is number one and it is important for me to stress that. We don't dispute any of the data that he gave you a few minutes ago.

We are just trying to urge you to understand that the timing is very poor. Let me give you this analogy, if I may, in a jury trial a judge would never send the case to the jury until all of the evidence had been presented. He wouldn't do it. He could be called on that, if he did, by one attorney or the other and rightfully so. I am telling you, ladies and gentlemen, with all the confidence that I can muster, that if this issue is followed the way the Minority Report would have you do with this bill, the turnpike will be sued and perhaps the state as well.

In my judgment, the attorneys for the opponents of the widening have a very legitimate argument in saying that all the evidence was not done. All the facts were not in. I would say to you in my judgment and the attorneys can call me on this, but I don't think they can, that, in fact, they would have a legitimate argument. I hope, as has been presented by several speakers, supporting the "Ought Not to Pass" Report have said, let us and let the turnpike complete their work, finish the job and go from there. As far as being told by a member of the turnpike, that, in fact, the information would be available in October, I would say to you again, I am not making it up, ladies and gentlemen, the turnpike attorneys, remembering what happened in 1991 have emphatically advised the authorities that there will be no information provided to the public later than August if there is a referendum in November. I urge you to support the Majority Report. 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 have a five minute speech here. I am going to wind it down to about one minute. Searsport was lost because of eel grass. Are we going to lose the turnpike because people are ignoring people being killed on it?

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: About the skewed facts and numbers, it is all how you look at them. The facts were that there are twice as many fatalities in the section they want to widen as the section below it and three times as many on that section as the area north of it. You can look at those same statistics they got those facts from and say there was a decrease in the number of accidents in that section of road from previous years. It isn't twisting the facts, it is just using them to a different light, that is all. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey. 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 BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree that this not a jury trial. This referendum is not going to order the widening of the turnpike until all of the other studies have been done. This only speeds up the process, once the studies are done and justify the widening, then the referendum is already in place. It will save two years, anyway, I feel. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House: I will stand by my first statement and tell you what you are asking the people of the State of Maine to do is to vote for something when the facts are not in for them to vote on. You are telling them to vote in a wrong way, by not knowing all of the study facts. Thank you.

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

Representative KERR: Mr. Speaker, Men and Women of the House: There have been some questions that I think deserve answers. In listening to some of the testimony here today, we talk about funding of the turnpike. Why aren't the tolls removed? I think that warrants an answer. Back a few years ago, the Legislature voted to repurchase land that we already own, a short stretch about 4.7 miles and it cost us 16 million dollars, for those of you who have short memories. Also, more recently we turned around and we voted for 34 more million dollars to be allocated out of the Turnpike Authority. Those dollars come from York and Cumberland County mostly.

For those that wonder, well, the people have to vote again. That is nothing new, we did it with Maine Yankee. How many times did they vote on that issue? I know I went to the polls at least two or three times on the same issue. Living in York County, I am going to probably vote for the Minority Report for a different reason. That reason is because we, in York County, don't have the pleasure of having 295 that takes you right up to Augusta and pay a toll for 35 cents. We have Route 1 and it is highly congested. I have a problem with Route 1.

The other issue and I think there is a preliminary report that is out. My good friend from Westbrook is absolutely correct. In this report it says that the legislation requires completion of evaluation of the reasonable alternative by December 15, 1996. I concur with that. Reading through this report, which it is a preliminary report, a lot of money is being expended in this report. Some of these dollars that are being expended, all of them, come from the Maine Turnpike Authority, which has become the cash cow for the general fund. When we voted for that 34 million dollars, it should have gone out to a bond issue, but what happened was this Legislature chose to take the route to increase the bonding capability of the Turnpike Authority. We passed that and that is why there was not a bond issue.

In reading this report there are several areas that they are looking at. One deals with toll collection systems to make an automatic electronic system designed to move traffic more efficiently through all plazas. It really has nothing to do with congestion. What that is telling you is that they are going to go through faster. They are not going to stop and pay tolls. They are going to continue at 65 miles per hour or whatever that speed limit is.

Letter B, it talks about and this is identical language from, An Act to Widen the Maine Turnpike, "complete an alternative mode feasibility study that examines regional travel patterns, demographics and provides inventory to existing transportation infrastructure and employer based commuter programs in this study area." Looking through this report some of the items that they are looking at, I find are somewhat amazing, inner city buses, commuter express bus, commuter rail, local public transportation, bicycles, some of these areas, I mean, we live in Maine, not where the climate will all bicycle travel. Pedestrian facilities, car pools, etc., I think we are allow trying to do. The preliminary findings are very clear.

I think they are clear in that the Turnpike Authority and the people that were involved in trying to make a decision of or find out reasons why we should widen the turnpike. The preliminary studies all indicate that it is very clear that the turnpike has to be widened. I think the timing issue is whether you do it now or whether you wait. I think a lot of effort has gone into making this decision. My problem is I don't think we are going to convince anyone else that was opposed to the widening to come to the table and say yes, we are going to support it. I think that in this particular case, although I agree with the chair of the Transportation Committee and my good friend from Westbrook and my seatmate, what has brought us up to this point when you see what has happened very recently and you talk about the clear-cutting issues that we're being faced with, you talk about Sears Island and Saddleback and then the turnpike is being thrown into that.

I can't sit here and vote in support of the Majority Report. Probably one, because I am from York County and we don't have that access road to 295. I don't see a whole lot of damage in supporting the widening of the turnpike. I am not fully convinced. I have a good bead on what this chamber is going to do and I respect that decision. The public, I believe, will have an opportunity at a later date as the Representative from Westbrook has indicated to vote on it. To me, it is a public

safety issue and I am going to support the Minority Report. Thank you.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: You all know why I am standing here this evening. We have been discussing this matter for one hour and forty-five minutes. If anybody can tell me something new that nobody else has repeated yet, I will be happy to listen. If not Mr. Speaker, I would like to have us move forward. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: Some time ago I talked with the good Representative from South Portland about how much we would miss him in that wonderful and sincere way he has of suggesting that we vote. I said, Could you teach me how to do it? He has been giving me lessons in the hall. Obviously I haven't learned yet. I just want to weigh in as a southern Maine Representative. I favor widening the turnpike. I voted for widening the turnpike. I would have voted for it more times, if they had let me in the polls more times. I am going to give you a good reason to vote to accept the Majority Report so we don't put it out. If we put it out this year and the voters turn it down and the reason they turn it down is because the opponents of widening will say, "Look, they won't even wait for the study. The study is halfway done. We have spent half the money already. They won't even wait. They are trying to run this by you." The voting public, who is very suspicious of government, is going to believe that. I will tell you, if the voters turn us down this fall when we rushed it, as a southern Maine Representative, I am going to be really, really mad. If maybe we had waited for the report, which I think will support the widening, we will get the widening, which is what we need. I just want you to think about that. Those of us who support it might just be jeopardizing the widening of that turnpike.

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

ROLL CALL NO. 309

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Hartnett, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kneeland, Kontos, LaFountain, Lane, Lemaire, Lindahl, Lumbra, Luther, Madore, Marshall, McElroy, Meres, Mitchell EH; Nadeau, O'Gara, O'Neal, Peavey, Pendleton, Perkins, Poulin, Povich, Rice, Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, M.; Shiah, Sirois, Stone, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tyler, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winn, Winsor, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Birney, Buck, Cameron, Campbell, Carleton, Damren, Dexter, Donnelly, Farnum, Gieringer, Greenlaw, Guerrette, Jones, S.; Joy, Joyce, Joyner, Kerr, Labrecque, Layton, Lemke, Lemont, Libby JD; Libby JL; Look,

Lovett, Marvin, Murphy, Nass, Ott, Paul, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Spear, Taylor, True, Tuttle, Waterhouse, Winglass.

ABSENT - Carr, Chick, Dunn, Fisher, Martin, Mayo, McAlevey, Mitchell JE; Morrison, Nickerson, Pouliot, Saxl, J.; Stedman, Stevens, Truman, Underwood.

Yes, 87; No, 48; Absent, 16; Excused, 0.

87 having voted in the affirmative and 48 voted in the negative, with 16 being absent, the Majority **"Ought Not to Pass"** Report was accepted in non-concurrence and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **"Ought to Pass"** as amended by Committee Amendment "A" (H-712) - Minority (2) **"Ought Not to Pass"** - Committee on Criminal Justice on Bill "An Act to Include Sexual Contact in the Definition of Prostitution" (H.P. 1216) (L.D. 1666) which was tabled by Representative JACQUES of Waterville pending the motion of Representative CLARK of Millinocket to accept the Majority **"Ought to Pass"** as amended Report.

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

Representative POVICH: Mr. Speaker, Men and Women of the House: I support L.D. 1666 entitled, "An Act to Include Sexual Contact in the Definition of Prostitution." This bill adds three words to the current statute defining prostitution. Those three words are "or sexual contact." This bill includes sexual contact in the definition of prostitution. It would prohibit paid sexual contact, which in the current controversy is hand-to-genital stimulation. It is the hot potato of municipal government. The topic of sexually orientated relaxation spas has been tossed around from Portland to Brewer and from Bangor to Ellsworth to Dedham.

Officials in many of Maine's communities including Houlton, Hallowell, Presque Isle, Old Town and Bucksport have asked the Legislature to address the issue of paid sexual contact. They don't have the time or the resources to chase the spas out. Even this week, the Town of Orono is dealing with this issue. State law has prohibited paid sexual acts for many years, but the current law dealing with prostitution is silent on paid sexual contact. The issue began about 1990 when Portland had an influx of the sexually oriented businesses dubbing themselves massage parlors. Portland adopted an ordinance prohibiting such sexual contact in 1991 causing some of those businesses to move to South Portland. Not long afterwards, South Portland passed similar ordinances.

For several years, so-called relaxation spas were operating without controversy in other Maine cities. It became a public issue in Bangor when a client and an employee of the Special Touch on Exchange Street told police that the owner had been video taping the private sessions. In Ellsworth, Body Magic operated quietly for about a year until they moved to a new location near the center of town. The neighbors started bombarding the city council with numerous complaints and I quote. "A few times there have been drunk guys sitting out on my steps," said Barbara Sail, who lives two houses away from Body Magic's former location in Ellsworth. She went on to say, "This summer those girls were sitting out there with those dresses and G-strings." Barbara's neighbor,

Susan Manell, gathered over 500 petition signatures requesting the Ellsworth City Council to take action. The Ellsworth City Councilor, Gary Fortier, suggested that the Legislature might be the appropriate body to deal with the issue. Quoting him, he said, "Why don't we get our Representative to close the loophole in Augusta so that every community in the state doesn't have to deal with this." I guess that Representative is me.

In a 5-to-0 vote the Ellsworth City Council adopted the paid sexual contact ordinance in an attempt to close an apparent loophole in Maine's Prostitution Law. Undeterred, Body Magic bought a school bus, painted it pink and purple and named it Tiffany's and parked it in Dedham. The Dedham Town Council complained to their local State Representative to do something about that. I guess that Representative is me. Privately, I wish they had decided to move to Kossuth Township, but that didn't happen. Richard Flewelling, who is senior staff attorney for the Maine Municipal Association said and I quote, "By closing the current loophole, the state would avoid the proliferation of varying local regulations. It would eliminate the problems posted by relocation of establishments and providing such services from one community to another based on varying local ordinances. Counted among the opponents of relaxation spas are legitimate message therapists who say they don't want their profession compared with sex for hire."

The Portland Deputy Police Chief noted in the Boston Globe on November 11, 1995, that they have a negative effect on the quality of life in neighborhoods where they operate. Men and women of the House, the matter before us tonight is of immense importance to our state. Our communities demand that we listen and take appropriate action. That action, I believe, will result in our decision to give relaxation spas the boot out of Maine. I urge you to please support L.D. 1668 and vote yes on the motion. Thank you very much.

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

Representative JONES: Mr. Speaker, Men and Women of the House: I practice law in Ellsworth, Maine and I kept hearing about Body Magic and I swear I thought it was an auto body shop up until it hit the newspapers that it was some sexual deviant house. My concern isn't with the morality of this bill, it is with the financial aspect. We are not going to put these people out of business. They are going to go underground. The taxes that they are paying now are not going to go into the state coffers and by criminalizing this to an A, B and C, we are talking approximately \$88,500 per time. That is the only point I wanted to make is that there is a serious financial aspect here. We are not going to put these people out of business. We're going to put them into the black market. Thank you.

Representative CAMERON of Rumford requested a roll call on the motion to accept the Majority **"Ought to Pass"** as amended Report.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

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

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Would the Representative who just stated how much we would lose in tax

revenues please tell me how he arrived at that figure? Could you tell me what the fee schedule is, please?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to the Representative from Bar Harbor, Representative Jones. The Chair recognizes that Representative.

Representative JONES: Mr. Speaker, Men and Women of the House: I am looking at the Committee Amendment, where it says that sentences of more than nine months imposed for the Class B crime could cost the state, per person, \$88,500. It comes from the fiscal note on the amendment.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I was afraid I was going to get up and talk about this. Really, someone else should talk about the other side of this question. We talk about getting tough on crime, so we invent a new crime so we can be tough on it. I wasn't on that committee, but I did go down for the testimony. The only person that spoke against this was the woman who had a shop in Bangor. That very question was asked, by the way, about fee structure and all that. She was a courageous woman. I don't dare say anything like that down here because I know how tough it is. We hear a lot about business. We hear about getting government off our backs and here is a chance to get government off our backs and fronts. The woman says she paid taxes and she had a legitimate business. She wasn't on welfare and someone asked her on the committee where that business was now and she replied, "Hotels and motels, you drove it underground." To me, we talk most about local control, here is the perfect example of something to leave to local control. I have a piece, I can't hold it up, but it says, "The Town of Searsport passed in three minutes at a special town meeting a ban on sex shops." We are hearing about the difficulty that it is for the towns. I just think that if we have a chance to keep the state out of something, let's do it. We can't forget the Declaration of Independence either. We hear about the different pushes for this and that in economic development and so forth and tough on crime, but you remember in the Declaration of Independence, which is our first constituted document in this country, it talks about the right of life, liberty and the pursuit of happiness. You know what the next line is, a lot of people don't. You will see this in school, and to secure these rights governments are instituted among men. Thank you.

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

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

The pending question before the House is to accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 310

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Carleton, Chartrand, Chase,

Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fitzpatrick, Gates, Gerry, Gieringer, Goolley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Libby JD; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marvin, McElroy, Meres, Mitchell EH; Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Poulin, Povich, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Cloutier, Gamache, Heeschen, Jones, K.; Joyce, Perkins, Richardson, Volenik.

ABSENT - Bunker, Carr, Chick, Dunn, Fisher, Lemont, Libby JL; Marshall, Martin, Mayo, McAlevey, Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, Pouliot, Saxl, J.; Stedman, Stevens, Truman, Underwood.

Yes, 121; No, 8; Absent, 22; Excused, 0.

121 having voted in the affirmative and 8 voted in the negative, with 22 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-712) 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 Committee Amendment "A" (H-712) and sent up for concurrence.

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

Bill "An Act to Amend the Laws Pertaining to the Regulation of Denturists" (S.P. 342) (L.D. 947) which was tabled by Representative ROWE of Portland pending adoption of Committee Amendment "A" (S-460).

Representative ROWE of Portland presented House Amendment "A" (H-774) to Committee Amendment "A" (S-460) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: The Business and Economic Development Committee unanimously reported out a Committee Amendment on L.D. 947, which was a carry-over bill. However, the amendment that was printed as Committee Amendment "A" that you have with a filing number of (S-460) contained an error from the language voted on by the committee. Unfortunately, this was not caught prior to the printing. This House Amendment "A" corrects that error and changes the bill to conform to the committees unanimous report. Thank you.

House Amendment "A" (H-774) to Committee Amendment "A" (S-460) was adopted.

Committee Amendment "A" (S-460) as amended by House Amendment "A" (H-774) 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-460) as amended by House Amendment "A" (H-774) thereto in non-concurrence and sent up for concurrence.

On motion of Representative JACQUES of Waterville, the House adjourned at 7:15 p.m., until 9:00 a.m., Thursday, March 14, 1996.