

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
28th Legislative Day
Thursday, March 21, 1996

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

Prayer by Jon Dillinger, Minister for the Church of Christ, Kittery.

National Anthem by Searsport District High School Band.

At this point, a message came from the Senate, borne by Senator Kieffer of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable Terrence MacTaggart, Chancellor of the University of Maine System, an invitation to attend the Joint Convention and to make such communication as pleases him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative JACQUES of Waterville to convey this message to the Senate.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

Physician for the day, Thomas D. Hayward, M.D., East Corinth.

The Journal of yesterday was read and approved.

At this point, the Speaker appointed Representative MITCHELL of Vassalboro to serve as Speaker Pro Tem.

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

SENATE PAPERS

The following Communication: (H.C. 385)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 20, 1996

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333
Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:
Upon the recommendation of the Joint Standing Committee on Judiciary:

Vendeau Vafiades of Augusta for appointment as a member of the Maine Indian Tribal-State Commission;
Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife:
Russell E. Dyer of Bowdoinham for appointment as a member of the Inland Fisheries and Wildlife Advisory Council;

Ellen N. Peters of New Gloucester for appointment as a member of the Inland Fisheries and Wildlife Advisory Council, and
Richard A. Neal of East Lebanon for appointment as a member of the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 763)

**JOINT RESOLUTION RECOMMENDING THE SELECTION OF
LEWIS E. NEWELL FOR INTERNATIONAL SNOWMOBILE
CONGRESS SNOWMOBILER OF THE YEAR**

WHEREAS, Lewis E. Newell of the Maine Snowmobile Association has given countless hours of volunteer time since the early 1970's to improve the sport of snowmobiling in the State of Maine; and

WHEREAS, as Chairman of the Maine Snowmobile Association Trails Committee from 1986 to 1993, Lewis E. Newell was instrumental in creating the interconnecting trail system for snowmobile travel in the State of Maine, regarded as one of the finest trail systems in the United States; and

WHEREAS, as Chairman of the Maine Snowmobile Association Legislative Committee, Lewis E. Newell has worked tirelessly for legislation to better the sport of snowmobiling in this State; and

WHEREAS, Lewis E. Newell has contributed his knowledge of snowmobiling to countless Legislators, state administrators and the general public; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in Second Regular Session, do hereby express our gratitude to Lewis E. Newell and recommend his selection as the International Snowmobile Congress Snowmobiler of the Year for 1996; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Snowmobile Association as a gesture of our deep respect for Lewis E. Newell.

Came from the Senate read and adopted.

Was read and adopted in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 762)

117TH MAINE LEGISLATURE

March 19, 1996

Senator Stephen E. Hall
Representative Ernest C. Greenlaw
Chairpersons
Joint Standing Committee on
Inland Fisheries and Wildlife
117th Legislature
Augusta, Maine 04333

Dear Senator Hall and Representative Greenlaw:

Please be advised that Governor Angus S. King, Jr., has withdrawn his nominations of Urban "Sonny" Pierce, Jr. of West Buxton, Gail E. Gould of Calais, David E. Dickinson of Ashland, John B. Dimond of Orono, John S. Banks of Milford and William H. Nichols, Jr. of Cumberland Foreside for appointment as members of the new Atlantic Salmon Authority.

Pursuant to Public Law 1996, Chapter 535, these nominations are currently pending before the Joint Standing Committee on Inland Fisheries and Wildlife.

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

Came from the Senate, read and referred to the Committee on Inland Fisheries and Wildlife.

Was read and referred to the Committee on Inland Fisheries and Wildlife in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed, Sent up for Concurrence and ordered sent Forthwith:

Inland Fisheries and Wildlife

Bill "An Act to Place Limited Rules on the Use of Personal Watercraft on Waters of the State" (H.P. 1365) (L.D. 1874) (Presented by Representative JACQUES of Waterville) (Governor's Bill)

ORDERS

On motion of Representative SPEAR of Nobleboro, the following Joint Resolution: (H.P. 1362) (Cosponsored by Senator CASSIDY of Washington and Representatives: ADAMS of Portland, AHEARNE of Madawaska, CROSS of Dover-Foxcroft, DEXTER of Kingfield, GOULD of Greenville, HICHBORN of Lagrange, KILKELLY of Wiscasset, KNEELAND of Easton, LIBBY of Buxton, PENDLETON of Scarborough, STROUT of Corinth, TYLER of Windham, Senators: LORD of York, PARADIS of Arrostook)

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, farmers make up one-fifth of our national work force, producing food and fiber for local, national and world markets, and accounting for 19% of the gross national product; and

WHEREAS, Maine farmers provide \$500,000,000 in total farm income and are credited with a contribution of \$1,300,000,000 to Maine's economy; and

WHEREAS, Maine farms provide not only food for families but scenic views, open spaces, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative LUMBRA from the Committee on Banking and Insurance on Bill "An Act to Implement the Recommendations of the Maine Task Force on Interstate Banking and Branching" (H.P. 1272) (L.D. 1750) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-812)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-812) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-805) on Bill "An Act to Amend and Further Deregulate the Maine Consumer Credit Code" (H.P. 1239) (L.D. 1699)

Signed:

Senators:

ABROMSON of Cumberland
McCORMICK of Kennebec
SMALL of Sagadahoc
GATES of Rockport
SAXL of Portland
MAYO of Bath
JONES of Pittsfield
VIGUE of Winslow
CAMPBELL of Holden
GUERRETTE of Pittston
LUMBRA of Bangor
THOMPSON of Naples

Representatives:

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

Signed:

Representative: CHASE of China

Was read.

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

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-798) on Bill "An Act to Amend the Tax Laws Regarding Retail Business Registration and Penalty Relief to Taxpayers with Extensions" (H.P. 1251) (L.D. 1713)

Signed:

Senators:

FERGUSON of Oxford
CAREY of Kennebec
TRIPP of Topsham
TUTTLE of Sanford
KEANE of Old Town
BARTH of Bethel
MURPHY of Berwick
GREEN of Monmouth
POIRIER of Saco
DORE of Auburn
REED of Falmouth

Representatives:

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

Signed:

Senator: HATHAWAY of York
Was read.

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

The Bill was read once. Committee Amendment "A" (H-798) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(H.P. 1288) (L.D. 1768) Bill "An Act to Standardize the Creation of Water Districts" Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-811)

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

CONSENT CALENDAR

Second Day

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

(S.P. 703) (L.D. 1792) Bill "An Act Concerning the Number of Washington County Commissioners" (C. "A" S-487)

(H.P. 1194) (L.D. 1638) Bill "An Act to Amend the Charter of the Boothbay Harbor Water District" (C. "A" H-795)

(H.P. 1240) (L.D. 1700) Bill "An Act to Allow the Removal from Public Office of Certain Elected County Officials" (EMERGENCY) (C. "A" H-803)

(H.P. 1253) (L.D. 1722) Bill "An Act to Develop the Maine Public Health Improvement Plan" (C. "A" H-800)

(H.P. 1296) (L.D. 1778) Resolve, to Require the Department of Agriculture, Food and Rural Resources to Take Various Actions in Support of the Dairy Industry (EMERGENCY) (C. "A" H-801)

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

(H.P. 1123) (L.D. 1567) Bill "An Act to Facilitate Sewer and Water Main Extensions" (Governor's Bill) (C. "A" H-796)

On motion of Representative GOULD of Greenville, was removed from the Second Day Consent Calendar.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Friday, March 22, 1996.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Enable the Loring Development Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the Authority" (H.P. 1266) (L.D. 1741) (C. "A" H-799)

Resolve, to Recognize the Maine School for the Arts and the Maine High School for the Arts (EMERGENCY) (H.P. 1316) (L.D. 1800) (C. "A" H-794)

Bill "An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions" (H.P. 1322) (L.D. 1809) (C. "A" H-802)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations (H.P. 1329) (L.D. 1821) (Governor's Bill) (C. "A" H-806)

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

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

UNFINISHED BUSINESS

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

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

SENATE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-476) - Committee on State and Local Government on Bill "An Act to Establish the Penobscot County Budget Committee" (S.P. 613) (L.D. 1617)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-476).

TABLED - March 20, 1996 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of Representative AHEARNE of Madawaska to accept the Majority "Ought Not to Pass" Report.

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

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House: I know everyone loves to hear about in debate, county bills. I won't bore you for a very long time, but I rise in opposition to the current motion of "Ought Not to Pass." This particular bill really brings to mind that I love a mystery. I love the political process and sometimes the political process is a mystery to me.

Penobscot is one of three counties that still require legislative approval of the county budget. What this bill before you does currently, the bill that we are debating, I am sorry, we are debating "Ought Not to Pass" and I am asking you to vote against the motion of "Ought Not to Pass." The towns in Penobscot County, the three county commissioners, sixteen out of the 21 legislative delegates that were polled all were in support of establishing a county budget committee to replace the current one. I

passed around papers to you yesterday explaining to you that Penobscot is one of three counties that still requires legislative approval of the county budget. Androscoggin and Kennebec are the others.

Penobscot is the only county that doesn't have a budget committee established in law, because of legislative involvement the Penobscot County budget is often not finally approved and the laying of taxes are not authorized until half the county fiscal year is passed. I am not trying to be an expert on county politics, but I know this has been a very controversial county political process over the years. If we vote "Ought Not to Pass," this controversial way of doing politics will continue. I ask you to vote against the current motion on the floor so that we can debate the Minority Report. I ask for your support against this current motion. Thank you.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope when you vote today, you vote with the Majority "Ought Not to Pass." I am the Chair of the Penobscot Delegation. There are 28 members in our delegation. If I sat here and told you that it has been an easy task being chair of that committee, I would be telling you a lie. It has not been an easy task. My interest is the towns in Penobscot, not so much the process of the county commissioners, it is the process that we have to deal with the towns. If we take away the power that we have with the final say of the Legislature, I feel we are giving up a lot for rural Maine and towns that do not understand how to deal with county government.

I take a very active part in county government. I attend all the meetings and I work hard for the county as well as the people in my district. I am a strong believer if we turn over and give back the county commissioners authority to deal with the budget, we are sending the wrong message to people in Penobscot County. Yes, it has been a struggle in the last couple of years. It has been very political and it shouldn't have been. I assure you in the 16 years that I have served in this body, it has not always been like that. We worked closely together. People were saying that the legislators add to the county budget.

Let me assure you that, I, the State Representative from Millinocket, have not added anything to the county budget that has not been brought up in the county process, for my town or any other town. Maybe East Millinocket when they had the KRDC, if you think for one moment when we had the 2,700 people laid off in the Katahdin area, if KRDC was to be there tomorrow, you have another thought coming. You have another thought coming if you think KRDC is going to be there tomorrow, it is because the county commissioners say, I would dare say Newport Economic Development would be gone tomorrow. I would dare to say that KRDC would be gone tomorrow because it is not the wish of the county commissioners. There have been a lot of things done over the years that would be gone tomorrow.

What do you do with Little Green Valley up there around Patten, Maine who has always been in the budget for \$5,000 for the mentally retarded? This year it was not put in to the county budget because the county delegation budgetary committee did not know the history of Green Valley. We put it back in as a delegation at a meeting in Bangor. There was

nothing behind closed doors. What do you do when the City of Bangor came to us asking for money for the library? It was put in Bangor, not behind closed doors. What do you with the Short House that wanted money in Bangor to help the people of Penobscot County? It was done in Bangor, not behind closed doors. This was never added by the delegation on their own means. This is usually added in the meeting in Bangor. We have another meeting.

It would be a crying shame to the process and to the people of the State of Maine, particularly Penobscot County, if we allow the county commissioners to have final say. If you take a minute and take a look at the bill, the bill itself is very poorly drafted. It is extremely poorly drafted in the way it is set up in setting up a budgetary committee. We have a budgetary committee right now in Penobscot County that has been put together by the county commissioners. It doesn't work all that well. The checks and balances come from us as to having the final say with the legislation in the Legislature.

Penobscot County commissioners came to us more than \$15,000 over and above what the county budget committee wanted. The county budget didn't have anything to say about it, but they wanted \$15,000 more last year. The county commissioners wanted from the budget committee \$50,000, but that was all right. I have a strong feeling that if we eliminate this, we are doing wrong for the people of the State of Maine, Penobscot County and the system. I hope you will vote "Ought Not to Pass." Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: I have seen the Penobscot County budget from both ends. I served on the city council in Bangor and watched how the city council picked the members to review the Penobscot County budget and watched the politics involved in the Bangor area for election as a Penobscot County commissioner. I can assure you, the members of this body, that it is a lot less political reviewing the Penobscot County budget here than it is reviewing the Penobscot County budget in Penobscot County. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Men and Women of the House: I don't want anyone to misunderstand and think that the legislative delegation doesn't have any input. They certainly still have oversight. "The budget presentation to the legislative delegation before December 15, the county commissioners in conjunction with the budget committee shall present the proposed budget to the Penobscot County Legislative Delegation at a meeting called by the chair of the legislative delegation for that purpose." The county commissioners do not have final say. The budget committee will have that.

For a point of interest, I am presuming there is a lot of interest in this bill. There are many towns that were moved to put forth a resolve concerning the legislative delegation's input into the county budget, the towns of Bangor, Brewer, Orono, Eddington and many more. Part of the resolution said, "Now therefore be it resolved by the town council," in this particular case, the Town of Orono, "that appropriate state legislation be adopted to replace the current process used to approve the annual budget

for Penobscot County with a new process, which gives final budget approval authority and an appropriate group of locally elected officials who are held accountable by local property tax payers." This is about local control. This removes it from state control and puts it right back on those elected officials. I remind you all that county commissioners are elected. It reinforces local control rather than takes it away.

Part of the mystery that I was talking about is that Piscataquis County had a similar budget process that was passed this year only it kept final authority with the county commissioners and came out of State and Local Government 13 to 0, "Ought to Pass." The mystery is how this ended up with a Majority "Ought Not to Pass" out of State and Local Government when, in fact, it gives more oversight to legislators. It does not give county commissioners final say. Twenty-eight were polled of the legislative delegation from Penobscot and 16 out of 21 were in favor of establishing a county budget committee. I urge you again to vote against the pending motion of "Ought Not to Pass."

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I would urge you today to follow the good Representative from Millinocket in his position because it is the same as mine. For a number of years I have served in this Legislature and years ago I was chairman of the Penobscot County Delegation. I believe that you can differ on this, but until such time as the Penobscot County Delegation, in my opinion, can be unanimous on a bill that would deal with this budget committee, it is wrong for us to move forward. I represent five small towns in that county. They are all in Penobscot County. There are some members of that delegation that represent some towns in Penobscot and some towns in other counties. I represent five towns in Penobscot County. I want to be their spokesperson when that Penobscot budget is dealt with.

I am not about to stand here today and give those commissioners, whether it be now or in the future that final responsibility on that budget. We have gone around with this for about four years now to try to come up with a solution and we are no further ahead today than we were four years ago. The members of this House outside of Penobscot County really don't need to hear this, but I would say to you that until we can get our act together, follow the light and defeat this bill.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I will be joining my seatmate and voting no on the pending motion on the floor. I would like to take issue with the good Representative from Millinocket when he talked about the legislative oversight on the commissioners asking for an additional \$15,000. Well, I don't know what the oversight was because we did give it to them after we made them dance around and perform for about an hour. Then in about maybe two minutes, we added \$15,000 for special interests from each of our communities. I can't see that we are cutting the cost of county government. I certainly can't see that we are in any way helping lower property tax. I see this as still having some oversight, but making a way for not so many special interest programs. I

would ask for the yeas and nays when the vote is taken.

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

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Representative Strout brought me into this discussion. I have one town out of my five towns that is in Penobscot County. I, like he, expect to represent that town to the best of my ability. Being from Piscataquis County and watching what has developed there and the change in taking away the legislative authority to approve the budget makes a difference of maybe a month or six weeks that towns can get out their budget or finalize their budget once town meetings are over and get their tax bills out. It is that important to those small towns.

Again, it seems to me that from what I hear, legislators are much smarter than the budget committees and the county commissioners. I have been told that we know as much about all these county bills and county budgets as they do. I don't think so. I think those people that are in those towns and those people that are in the County Commissioner's Office know more about the budget than we do. I hope that you all will vote against the Majority "Ought Not to Pass" Report. Thank you.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I am kind of on a hot spot here. I can see something on both sides of the argument. I would say this if my good friend from East Corinth was representative of all the legislators who are concerned with this issue. I would have no worries at all. I represent six towns in Penobscot County. They are small towns. The opinion they have is that we have permitted politics to get into the county budget. The county budget is usually prepared by the county commissioners and their advisory committee. We go in for an evening meeting and half of the legislators are there and make a decision. We then come to Augusta and try to make changes down here when the county commissioners are up there and when we tried to get the county commissioners and the legislators together, we couldn't get the legislators to agree to even let the county commissioners to come down here to tell their side of the story.

My constituents in those towns up there that I represent have the opinion that if we were to do a good job as legislators down here, we wouldn't have any time to be meddling with the county commissioner business up there. I am sure that the county commissioners, at any time, are willing to sit down and talk with any legislator who wants to come in and talk business. Thank you.

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

Representative ROSEBUSH: Mr. Speaker, Men and Women of the House: I just have a couple points that I want to make. Last year, the county budget of Penobscot had their budget spending start in January. We never kicked that out of here until the end of June last year. That is six months of

spending, waiting and hoping that they are going to get what they asked for in their budget. There is also a sunset on this amendment. It would come back in two years. I don't understand why we don't see how it goes for two years and bring it back. If everything is going fine, let it go the way it is. If it is not, then take it back.

I have only been here a couple of years and I have gone through two of them and I haven't been through 8 or 16 or however many there are, but both that I have been through we, the delegation, add to it. This past time we took it out of surplus, but they are coming back to get it to build their surplus back up. We are raising taxes in our own county by adding to it. I hope that we defeat the motion and go on to pass the Minority Report.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I have a few remarks I want to correct. Particularly the one that was just stated by the good Representative from East Millinocket, Representative Rosebush. Let me assure you that there are no tax increases by the adding of anything to Penobscot County. If some work was being done to see what was taking place, there was no tax increase to Penobscot County in any way. When we started we had 1.6 million dollars in surplus. We have over \$500,000 and \$250,000 in there now. The money came out of surplus. There was no increase whatsoever.

What do you do when you go back to the little Town of East Millinocket when the town fathers put out a news release saying their taxes went up \$22,000. Who are they going to talk to? The county commissioners, do you think that is not political? They are elected like we are. What do you do when you go back to East Millinocket and KRDC is apt to fall through the waste cracks tomorrow because they cut it out of the budget? What are you going to tell your town fathers then? The \$15,000 they are talking about was put in by the county commissioners after everyone met for E-911. We didn't want that. The county commissioners wanted it. Making us look good again, no way! They did it after they had the budget meeting. There was \$50,000 last year, like I said. After the fact, the county commissioners wanted it, we didn't. It got in.

Like I said, there are 28 members in the delegation. You get a majority and you can get anything added in. We just don't put it in for the sake of putting it in. We have votes. We have a lot of meetings. If more people took more time to attend the meetings, particularly when they are in Bangor and they live in Bangor, they ought to be there. They are not there. I hope when you vote you vote "Ought Not to Pass."

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

Representative POVICH: Mr. Speaker, Men and Women of the House: I do represent a town in Penobscot County, the good Town of Clifton. I would like to just remind you that last November Maine voters spoke clearly by a 3-to-1 margin to expand oversight over our very budget, the Maine State Budget by the Governor. Maintaining legislative oversight over the Penobscot County budget is consistent, in my opinion, with the November mandate. Please support the pending motion and vote yes. Thank you.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: Just a couple points to the good Representative from East Millinocket. In my opinion, there is nothing wrong with taking a little extra time. Sometimes we do find out that there are some of those small towns that do need help and it is our Representatives that they go to get that help. I would remind the good Representative from Dover-Foxcroft that never in my 17 years as manager, did the county budget hold up my tax bill. It is the S.A.D. 64 that holds up my tax bill, not the county budget. I have no problem with the Penobscot Delegation making changes during the session for those small communities like mine that might come in the 11th hour for some assistance that they didn't know they needed when the county commissioners put it together in January.

On motion of Representative JACQUES of Waterville, tabled pending the motion to accept the Majority "Ought Not to Pass" Report and later today assigned. (Roll Call Requested)

At this point, the Senate came and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, the Honorable Jeffrey H. Butland, in the Chair.

On a motion by Senator Kieffer of Aroostook, it was ORDERED, that a committee be appointed to wait upon the Honorable Terrence MacTaggart, Chancellor of the University of Maine System and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases them.

The order was read and passed.

The Chairman appointed:

Senators:	SMALL of Sagadahoc
	ABROMSON of Cumberland
	ESTY of Cumberland
Representatives:	AULT of Wayne
	MARTIN of Eagle Lake
	CLOUTIER of South Portland
	STEVENS of Orono
	BRENNAN of Portland
	WINN of Glenburn
	DESMOND of Mapleton
	BARTH of Bethel
	LIBBY of Buxton
	McELROY of Unity

Whereupon, the Chairman welcomed the members of the University of Maine, Board of Trustees: George Wood, Vice Chair, Patricia Collins, John DiMatteo, Bennett Katz, Penny Harris and Ryan Witham, Student Trustee.

The Chair would also like to recognize and welcome the University Presidents: Dr. Frederick Hutchinson from the University of Maine in Orono, Dr. Theodora Kalikow from the University of Maine at Farmington, Dr. Richard Dumont from the University of Maine at Fort Kent, Dr. Michael Easton from the University of Maine at Presque Isle, Dr. Paul Nordstrom from the University of Maine at Machias, Dr. Richard Patenaude

from the University of Southern Maine and Dr. George Connick from the Education Network of Maine.

Subsequently, Senator Small of Sagadahoc, for the Committee, reported that the Committee had delivered the message with which it was charged and was pleased to report that the Honorable Terrence MacTaggart, Chancellor of the University of Maine System will attend forthwith.

At this point, the Honorable Terrence MacTaggart, Chancellor of the University of Maine System entered the Convention Hall amid prolonged applause, the audience rising.

The Honorable Terrence MacTaggart then addressed the Convention as follows:

President Butland, Speaker Gwadosky, distinguished members of this 117th Maine State Legislature, University of Maine System Trustees, Presidents, faculty and student leaders, friends:

I can't tell you how happy I am to be here today.

Thank you very much for this opportunity, in particular President Butland and Speaker Gwadosky, thank you for the opportunity to share a few ideas about the State of Maine and the University System. When we first met with legislative leaders and others in this Chamber, we talked about a range of university issues from athletics to access to agriculture to distance education to the economy of the state. I came away from that meeting thinking that these legislative leaders know a lot about this system. They are about what it can do for the people of Maine. I noted a healthy objectivity, but not a hint of cynicism. I thought then that this will be a very good place to work. I am very pleased to be here. In particular, I would also like to thank the University of Maine System Trustees for the opportunity to work for them, for the people of Maine and with Presidents and faculty and staff and students who are among the best and brightest in the world and the best and brightest I have met anywhere.

I bet a lot of people in this room have heard other chancellors stand up here and make comments. In preparing these words, I reviewed the speeches made by my predecessors over the past six years or so years. They were eloquent, sincere and sometimes impassioned arguments on behalf of the System and that is as it should be.

I would like to take a different approach with you this morning. I would like to first talk with you not about the university, but about the State of Maine, the needs of the people, their hopes and aspirations for themselves and their children, and even a little bit about their fears. Then I'll talk about what the universities and the System as a whole and what we can do to address the needs and aspirations of our neighbors and fellow citizens. I hope you will agree with me that this is the right priority.

Now, as a newcomer to the state, I don't presume to be an expert on the challenges facing Maine and its people. But I have been listening intently to what you have been telling me whenever I have been able to visit with you in the Legislature. I have visited with the legislative Commission on Higher Education Governance and read its report to date thoroughly, and I've been looking at everything I can get my hands on to do with Maine's economy, its

culture, its people and history and their hopes. Believe me, I know that I have a lot to learn, and I also suspect you and the other people of Maine won't be shy in telling me that they think I am not on target.

It seems to me the challenges facing the state might be boiled down to these three, to preserve and strengthen the economy, to preserve and strengthen education across the board, and our communities where you and your constituents, our students and their families live.

What I would like to do is say a word or two about each of these challenges, then turn to the very active role that, I think, the universities play and are playing in responding to those challenges. First the economy, we like to talk about the economy of opportunity in America, but many Americans, I know this is no surprise to you, instead face an economy of fear.

Americans are worried. Families fear that even with both parents working, they may not earn enough to raise the kids properly, to buy a home or keep the one they inherited. They are concerned about having enough money to send the kids to college, or attend themselves to keep a job or become reemployed.

A labor economist that I knew once said, "Terry, you ought to think about the job market in terms of an hourglass. The good jobs are at the top of the hourglass, reasonably high wages, respect for the worker, some kind of job security and at the bottom of the hourglass, insecurity, minimum wage and intermittent employment." What makes the difference between those that get and keep those jobs in the upper half of the hourglass versus those down below? One word, education. With education, the economy of fear can become an economy of hope and opportunity.

If strengthening the state's economy is our first challenge, strengthening education is our second. In fact, you can't have good jobs without solid access to education. I have had the pleasure of working in progressive forward looking states like Maine, Minnesota and Wisconsin. We had a first rate K-12 system and very high graduation rates. Maine compares very well with its competitors on its borders and around the United States on those scores, but how do we compare with our most serious competitors across the oceans in Europe and particularly in Asia?

Did you know for example that, this came as a surprise to me, that a Korean or Japanese or Thai student to studies ten hours a day, six days a week, eleven months of the year? I know Thai and Japanese parents who spend all day Saturday, every Saturday, taking their high school and junior high kids to computer school, so that their children will have a jump start on the economy of the future. These are our most serious competitors in the business of people who "think for a living."

Our goal at the University System is to develop and distribute an educational program that is not equal to, but better than that provided by our competitors and trading partners in Europe and Asia, as well as in the United States. The way that we are going to do that is not alone, but by working closely with our colleagues in K-12, at the technical colleges and the Maritime Academy, and our friends and at many of Maine's fine private colleges in the state. We are also going to work closely with the business community and other employers in responding to their need for a well and continuously educated

workforce. Well, economy, education and allow me to say a word or two about Maine's communities. You know, when I tell friends that my wife and I are moving to Maine, their eyes light up, they get enthusiastic and they tell me just how wonderful this state is. The wonders of the state, the coast, the deep forests, its beautiful towns and the hardy, friendly people. It is interesting whether they have been to Maine or not, they describe it as if they know it first hand.

Maine has an extraordinary reputation and wonderful image around the country. I am told it is one of the safest in the nation. With highest marks for infant health care and I am told that Mainers vote and participate actively in state government and local government at much higher rates than the rest of the country. I dare say that everybody here would agree with me that one incident of child or spousal abuse is too many and that the rates are on the rise. I am told that one in five of Maine's children lives at or below the poverty line. The economic concept of "two Maines," ripe with promise and affluent where jobs and population are growing, and another struggling and poor and worried about survival, is more real than any of us would like to accept.

Economic opportunity and good jobs, an education system from K through graduate work, which prepares Mainers for life and service. Healthy vital communities that nurture their members, surely these are the things all Mainers want for themselves and their children.

Well, if those are the challenges and those are the things we need to put our money on, what is the University System doing? What are the universities doing to contribute to those goals? On the economy, the Governor's economic approach, as I understand it, is a high-skill, high-wage strategy. From my work around the country, I understand there are two alternatives. One of them is the low-wage strategy where we will always be underbid by a third-world country. The other is intensive automation, the so called "no-wage" strategy, which is not fitting for a democracy. The goal of Maine's Economic Growth Council, "Maine workers will be among the best skilled in the nation," aptly sums up where I think we need to be.

What can we do to contribute to that? I think the very best thing the universities can do to contribute to the economy is to offer a first-rate undergraduate education and carefully selected graduate programs at a cost that the students and the taxpayers can afford. High quality education needs to be our top priority, and we must be prepared to sacrifice to make the hard decisions that are necessary in order to achieve that goal.

Economists, who study the economy of this state, told me that most of the good jobs of the future, in such fields as health care, business services, and personal services will require advanced education. Our graduates will need to be masters of technology. They will have to work independently as well as in groups and for large corporations. I have also been told there is a gap between the demand for employment over the next decade of students with advanced training and the numbers that we are producing. This gap is about 8,000. We need to work hard to close that gap so that no employer will say, "I am not going to expand in Maine because they can't find the skills and educated workforce," and that no young

person would need to leave the state to pursue a career, because the jobs aren't here.

What are we doing now to help the economy? The University of Maine at Presque Isle is helping to prepare up to 500 new employees for the Defense Financial Accounting Service at the former Loring Air Force Base. The University of Southern Maine is providing engineering education for National Semiconductor employees in cooperation with the Southern Maine Technical College. That is just two examples of working together to address the economic needs.

If high-quality education is job one, research focused on the economic and social and cultural needs of the state is the second top priority. Today, cars and trucks cross bridges made of native timber stronger than steel and concrete because of research begun at the University of Maine just a few years ago. This project, I happened to talk to the faculty and students involved in it, takes some of the brightest young people we have and puts them together with creative faculty developing ideas that are going to strengthen the economy and strengthen communities. What a model for the kind of work that is done at the University. The great land grant tradition, isn't it wonderful that by coincidence this is also Agriculture Day at the Legislature, but that great tradition of transferring research and information from the lab out to the people that can use it. It has been the heritage of Maine's Co-Op Extension Program, which has born such wonderful fruit in the last few years. For example, it has opened over a 1,000 acres of clam flats and has reduced the needs for pesticides in the apple crop by 50 tons, a major practical benefit to the people of the state.

To paraphrase Governor King, the universities in Maine are working to make the economy work.

Strengthening education is, I believe, Maine's second great challenge. What are we doing to help Maine students, Maine teachers, and Maine schools keep up? We begin with the basics. It is hard to go anywhere or progress unless you know the starting point. This Legislature created the Maine Education Policy Research Institute, a new enterprise involving both the University of Maine and the University of Southern Maine in a long needed effort to collect information to give us baseline information to improve the quality of Grade 12 education. The new fiber optic network connecting schools and libraries, I think, will become even more successful as a result of the input from this institute.

Assuring literacy is another basic building block. The University of Maine's Center for Early Literacy offers research, professional development, for teachers so that every child in Maine can learn to read and write well. It is no secret that in math, science, and technology, American students generally don't rate as high as they should in terms of our international competitors. Last month the University of Maine at Machias received a \$100,000 federal grant to improve the teaching of science and math in Washington County. It is taking on an approach that holds great promise for really making a difference.

Champion Paper gave a third of a million dollars to the University of Maine at Farmington to work with K-12 teachers on implementing Maine's common core of learning.

In the future, one of my personal commitments and one of our major goals, needs is to work closely with

our colleagues in the K-12 in setting standards for graduations and expectations for student performance. It is a common sense fact here is that if high school students come to the universities better prepared we will be able to take them further and they are going to enter life of work and service in society better than they might have otherwise.

We will work very closely with our colleagues on the K-12 level. We also need to work with our other partners on the educational scene, the technical colleges and the Maine Maritime Academy, and the private colleges as I have mentioned. I endorse the recommendations of the legislative Commission on Higher Education Governance when they say that we don't need a new bureaucracy to oversee all of this and good sense set about to solve problems. What we do need, people of good will and good sense to work together to solve problems.

The third challenge I mentioned is maintaining, restoring, strengthening community life in this wonderful state. What can we do there? What are we doing there? Well, the kind of basic thing to do is to simply open the campus broadly to the citizens of the community. We are doing just that. At Farmington, for example, the new Health and Fitness Center is a place where kids, not just college students, learn to swim and special Olympians compete and develop self-confidence and self-awareness. People with MS and arthritis get physical therapy in cooperation with Franklin Memorial Hospital. What a wonderful example of university cooperating with the community.

At the University of Southern Maine, occupational therapy students at Lewiston/Auburn College are helping young people who are challenged physically and mentally to get and keep jobs. Students at the University of Maine at Machias are mentoring students at Dana Point Reservation in a program that in the Indian name reads "let us journey together." Last month, the Education Network of Maine teamed up with the Maine Department of Education to distribute to 70 communities across the state a program providing information on teen depression and suicide. An unhappy topic, but a creative response to the problem.

Just two weeks ago, the University of Maine hosted 500 girls from all around the state, who were interested in studying science, technology and engineering. These young women met with more mature professional women in those fields to shatter the glass ceiling that has kept women from progressing in the fields of mathematics, science and engineering. I am told that every year at the University of Maine, every year, students voluntarily, without pay contribute about 60,000 hours of community service and raise some \$40,000 for such agencies as the United Way.

Well, I have been emphasizing society and I have been emphasizing the economy, but the culture and artistic lives of the communities of Maine are strengthened by the presence of universities. Paintings and sculpture grace every campus. Thanks to the universities, the best American and international writers and artists, from E. Annie Proulx to Rudolph Nureyev, Leontyne Price, and YoYo Ma come to these communities. Many of our faculty are world class performers in their own right, such as the jazz ensemble group at the University of Maine at Augusta. I have had the opportunity and I hope you have as well of having visited the Acadian Archives at the University of Maine at Fort Kent,

which preserves and celebrates the proud French heritage of the Saint John Valley. This is a bi cultural, bilingual campus that sustains Franco-American culture and values. Yes, the universities care about the communities to which they belong, and they are active in supporting them and will become even more active in the years ahead. Allow me to make one additional point or two and then close.

Personally, I believe that the University System must focus first on the needs of our fellow citizens, and only secondarily on our wants, however legitimate and intensely felt. I believe that our top priority needs to be high quality undergraduate education, graduate education that is focused on the needs of the state, and research relevant to Maine's needs. I believe that we must engage in active partnerships with other educators, business community, other employers, chief public and private groups to strengthen the material and social quality of life of our fellow citizens.

Two additional thoughts, you would have a right to say, "Terry how are you going to focus on these goals in a time of extraordinary tight resources?" We must be willing to exploit technology for everything it is worth and secondly, rethink, then reconfigure, the way the system itself is managed. Technology, I think this needs to be considered in the most comprehensive way, computers, the internet, the state's investment in fiber optics, the Education Network of Maine, is critical to disseminating education, but to improving its quality. Students and faculty members use the internet and other computer resources to do research to find out the best practices around the world and bring them to Maine, that is a very cost-effective approach to quality education.

We will also use the computer to increase administrative efficiencies and reduce the cost of administration. Second, we need to restructure the way the system is managed to reduce administrative costs and shift those resources to the educational programs at the universities. I believe we need to grant more autonomy and more independence to the university presidents and to other leaders, so they can respond more quickly and with greater flexibility to opportunities and needs in their regions. We will pursue that. Finally, I need to say that when it makes sense for us to come to you for additional support, we will make our case to the Governor and the Legislature in a straightforward way and without apology.

When you invest in this System and these universities you are investing in the economy, in the education of Mainers, and in the communities where they live. Shortly after I came here a reporter asked me, what we could do to improve quality and still keep education affordable? He was looking for some kind of panacea. Well, there isn't any. There is no silver bullet which will miraculously make all these good things happen. If there were, we would have found them and implemented them years ago. Instead what lays before us, I believe is the challenge of applying all of the energy and good will and common sense to the needs of the people of Maine.

If we, in the universities, work hard, work smart, and work together, we can achieve great things for the people of Maine. Speaking for the University of Maine System, its excellent faculty, its dedicated and competent staff, its able Presidents and

first-rate Trustees, that is what we intend to do for our 31,000 students who enroll in the university and for all of Maine's citizens. We intend to be full partners in building Maine's future.

Thank you.

(Applause)

At the conclusion of the address, the Honorable Terrence MacTaggart, the Chancellor of the University of Maine withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled, having been accomplished, I now declare the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

In the House

The House was called to order by the Speaker.

UNFINISHED BUSINESS

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

Bill "An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge" (S.P. 705) (L.D. 1804)

TABLED - March 20, 1996 (Till Later Today) by Representative GOULD of Greenville.

PENDING - Passage to be Engrossed.

On motion of Representative SAXL of Portland, the House reconsidered its action whereby the Minority "Ought to Pass" Report was accepted.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of the Minority "Ought to Pass" Report and later today assigned.

Bill "An Act to Revise Certain Fish and Wildlife Laws" (EMERGENCY) (S.P. 637) (L.D. 1645) (C. "A" S-485)

TABLED - March 20, 1996 (Till Later Today) by Representative UNDERWOOD of Oxford.

PENDING - Passage to be Engrossed.

On motion of Representative UNDERWOOD of Oxford, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-485) was adopted.

The same Representative presented House Amendment "A" (H-804) to Committee Amendment "A" (S-485) which was read by the Clerk.

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

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: I would like to explain a little bit about what this amendment is going to do if it is adopted onto the Committee Amendment. What it is going to do is it is going to remove a provision in the Committee Amendment, which will increase the fees

the department will be charging for guides to take the test to get their guides licenses. What this is going to do is increase the fee from \$10 to \$100. This amendment was included into the department's omnibus bill. My fight on this, I am not so much against the idea of adding to the cost of the testing, but what I am against is the fact that it was put in the middle of a department bill and had no formal public hearing on the issue. We never had a chance to hear from the people in the industry, with the exception of the Maine Guides Association who did come in and say that their membership was in favor of it, this was one person.

Basically, I would like to see this amendment put through and next year we can come back and do it the right way. Come in with a department bill or one of us can put in a bill that would increase the fees and allow for the opportunity for people in the state to come and testify in front of our committee. I would ask for your support on this and Mr. Speaker, I would ask for a division on this.

The same Representative requested a division on adoption of House Amendment "A" (H-804) to Committee Amendment "A" (S-485).

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

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

The SPEAKER: The Representative may pose her question.

Representative KILKELLY: Thank you Mr. Speaker. It is my understanding that the fee increase was based on the cost of doing the testing so that there was not a deficit within the budget of the department. Could that be clarified, please.

The SPEAKER: The Representative from Wiscasset, Representative Kilkelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Thank you. That is right. When it costs the department several hundred dollars to examine a guide for a license and they are only taking in \$10, the committee felt that we should increase it. People complained that is dedicated money and we are spending it everywhere. They are right when they say that. This is one of those moves the committee made to bring this back to a real charge and it still probably doesn't pay for the Warden's Service to conduct the examination. Mr. Speaker, if it is proper at this time, I move that we indefinitely postpone House Amendment "A" (H-804) to Committee Amendment "A" (S-485) to L.D. 1645. Thank you.

Representative GREENLAW of Standish moved that House Amendment "A" (H-804) to Committee Amendment "A" (S-485) be indefinitely postponed.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I will try to be fairly brief. I fully understand what Representative Underwood is trying to say in this amendment. It is not the first time that we have had a breakdown in proper communications between the department and the Legislature.

Unfortunately, I sat on a task force this past summer, as did Representative Underwood, that looked

at the operation of the department because it became pretty clear that we cannot keep raising hunting and fishing licenses at the levels that we have had to provide the services. We looked at the operations of the department. It was made up of a couple of business people, a couple of legislators and one of the things that we found, in many cases, the department is not getting enough money to cover the actual cost. Never mind making a little money on it, they are not getting enough money to cover the actual cost. Under the guide licensing fee, you pay \$10, you come down and have a guide review board, which is made up of four or five people, one is a game warden, a couple of citizens-at-large and other department personnel employees. They sit there and go through the guide process. What we found in many cases is people are ill-prepared. They fail. They come back again. They fail. They come back again. They fail and all they have paid is \$10 that first time around.

The fact of the matter is that those of you who buy hunting and fishing licenses and the constituents you represent that buy hunting and fishing licenses are subsidizing the cost of a guide becoming a guide. It makes no sense. Regardless of how it got into the bill, it makes no sense to do that. This was an attempt by our committee to get back the actual money that it costs to administer these guides exams. We have got to do that. We have to continue to do that in that department if we want to reduce the dependency on fee increases and license increases every time we turn around.

Yes, there was a better way to do it. There is no question about it, but the fact of the matter is if we delay this action another year, that means the hunters, fishermen and trappers subsidize one more year these license examinations for Maine Guides. We are talking about professional Maine Guides who value their services at \$100 or \$150 a day. It is not like it is an exorbitant fee, but clearly, if you don't do it, the hunters, fishermen and trappers subsidize this process.

If we can at least make the other activities that we do in the department at least pay for themselves, we certainly cannot go back to our constituents and ask them to pay a higher hunting and fishing licenses until we have looked at every avenue in that department. This is an attempt to address one small avenue. We heard that loud and clear in the task force. I would strongly urge you to go along with Representative Greenlaw's motion to indefinitely postpone. Mr. Speaker, I request the yeas and nays.

Representative JACQUES of Waterville requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-804) to Committee Amendment "A" (S-485).

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 motion to indefinitely postpone House Amendment "A" (H-804) to Committee Amendment "A" (S-485). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 321

YEAS - Ahearne, Aikman, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Carr, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Look, Luther, Madore, Marvin, Mayo, McElroy, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Poirier, Poulin, Povich, Reed, G.; Rice, Richard, Richardson, Ricker, Robichaud, Rosebush, Rowe, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor.

NAYS - Ault, Bailey, Carleton, Cross, Dexter, Heino, Joy, Labrecque, Lane, Layton, Lovett, Lumbr, Marshall, Martin, Pinkham, Reed, W.; Stedman, Underwood.

ABSENT - Adams, Bunker, Cloutier, Dore, Dunn, Lemke, McAlevey, Morrison, Nickerson, Plowman, Pouliot, Samson, Sirois, Stevens, Truman, The Speaker.
Yes, 117; No, 18; Absent, 16; Excused, 0.

117 having voted in the affirmative and 18 voted in the negative, with 16 being absent, House Amendment "A" (H-804) to Committee Amendment "A" (S-485) was indefinitely postponed.

Representative JACQUES of Waterville, presented House Amendment "B" (H-813) to Committee Amendment "A" (S-485) which was read by the Clerk.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: What this basically does is in the omnibus bill there is a provision dealing with the advisory board for licensing of white water guides. This is not the other white water guide bill. In that bill, when the structure came across from the department, they left out two things. This clarifies it will be the Commissioner of Fisheries and Wildlife that appoints the warden or retired warden who is a member of that board. It also provides the staggered terms of membership for the public members, which we have to do. This was flagged by the Governor's representative that does appointments for commissions for the State of Maine. That is all this amendment does. It corrects those two omissions that were in the original language. Thank you.

House Amendment "B" (H-813) to Committee Amendment "A" (S-485) was adopted.

Committee Amendment "A" (S-485) as amended by House Amendment "B" (H-813) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-485) as amended by House Amendment "B" (H-813) thereto in non-concurrence and sent up for concurrence.

On motion of Representative POULIOT of Lewiston, the House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on **Marine Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-488) on Bill "An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management" (S.P. 673) (L.D. 1733)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-488).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-488) 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 and sent up for concurrence.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on Bill "An Act to Improve the Hancock County Budget Procedure" (S.P. 685) (L.D. 1754)

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo
Representatives: LANE of Enfield
SAVAGE of Union
LOOK of Jonesboro
ROBICHAUD of Caribou

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-492) on same Bill.

Signed:

Representatives: AHEARNE of Madawaska
SAXL of Bangor
GERRY of Auburn
ROSEBUSH of East Millinocket
DAGGETT of Augusta
LEMKE of Westbrook

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

Was read.

Representative AHEARNE of Madawaska moved that the House accept the Minority **"Ought to Pass"** as amended Report.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative ETNIER from the Committee on **Marine Resources** on Bill "An Act to Establish a Sea Urchin Management Plan" (EMERGENCY) (H.P. 1252) (L.D. 1714)

reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-816)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-816) 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 and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-808) on Bill "An Act to Implement the Recommendations of the Task Force on Tax Increment Financing" (H.P. 1313) (L.D. 1797)

Signed:

Senators: FERGUSON of Oxford
CAREY of Kennebec
Representatives: TRIPP of Topsham
TUTTLE of Sanford
KEANE of Old Town
BARTH of Bethel
MURPHY of Berwick
GREEN of Monmouth
POIRIER of Saco
DORE of Auburn
REED of Falmouth

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

Signed:

Senator: HATHAWAY of York
Was read.

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

The Bill was read once. Committee Amendment "A" (H-808) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, March 22, 1996.

CONSENT CALENDAR

Second Day

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

(H.P. 1288) (L.D. 1768) Bill "An Act to Standardize the Creation of Water Districts" (C. "A" H-811)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Amend the Tax Laws Regarding Retail Business Registration and Penalty Relief to Taxpayers with Extensions" (H.P. 1251) (L.D. 1713) (C. "A" H-798)

Bill "An Act to Implement the Recommendations of the Maine Task Force on Interstate Banking and Branching" (H.P. 1272) (L.D. 1750) (Governor's Bill) (C. "A" H-812)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, the House

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

ENACTORS

Emergency Measure

An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs (S.P. 323) (L.D. 904) (C. "A" S-477)

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. 119 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Repeal and Replace the Charter of Bowdoin College (S.P. 658) (L.D. 1718) (C. "A" S-480)

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. 116 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Laws Concerning Commercial Whitewater Rafting (S.P. 719) (L.D. 1820) (C. "A" S-486)

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

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: When we voted on this bill the other day, we voted on the amendment that Representative Jacques had worked up after our original committee vote, which was 11 to 2. Representative Jacques and myself were the hold outs. The next day, Representative Jacques came up with an amendment that looked to me and him that this would satisfy people on both sides, a compromise. I voted for that the other day.

Since then, on your desk came this petition with 11 signatures out of a total of 14 people involved in this industry. One of these people, the first one on your list testified in favor of this in our committee, after he saw the amendment, he signed this. At least two or three of these, I believe, spoke in our committee neither for nor against, neutral. They have now signed this and they are against it. I am switching my vote to no and that is why.

You are hearing out in the hall the words, free enterprise. We heard the words free enterprise in our committee. Don't be fooled, this is not free enterprise. It is a limited entry system. If you don't believe it, hire some people on and try to run them down the river. You can't do it. There is a certain number of allotments. It is a very finite resource. These rapid portions are short. They were allotted out. Now somebody wants to be able to own two of those. Well, maybe someday they will own all of them. It is not free enterprise. There is nothing wrong with big companies owning the whole of

something. This is a finite natural resource that was allocated in a limited entry system. Thank you.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: When you get elected and you come to the Legislature there is only one thing you have and that is your credibility. Hopefully, during your tenure here you will retain your credibility. When we had the original vote it was 11 to 2, as was stated by the good Representative from Penobscot. We listened to the concerns, as I expressed to you the other day, of all the rafters. In that room that day there was one rafter that signed this petition who spoke for it. Two voted neither for nor against and the rest sat and did nothing. They were worried about the whole industry being taken over by four or five big companies.

It wasn't the day after we took the vote, it was four days after that we took the vote because I spent a whole weekend thinking about everything that everyone had said and what their concerns were, I came back with an amendment that I offered and it turned out to be a unanimous report of the committee. The problem with that amendment, as much as I hate to say this, is the overwhelming concern in the rafting industry, money. Some may tell you they care about the river. They may care about the industry as a whole and some do, but based on my 17 years of dealings, the bottom line has been money. They are very competitive. There is a lot of jealousy. No company likes to see the other company get the edge. What they came to realize was that with the amendment, that was a unanimous committee report, when 60 percent of the allocations were sold to big companies, it was frozen. That means, men and women of the House, that the rest of the companies who hadn't been able to sell their company to a big company, would not be able to do so when the 60 percent was reached. The light bulbs came on. They realized that if they couldn't be part of the 60 percent to get sold to a big company for big money, they didn't want any part of it at all.

I made a commitment to that original amendment and I understand Representative Perkins' concerns, but I have to stick by that commitment to that amendment because I still think it is a good amendment. I still believe that before the 60 percent is reached that the industry as a whole will have to sit down with the Fish and Wildlife Department and the legislators and decide what the future of these companies is going to be like.

As I said the other day, I can't tell you if this is a bad thing or a good thing because we have never tried it. I understand the concerns of the small company and the fact of the matter is that the one person everybody says can be helped by this, still has two separate companies and he still is going to be able to run these. You are really not going to punish him. We are never going to really know if this is better for the industry or not. What really concerns me is that when we had the public hearing and it wasn't like they didn't know this bill was coming, they sat on their hands and did nothing and said nothing. It certainly would have made my job and Representative Perkins' job a lot easier if they had got up and had some back bone and let us know how they really felt. The fact of the matter is it was only when they found out that the 60/40 deal meant if

the 60 was gone, they wouldn't be able to sell their company for two or three times what it was really worth. They got upset. Don't blame them for that. Everybody should be able to sell their company for as much as they can get. That is where, all of a sudden, this new found opposition came from.

They can't tell me it is because they were concerned about the industry as a whole or those rivers because we aren't doing anything to hurt the rivers. Their concern is and it finally came to light, as I knew it would, that if you are not part of the 60, there won't be a big market for your company when you are in the 40. You vote the way you have to vote, but I have to stick by the original commitment that I made to the committee, which was unanimous at the time. It does have to mean something around here. Thank you. I request the yeas and nays.

Representative JACQUES of Waterville requested a roll call on passage to be enacted.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I can't think of much of anything that I could add that you haven't heard in the last 30 days. I urge you to vote for this bill and send this raft down to the other body. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I am pretty confident that nobody has made a decision that has changed any business decisions based on my vote the other day. If I did, I certainly wouldn't be switching. I don't think anybody counted on that, I hope. Could I pose a couple questions through the Chair please?

The SPEAKER: The Representative may pose his questions.

Representative PERKINS: Thank you. To Representative Jacques, if he cares to answer. One, what is broken that we are trying to fix? Two, isn't this mainly to help one individual?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a series of questions through the Chair to the Representative from Waterville, Representative Jacques. The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is quite amusing to me that I am up here defending a position that I was one of two that was on the opposite side a few days ago. It is unbelievable how things occur in the Maine Legislature. To answer Representative Perkins, question, at the time of the hearing, I, like he, did not believe that anything was broke. The argument made by the people who came down and testified for the bill was an argument that made sense to apparently most of the committee. That is, a bigger company would be able to offer more services, better benefits to his employees, make a better investment in the infrastructure in the area, community and as well as their business. I guess that is a sound business policy that has been practiced for years. I felt obliged at the time to look out more for the interest of the industry as a whole on the river to make sure that we did not have three or four monopolies on the river.

Originally, when this came forward it came forward because one big rafting company went belly up, as we said. One person had signed a purchase agreement and

yes, this legislation is directed right now to help one person. If you pass this legislation, it could help four, five, six or seven other industry rafters, because other companies would be able to come up for sale and they may not have an allocation of 80. They may only have an allocation of 24 or 40 or 32 and the other company might have one of 60 now, so they would be able to have an allocation of 100 or 92 or 84, depending on the breakdown. There is one company in the position to utilize this right now, but this legislation does not limit the one company. It limits the 60 percent of the allocated days only. That is what this bill does.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

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

The SPEAKER: The Representative may pose her question.

Representative MERES: Thank you. To Representative Jacques. I have been hearing a lot of comments in the Hall of the House about this creating a monopoly or the potential for a monopoly, especially on the Kennebec River. I tried to think about this and I want you to clarify something. It is my understanding that this amendment would allow one outfitter to buy one other outfitter for a total of 160 spaces or 20 percent of the allotment on the Kennebec. That is what I thought I heard you say. How does this constitute a monopoly or what is the threat of that if there is any?

The SPEAKER: The Representative from Norridgewock, Representative Meres has posed a question through the Chair to the Representative from Waterville, Representative Jacques. The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would be glad to answer the young lady's question. She is exactly right. It would allow someone to have 160 allocations on allocated days or 20 percent of the market on allocated days, not the rest of the industry. The concern was that if you follow this through and allowed it in its original form that looking at the carrying capacity on allocated days, you would only have four companies that would fill the Penobscot, which is 560 and five companies if they had 160 a piece, that would fill the allocation of 800 on the Kennebec on days that they have the 800 allocation.

What the bill does now is it says that cannot happen because when 60 percent is bought up either by one, two, three, four, five, six or seven companies, whatever it breaks down to, the other 40 percent of the allocations will always be reserved for new companies coming in or companies that want to grow up to 80 or more depending on how many allocations were available and how many they qualified for. The other thing is even if you buy 160 on an allocated day, if you don't run 160 and you start to lose your allocation, the department can pull it away from you on a year-to-year basis that goes into an unallocated pool, which then, all the companies who have less than the maximum allocation could apply to and get allocations from. This is an on going thing that moves on a year-to-year basis even though the allocations are awarded for a five-year period of time.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the

expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL NO. 322

YEA - Ahearne, Bailey, Berry, Bigl, Buck, Cameron, Carr, Chase, Chick, Chizmar, Cloutier, Clukey, Cross, Damren, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Heeschen, Hichborn, Johnson, Jones, K.; Joseph, Joyce, Joyner, Kerr, Kneeland, Labrecque, Lemaire, Libby JL; Look, Lovett, Madore, Marshall, Martin, McAtevey, McElroy, Meres, Murphy, Nadeau, O'Gara, O'Neal, Ott, Paul, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Samson, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Stone, Strout, Tufts, Tuttle, Underwood, Vigue, Wheeler, Whitcomb, Winsor, The Speaker.

NAY - Adams, Ault, Barth, Benedikt, Birney, Brennan, Campbell, Carleton, Chartrand, Davidson, Etner, Gerry, Green, Hartnett, Hatch, Heino, Jacques, Jones, S.; Keane, Kilkelly, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Lumbr, Luther, Marvin, Mayo, Mitchell JE; Nass, Pendleton, Perkins, Pinkham, Poirier, Povich, Richard, Richardson, Rowe, Shiah, Stedman, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, True, Volenik, Waterhouse, Watson, Winglass, Winn.

ABSENT - Aikman, Bouffard, Bunker, Clark, Daggett, Dunn, Joy, Kontos, Lindahl, Mitchell EH; Morrison, Nickerson, Peavey, Plowman, Spear, Truman, Tyler.

Yes, 80; No, 54; Absent, 17; Excused, 0.

80 having voted in the affirmative and 54 voted in the negative, with 17 being absent, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, this bill failed of passage to be enacted and sent up for concurrence.

Emergency Measure

Resolve, to Require Additional Promotion of the Maine Quality Seal (H.P. 1294) (L.D. 1776)

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

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

Mandate

An Act to Create a Process for Identifying New Owners for Dams or Releasing Current Owners from Water Level Maintenance Obligations (S.P. 249) (L.D. 646) (C. "A" S-484)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 2 against,

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

An Act to Identify New Federal Mandates (H.P. 1028) (L.D. 1443) (C. "A" H-775)

An Act to Enhance Used Oil Recycling Capabilities (H.P. 1178) (L.D. 1610) (C. "A" H-777)

An Act to Require the Department of Human Services to Provide Notice and Hearing in Cases Involving Denial of the Application of the Charity Care Guidelines (S.P. 638) (L.D. 1673) (C. "A" S-482)

An Act to Clarify and Amend Provisions of the Workers' Compensation Act Relating to Workers' Compensation Self-insurance (S.P. 688) (L.D. 1757) (C. "A" S-468)

An Act to Improve and Expand the Functions of the Department of Audit (H.P. 1292) (L.D. 1774) (C. "A" H-745)

An Act to Exempt Farms from the Sales Tax on Electricity (H.P. 1293) (L.D. 1775) (C. "A" H-766)

An Act Relating to Payment of Tri-state Lotto Prizes (H.P. 1304) (L.D. 1785) (Governor's Bill) (C. "A" H-773)

An Act to Amend the Charter of the Somerset Woods Trustees in Order to Qualify the Charter as a Charitable Corporation under Internal Revenue Service Rules (S.P. 706) (L.D. 1805)

An Act Relating to Solid Waste Management (S.P. 720) (L.D. 1824) (C. "A" S-481)

An Act to Amend the Laws Relating to Regulation of Wetlands (S.P. 730) (L.D. 1834) (C. "A" S-483)

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

An Act to Lessen the Penalty for Withdrawal of Farms from the Farm and Open Space Tax Law (H.P. 1295) (L.D. 1777) (C. "A" H-767)

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

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

On motion of Representative WHITCOMB of Waldo, tabled pending passage to be enacted and later today assigned.

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

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

House Divided Report - Committee on Banking and Insurance - (12) Members "Ought to Pass" as amended by Committee Amendment "A" (H-805) - (1) Member "Ought Not to Pass" on Bill "An Act to Amend and Further Deregulate the Maine Consumer Credit Code" (H.P. 1239) (L.D. 1699) which was tabled by Representative VIGUE of Winslow pending his motion to accept the Majority "Ought to Pass" as amended Report.

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

The Bill was read once. Committee Amendment "A" (H-805) 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-805) and sent up for concurrence.

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

**ENACTORS
Emergency Measure**

An Act to Implement the Recommendations of the Productivity Realization Task Force and to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 1996 and June 30, 1997 (H.P. 1363) (L.D. 1873)

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

On motion of Representative MARTIN of Eagle Lake, the House reconsidered its action whereby L.D. 1873 was passed to be engrossed.

The same Representative presented House Amendment "B" (H-815) which was read by the Clerk.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I would ask you to take out the amendment, which is House Amendment "B" under filing Number (H-815), as indicated on the board. I would like to give you the background to the amendment. When the Productivity Task Force reviewed the Department of Education in the areas that were downsized were in the area of construction, that is, if your school is requesting construction dollars, it has to go through the Department of Education and in the event if they are going to get state dollars in the reimbursement for that construction.

There were in that department approximately two and a half persons including the secretary that basically did the scoring. For those of you who had been through the process you know that if you don't make the scoring, you don't get the money from the state, at any given time. In the reorganization, that division was abolished, as were the personnel. As a result, what is now the case, what is in the productivity bill now will mean there will be roughly three-quarters of one person doing the scoring. In effect, you have only one person that will determine where you will sit on that list. I repeat, one person alone in the department will do the scoring. For those of us from Piscataquis, Aroostook and Washington, this amendment doesn't do anything because we are not going to be building schools, but for those of you in southern Maine, let me tell you that I am not sure it is fair to you to determine that the level of whether or not you are reimbursed will be based on one person and the scoring done by this particular process.

The Education Committee recommended that this be put back into the budget. The Appropriations Committee forgot about it. I understand that no one wants to reopen the bill. I understand all those things. I want to bring it to your attention today and I don't want to be in a situation down the road when scoring gets to a point where you are really upset that you blame it on us because we failed to tell you and that is why I put in this amendment. You can do what you want to with the amendment because from a parochial point of view, I can assure

you Aroostook County doesn't need anymore schools. We are losing population every single day. My school district this year lost another 53. You know what is going on in southern Maine as well as I.

What this does basically is to put in one person additional to what is in the budget now to do scoring and to deal with construction projects, that is what it does, no more. There is sufficient money in this bill, at the present time, to do it. There is roughly \$90,000 that was left in surplus when they closed up the bill. As I said, it is entirely up to the members of the House as to which way you want to proceed on the amendment.

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

Representative KERR: Mr. Speaker, Men and Women of the House: The Representative from Eagle Lake is correct that there is a surplus left in this budget of about \$90,000. This issue can be taken up in the supplemental budget. At this time, I move indefinite postponement of House Amendment "B."

Representative KERR of Old Orchard Beach moved House Amendment "B" (H-815) be indefinitely postponed.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I am one of those who has always believed that if you have a problem, fix it. This is the opportunity to fix it. I understand the potential commitment to come down the road. I know that if you have an opportunity to do it now and the money is there, you should take it while you have it. Mr. Speaker, I request when the vote be taken, it be taken by the yeas and nays.

Representative MARTIN of Eagle Lake requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-815).

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 Indefinitely Postpone House Amendment "B" (H-815). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 323

YEA - Barth, Benedikt, Bigl, Buck, Cameron, Carleton, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Dore, Etnier, Farnum, Fitzpatrick, Greenlaw, Guerrette, Hartnett, Heino, Jacques, Jones, S.; Joseph, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, O'Gara, O'Neal, Ott, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Povich, Reed, G.; Rice, Richardson, Robichaud, Savage, Simoneau, Stedman, Stone, Taylor, Townsend, Tufts, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Ahearne, Bailey, Berry, Brennan, Campbell, Carr, Chartrand, Chase, Chizmar, Cloutier, Davidson, Desmond, Dexter, Driscoll, Fisher, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heeschen, Hichborn, Johnson, Jones, K.; Kilkelly,

LaFountain, Lemaire, Lemke, Libby JL; Look, Luther, Martin, Mitchell JE; Paul, Poulin, Richard, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Treat, Tripp, True, Tuttle, Underwood, Volenik, Watson, Winn.

ABSENT - Aikman, Ault, Birney, Bouffard, Bunker, Clark, Daggett, Dunn, Joy, Kontos, Lindahl, Mitchell EH; Morrison, Nadeau, Nickerson, Peavey, Plowman, Reed, W.; Spear, Strout, Truman, Tyler.

Yes, 71; No, 58; Absent, 22; Excused, 0.

71 having voted in the affirmative and 58 voted in the negative, with 22 being absent, House Amendment "B" (H-815) was indefinitely postponed.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 9 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

TABLED AND TODAY ASSIGNED

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

Expression of Legislative Sentiment recognizing Holly Hock Dumaine of Monmouth (SLS 236)

- In Senate, Read and Passed.

TABLED - March 19, 1996 by Representative GREEN of Monmouth.

PENDING - Passage in concurrence.

Subsequently, read and passed in concurrence.

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

Senate Divided Report - Committee on **State and Local Government** - (7) Members **"Ought Not to Pass"** - (6) Members **"Ought to Pass"** as amended by Committee Amendment "A" (S-492) on Bill "An Act to Improve the Hancock County Budget Procedure" (S.P. 685) (L.D. 1754) which was tabled by Representative AHEARNE of Madawaska pending his motion to accept the Minority **"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: L.D. 1754, An Act to Improve the Hancock County Budget Procedure, is a reasonable attempt to improve the budget process in Hancock County. The only thing it does is to allow the legislative delegation chair to call the regular informational meeting on the Hancock County budget. In the recent past, many so-called accidents have occurred when dealing with the county commission in my county. It is probably similar to your experiences.

They called the last meeting on November 28, 1995, and you know that you were here and we are firmly in the Special Session called by the Governor to pass the Productivity Realization Task Force. They would not change our meeting. They enacted the budget without our input. What they did was pass a potential 20-percent tax increase. We would have wanted to have some comment on that. We screamed and hollered and jumped up and down and subsequently they scheduled another meeting, but within the 48-hour deadline for the final enactment of the budget.

Happily, so to speak, our comments helped reduce the potential tax increase by 50 percent.

Men and women of the House, this informational meeting is our meeting. It is given to us in statute. We just want to be able to call the meeting. What is the problem here. Thank you. Please vote yes on the motion.

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

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

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the pending motion so that we can go on to accept the Majority Report, which is "Ought Not to Pass." To just give you a little background on the hearing of this bill, it was brought to us as the good Representative Povich said, because there was a problem with a particular meeting last year. A meeting was scheduled during a time when legislators were in Special Session. The purpose of the bill is to correct something from that one incident.

It was the belief of the majority of the committee that problems such as that can be corrected in other ways without the need for legislation. It was an unfortunate incident of miscommunication. However, we really have to question, is this a good impetus for legislation? Also, we on State and Local Government have seen quite a few bills come before us regarding how county budgets are adopted and we have seen different counties vote to give the legislative delegation more input. Some take it out. It is a back and forth process.

What we did discover is it hasn't been that long since Hancock County changed its way it did its budget process. It is a fairly recent change to the process they are now. Many of us on the Majority Report felt that there was no need for this piece of legislation because of a communication error and the people of Hancock County, the commissioner and the people did not have enough time to let this particular budget process, which is now in place to run its course to see if it is going to work and be effective for Hancock County. That is the logic behind the "Ought Not to Pass" Report. It is my belief that communication errors can be corrected through means other than legislation.

I would encourage and be glad to help Hancock County in finding ways to resolve their communication problems. I would still urge you to vote against the pending report.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: It has been the practice of the State and Local Government Committee to adopt the procedures asked for by a majority of the legislative delegation and that, in fact, is what we are doing with the Hancock County budget committee. I would ask you to accept the Minority "Ought to Pass" as recommended.

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

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: I am from Hancock County. I am one of those who got wrapped up in this "miscommunication." It went way beyond miscommunication. I would really like to have you support the Minority "Ought to Pass" Report. Thank you.

Representative AHEARNE of Madawaska requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House: Penobscot is also in Hancock County. I also went to that meeting. I felt a little uncomfortable at that meeting in Ellsworth demanding that we review the budget of these elected officials. I am not sure what is the best way to go on these kinds of things having little experience here in this. I did feel uncomfortable and we were demanding, some of us in the delegation, of them and kind of pompous and arrogant, I felt. Then come to find out the District Attorney a few days later ruled that we had zero input into this. I think this is what this bill is trying to give us, that say so in there. These are elected officials. The irony is that some of the towns contacted me and the selectmen wanted us, the delegation, to get involved. How would it be if we got involved in the towns' budgets? I don't think they would ask us to do that. I think these are elected officials and I think we ought to go with the Majority Report on this. 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 Minority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 324

YEA - Adams, Ahearne, Berry, Bigl, Brennan, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Cloutier, Desmond, DiPietro, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heino, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, KilKelly, LaFountain, Lemaire, Lemont, Libby JL; Look, Lovett, Madore, Marshall, McAlevey, Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Paul, Pinkham, Poulin, Pouliot, Povich, Rice, Richard, Richardson, Ricker, Rosebush, Samson, Saxl, J.; Saxl, M.; Sirois, Stevens, Stone, Thompson, Treat, Tripp, Tuttle, Vigue, Volenik, Watson, Wheeler, Winglass.

NAY - Bailey, Barth, Benedikt, Cameron, Clukey, Cross, Damren, Davidson, Donnelly, Greenlaw, Guerrette, Hartnett, Heeschen, Jones, S.; Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Lumbra, Martin, Marvin, Mayo, McElroy, Meres, Nass, Ott, Perkins, Poirier, Reed, G.; Robichaud, Rowe, Savage, Shiah, Simoneau, Stedman, Taylor, Townsend, True, Tufts, Underwood, Waterhouse, Whitcomb, Winn, Winsor.

ABSENT - Aikman, Ault, Birney, Bouffard, Buck, Bunker, Carr, Clark, Daggett, Dexter, Dore, Dunn, Hichborn, Joy, Kontos, Lemke, Lindahl, Luther, Mitchell EH; Morrison, Nickerson, Peavey, Pendleton, Plowman, Reed, W.; Spear, Strout, Truman, Tyler, The Speaker.

Yes, 74; No, 47; Absent, 30; Excused, 0.

74 having voted in the affirmative and 47 voted in the negative, with 30 being absent, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-492) 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" (S-492) in non-concurrence and sent up for concurrence.

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

On motion of Representative REED of Falmouth, the House adjourned at 6:10 p.m. until 9:00 a.m., Friday, March 22, 1996.