

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
7th Legislative Day
Tuesday, April 8, 1997

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

Prayer by Reverend Stephen L. Hastings, Winthrop Congregational Church.

National Anthem by the Mount Blue Voices, Farmington.

Pledge of Allegiance.

Doctor of the day, Lanny Oliver, M.D., Lewiston.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 586)

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is a brain disorder that usually affects adults over 40, although it can appear in younger patients; and

WHEREAS, more individuals suffer from Parkinson's disease than multiple sclerosis, muscular dystrophy and Lou Gehrig's disease combined; and

WHEREAS, according to the American Parkinson Disease Association there are approximately 1.5 million people in the United States diagnosed with Parkinson's disease, of which 7,000 or more are in the State of Maine; and

WHEREAS, the symptoms of Parkinson's disease - stillness, tremor, slowness, poor movement, and difficulty with balance and speaking are often mistaken as a normal part of the aging process; and

WHEREAS, the cause of the disease is unknown, and drugs can only control some of the symptoms of Parkinson's disease for a short period of time; and

WHEREAS, April 11 has been proclaimed to be World Parkinson's Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, increased education and research are needed to help find more effective treatments and ultimately a cure for Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients, their caregivers and families; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the First Special Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Parkinson Disease Association, Maine State Chapter.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices" (S.P. 583) (L.D. 1746)

Came from the Senate, referred to the Committee on **Agriculture, Conservation and Forestry** and Ordered Printed.

Was referred to the Committee on **Agriculture, Conservation and Forestry** in concurrence.

Bill "An Act to Improve Transportation in Maine" (S.P. 584) (L.D. 1747)

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

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

Bill "An Act to Modernize Maine's Fuel Tax Laws" (S.P. 585) (L.D. 1748)

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

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

Non-Concurrent Matter

Bill "An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System" (H.P. 1229) (L.D. 1741) which was referred to the Committee on **Banking and Insurance** and the Committee on **Taxation** in the House on April 3, 1997.

Came from the Senate referred to the Committee on **Banking and Insurance** in non-concurrence.

On motion of Representative KONTOS of Windham, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Resolve, Authorizing the Theta Chi Building Association to File with the Secretary of State as a Nonprofit Corporation (S.P. 145) (L.D. 424) on which the Minority "**Ought Not to Pass**" Report of the Committee on **Legal and Veterans Affairs** was read and accepted in the House on March 25, 1997.

Came from the Senate with that Body having insisted on its former action whereby the Majority "**Ought to Pass**" as amended Report of the Committee on **Legal and Veterans Affairs** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-28) in non-concurrence.

On motion of Representative TUTTLE of Sanford, the House voted to Insist and ask for a Committee of Conference.

COMMUNICATIONS

The following Communication: (S.P. 582)

118TH MAINE LEGISLATURE

April 3, 1997

Senator Robert E. Murray, Jr.

Representative Edward Povich

Chairpersons

Joint Standing Committee on Criminal Justice

118th Legislature

Augusta, Maine 04333

Dear Senator Murray and Representative Povich:

Please be advised that Governor Angus S. King, Jr. has nominated Martin A. Magnusson for appointment as Commissioner of the Department of Corrections.

Pursuant to Title 34A, MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Criminal Justice and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Bill "An Act Regarding Hospital Charges for Physicians Not Participating in Health Maintenance Organizations" (H.P. 1237) (L.D. 1754) (Presented by Representative GERRY of Auburn)

Reference to the Committee on **Health and Human Services** suggested.

On motion of Representative SAXL of Bangor, the Bill was referred to the Committee on **Banking and Insurance**, ordered printed and sent up for concurrence.

Labor

Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" (H.P. 1236) (L.D. 1753) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator CATHCART of Penobscot and Representative: PENDLETON of Scarborough) (Governor's Bill)

Resolve, to Study the Efficiency of the State's Work Force Development Programs (EMERGENCY) (H.P. 1238) (L.D. 1755) (Presented by Representative WINN of Glenburn) (Cosponsored by Representatives: CHIZMAR of Lisbon, HATCH of Skowhegan, KERR of Old Orchard Beach, LEMAIRE of Lewiston, MITCHELL of Portland, RINES of Wiscasset, TRIPP of Topsham, Senator: CATHCART of Penobscot)

Legal and Veterans Affairs

Bill "An Act Regarding the Economic Security and Safety of Harness Horsepersons" (H.P. 1239) (L.D. 1756) (Presented by Representative TRUE of Fryeburg) (Cosponsored by Representatives: CHIZMAR of Lisbon, GAGNE of Buckfield and Senator FERGUSON of Oxford and Representatives: BIGL of Bucksport, CIANCHETTE of South Portland, GOOLEY of Farmington, KNEELAND of Easton, LAYTON of Cherryfield, TAYLOR of Cumberland, VIGUE of Winslow, WHEELER of Bridgewater)

Marine Resources

Bill "An Act to Amend the Laws Governing the Shrimp Harvesting Season" (H.P. 1235) (L.D. 1752) (Presented by Representative WHEELER of Eliot) (Cosponsored by Representatives: LEMONT of Kittery, LINDAHL of Northport, USHER of Westbrook, WRIGHT of Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

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

ORDERS

On motion of Presented by Representative VIGUE of Winslow, the following Joint Resolution: (H.P. 1240) (Cosponsored by Senator BENNETT of Norway and Senator HARRIMAN of Cumberland and Representatives: BRUNO of Raymond, CAMERON of Rumford, DEXTER of Kingfield, LEMKE of Westbrook, LEMONT of Kittery, MURPHY of Kennebunk, NICKERSON of Turner, POULIN of Oakland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUEST THAT THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES BE SUBMITTED TO THE STATES FOR RATIFICATION

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

WHEREAS, the annual federal budget has not been balanced since 1969 and the federal public debt is now more than \$5 trillion or approximately \$20,000 for every man, woman and child in America; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs and endangering economic opportunity now and for succeeding generations; and

WHEREAS, the Federal Government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition by a small minority repeatedly has thwarted the will of the people that a balanced budget amendment to the Constitution of the United States should be submitted to the states for ratification; now, therefore, be it

RESOLVED: That We, your Memorialists, urge the Congress of the United States to pass expeditiously and propose to the legislatures of the several states for ratification an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each member of the Maine Congressional Delegation, the United States Secretary of State and the presiding officers of each house of the legislatures of each of the other states in the United States.

Was read and adopted, sent up for concurrence and ordered sent forthwith.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

Philip Justin Cutting, Jr., of Boy Scout Troop #453 in Belgrade, who has attained the high rank and distinction of Eagle Scout; (HLS 234) by Representative FULLER of Manchester. (Cosponsor: Senator CAREY of Kennebec)

On objection of Representative FULLER of Manchester, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I am pleased to present Philip Cutting for special recognition for his achievement of attaining the high rank of Eagle Scout. Philip is here as a page and is standing up in front by the Speaker's podium. This achievement is the result of a lot of hard work and commitment on Philip's part as well as the leadership of the Belgrade Boy Scout Troop, specifically Ray Hammond and Don Hodgkins and the support of his fellow scouts. Congratulations Philip.

Was read and passed and sent up for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

REPORTS OF COMMITTEES Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee" (H.P. 548) (L.D. 739)

Signed:

Senators: LONGLEY of Waldo
LaFOUNTAIN of York
BENOIT of Franklin

Representatives: THOMPSON of Naples
WATSON of Farmingdale
ETNIER of Harpswell
JABAR of Waterville
MAILHOT of Lewiston
POWERS of Rockport
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

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

Signed:

Representative: PLOWMAN of Hampden

Was read.

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

On further motion of the same Representative, tabled pending his the motion to accept the Majority "**Ought Not to Pass**" Report and specially assigned for Wednesday, April 9, 1997.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 903) (L.D. 1246) Bill "An Act Regarding Sales Tax Trade-in Credits and Farm Machinery"

(H.P. 924) (L.D. 1267) Bill "An Act to Abolish the Judicial Council"

(H.P. 1055) (L.D. 1487) Bill "An Act to Authorize Clerks to Sign Notices of Certain Court Actions"

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board" (H.P. 294) (L.D. 358) (C. "A" H-150)

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

Bill "An Act to Increase Health Insurance Benefits for Retired Educators" (H.P. 132) (L.D. 174) (C. "A" H-154)

Was reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative JOYCE of Biddeford was set aside.

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

ENACTORS

Emergency Measure

An Act to Exempt Certain Loaned Federal Vehicles from Certificates of Title (H.P. 85) (L.D. 110) (C. "A" H-126)

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. 135 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Maine Health Data Organization Laws (S.P. 560) (L.D. 1693)

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

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (H.P. 829) (L.D. 1134)

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. 138 voted in favor of the same and

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

An Act to Transfer the Authority for Fixed Assets Inventory (H.P. 96) (L.D. 120) (C. "A" H-128)

An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans (H.P. 179) (L.D. 234) (C. "A" H-23)

An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages (H.P. 328) (L.D. 450)

An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists (H.P. 616) (L.D. 841) (C. "A" H-127)

An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors (S.P. 266) (L.D. 874) (C. "A" S-72)

An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process (H.P. 871) (L.D. 1188)

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 Amend the Laws Regulating the Installation and Inspection of Septic Systems (H.P. 442) (L.D. 592) (C. "A" H-96)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Wednesday, April 9, 1997.

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 House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) "**Ought Not to Pass**" - Minority (2) "**Ought to Pass**" as amended by Committee Amendment "A" (H-153) - Committee on **Legal and Veterans Affairs** on Bill "An Act to Limit Corporate Contributions and to Establish Voluntary Spending Limits for Citizen-Initiated Ballot Campaigns" (H.P. 475) (L.D. 646)

TABLED - April 7, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Acceptance of Either Report.

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

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I will be voting against the pending motion. As chairman of a committee, in most cases, we try to gain consensus. The majority of the time we do that, but on this occasion I will be supporting the Minority Report and will try to explain my reasons why. This bill limits corporate contributions to citizen-initiated campaigns to \$500. The bill also establishes a voluntary spending limit for political action committees with regard to citizen-initiated ballot campaigns. The system is similar to a current system where candidates may voluntarily limit

campaign expenditures. In my opinion, corporate money in recent years has changed the intent and proactive of the citizen initiative. Individuals were ground out with corporate dollars and this bill is modeled on the Montana law, which prohibits corporate contributions. In my opinion, there are much better ways to debate issues and share information without spending a lot of money. Excess of money turns referendum debates into an advertising more and it brings into line with citizen-initiated bills in past sessions.

In my opinion, the average voter cannot begin to contribute on the same level as corporations. I think people in this state cannot afford, for the most part, to give as much to campaigns as corporations have in the past. It is my feeling that this bill is an attempt, in the right direction, to limit spending in the state on a corporate-initiated level and for that reason I am supporting it and would ask that you would vote your conscience on the bill. This is not a partisan issue, but it is my humble opinion that it will make the process of initiated petitions a better process for all Maine citizens.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I urge you to vote against the pending motion, which is "Ought Not to Pass" so that we then can move on to support the position of the good chair, who just spoke, of the Legal and Veterans Affairs Committee, which is "Ought to Pass" as amended. Let me explain briefly the amendment to this bill and the context of it. This is a bill to limit corporate campaign contributions in citizen-initiated referendums. The amendment applies this not only to for-profit corporations, but also nonprofit corporations. That reflects an amendment, which was presented in committee by Representative Joy and supported by myself. It is the amendment that initially was voted by Representative Gamache. What it would do would establish a level playing field for all corporate entities, whether you are talking about Georgia Pacific or you are talking about the Sierra Club, the same will apply. It seems to me that this is a common sense campaign finance reform. We already have limitations. If we have limitations, why should corporations not also have those limitations? As the good speaker from Sanford said, "We have a major problem here." We are aware of it on the national level and now we are aware of it on the state level where really free speech is drowning and the voice of citizens is being drowned by the impact of money, too much big money. That certainly was not the intent of the progressives in the early 20th Century when they established the citizen-initiated process to get around this type of thing. Now and I can make reference, but I won't even bother because you all can think of them in recent campaigns, large amounts of money, often from out-of-state have dominated the airwaves. They have dominated television and unfortunately in the media age such as we live in that drowns out the voice of ordinary citizens like us and the people out there.

I believe this is a reform that will make it a better process. It will make it the kind of process it was intended to be, which is a process of citizens, not big money corporations. I urge you to vote against the Majority "Ought Not to Pass" and I request a roll call.

Representative LEMKE of Westbrook requested a roll call on the motion of Representative TUTTLE of Sanford to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. We continually hear of people who are

saying, let's get big money out of elections. This bill got its genesis from last fall's compact that was put in that generated somewhere in the neighborhood of \$6 million in advertising campaign spending. The comment was made something about being targeted from out of state. Even though the battle took place here in Maine, if you watched the advertisements that were on television, you see that they were produced by a California advertising firm. I think it is unfortunate that we spend these types of money and then turn around and spend that money out of state to fight a battle here in Maine. As the bill was originally presented it would only have limited contributions on the part of private corporations. I objected to that portion on my testimony on the bill and suggested that the committee come up with the amendment, which included nonprofit corporations because one of the nonprofit corporations had contributed somewhere in the neighborhood \$300,000 to this campaign. I think this is an excellent opportunity to remove big money from our citizens initiative. I urge you to defeat the pending motion and support the "Ought to Pass" motion. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. Representative Joy is exactly right. This bill is a result of what happened here in Maine over the last couple of years on the citizen-initiated forestry ban. I understand the concern about big money. I also understand that \$500, if I understand the bill correctly, is absolutely ludicrous. I don't understand why, just because we are talking about a corporation, that they don't have a right to defend themselves. If the only means that they have to defend themselves against information that is inaccurate is to buy advertising, I guess I don't understand why that is not okay. To say that the big money is, in fact, what makes the decisions, I think is an insult to the people of the State of Maine. What that is really saying is that they are all for sale and they are not smart enough to make up their own mind. If we take the money away, then they will be smart all of sudden. I think it is an insult to the people of the State of Maine. Without the opportunity for both sides to present their side of the story, whoever wins or loses, in my mind, doesn't have a fair shake. Both sides of this issue in the last election spent oodles of money. To say that one side is because of an out-of-state corporation is inaccurate because we all know that both sides of the issue had money come from across the entire United States by people who believed or didn't believe about the issue. This particular issue, as we talked about it here today is clearly aimed at one group as a result of what happened a year ago. It is a bigger issue to me, the two issues that I mentioned to begin with, a right to defend themselves with accurate information and the right for the people of Maine to have all the possible information that they can get to make intelligent decisions. If we say that big money is what is controlling what is going on, I say again and I emphasize it, it is a slap in the face to the people of Maine, saying that they are not capable of making up their mind on the information that is provided to them. They are only capable of responding to overpowering ads. I think it is too bad that we say that about the voters of Maine. I would urge you to support the "Ought Not to Pass." Thank you.

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

Representative BIGL: Madam Speaker, Ladies and Gentlemen of the House. When I run for office I have to spend money to get my word out. Because of the lack of money and the need and limitations that are always suggested, I find it is awful hard to get my word out at times. It is not cheap. It is not cheap to get your word out. I don't care what side you are on, it costs money. It has been proven that television is good medium

to get your word out. It is not just an oral word. It is also pictures. This is a good way to do it. To limit anyone from presenting their side by saying you can only spend so much money, I think is a travesty on our need to get information out. With the forestry issue, I picked up some very good information from both sides. I would urge you to go along with the "Ought Not to Pass." Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion. I consider this bill a leveling of the playing field in the way of campaign-finance reform. It keeps the people's voice from being drowned out. I still think you can get your message out without spending a lot of money. I know different people in the House and Senate and whatever office you are running for that have spent different amounts of money, with some spending quite a bit more than others. I don't necessarily think that helps people one way or the other. I know some people have spent hardly anything and get real good results. I do feel as though a vote against the pending motion is a populous vote and I think it is something we should do for the citizens of Maine. When they go to the trouble to take time out from their work and their daily life to have a citizens initiative it shouldn't be drowned out by a lot of money spent on a media blitz campaign. No, I don't think people really are hoodwinked by a lot of media coverage, but it certainly does affect the process or else the people wouldn't be spending these huge amounts of money. I urge you to vote against the pending motion.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. You have all heard this before, but I can truthfully say that I did not intend to rise again on this, but I do now to respond to statements that were made by Representative Cameron, which unfairly characterize the bill and certainly unfairly characterize the motivation for the bill. I rise to answer those particular questions and promise the Chair and the House that, unlike the South, I shall not rise again on this issue.

First of all, Representative Cameron said that this bill, if enacted, would be an insult to the people of Maine. I don't understand how possibly we are insulting the people of the State of Maine if we allow them to have a clear playing field, if we allow voices to be equally heard. Over and over again Representative Cameron used the phrase defend yourself. Politics should not be about defending yourself. Politics should be about selling your ideas on the free marketplace of politics and you should be able to win or lose on the quality of debate. When we have a system, as we have now, where that quality of debate cannot emerge, cannot be heard, we are not having that kind of civilized debate because where, ladies and gentlemen, does all this money go? The civilized debate like the Lincoln/Douglas debates of the past? No. What it goes for is millions of dollars for 30-second or 1-minute sound bites that I believe hardly anyone would agree raise the level of debate. That is where the money goes. That doesn't contribute at all to the democratic process. Representative Cameron also characterized this legislation as aimed at one issue. I can assure you as the sponsor of this bill that while the recent forestry referendum was the most recent example, it certainly wasn't all that I had in mind in presenting this. That characterization is simply untrue. He said there should be a bigger issue. There is a bigger issue and it transcends forestry debate or anything else and that is that we have full, fair and free elections.

Finally, he mentioned something about that everybody spends a lot of money. Anybody can check the most recent

campaign or other campaigns and they will know that there is a tremendous disparity on spending. You don't have to be a rocket scientist or a country professor to figure out what effect it has if you look at the election results. There was a tremendous disparity in the last election. I would like to see elections in the future, but we don't even have to talk about this. We simply talk about the quality of debate. We vote it up or down and we move forward. That is it folks. Again, I urge you to vote against the Majority "Ought Not to Pass" Report. Push the red button, please.

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

ROLL CALL NO. 78

YEA - Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry RL, Bigl, Bodwell, Bragdon, Brooks, Bruno, Bumps, Bunker, Cameron, Cianchette, Colwell, Cross, Davidson, Donnelly, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gieringer, Gooley, Hatch, Honey, Joyce, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lovett, Mack, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Morgan, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Barth, Berry DP, Bolduc, Bouffard, Brennan, Buck, Bull, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Clukey, Cowger, Desmond, Dexter, Dutremble, Etnier, Foster, Gagnon, Gamache, Gerry, Goodwin, Green, Jabar, Jones SL, Jones SA, Joy, Joyner, Kane, Kasprzak, Kneeland, Lane, Layton, Lemke, Lemont, Lindahl, MacDougall, Madore, Meres, Murphy, Muse, Nass, O'Neil, Paul, Pinkham RG, Pinkham WD, Plowman, Powers, Shiah, Stedman, Tobin, Treadwell, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn.

ABSENT - Driscoll, Fisk, Jones KW, Mitchell JE.

Yes, 80; No, 67; Absent, 4; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (11) "**Ought to Pass**" as amended by Committee Amendment "A" (H-146) - Minority (2) "**Ought Not to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Increase the Number of High-stakes Beano Games" (H.P. 426) (L.D. 576)

TABLED - April 7, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of Representative TUTTLE of Sanford to accept the Majority "**Ought to Pass**" as amended Report. (Roll Call Ordered)

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. This bill you are about to vote on, I am sure for many of you, will be a difficult decision, knowing the economic circumstances that the Passamaquoddy's are under. Currently, you may see this as a way of elevating that. There is a piece of land in Albany Township that happens to be in my district next to Bethel. For those of you who don't know, Albany Township is the most southern unorganized territory in the state. That is Indian Trust Land and they have a proposal and a permit

pending before LURC to build a high-stakes beano hall in that area. Let me assure you that the people in the area, almost 100 percent, who live in Albany and many who live in Bethel, in fact I haven't heard but one or two that have even expressed an interest for this, are adamantly against this. I can see the reason why the Passamaquoddy's might want to put a beano hall in Albany Township, because it is closer to the population centers of Cumberland, Androscoggin and York Counties. Let me advise the members of this body and, in a sense, further Legislatures that the issue of gambling, particularly casino gambling, will come up again and again and again. I say it is a poor way of promoting economic development. All it will end up doing is sucking money out of the area. The local people's money.

There is another issue as well. There are a number of, I guess if you can't call them high-stakes beano, you can call them low-stakes beano games promoted by the legion in Locke Mills, Legion Halls in the Norway/Paris area, in Rumford and in Dixfield. Those legions are also very much opposed to this because they see their future very dimly. If this is enacted, it will help the Passamaquoddy's build that high-stakes beano, they will see their beano games virtually disappear. Let me remind you that that money that those organizations and others raise through their beano games is plowed directly back into the local area through their service projects. The costs of this are high. I would urge you to vote against the "Ought to Pass" as amended. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This has been around for a number of years. I recall the first time that I stood and worked on this particular issue was the casino that was being proposed for Calais. There were all kinds of promises made at that time and finally it was defeated, but the Governor and numerous other people said we will work and try to bring jobs to this area. I tell you that there are fewer jobs now than when we started working on this. It shows you that our promises are not worth very much. This is a business and economic issue for our Indian brethren. I think we should support this. They have a right to run their lives. They have a right to try to create and build jobs in one way or any way that they possibly can. I think that we should absolutely support them. No business, as promised previously, have moved to the area. They have no additional businesses that have moved to Calais. No additional businesses have moved to Machias. They are still at the same level that they were or probably worse off. This is one that could help to generate dollars that would generate jobs that would generate businesses. I ask you to please support our Indian Representatives.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Baker.

Representative BAKER: Madam Speaker, Members of the House. I rise to support the good Representative from Bethel. I had all that information that I was going to give you, but I will spare you that. The thing that I would like to emphasize is that the location of Albany, Maine is in the wilderness part of Oxford County. For those of you who have been there before know that the roads into Albany and out are not the best roads in the world. I feel that as soon as this proposal is passed the Passamaquoddy Nation will then want the roads improved so that the people from Cumberland County, Massachusetts, New Hampshire and so forth would be able to come to Albany, Maine and spend their money. They have already petitioned the Oxford County Commissioners to build a new highway into the gambling/beano hall. There is a fiscal note to this. I urge you people to vote no on this.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. In my opinion this is not a bill about Albany Township. If it were, I would have tremendous concerns. I have always spoke to my House of my concerns about the nonprofit agencies that are involved in this activity, but this bill is simply about the present beano games for the Passamaquoddy and Penobscot people. As I mentioned before, tribal lands do not generate revenue from taxes. If they need more to offer services, the bill expands their present operation from 27 weekends to 40 weekends. This is about their ability to be self-sufficient. As I mentioned before, many of the areas are completely devoid of economic activity with employment rates of eight times higher than state average. As I mentioned before, I think that both the Passamaquoddy and the Penobscot simply are asking for increased flexibility to maintain their own self-sufficiency. As I mentioned before, this should not be an issue of the Albany Township. As I mentioned before, I would have concerns. It is simply a matter of allowing the Passamaquoddy and Penobscot to poise their own destiny and raise revenues as they see fit.

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

Representative GAMACHE: Madam Speaker, Men and Women of the House. First, a personal opinion. Money collected by the state from commercialized gambling is undoubtedly the cruelest tax possible. It comes out of the pockets of the poor and of the people who are afflicted with the gambling disease. It is a poor way to raise money. It is a poor way to finance economic development. I am opposed to the bill. I am opposed to bringing gambling closer to the population centers of Maine, which is precisely what this is all about, in my opinion. Let me say one thing, however, the Penobscot have the high-stakes bingo and it has been very successful. It has done a great deal for the tribe and its people. I forget the details so I can't tell you exactly what it has done, but it has a very fine affect up there. Maybe the Representative from the tribe, Representative Moore, can tell us a little bit about what has happened. The point is, being that as time goes on, the money will continue to flow in and it will make a vast difference as far as the welfare of the tribe and its people. I support that. I have absolutely no intention of tampering with what exists. As a matter of fact, I stand ready to defend this because it is needed up there. It is a good element in a very bad situation.

I sounded some alarm last week. I hope your memories are long enough for that. We have gambling bills coming this year and in numbers. It is a highly orchestrated activity. It will come piece meal. I hope you will look to me for some guidance. I intend to be standing here at the brink, so to speak, as a watchdog for this thing. I think that gambling, I have bills that you will love to destroy. I have some that you may regret destroying, but the worse thing we can do for our state is to increase our reliance on this sort of income for tax bases. I oppose this with all due respect for my friends from the tribe, the two distinguished Representatives, with some tinge of regret that we probably won't be able to make millionaires of all the Indian people up in northern or downeast Maine. I urge you to join these distinguished gentlemen who have raised their voices against this measure and do the right thing for the State of Maine. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Bisulca.

Representative BISULCA: Madam Speaker, Men and Women of the House. I would like to speak in support of the Passamaquoddy request to increase the number of weekend

bingo. As the good Representative just pointed out, the Penobscots have been running high-stakes bingo for some 10 years now. It has and although some people may say that it is a poor way of economic development it nevertheless does represent an economic mix within the tribe, just as it does within the State of Maine. Whatever your feelings may be morally about the issue of gaming, it represents an economic reality. The money is not just plowed back into the community, it is required to be plowed back into the community. Furthermore, the tribes have the same responsibilities that your municipalities have, the same responsibilities that the state has to protect and provide services to the communities in Maine.

The tribes have the same responsibility to their people. Unfortunately, we cannot levy taxes against property holders. The nature of the property which we own is either in federal trust or it is held in common. We don't have that luxury. That means in order for us to run a government, in order for us to provide services to our people, we have to find some means of revenue. One of those means is gaming. It is an inescapable fact. If it is necessary to increase the number of weekend bingos in order to put the Passamaquoddy in a position to capitalize on this opportunity, I think we should do that and the Penobscot Tribe supports that. I urge you to support the pending motion.

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

Representative BIGL: Madam Speaker, Ladies and Gentlemen of the House. Just a quick reminder. The original bill was wiped out. I want to go back and say what the Committee Amendment does. The high-stakes beano games would go from 27 to 40 weekends. A weekend will now include Friday. It will be three days instead of two. Here is an opportunity to decide how to increase the number of games they run. This provides them two things. It provides an income as we just mentioned and it also provides them to have a chance to see what this will do. Will this really increase their revenues or won't it? This will help them decide on decisions they are going to have to make for their own future. I urge you to support the passage of the bill. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I have recently completed working on a bingo hall in the Fairfield area. What their request was and I had a petition signed by 150 to 200 people and the interesting part of this was the distance they came to play bingo in Fairfield. We had them come from as far away as over 100 miles. Can you imagine that this didn't exist six or eight months ago? This used to be Wick's Lumber. They opened it and made a bingo hall out of it and the petition I had was to have a separate area for nonsmoking, which we finally got resolved. The point I was making was that all the people that are now coming to the Fairfield area, spending their money in Fairfield and with 14 or 15 people working the hall. I think it is an economic development. Our two tribes are trying to generate what they can for themselves. I will tell you that I am kind of ashamed as to what we have done to help the people of downeast, specifically our two tribes. I think that we should really look at what we have promised and what we have delivered. I think that we should support the pending motion.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Moore.

Representative MOORE: Madam Speaker, Men and Women of the House. I would urge you and ask you to support our bill. In doing so, I would like to point out some facts. There is a proposal to build a high-stakes bingo facility in Albany Township. It is pretty well known throughout the state. It is not a secret.

That proposal, however, is not contingent on the passage of this bill. State law currently allows the tribe to hold up to 27 high-stakes bingo games per year. Currently, under state law, subject to approval of LURC, the tribe could build a high-stakes bingo facility in Albany Township. Defeating our bill today would not prevent the tribe from doing that. Yes, the tribe has petitioned the county commissioners for road improvements and contained in that petition and expressed to the commissioners, the tribe made it known that any road improvements would be paid for by the tribe. There is a fiscal note attached to the bill. That fiscal note can not be changed from the way it is written. That is that there would be no cost to the state. There was a public hearing. People came and testified for the bill. No one testified in opposition. As far as the affect on local bingo organizations in the area, in any area that the tribe would hold high-stakes bingo games, all of those organizations are offered the use of the tribes' facilities when the tribe is not conducting high-stakes bingo games. It has been demonstrated by the success of the currently held high-stakes bingo games that not only is this benefit for the tribe, but it is also a benefit for the economy of the region. Thank you.

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

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I am not going to be very long. As far as the tribes in the state and in Washington County, I think we debated this back in the 116th Legislature. This Legislature said that they were going to do something for us. I haven't seen anything forthcoming. I think that this bill is not going to build a gambling hall or whatever. It is simply going to allow them to have a few more games in their beano halls they have now. Living down in Calais, which is about 15 miles between the two reservations, I understand the plight. The taxes are way too high. Their unemployment is up around 40 percent. Our unemployment is between 10 and 13 percent. We do have a problem down there. I think that anything that would help the area to be seriously considered by this Legislature. I don't think a few more beano games added to what they already have is going to hurt. Thank you.

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

Representative McKEE: Madam Speaker, Men and Women of the House. I have only ever bought one lottery ticket in my life. I have been to one horse race. I lost one quarter in some machine down in Atlantic City. I have played beano once. I am not a big proponent of gambling. I won't vote for the so-called gambling bill that is coming up. However, I will today and always will make an exception for the Wabanaki People of the State of Maine. I could count on one hand when we have given them justice. I could fill a book with the injustices. On Friday I am introducing a bill to require that every teacher in the State of Maine take a course in multi-cultural education so that we can understand the people who live here in this state. The people of other cultures. When that happens, we will understand why it is so important to vote for justice and to vote for economic development. As long as the State of Maine is making \$55 million on horse racing and we are hosting a wonderful lottery to fund things that we like, I say let's go.

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

ROLL CALL NO. 79

YEA - Ahearne, Bagley, Belanger DJ, Belanger IG, Berry RL, Bigl, Bodwell, Bouffard, Brennan, Brooks, Bruno, Bunker, Cameron, Campbell, Chick, Chizmar, Colwell, Cowger, Cross,

Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Jabar, Jones SL, Joyce, Kane, Kontos, Labrecque, Lemaire, Lemont, Mayo, McKee, Meres, Morgan, Muse, Nickerson, O'Neal, O'Neil, Paul, Pendleton, Perkins, Perry, Pinkham RG, Poulin, Povich, Quint, Richard, Rines, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Stevens, Tessier, Thompson, Tobin, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker CL, Baker JL, Barth, Berry DP, Bolduc, Bragdon, Buck, Bull, Bumps, Carleton, Chartrand, Cianchette, Clark, Clukey, Davidson, Dexter, Donnelly, Foster, Gagne, Gamache, Gieringer, Honey, Jones SA, Joy, Joyner, Kasprzak, Kerr, Kneeland, Lane, LaVerdiere, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevey, McElroy, Murphy, Nass, O'Brien, Ott, Peavey, Pieh, Pinkham WD, Plowman, Powers, Rowe, Savage, Saxl JW, Skoglund, Snowe-Mello, Stedman, Taylor, Townsend, Treadwell, Waterhouse, Wheeler EM, Winn.

ABSENT - Fisk, Jones KW, Mitchell JE.

Yes, 86; No, 62; Absent, 3; Excused, 0.

86 having voted in the affirmative and 62 voted in the negative, with 3 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-146) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 9, 1997.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were tabled and today assigned:

HOUSE DIVIDED REPORT - Majority (9) "**Ought to Pass**" - Minority (4) "**Ought Not to Pass**" - Committee on **Labor** on Bill "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike" (H.P. 41) (L.D. 66)

TABLED - April 7, 1997 by Representative HATCH of Skowhegan.

PENDING - Acceptance of Either Report

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and specially assigned for Wednesday, April 9, 1997.

HOUSE DIVIDED REPORT - Majority (9) "**Ought to Pass**" - Minority (4) "**Ought Not to Pass**" - Committee on **Labor** on Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 88) (L.D. 113)

TABLED - April 7, 1997 by Representative HATCH of Skowhegan.

PENDING - Acceptance of Either Report.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and specially assigned for Wednesday, April 9, 1997.

HOUSE DIVIDED REPORT - Majority (9) "**Ought to Pass**" as amended by Committee Amendment "A" (H-155) - Minority (3) "**Ought Not to Pass**" - Committee on **Labor** on Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers" (H.P. 283) (L.D. 347)

TABLED - April 7, 1997 by Representative TREADWELL of Carmel.

PENDING - Motion of Representative HATCH of Skowhegan to accept the Majority **"Ought to Pass"** as amended Report.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I move at this time that this bill be indefinitely Postponed with all accompanying papers. I also ask for a roll call on this issue.

I made the point yesterday that this bill brings forward circumstances, not only for the one employer that we are trying to address, but for others. I think the unintended circumstances are such that it would be better if we left this particular issue to our Department of Labor and suggest that they follow up on their activities more so than they have been doing. Thank you very much.

Representative PENDLETON of Scarborough moved the Bill and all accompanying papers be indefinitely postponed.

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

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative LEMAIRE: Madam Speaker, Ladies and Gentlemen of the House. I urge your defeat of the pending motion and your support of the "Ought to Pass" report. The 9-to-3 "Ought to Pass" report out of this committee. I would like to read you something, which I don't normally like to do in the House, but I think it important that you understand where this bill came from.

In 1976, Chapter 7, Section 663 of Title 26, which establishes which employers and employees are covered by the minimum wage and overtime provisions of Chapter 7 was amended to read, "The following individuals shall be exempt from this subchapter. Any individual employed in agriculture as defined in the Maine Employment Security Law and the Federal Unemployment Insurance Tax Law, except, when individual performs services on a farm with over 300 laying birds." It appears clear that the original intent of the 1976 amendment to the law was to ensure that the employees of large egg processing facilities were paid at least the original wage and were paid overtime for all hours worked beyond 40 in one work week. That was not the interpretation that was applied to that amended version of Section 663. I would like to quote a member representative of the Labor Department who was in the committee that day. "We believe that Representative Lemaire's amended version of LD 347 clearly defines the overtime law for this particular industry, as was the original intent of the Maine Minimum Wage and Overtime Law, as amended in 1976. As such, we are pleased to support this clarification of Maine's Law."

I would like to go further in saying in attending this committee hearing, obviously, there was only one opponent who spoke. That included members of the public, members of the Agricultural Industry, the Labor Department and it was signed off by the Agricultural Department, the Labor Department and the Governor's Office. This is not a whimsical issue. I worked very long and hard with the agricultural community, the members of the Labor Department and the Governor's Office to make sure it only affected three companies in this industry. Let me emphasize that there are three of them. What I want to go on to say is that in 1935 there were laws passed on overtime, child labor laws, collective bargaining and minimum wage. Those bills did not come into the Congress because everything was fine in the United States for working men and woman. There was severe exploitation, abuse, and taking advantage of workers. We are now here, 60 years later. We have seen it in our state

where we know that most companies, including two in this industry treat their people with decency and respect. It is time we addressed this. I urge defeat of the pending motion and support the "Ought to Pass" report. Thank you Madam Speaker.

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

Representative BERRY: Madam Speaker, Men and Women of the House. First, I have a three-line paragraph in response to the handout we received yesterday from the Citizens for Maine's Future. The destruction of egg industry economy, as described by Citizens for Maine's Future, is to a considerable extent accurate. However, no other egg producer in New England employs workers documented to have recently existed in Turner, Maine. These other producers compete, while treating their employees with dignity as by William Bell, the Executive Director of the Poultry Federation and New England Poultry Association. This bill is about dignity. This bill is about dignity of work. The bill is about dignity of people. This bill affirms what we all believe about Maine's work ethic. This bill affirms the motion of an honest week's work for an honest week's wage. Representative Hatch accurately laid out the overtime abuses at Decoster Egg Farm yesterday. This is not an employer who kindly asks for an extra hour here and an extra hour there. This is not a farmer who kindly asks for an extra two hours here or an extra two hours there to get a crop in. This is not a factory manager who kindly asks for extra hours here or there to load a truck. This is an egg factory that exploits people for 60, 70 and 80 hours a week. This is not right and this is not fair and this is not just. The idea of fairness in the workplace must always endure for all Maine workers, whether they are Italians and Irish building the canals, railroads or working the docks or they were Franco-Americans working in the mills or in the woods. We cannot leave anyone behind.

Today, we must right a wrong. We should and can do no less. I ask you, today, to renew your commitment to fairplay in our Maine workplace. The dignity of work demands no less. We must not look at this bill as anti-Jack Decoster, but rather as proworker. This bill is about a commitment that is not out of fashion. This bill is about a commitment to an old value, the dignity of work. This bill is about an honest week's wage. Vote no on the pending motion, our collective sense of passion deserves it. Let us extend our sense of fairness to all of Maine, including Turner. Thank you Madam Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Thank you Madam Speaker. To anyone who might answer, are these overtime violations we are talking about covered by present law?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Ladies and Gentlemen of the House. In as the question, there are no overtime hours in particular places within the agricultural setting. They can work up to 120 hours without any overtime. On the other hand, truck drivers and other people who do other services do get overtime, but there have also been problems with them running two payrolls on the same employee so they could get around paying the overtime. So, yes and no.

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

Representative COLWELL: Madam Speaker, Men and Women of the House. I really had no intention of speaking on this bill. I have worked for a living since I was about 18 years old. I think we are kidding ourselves if we think that this large agriculture business is a farm. This is, as the good Representative from Livermore said, an egg factory. These people that work there are egg factory workers. They deserve to have the same treatment under the law as all other factory workers. They deserve to be paid overtime for their labor over 40 hours a week. Thank you.

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

ROLL CALL NO. 80

YEA - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Madore, Mailhot, Mayo, McKee, Meres, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Paul, Perkins, Perry, Pih, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

ABSENT - Belanger DJ, Cameron, Fisk, Jones KW, Lemke, Mitchell JE, True.

Yes, 54; No, 90; Absent, 7; Excused, 0.

54 having voted in the affirmative and 90 voted in the negative, with 7 being absent, the motion to indefinitely postpone the Bill and all accompanying papers was not accepted.

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

The Bill was read once. Committee Amendment "A" (H-155) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 9, 1997.

MATTER PENDING RULING

HOUSE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (H-149) - Minority (3) "**Ought Not to Pass**" - Committee on **Transportation** on Bill

"An Act Requiring Qualified Investigation of Certain Truck-related and Bus-related Fatalities" (H.P. 469) (L.D. 640)

TABLED - April 7, 1997 by Speaker MITCHELL of Vassalboro.

PENDING - Ruling of the Chair.

The Chair ruled that according to Mason's manual, section 242, paragraph 1: "It is not the presiding officer's right to rule upon the constitutionality or legal effect or expediency of a proposed Bill since that authority belongs to the House." and placed the Bill before the House for consideration.

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

ROLL CALL NO. 81

YEA - Ahearn, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lovett, Mailhot, Mayo, McElroy, McKee, Meres, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pih, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Cianchette, Dexter, Jones SA, Joy, Joyce, Joyner, Kasprzak, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, McAlevey, Nass, Perkins, Pinkham WD, Plowman, Stedman, Treadwell, Underwood, Waterhouse, Wheeler EM, Winsor.

ABSENT - Fisk, Jones KW, Mitchell JE, True.

Yes, 113; No, 34; Absent, 4; Excused, 0.

113 having voted in the affirmative and 34 voted in the negative, with 4 being absent, the motion to accept the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-149) was read by the Clerk.

On motion of Representative KONTOS of Windham, tabled pending adoption of Committee Amendment "A" (H-149) and specially assigned for Wednesday, April 9, 1997.

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

On motion of Representative O'BRIEN of Augusta, the House adjourned at 12:10 p.m., until 9:30 a.m., Wednesday, April 9, 1997