

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
35th Legislative Day
Wednesday, May 28, 1997

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

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

Prayer by Reverend Gary D. Poorman, South Paris Baptist Church.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 289)

**THE SENATE OF MAINE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 27, 1997

The Honorable Elizabeth H. Mitchell
Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State and Local Government the nominations of James M. Connellan of Brunswick and Linda D. McGill of Freeport for appointment and Dolores F. Starbird of Sangerville for reappointment to the Civil Service Appeals Board.

Thank you for your attention to this matter.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 290)

**THE SENATE OF MAINE
3 State House Station
Augusta, Maine 04333**

May 27, 1997

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

Please be advised that the Senate today adhered to its previous action whereby Bill "An Act to Amend the Conditions upon Which a Minor May Obtain Emancipation" (H.P. 1109) (L.D. 1552) and all accompanying papers was Indefinitely Postponed.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 666)

JOINT RESOLUTION COMMEMORATING NATIONAL
TRUCK DRIVER APPRECIATION WEEK

WHEREAS, professional truck drivers deliver goods to every home, community, school and business in America and travel more than 153 billion miles delivering more than 5.5 billion tons of freight each year; and

WHEREAS, professional truck drivers are recognized as being among the safest drivers on our highways; and

WHEREAS, many truck drivers have received awards for extraordinary acts of heroism and bravery for saving fellow motorists from injury and death; and

WHEREAS, America's professional truck drivers are hard working men and women who serve communities, schools and businesses of the United States with dedication and without fanfare every day; and

WHEREAS, the economic system of this country rides on the wheels of trucks and on the dependable service provided by the people who drive trucks; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature now assembled in the First Special Session, take this occasion to applaud the truck drivers of the State and to recognize National Truck Driver Appreciation Week in anticipation of the national observance during the week of August 17 to 23, 1997; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the organizations and associations involving professional truck drivers of this proud State in honor of the occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act to Recover Economic Loss Attributable to Tobacco Use" (S.P. 119) (L.D. 398)

Signed:

Senators: LaFOUNTAIN of York
BENOIT of Franklin

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

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-293) on same Bill.

Signed:

Senator: LONGLEY of Waldo
Representative: JABAR of Waterville

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

Was read.

On motion of Representative THOMPSON of Naples the Majority "**Ought Not to Pass**" Report was accepted in concurrence.

Divided Report

Six Members of the Committee on **Natural Resources** on Bill "An Act to Make Fish in Maine Rivers Safe to Eat and Reduce

Color Pollution" (S.P. 528) (L.D. 1633) (Governor's Bill) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-323)

Signed:

Sensors: TREAT of Kennebec

BUTLAND of Cumberland

Representatives: ROWE of Portland

SHIAH of Bowdoinham

McKEE of Wayne

MERES of Norridgewock

Six Members of the same Committee on same Bill report in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-324)

Signed:

Senator: NUTTING of Androscoggin

Representatives: COWGER of Hallowell

JONES of Greenville

DEXTER of Kingfield

NICKERSON of Turner

FOSTER of Gray

One Member of the same Committee on same Bill reports in Report "C" that the same "**Ought Not to Pass**"

Signed:

Representative: BULL of Freeport

Came from the Senate with Report "B" "**Ought to Pass**" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-324).

Was read.

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

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

Non-Concurrent Matter

Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game" (H.P. 1307) (L.D. 1855) on which the Majority "**Ought to Pass**" as amended Report of the Committee on **Taxation** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-686) in the House on May 27, 1997.

Came from the Senate with the Minority "**Ought Not to Pass**" Report of the Committee on **Taxation** read and accepted in non-concurrence.

On motion of Representative TRIPP of Topsham, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Donna Grant, of Manchester, who is retiring as Registrar of Probate after 18 years of serving Kennebec County with dedication and distinction, and in extending our congratulations and warmest wishes to her; (HLS 620) by Representative FULLER of Manchester. (Cosponsors: Speaker MITCHELL of Vassalboro, Representative BUMPS of China, Representative COLWELL of Gardiner, Representative COWGER of Hallowell, Representative GAGNON of Waterville, Representative GREEN of Monmouth, Representative JABAR of Waterville, Representative JONES of Pittsfield, Representative MADORE of

Augusta, Representative McKEE of Wayne, Representative MERES of Norridgewock, Representative O'BRIEN of Augusta, Representative POULIN of Oakland, Representative RINES of Wiscasset, Representative SAMSON of Jay, Representative TESSIER of Fairfield, Representative VIGUE of Winslow, Representative WATSON of Farmingdale, Senator BENOIT of Franklin, Senator CAREY of Kennebec, Senator DAGGETT of Kennebec, Senator KILKELLY of Lincoln, Senator MILLS of Somerset, Senator NUTTING of Androscoggin, Senator TREAT of Kennebec)

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

Was read.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. It is a real privilege and honor for me to stand here today to introduce to you Donna Grant, from Manchester, who has served, as noted, as Registrar of Probate for 18 years. Those of you from Kennebec County know this fact well, but the Judge of Probate that she works for is none other than the Honorable Jim Mitchell, the husband of the Honorable Speaker of the House.

Donna Grant is also been very active in community affairs in Manchester, working with the youth, coaching sports teams, being active in the Lioness group and also assisting me in my campaign. It is a real privilege for me to have her honored here today.

Was passed and sent up for concurrence.

Katherine Thompson Buck, of Southport, who will celebrate her 95th Birthday on August 15, 1997. Mrs. Buck has 4 children, 8 grandchildren and 14 great-grandchildren. We extend our congratulations and best wishes to her on this occasion; (HLS 612) by Representative BUCK of Yarmouth. (Cosponsor: Senator HARRIMAN of Cumberland)

On objection of Representative BUCK of Yarmouth, was removed from the Special Sentiment Calendar.

Was read.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. Some would say that it's a little self-serving to honor their mother with a legislative sentiment. I make no apologies for that. She raised four children, myself, being the last of the fourth. The fact that three of those four became productive members of society, and only one became a State Legislator, is indeed an accomplishment. She was born August 15, 1902 and William McKinley was President and she entered the world weighing just two pounds. From those precarious beginnings, she has witnessed the evolution of this great nation. She has lived under 17 Presidents, nine Republicans and eight Democrats. A lifelong Republican, she hopes to change that record in the year 2000 to ten and eight.

Was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Taxation** reporting "**Ought Not to Pass**" on Bill "An Act to Increase the Excise Tax on Cigarettes to Support a Tobacco Prevention and Control Program and Reduce the Individual Income Tax Burden" (H.P. 1279) (L.D. 1816) (Governor's Bill)

Signed:

Senator: DAGGETT of Kennebec
Representatives: TRIPP of Topsham
TUTTLE of Sanford
GREEN of Monmouth
ROWE of Portland
GAGNON of Waterville
MORGAN of South Portland
LEMONT of Kittery
BUCK of Yarmouth

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-713) on same Bill.

Signed:

Senators: RUHLIN of Penobscot
MILLS of Somerset

Representatives: SPEAR of Nobleboro
CIANCHETTE of South Portland

Was read.

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

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to vote against the "Ought Not to Pass" Report so we can go on and accept the Minority Report.

I'd like to speak just a few moments about this bill. This has been a hard decision for myself to come to the conclusion that I have reached, but we've heard from the very beginning when the Chief Executive spoke to us here in his opening speech, the State of the State, of how important it was to stop young people from smoking here in this state. I sat through two big public hearings. I sat through long workshops. I've listened to many of my constituents and read a lot of reports and through all those, I've come to the conclusion that we can stop young people from smoking, at least a certain percentage. I think it's real important that we do this.

This is a Governor's bill sponsored by Representative Cameron and I think that we ought to take the title of this bill for just what it says. It is to stop young people from smoking and to relieve some of the tax burden here in the State of Maine. I know there are other bills, especially one other bill, a couple of reports out here that want to do different things with the tax if we put a tax on cigarettes, but I want to remind you people, other than this bill that's before us right now we're going to be expanding programs here in the State of Maine, which we will have to continue to support in the future and it will create holes in our budget. This bill, I believe, will truly put money into educating young people to either stop or reframe from starting to smoke and it also will put money toward relieving the tax burden here in the State of Maine. As we know, we've heard how high our tax burden per capita is. It is a goal, I think, of a lot of us in the administration to get that reduced so that we stand in a better situation than we do with most other states, as we are right now. I would encourage you to take a strong look at this bill and I would hope that we could defeat the pending motion so that we can go on and pass the Minority Report. Thank you.

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

Representative LEMONT: Madam Speaker, Men and Women of the House. I rise today in support of the pending motion. This bill was a wonderful idea when it started out, but we've gotten away from the intent of the bill. The intent of the bill was to benefit every State of Maine taxpayer and reduce smoking. Now in this bill we have something called the supplement revenue sharing program. This would only benefit a

few towns in the State of Maine. It is worse than the GPA formula. There is no buffer in there to make sure every town receives property tax relief. In fact, this bill would have very little impact on most of your small communities throughout the State of Maine on their property taxes. I philosophically have a problem with something that raises one tax and shifts it to benefit only a few others in the State of Maine. I hope you will join me in supporting the pending motion. Thank you.

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

Representative GAGNON: Madam Speaker, Men and Women of the House. I agree with my friend from Kittery, although the amendment to this bill would do wonderful things for my home city, it is not the right approach to provide property tax relief. It's a regressive tax, that we'd be depending on. A tax, we hope, someday will go away, if people stop smoking. One of the things I'm most concerned about serving on the Taxation Committee, is the volatility of our tax systems. The fact that we have very narrow revenue on sales taxes, on income taxes, and now we're going to be depending on even a narrower base to ride the mother of all property tax programs, which is a new program to provide a tax relief from what's generally been referred to as revenue sharing too. This revenue sharing would provide very little assistance to most of the smaller communities in the state. It would provide assistance to the service centers, but I'm not sure how term that service would be, or how long term that tax relief would be. I would urge you to accept the pending motion. Thank you.

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

Representative WINGLASS: Madam Speaker, Ladies and Gentlemen of the House. My view is that this bill continues to have great merit. Among its features, as far as I'm concerned, is a reaction to a commission I had the great privilege of serving on with my colleague and yours, Representative Povich, all summer long. This was the commission to study poverty among working parents. One of the major recommendations of that commission was, in fact, to grant tax filing relief to over 100,000 citizens of the State of Maine, who today have income insufficient to really justify filings. Nonetheless, the requirements today are such that they do that. These people will no longer have that requirement and, in fact, will keep the funds totally nearly \$3,000,000 over the biennium and use them in a practical way to raise their children.

Representative Povich and I and many others who we see from time to time in this building, names like Bob Howe, and Wendy, Peter Walsh, Mark Muddy, Wayne Hollingsworth, all worked diligently on this bill to come away with something that would benefit working poor parents. If you care about working poor parents, you'll care a great deal about this bill and pay attention to the low income tax credit that it grants. The Governor told us back in January a number of things and one of them was his pledge to make good on this commitment, that he would, in fact, provide tax relief to the working poor parents and he has done that. I think we have a great opportunity here with this bill to show the same kind of care and love and concern for those who are willing to work and look out for their kids and I hope you will join me in rejecting this motion and going on and letting this bill pass.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I'd like to respond to a few of the comments made by the good Representative from Auburn and I share his concern for the low income folks here in this state and I would tell him that the tax reform package that the Taxation Committee has reported out unanimously takes care of those low

income folks by eliminating them from the tax rolls. The problem that I have with this bill is that we are taxing the very folks that can least afford it. Statistics tell us that the greater majority of folks that smoke in this state are low income folks and this tax goes directly to those people. Therefore, it's a regressive tax. It certainly doesn't make for good tax policy and if we are really committed to providing a program in this state for smoking cessation for not only young people but for all of us. I suggest to you that we fund it through some other means other than taxing the very people who can least afford it. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. As the good Representative Spear told you, I sponsored the bill. When the Chief Executive asked me if I would be willing to participate, I said the only condition is that I be allowed to be a lead sponsor because I feel so strongly about this. Right now my greatest fear is with the things that I'm hearing in the hall, the things that I'm hearing in the news reports about who is going to do what and who will not do what. My greatest fear is that as we all dig in our heels in our own respective places, the cigarette companies are going to win and the losers are going to be the children of our state.

It's no great honor in one particular category to be the lead in the nation. That category is the highest number of teen smokers in the nation. One might expect that to be in the Carolina's somewhere, not in Maine. It's not an honor. Dirigo is not a proud statement in that particular instance. We don't want to lead the nation. We want to trail the nation. My greatest fear right now is we get bogged down in oppositions, if there's not going to be any program, there isn't going to be any money and the tobacco companies will win again. I've heard some of my colleagues say we should vote against this bill because it provides tax relief to people who don't need it. Well, you know, I agree with that. I don't like this amendment. I don't like anything about it. I sat in the Taxation Committee for awhile and saw how we got to this place and some of the very folks that I hear decrying this at that time said, the only way I'll participate is if we do thus and so. I would submit to you that helping the richest of our towns, which is what this bill does, as in its present form, doesn't make a lot of sense. Now you may be thinking, well he's talking against the bill. Well, that's kind of true, but I want to be sure you know what you're voting for and I don't want anything hidden and a year from now we come back and say I wish we hadn't done what we did. If I had my way, we'd kill both amendments and go back to the original bill because I still feel very strongly that if we're going to do something about tax relief and we have heard as long as we've been here that we need to do something about it. Not tax relief for those who have places on the coast that can afford to pay a half a million dollars and live out of state, which is what this will do. The tax relief for the citizens of this state, the income tax relief, the good Representative from Auburn has talked about the people on the lower end of the scale not having to file anymore, that's 190,000 taxpayers. That is included in this bill and I think that's good. The piece that I'm disappointed about is where we going with the rest of the money, I guess if I had my way we'd spend all the money advertising to prevent teens from starting smoking. I don't know what kind of latitude I have to talk about the other bills, but I know the good Speaker will guide me through that. If we get bogged down in our own positions, please don't forget that the tobacco companies are going to win. Now I know you've heard me say it two or three times and I'll probably say it more times, don't let the citizens, the children of our state, be the losers. If we vote this down, turn down the amendment as it

presently stands even though I'll admit I don't like it, that's the road we're starting down.

I heard the good Representative from Yarmouth talk about the unanimous report coming out of the Taxation Committee. He didn't talk about the hole that creates in the budget and I asked how they were going to pay for it and I didn't get an answer and I haven't seen it and I haven't seen the fiscal note, but there has to be a way because this isn't the only piece of that bill. There's some more sales tax exemptions and I've heard as long as we've been here we have too many of those, we should cut them all out. So I'm not really sold that that is the answer. The only piece that's in that one is the one that the good Representative from Auburn talked about, which is already in this bill and we don't need to put it in the other one. If we do anything, if we turn this down and I hope that we don't, but I can count and I hope those of you that chose to vote against this will also chose to go back to the original bill and help all of the people of the State of Maine, because included in the original bill is income tax relief and that's what we all pay. There's no magic formula for 10 mil, the towns that pay less than 10 mils, which quite frankly, encourages people in towns not to be reevaluated which drives up the mil rate, so they can qualify for this in revenue sharing. We had an opportunity, which I will admit I was opposed to, but never got here. We had an opportunity from Maine Municipal about property tax relief. We decided that wasn't the right thing to do. I would ask you not to do this one either. We don't need to create programs, because if we create programs, we're saying that this is a source of money that's going to continue. What we're suppose to be doing with this is driving down the number of people who are smoking and if you say it will hit the people who can least afford it, there is a choice. There is a choice. Everybody can stop smoking. I'm not going to stand here and tell you it's easy. It's extremely difficult. It's probably the most addictive drug that we have in our society and it's legal. Not easy, but there is a choice. The revenue from this bill in its original form predicted a 16 percent drop in the number of smokers in Maine. I think that's a great goal. I would encourage you to support this, but if you don't, at least consider going back to the original bill so we can get the tax relief where it belongs like so many of us have said we'd like to see for our citizens.

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

Representative CAMERON of Rumford requested a roll call on the motion 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 Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. It appears we have before us an either or choice. As you know, I had supported a smaller measure whose focus was on a teen prevention media campaign and support for teens who made that decision to break the addiction. I want to echo the words of Representative Cameron that I'm afraid that if we don't begin to take a series of first steps dealing with this report that the cigarette companies are going to be the big winners in this session and Maine teens are going to lose. I would urge you to vote against the motion that's before us. We can get to the Minority Report and as the good Representative from Rumford has said, then we can begin together to craft a bill that meets the needs of Maine teens who are in crisis and need our positive vote and then we can build a consensus in the area of tax relief, whether it's revenue sharing or income tax relief, but

if we vote for this motion before us, the process ends and we will have failed.

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

ROLL CALL NO. 307

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Berry RL, Bodwell, Bouffard, Bragdon, Brooks, Buck, Bull, Bunker, Campbell, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemont, Lovett, MacDougall, Mack, Mailhot, Marvin, McKee, Meres, Mitchell JE, Morgan, Nass, O'Neal, O'Neil, Ott, Paul, Perry, Pieh, Pinkham WD, Plowman, Poulin, Powers, Quint, Richard, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bruno, Bumps, Cameron, Carleton, Chick, Cianchette, Cross, Dexter, Donnelly, Gieringer, Honey, Kneeland, Lindahl, Madore, Mayo, McAlevey, McElroy, Murphy, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Savage, Spear, Treadwell, Vedral, Winglass.

ABSENT - Bolduc, Brennan, Fisk, Hatch, Lemke, Muse, Povich, Samson, Stevens.

Yes, 109; No, 33; Absent, 9; Excused, 0.

109 having voted in the affirmative and 33 voted in the negative, with 9 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 418) (L.D. 1339) Bill "An Act Relating to Municipal Excise Tax Reimbursement" (EMERGENCY) Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-331)

(S.P. 579) (L.D. 1744) Bill "An Act to Establish Acute Crisis Stabilization Beds for Children in this State" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-334)

(S.P. 584) (L.D. 1747) Bill "An Act to Improve Transportation in Maine" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-330)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, these Senate Papers were passed to be engrossed as amended in concurrence. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Implement the Recommendation of the Harness Racing Task Force Requiring an Executive Director of the State Harness Racing Commission (H.P. 1314) (L.D. 1865) (Governor's Bill) (C. "A" H-652)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Certain Biennial Budget Bills and to Change Certain Provisions of the Law (H.P. 1337) (L.D. 1886)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies (S.P. 499) (L.D. 1561) (C. "A" S-278)

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. 103 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a Major Substantive Rule of the Maine State Board of Nursing (H.P. 1328) (L.D. 1877)

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. 109 voted in favor of the same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services (H.P. 1331) (L.D. 1881)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 7 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of \$6,000,000 to Construct a New Jail and to Provide Necessary Renovations to the Courthouse to Comply with State Mandates (H.P. 1312) (L.D. 1860) (C. "A" H-586)

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. 105 voted in favor of the same and 19 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1997 (H.P. 1335) (L.D. 1884)

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. 107 voted in favor of the same and 15 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

Mandate

An Act Amending the Compensation for Members of the Panel of Mediators (H.P. 1001) (L.D. 1393) (S. "A" S-308 to C. "A" H-587)

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. 104 voted in favor of the same and 35 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

Mandate

An Act Concerning Time-out Areas (H.P. 1099) (L.D. 1542) (H. "A" H-612 to C. "A" H-541)

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

Mandate

An Act to Prohibit Towns from Cancelling Health Insurance Provided to Retired Employees (H.P. 1140) (L.D. 1605) (C. "A" H-497)

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

Representative BUMPS of China requested a roll call on passage to be enacted.

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, may I request a ruling from the Chair.

The SPEAKER: The Representative may proceed.

Representative JOY: I think that the statement, which is following this is maybe a little bit incorrect. I think that the bill can pass with a simple majority, the only difference is, is the state would have to pick up 90 percent of the cost. Is that correct?

The SPEAKER: The Chair would advise that this is a mandate, because there is no funding provided and there is a cost to the towns. If one did not want it to be a mandate, one would have to provide the funding.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: To continue on that, may I pose a question.

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: If it is passed by simple majority, would it not then go on the Appropriations Table for funding like other fiscal notes.

The SPEAKER: In its current form under the terms of the Constitution, it is a mandate and requires for its passage two-thirds of the entire elected membership, so in its current form, a majority vote gets it nowhere. It would be failing of enactment. If one chose to do something else, one would have to amend the bill.

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Do you know what the amount of money is?

The SPEAKER: The fiscal note on the measure does not specify the exact amount. Were this not a mandate, and one wanted to fund it, it would go to the table and towns would be submitting bills and someone would have to estimate the amount those bills would be.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. What this does is if an municipal employee retires, it will allow them to continue on the town's insurance. That municipal employee will pay his own way on the town's insurance. The cost to the town, I don't even know where there would be a cost of carrying this employee, because he or she will be picking up the tab for their cost to be carried.

The SPEAKER: The Chair would also advise under the Mandate provisions of the Constitution, it does not distinguish between small costs and large costs. So that's what we are dealing with today, a mandate, no matter what it costs, even though it's negligible, it's considered a mandate under the terms of the Constitution.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. As I said during the debate on this issue, I don't dispute any point Representative Wheeler just made, the point here though, is one of local control. If municipalities wanted to keep retired employees on their insurance rolls at the cost of the employees, so be it, but should there be a state law that says that a municipality is absolutely required to do that. I don't think so. I think that this is an issue of local control. If the people in that municipality are preparing to retire and wish to be kept on the town's insurance plan at their own cost, then they should be lobbying the selectmen and the city council and whoever has

control in that municipality. This is really an issue of local control and I urge you to vote against enactment. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I did check with my local municipalities on this bill and none of them had any problem at all with this. I urge you to past the enactment of this. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. I would also like to confirm the fact that it is not a mandate on the community. It is a local option. I do not have specific figures, but I think there are a number of communities that already provide that through their insurance coverage to their retired employees and this bill will do nothing more then just codify what is existing practice. I hope that you're not mislead by the fact that it does require two-thirds majority for a technical definition that this does present a mandate to the communities. In fact, I do not believe it does. Thank you.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I agree with everything that has been said, but I guess as an advocate to the elderly, I have to point out that as our insurance industry changes for health insurance, I fear that there might be an effort on the part of towns to no longer allow retired employees to be on their health insurance programs. The elderly are the ones that cost the most in our health care system. It seems to me there would be incentives for towns to want to dump them from their health insurance program. I urge that you support this mandate.

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

Representative CROSS: Madam Speaker, Men and Women of the House. My good friend Representative Wheeler has stated that they had no problems back in our towns in regards to this particular deal, then what do we need it for? It's a mandate. People, towns, councils, selectmen, will take care of it themselves. I urge you to vote against this mandate.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. The amendment to this bill indicates that they will continue to receive health insurance at their own expense. The additional cost of this state mandate are expected to be minor, pursuant to mandate, two-thirds is required, but if anybody's thinking that their community is going to be charged a exuberant increase in taxes to cover this, the bill specifically indicates that it's at the employees expense. The cost would be minor and administrative in nature.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. It is true that the expenses of older people who would tend to be the retirees would be higher. Their health expenses would be higher than perhaps the average of the working employees of the particular town. If the rates to be charged, the premiums to be charged with these retired employees is going to be the same for everybody else, then, in fact, everybody else is going to help pay the bill for the retired people. That may be good. That may be bad, but it certainly would be an extra expense. My question is, how are the rates determined for retired employees?

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Madam Speaker, Men and Women of the House. This bill is a matter of fairness to our municipal employees. As they get ready to retire, they have to have some idea of what their health insurance costs are going to be in the future. If they are going to rely on each new set of city or town councilors that come in as to whether they will be able to remain on the health insurance policies or not. How can they plan their futures? I think having this bill will then allow them to have a little bit of stability in planning in their later years of their retirement. I urge you to pass this bill.

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

Representative COLWELL: Madam Speaker, Men and Women of the House. My good colleague from Fairfield is right on target here. Seems to me we're missing the big picture here and the big picture is we should be encouraging people to voluntarily buy their own health insurance. We should be encouraging that kind of set up. The alternative is that these elderly people, who are more expensive to take care of, would not be able to purchase health insurance as cheaply and perhaps have to go on Medicaid or other charity health providing programs. I think that this is the direction we need to go. It's merely allowing people to be responsible for themselves and to fulfill their health care needs. Thank you.

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

ROLL CALL NO. 308

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Madore, Mailhot, Marvin, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Plowman, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chartrand, Cianchette, Clukey, Cross, Dexter, Foster, Gieringer, Goodwin, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, McAlevey, Nass, Nickerson, O'Brien, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Lemke, Povich.

Yes, 101; No, 48; Absent, 2; Excused, 0.

101 voted in favor of the same and 48 against, with 2 being absent, 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 is necessary, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Encourage Art Education in the State (H.P. 29) (L.D. 54) (C. "A" H-349)

An Act to Consider the Horse Supply in the Assignment of Race Dates (H.P. 202) (L.D. 255) (H. "A" H-539)

An Act to Amend the Laws Pertaining to Wine Tasting (S.P. 108) (L.D. 387) (S. "A" S-184 to C. "B" S-122)

An Act to Establish Guidelines for the Utilization of Municipal Solid Waste Incinerator Ash and Its Derivatives (H.P. 344) (L.D. 466) (C. "A" H-646)

An Act to Ensure Funding for Snowmobile Law Enforcement Activities (S.P. 193) (L.D. 611) (C. "A" S-270; S. "A" S-306)

An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General (H.P. 476) (L.D. 647) (Com. of Conf. "A" H-662)

An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy (H.P. 541) (L.D. 732) (C. "A" H-604)

An Act to Require Defendants to Pay Restitution, Monetarily or Through Work Restitution (S.P. 274) (L.D. 882) (C. "A" S-305)

An Act Pertaining to Parental Access to School Records (H.P. 839) (L.D. 1144) (C. "A" H-670)

An Act to Establish the Civil Violation of Creating a Police Standoff (H.P. 1010) (L.D. 1402) (H. "A" H-676 to C. "A" H-470)

An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens (S.P. 454) (L.D. 1428) (S. "A" S-307 to C. "A" S-294)

An Act to Authorize a Police Officer to Impound the Motor Vehicle of a Person Arrested for Operating Under the Influence or Driving with a Suspended or Revoked License (S.P. 496) (L.D. 1527) (C. "A" S-304)

An Act to Establish Breast Cancer Patient Protection (H.P. 1113) (L.D. 1556) (C. "A" H-668)

An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction (H.P. 1130) (L.D. 1586) (C. "A" H-658)

An Act to Provide a Funding Mechanism for the E-9-1-1 System (H.P. 1172) (L.D. 1649) (C. "A" H-666)

An Act to Establish and Implement a Pilot Program for Restorative Justice (S.P. 570) (L.D. 1727) (Governor's Bill) (C. "A" S-303)

An Act to Improve the Delivery of Mental Health Services in Maine (S.P. 615) (L.D. 1814) (Governor's Bill) (C. "A" S-312)

An Act to Enhance the State's Work Force Development System (S.P. 616) (L.D. 1815) (C. "A" S-246; H. "A" H-634)

An Act to Allow the Town of Chester to Annex a Certain Parcel of Land (S.P. 633) (L.D. 1850) (C. "A" S-296)

An Act to Make Changes to the Maine Economic Growth Council (S.P. 651) (L.D. 1872)

Resolve, Authorizing the Transfer of Land from the State to the Freeman Ridge Cemetery Association (H.P. 1255) (L.D. 1782) (C. "A" H-635)

Resolve, Authorizing the Exchange and Sale of Certain Public Lands (S.P. 608) (L.D. 1809) (Governor's Bill) (C. "A" S-295)

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

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

An Act Regarding the Penalty for Failure to Allow a Terminated Employee to Review Certain Files (S.P. 218) (L.D. 677) (C. "A" S-300)

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

On motion of Representative JOY of Crystal, was set aside.

The same Representative requested a roll call on passage to be enacted.

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

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

ROLL CALL NO. 309

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Pieh, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Gerry, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevy, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Povich, Winn.

Yes, 87; No, 62; Absent, 2; Excused, 0.

87 having voted in the affirmative and 62 voted in the negative, with 2 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Implement the Recommendations of the Judicial Compensation Commission (S.P. 322) (L.D. 1062) (C. "A" S-286)

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

On motion of Representative WATERHOUSE of Bridgton, was set aside.

The same Representative requested a roll call on passage to be enacted.

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

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

ROLL CALL NO. 310

YEA - Ahearn, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gamache, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL,

Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Plowman, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Bolduc, Buck, Cross, Foster, Gerry, Gieringer, Goodwin, Joy, Kasprzak, Labrecque, Lane, Layton, Lemke, Mack, Pinkham WD, Savage, Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Gagnon, Povich, Winn.

Yes, 124; No, 24; Absent, 3; Excused, 0.

124 having voted in the affirmative and 24 voted in the negative, with 3 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws (H.P. 1126) (L.D. 1582) (C. "A" H-643)

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

On motion of Representative CAMPBELL of Holden, was set aside.

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

An Act to Optimize the Utility of the 5 Maine Veterans' Homes (H.P. 1173) (L.D. 1650) (C. "A" H-651)

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

On motion of Representative CLARK of Millinocket, was set aside.

The same Representative requested a roll call on passage to be enacted.

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

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

ROLL CALL NO. 311

YEA - Ahearn, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman,

Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

NAY - NONE.

ABSENT - Clukey, Gagnon, Hatch, Povich, Underwood, Winn, Madam Speaker.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (H.P. 1038) (L.D. 1455) (C. "A" H-578)

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

On motion of Representative CAMPBELL of Holden, was set aside.

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

By unanimous consent, these 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:

SENATE DIVIDED REPORT - Report "A" (6) "**Ought to Pass**" as amended by Committee Amendment "A" (S-323) - Report "B" (6) "**Ought to Pass**" as amended by Committee Amendment "B" (S-324) - Report "C" (1) "**Ought Not to Pass**" - Committee on **Natural Resources** on Bill "An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution" (S.P. 528) (L.D. 1633) (Governor's Bill) which was tabled by Representative ROWE of Portland pending his motion to accept Report "A" "**Ought to Pass**" as amended.

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

The Bill was read once. Committee Amendment "A" (S-323) was read by the Clerk and adopted.

Representative COWGER of Hallowell objected to suspending the rules in order to give the Bill its second reading without reference to the Committee on **Bills in the Second Reading**.

The Chair ordered a division on suspension of the rules.

A vote of the House was taken. 83 voted in favor of the same and 28 against, the rules were suspended and the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I hope you will join me in defeating this motion and going on to accept Report "B." Thank you.

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

Representative ROWE: Madam Speaker, Colleagues of the House. I apologize for the confusion. I think this way we can debate the Bill one time, because we've debated this issue for hours on the other bill. L.D. 1633 is a second and final bill dealing with pulp mills, that you will see this session. You've

received lots of papers on this. You've been lobbied in the halls pretty hard. I know. The Report that I have just moved, Report "A," which is pending passage to be engrossed is basically an enhanced version of Report "B." I've had distributed to you a document that was prepared by the Office of Policy and Legal Analysis, that is a side by side comparison of the two Committee Reports as well as the earlier bill that was defeated in this body, L.D. 1577.

Like most of you in this Chamber, I did not support L.D. 1577. I decided it was best not to put a statutory ban on the use of chlorine based compounds in the bleaching process. I do believe that L.D. 1633, in its basic form Report "B," will serve to reduce the level of dioxin discharged into our rivers. I don't believe it will eliminate dioxin. In my opinion, the basic bill does not go far enough, that's why I signed on with Report "A." Because I know that many of you sat through hours of debate on the dioxin issue and other issues which respect to contaminants being discharged into the rivers by paper mills and you have a basic understanding of these issues. I don't plan to go into a lot of detail this morning. I know there are others that want to speak.

However, I do want to explain the difference in the two Reports and explain why I believe Report "A" is a better choice. Both Reports set maximum limits for the two most caustic dioxin impurities in the internal waste stream of the mills bleach plant. The limits in both Reports are phased in from July 1998 to December 2002. Both Reports "A" and "B" require testing of tissue of fish caught above and below the mill. The fish are tested for both PCDDs and PCDFs. That's the 17 in the family of dioxin impurities that are tested. After December of the year 2002, the level of PCDDs and PCDFs in the fish caught below the mill can not exceed that in the fish caught above the mill. That's the test and that will be fully implemented under both Reports in the year 2002.

Report "A" goes farther in that it monitors all 17 different dioxins impurities in the bleach plant rather than just the two most toxic. Report "A" also requires that by year 2005, or year 2007, if approved by the DEP Commissioner, that mills must reduce their average bleach plant waste water flow to a certain level. That level is mentioned in your Report, it's 10 cubic meters of water per metric ton of air dried pulp produced. Finally Report "A" requires that the Commissioners of the Department of Environmental Protection and the Department of Economic and Community Development submit to the Legislature at the beginning of the 119th Maine Legislature recommendations relating to state assistance to mills making some capital investments to achieve the reduced flow levels.

Men and women of the House, it's no coincidence that paper companies locate pulp mills on rivers. Paper companies depend on Maine's rivers to make their product and to make their profits. The companies need water, lots of water to make pulp. To give you an example of how much water, each and every day of the year on the average more than 40 million gallons of water flows through the bleach plants of these seven bleach kraft mills in this state. That's 40 million gallons of water a day. The bleach water is currently discharged to a sewer and then to a secondary treatment plant. From there it's discharged into the river. Dioxin impurities are not the only pollutants contained in the bleaching plant waste water. Many other chemicals and inductants disruptures are present in the bleach water. These produce color, foam and unhealthy water for marine and human life. The reduced flow levels in Report "A" would serve, in my opinion, to further reduce the dioxin discharges and significantly reduce other contaminants. It's not only my opinion, it's shared by many people. To comply with the reduced flow requirements mills would need to reduce the lignin content in the pulp prior to the

bleaching process. They would also likely need to reduce the waste waters produced from the bleaching process through recovery systems. In the recovery systems of low flow mills, the water is evaporated out and it's reused in the mills. The organic matter is sent to mills recovery boiler and is burned at high temperature, thereby producing energy for the mill and the harmful organic matter is destroyed as it's burned at high temperatures.

Now the flow level in Report "A" is 10 meters cubed of waste water per metric ton of bleach pulp produced comes directly from the EPA Cluster Rules. You've heard about the Environmental Protection Agency Cluster Rules. Our Committee heard a lot about them. These are the rules that are being promulgated now, that hopefully will go into effect sometime later this year. That particular flow level is not even the most level that's in the cluster rules. Actually, I believe, the more aggressive level was contained in the amendment to the early L.D. 1577. By using a value of flow for ton of pulp produced the size of the bleach plant becomes irrelevant. But what is relevant is the measure of the efficiency in the bleaching process.

Now I know you're going to hear a lot of criticism today after I sit down about Report "A". You've already heard it. You've had papers on your desk, you've been, I'm sure, approached by individuals in the hall criticizing the Report. I would like to briefly address some of these criticisms. You'll probably hear that this issue of the reduced flow was not given public airing by our Committee. Well I respectfully submit that contrary to the complaints of the Chief Executive and others that the low flow proposal came out of nowhere. That process, that low flow process, has always been part of the TCF debate in L.D. 1577 from day one. The advocates of L.D. 1577 suggested going farther than the low flow in this Report as you see now. They wanted to move to a complete closed loop process.

Our Committee also heard about the low flow process concept and technology from the representative from Champion International as well as from the federal EPA Cluster Rules Project Officer. He testified before our Committee. The critics of the Report "A" will also likely complain that it dictates technology and that it's not performance based. I disagree. It is performance based in that Report "A" simply states that desired bleach plant waste water outcome. It dictates. It put a maximum flow outcome level. It leaves it to the mills on how to meet that outcome. One could very well make the same argument about the basic L.D. 1633 in its original form. Although it sets maximum dioxin impurient levels, it has been referred to by everyone as an ECF bill, or elemental chlorine free bill, because what it will do is, it will require conversion from using chlorine water to chlorine dioxide in the bleaching process. The critics of Report "A" may also complain that technology necessary to meet the low flow levels are still in the experimental stages. I disagree again. As we sit here today, in May of 1997, several low flow technologies are being used around the world. Here in the United States, Champion International is using a new technology in their Canton, North Carolina mill that allows them to recycle their chlorine dioxide bleach water. In UNUM Kemp in its Franklin, Virginia mill, recycles waste waters from oxygen delignification extraction and ozone bleaching processes. Both of these mills presently operate at or below this 10 cubic meter per metric ton flow limits. It is also important to point out that under this bill, Report "A" mills will have up to 10 years to comply with this requirement. They have up to eight years and with a two year extension from the Commissioner of the Department of Environmental Protection. They can have up to 10 years. The EPA cluster rules states that 10 years is a reasonable time frame to achieve this level. You're also going to hear that the low flow technologies are very, very expensive and it may not be the most

effective use of the paper companies capital. I agree that it will require major capital investments to comply with the low flow requirements. Those mills that have already gone this direction across the country have spent substantial amounts in complying. You're going to hear a lot of figures quoted today. I could give you the figures for the mills that have already converted, every mill is different. It will cost a different amount for mills to convert, but one of the reasons I believe it is important to let the paper company know at this time in what direction we want them to move is for that very reason. Some have already converted to chlorine dioxide and have already made the capital investment, others are in the process and these mills are spending up to \$55 million per mill to convert to chlorine dioxide. Some are less, some are more. If there is one thing I hear over and over here about doing business in this state, is that we do not provide predictability. We do not provide a predictable business climate. I believe Report "A" provides predictability. What we're saying is 10 years from today or 10 years from the last day of this year, we expect the mills to be at a certain level with respect to reducing their waste water discharges from their bleaching plants. They would have 10 years to comply. If we decide that 8 years from now, then I believe we have lost 8 years. I think it is important to let the mills know, because that information will impact how they make the investments now with respect to their conversion using a chlorine dioxide bleaching process. Report "A", or the reduced flow, will almost definitely reduce the dioxin and ferion discharges in Maine's rivers. The low flow technologies that are being used include oxygen delignification. With that process there's less liquid mixed with less chlorine dioxide and there are less opportunities for the formation of dioxide impurities. I've talked for awhile, now I'll conclude. In concluding, I just want to say that the bill put forth by the Governor, I believe, is a start, but I believe it's only a start. It's been tagged as being one of the strongest dioxin laws in the country, or it will become one of the strongest laws in the country. I believe, in actuality, it does nothing more than require Maine mills to meet the minimum requirements that are set forth in the EPA Cluster Rules. The reduced bleach plant effluents, on the other hand, in Report "A" will substantially reduce not only dioxins and ferions, but also the other contaminants discharged by the mills in this state on a daily basis. I know that many of you have constituents who work in the mills around the state. In the seven mills effected by this bill and I know that a few of you are directly employed by those mills. I, too, have numerous constituents in my district who work at one of these mills. If I thought that the contents of Report "A" would cause the mills to close or reduce employment, I would not have supported it. I support it because I do care about the workers in the mills. I support it because I care about their health. I support it because I care about the health of our rivers in this state. Finally, I support it because I care about the health of all the Maine citizens, those alive today, and those who will follow us after we are gone. Thank you.

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

Representative BULL: Madam Speaker, Men and Women of the House. You've all heard me go on about dioxin, so I'll be very brief here today. You know my feelings on this, it's something I feel very strongly and very passionately about. As you look at the Report, you'll see it's at 6, 6, 1, Report with myself being Report "C" "Ought Not to Pass" entirely. This Report though is signed before the fate of 1577 was sealed in this body and in the other body. Now that that has happened, I've determined that I will be supporting Report "A," the amendment being put forth with the good Representative from Portland, Representative Rowe. It is, as you well can imagine, not what I was originally hoping for. It does not achieve

everything that I had hoped for, but politics, as they say, is the art of compromise and it is necessary that we do something proactively to address the issue of, not only dioxin in Maine's rivers, but all these other effluents that are going to the rivers as well. There are numerous pollutants going into Maine's rivers that are creating unsafe, unhealthy environment. We have the opportunity here to embrace a bill that will put us that much closer to cleaning up our rivers entirely. Just to underline something that was said, and something that has been said here before us, this low flow proposal being put forth is not a new idea. Not a new idea. The EPA Cluster Rules that should be coming out soon, one of the options listed in there is oxygen delignification and/or extended cooking followed by 100 percent substitution of chlorine dioxide for elemental chlorine. So you see ladies and gentlemen, the EPA has been discussing this issue and has floated a proposal for this and they have not thoroughly embraced either proposal at this point, but they are discussing that as an option and are looking at that as a possibility for cleaning up Maine's rivers. So we are certainly not out on a limb here, embracing a technology that has not even been discussed somewhere. This is something, as the good Representative from Portland, Representative Rowe, discussed is being used in other plants in this country and other plants in other parts of the world, particularly Sweden, very successfully. This Report "A" is the next best option to totally eliminating chlorine from Maine's rivers. It does severely reduce dioxin levels in Maine's rivers and it also does address other pollutants being discharged into Maine's rivers. We need to act today. We need to act to begin bringing our rivers, to restore them, to the health and the state they once were. The motto on the flag is Dirigo, I lead, and Maine has the opportunity here to lead the nation in a true pollution prevention approach. So, ladies and gentlemen I urge you to support the pending motion Passage to be Engrossed of Report "A". Thank you.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Madam Speaker, Men and Women of the House. I hope you will vote against Report "A" for the following reasons. I've studied this issue for 19 years now and there are colleagues here that know a lot more about this than I do, so I'm not going to get into the technical aspect of this bill. All I can tell you is, that everyone has come together on a compromise which is not before us, which will take the dioxin out of the river and it will not force mills to shut down. In other words, it will do the job. Unfortunately, we hear a lot of misinformation kicking around here, of course you can do anything with words, figures and so forth. Before I forget it, I want to read into the record Champion International's opposition to the Treat/Butland Amendment, also to read into the record, it's important to know that there is no technology, including Champion's, that has sufficiently demonstrated to mandate reduced flow standards at all bleach kraft mills, in conclusion, it's premature to mandate an environmental standard that requires technology that has not been fully demonstrated. So I would urge you to defeat Committee Report "A," so we can go on and adopt Committee Report "B" and do the job that the people want us to do. As I said, I didn't make up my mind until the last minute, I did put an amendment to the Nutting/Cowger bill, the reason I put that amendment on is to restore public confidence and make sure we had the proper testing and the proper reporting. I don't know what else you would want.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. I address you as part of an alliance perhaps as unusual as that between the good Senator Treat and

the good Senator Butland and that I agree with my colleague from Kingfield here, Representative Dexter, and urge you to vote against the pending motion to adopt Report "A" and let us go on and discuss the merits of Report "B."

The issue before our committee, the Natural Resources Committee, was the elimination of dioxin in order to assure that the fish in our rivers were safe to eat. The immediate issue before our committee was not the overall goal of waste water flow reduction for Maine's seven bleach kraft paper mills. Don't get me wrong here, this is a laudable goal and one which I strongly support, but not in the form of Report "A," which is before you right now. The Governor's dioxin task force came up with clear recommendations that the Natural Resources Committee thoroughly analyzed in regards to the removal of dioxin. The task force did not come up with recommendations on low flow bench marks and likewise, this issue was not given a thorough airing at our public hearing. I fully support the goal of reduced flow and ultimately closed looping of all paper mills, but this must be encouraged over time in a fair and open process. Incentives to bring this technology forward are totally appropriate, but setting future deadlines without a full public hearing including the issue of low flow is not appropriate. It is important to note that a low flow requirement, in and of itself, does not necessarily mean less dioxin will be discharged. The original bill, as envisioned also with Report "B," envisioned a system whereby dioxin has been eliminated by use of non-detection requirements and in-river fish testing. Therefore, the reduced flow will presumably not discharge any less dioxin. Future investments in Maine mills may also not see low flow as the best environmental improvement for the next round of capital expenses. Other mills in this country and overseas that are developing low flow technologies are doing so for reasons that would not be applicable at Maine mills. These reasons include the discharge of effluents in streams of very flow, mills without secondary waste water treatment plants, or mills with undersized waste water treatment plants. These circumstances do not currently exist here in Maine. As you heard before, the EPA Cluster Rules are going to strongly encourage the further development and implementation of total chlorine free technologies as envisioned by the good Representative from Freeport. The Cluster Rules, likewise, outline several incentives being considered for those paper mills that chose to achieve the reduced flow level that will be required in Report "A," the Treat and Butland Amendment. These EPA rules go on to say that a model technology is not being selected for this low flow level because those levels, quote from the EPA rules, are intended to reflect evolution of advanced technologies that can not be specified today. I encourage our state to continue to investigate technologies and incentives to move our mills toward the concept of a minimal impact mill and eventually, yes, closed loop operations. This may, or may not, include a reduced flow requirement, indeed a minimal impact mill plan may involve, as I believe, stricter standards on other pollutants that will in turn encourage internal pollution prevention programs at these mills. Let's address the dioxin issue here today, but let's continue to look at the mills overall impact on the environment in the future.

Here in lies my biggest concern, the Governor presented a plan to require no measurable amount dioxin in the mills bleach plant and no detectable additional dioxin levels in the fish. This plan received the backing of many environmentalists as well as the paper industry and I must say, that this was probably due in part to the looming possibility of total chlorine free requirements. This delicate cooperation is in the balance before us today. Let's not lose site of the fact that the goal of the original bill was health related, to make the fish in Maine's rivers safe to eat. It is important to me that we not confuse the issue with the

discussion of low flow deadlines, so much so, that we lose site of our original goal. It would truly be a great loss for our rivers and the people of Maine if a confusion results and nothing being done. We must reach agreement with the other body and the Executive on this issue and in so doing reach our original goal. I ask you to support Committee Report "B" and vote against the pending motion.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I rise today to ask you to support the pending motion and Report "A." I'm sure that some of you are going to wonder why I am up here doing this because originally I really did support L.D. 1633 as it was written. What happened to me is something that happens to anybody who spends a lot of time listening. We had extensive amount of time during our public hearing process at the Civic Center listening to a wide range of people and opinions. I thought that was a very conducted public hearing and we had extended work sessions on both of these bills that were before us at the time. One of the things that came to my attention, and other members of the committee, was that we found that there was very reasonable, sound testimony on both this bill and 1577. It was hard for us to try to balance all this and agree that one side was totally right and one side was totally wrong. That's not the way it works in this world. During the time that we were doing our work and working towards a resolution on this bill, there was a frustration level that came about, some of us realized, because there was absolutely no flexibility built into the system dealing with some of the issues that we felt were quite relevant. The amendment as it stands now deals with those things that came up in work session and came up during the public hearing process, dealing with the long range best interest of the Maine environment, of the water and of the quality of life here in Maine.

I just spent the last five days traveling to Wisconsin and back. I spent most of my time in car, a short amount of time at my son's graduation from college. During that time I had two things that happened. One, I had an opportunity to look at the surrounding environment between here and there. To look at the amount of water that we passed. The amount of true water quality in these different communities. I also had an opportunity to talk to my husband about the future of the paper industry here in Maine. We're dealing in our own family with the possibility of some changes that can really hurt. One of the key points that came to my attention, as far as some of the risks we noticed, had to do with whether or not this mill was a strategic mill, not whether it was a mill that was going to have to invest in capital improvements but whether it was strategic or not. One of the things that was very, very vital about Amendment "A" is it deals with those issues. Everything that is in Amendment "A" was discussed in great detail. I have all the papers to prove it, tons of them. You have to realize that the technology that is being asked for in Amendment "A" is technology that is now being used in Europe. It's being used in parts of the United States. The goal here, the way we look at it is that we want to make Maine a strategic area. Strategic enough so that the mills in Maine can not only survive, but they can compete internationally. Now international competition is real now. I know that there are mills in the United States, at least one I know, one company, that imports paper from Mexico, because it's cheaper and converts it in the United States. So we are changing. If you look at the mills in Europe, and if you had listened to the testimony before, you realize that many of those mills have multiple processors and they convert back and forth based on what is needed at the time. This bill allows that flexibility for the future. It also does include two things, which we haven't talked about. It includes one of

which is the fact there is a mechanism in place for economic incentives in Maine for technology and research and development. Also there's a piece in there which requires the DEP to come back and to report to future Legislatures about how things are progressing. It gives the options for future Legislatures to make changes as we leap forward. It doesn't demand that things have to stay the way they are. It's an ongoing process. It also allows for the operation costs within the mill, once this is established to be less. It allows for the health and safety of workers to be improved because there won't be as many problems with toxics in the workplace and that's one of my special concerns now. It allows for the continued development towards future competitiveness worldwide. I see so many positive things here. I don't think it's going to put any paper company out of business. I don't think it's going to cost paper companies to the point where they have to take out everything they have already developed and retool for this. It's something that it can be compatible with what's here. So when you look at this, look at it as something that is gearing us up for the 21st century making Maine strategic in the world market and allowing for the environment to continue to improve for a better world for all of us.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This is a very delicate issue. If you look at the mills we have presently, the Woodland mill up in Calais is hanging by a thread, the Winslow mill is planning to close down. L.D. 1633 "A" is a more expensive method of achieving the same results. We have just voted against L.D. 1577. Why is the same rationale back? I can not and will not add more cost to my only major employer in the Town of Winslow. Ladies and gentlemen of the House, I urge you to vote as you did against L.D. 1577. Presently my only mill in Winslow is not planning on a long term contract to stay in the Town of Winslow. I do not want to be a party to speed their exit. I urge you to vote against the pending motion and go on to pass L.D. 1633 as amended by Committee Amendment "A". I thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. Committee Amendment "A" will essentially over time force the mills to go to closed loop or low flow system, whichever you choose. That may not be the best decision and there are some reasons for that. Number one, it's being used right now in some mills in this country, but on an experimental basis, because not all the bugs are out of the system. It would be bad policy for us, I think, to require the mills to use a system of which has not been proven yet. In other words, it still has some bugs in it.

Also, some of these mills are using that system because they don't have the water supply in volume to do it otherwise. They are almost forced to go to a system where they recirculate it. The other problem with a flow system is usually when you keep recirculating water through whatever you are manufacturing, you tend to concentrate other metals and other impurities, which then poses another disposal problem. It is not simple. The other thing about this is it really does nothing to eliminate dioxin and that is what we are after. That is to eliminate dioxin. Before we go asking these companies to use a system, which is not proven, we should think long and hard about that because it is going to require millions of dollars of investment. It is going to be different for each mill because the configuration of each mill is different. Therefore, one of the reasons why there are bugs in the system is because of that in itself.

The other thing we have to think of is that there may be other solutions forthcoming that are more efficient and are less costly. We should not saddle these companies now with a terrific investment, which later on may prove to be the wrong one. I say to you that specifying technology on our part is number one, it is wrong. Really all we need to do is set the standard and tell them to get there. Let them do it on their own. They know best. They know their own systems the best. Of course, it is with their money. I urge you to vote against Committee Amendment "A."

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

Representative SANBORN: Madam Speaker, Men and Women of the House. I urge you in voting against Report "A." Maine paper mills have already substantially reduced the discharge of dioxin. Those mills agreed to go even further by meeting the standards that will be imposed by Report "B" of LD 1633. Report "B" will require that dioxin and fish tissue down stream of the mill be the same level as the fish tissue upstream. It will require mills to meet a tough new color standard. I oppose additional restrictions that Report "A" would impose upon the paper industry. These restrictions are unnecessary to achieve the environmental result that we all want. The reduced flow proposal contained in Report "A" is based on a voluntary program found in the EPA Draft Cluster Rule. Since that program in voluntary, mills may choose to participate, but are not required to do so. The Cluster Rule has taken several years of work and effort by many experts to develop. If the EPA does not believe that the reduced flow should be mandated, then I do not believe that Maine should act on its own. The reduced flow proposal or a minimal impact mill is an intriguing idea. It is important that research and development continue in this area. Until such time as these ideas are fully developed, demonstrated and commercially available, it would be premature for Maine to pass a law in this area. I urge you to vote against acceptance of Report "A" of the Natural Resource Committee.

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

Representative BISULCA: Madam Speaker, Men and Women of the House. No doubt you have already discerned that I would prefer to eliminate all dioxin or chlorine use in the bleaching process. However, that is not what why we are here to debate. It is interesting to listen to people explain away the Champion testimony. Champion came to the Natural Resources committee with great pride and explained how they were close looping consistently, 90 percent, of their waste water and at times, 100 percent. As I envision close looping occurring or that the reduced flow as is being asked for in this amendment, Amendment "A," it will reduce dioxin and other absorbable halogens. It will reduce color. Two items which are in LD 1633. It will also reduce biological and chemical oxygen demand, thermal discharge and will result in reduced chemical use, which mean dollars and workers safety and community safety if there is a catastrophic event.

Chlorine dioxide does produce dioxin. We have heard people talk about elimination by none detection. That mean, we have said it before and I will say it again, once you hit 10 PPQ, I have cautioned you about how numbers are thrown about and what they may mean, but once you reach 10 PPQ, that means nondetection, not that the instrumentation can't detect it. We have seen stuff detected down to 2 and 3 PPQ. It is the level of confidence that you can replicate that test result. Scientifically, it is cut of at 10 PPQ. You can still measure it. It is still produced. If you go to the low flow proposition or proposal, it will reduce, further, the levels of dioxin. I have heard people talk about mill closures. If you look at the best producing mills in this country, you will find that they are environmentally ahead of the others.

Companies that are forward thinking and have some vision are able to plan and meet environmental demands and do well. I would suspect that those that are having difficulty will have difficulty any way and will fail, not because of this bill.

People have talked about other solutions coming down the road. Let me tell you what some of those other solutions are, those that are now in the hopper. Those that are being worked on between industry, academia and the federal government. All of those solutions coming down the road, all of them require a closed loop system. That is what is going to happen in the future. The two perimeters which are at issue are dioxin and color and will be reduced by a low flow system. Additionally, as I have said, there are other environmental benefits, thermal discharge, Asarco halogens, biological and chemical oxygen demands and worker safety. I urge you to support Committee Amendment "A."

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

Representative USHER: Madam Speaker, Men and Women of the House. As many of you know, I work at SD Warren in Westbrook. We are not all from Westbrook that work at that mill. We cover York County and Cumberland County. There is a great concern down in the Portland metropolitan area and those of you who use the turnpike when you get down by exit 8, you can smell the mill. That is a great concern to us. In LD 1577, it was resolved before this body, in regards to the dioxin. In this legislation, we are very concerned about handling the problems by ourselves because it is going to be one of the strongest standards set in the paper mill industry. It is jeopardizing all the programs that we have concerning different construction and the odor problem in our area. The paper industry has been very involved in clean water in the past couple of years. They have been involved with the Fish and Wildlife Department, Adopt a Hatchery Program. This serves as a partnership for the paper industry and the Fish and Wildlife Department. They are providing energy cost assistance, civil engineering and construction engineering and physical survey. This is very helpful to the department. The Westbrook mill has already gone beyond what other mills have done in dioxin. We have gotten rid of the fish consumption advisory for dioxin below our mill, but this low flow mandate, which was put on Report "A" in the last week of the hearing jeopardizes all the programs that they want to do.

I worked last weekend and a lot of the union people said, why don't you vote for against both of the bills. I said, we already did on one, but this one, I think we can work with. It is amazing how many people said they are worried about too much mandates. We know we have to compete with the new global economy and we are not prepared, I think, for the low mandate because it is going to be very costly. I would hope that you would vote for the pending motion so we can back this bill up and put the proper amendment, which would be Report "B" on this legislation.

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

Representative JONES: Madam Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion, Committee Report "A." I intend to vote in favor of LD 1633 with Committee Report "B." I am a member of the Natural Resources Committee and I sat through many hours of testimony on the issue of dioxin from the mills and studied this issue thoroughly. I was a code enforcement officer before coming to the Legislature and I am very concerned about the environment and about the issue of dioxin. I consider it a serious health threat. I believe we should all try to do our part to reduce and eliminate our contribution to the problem. I am also concerned about the jobs and the economy and I believe that Maine mills will only invest in Maine if they believe they are facing

requirements that make sense. I believe that LD 1633 takes a stringent, but rational approach to the dioxin problem. It will be the toughest law in the country regulating paper mills. It establishes a series of deadlines, which require the mills to move forward with investments, which have been held up by uncertainty and what will be required by the federal rules.

I say it is time to stop waiting. I am supporting LD 1633 because it sets the environmental outcome we want. It gives mills a time frame for achieving it, then requires enforcement if they fail to meet these deadlines. It does not dictate a technology or limit those available to the mills to get the job done. A number of important improvements were made to the bill in committee. These are included in Committee Report "B." They will ensure that the committee can monitor progress on the development of fish tests and requiring 95 percent confidence levels in comparing fish above and below the mills. I am opposing Committee Report "A" because it mandates low flow over an eight year time frame. This sounds like a great idea, but the whole notion of flow reduction was not the purpose of either this bill or Representative Bull's bill. I do not know whether the amount of flow reduction makes sense. No testimony was heard on this issue in the public hearings.

We heard from one mill, which is working on this idea because it discharges into a small stream and has to reduce its flow to meet a color standard. This issue came up to the committee late in the game because the supporters of TCF said that ECF mills could not go through the closed loop. Champion brought in people from a mill in North Carolina and demonstrated that they are indeed moving in this direction. Some members of the committee really felt strongly that they should mandate it to the Maine mills. However, we have not had a chance to evaluate the costs or the benefits of this. I favor flow reduction, who wouldn't. This is the most important environmental goal we want to impose. I did not learn enough to say yes, at this time. We should study the issue then come back to it at a later date when we all can study the flow reduction, in detail, as the committee has with TCF and ECF technology.

In conclusion, I support LD 1633 with Amendment "B" sponsored by Representative Dexter. I urge members to vote "Ought Not to Pass" on Amendment "A." Thank you.

Representative THOMPSON of Naples assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. I don't want to spend a lot of time talking about the chemistry of the issue. We talked about that the other day. I do favor this bill, but I do not favor "A." It is not a good system. It does not work. It is not proven and the time and the experimental work needs to be done to allow it to work. Once that has occurred, I can probably assure you that you will see that system present in this state. I am in favor of Amendment "B." I would urge you to vote against the engrossment of "A." I would request a roll call.

Representative BERRY of Belmont requested a roll call on passage to be engrossed.

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

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. A well known Maine sportsman and I were standing

in the hall last night talking about these dioxin bills. He and I both lamented about how we felt the first time we heard the fish advisory. We didn't believe them. We were in shock. We were so shocked, in fact, that we were paralyzed. What could we do? Would we ignore the fact that mercury, dioxin and PCBs were found in Maine's fish? For the moment, we would. I walked around dazed. I was accustomed to fishing on a summer night and cooking the fish the next morning and greatly enjoying Maine fish. Suddenly, life changed for Maine. Once the shock wore off, many of us became angry. Why couldn't we eat those fish? What happened? We began to study and try to figure out what had gone wrong. Once we went through that phase, we began to try to figure out what we could do, much life in the process of grief. We are shocked. The death of an old friend. The death of an idea that we had lived with all of our lives, that we could eat Maine fish, was gone. Like grief, we moved into the next phase, to try to do something positively about this issue.

In the early 1990s, the sponsor of LD 1633 tried himself, through a color, odor and foam bill, in which he used the words that he used in the workers' comp bill, a little bit pregnant. We was successful and some advances were to be made. Unfortunately, those target dates have not been met. I say that the nondetect levels, the 10 parts per quadrillion are a little bit like being a little bit pregnant. You look at a bottle of Clearly Canadian and you say it looks like water, that is what that effluent probably will look like. We will not see the 20 million molecules of dioxin that are coming out in every single leader of effluent from every single bleach craft mill in the State of Maine. You tell me, if you lived on a lake into which that effluent poured and you knew that 20 million molecules of dioxin per liter were pouring into your lake, maybe, albeit, flowing on out, you would be concerned.

What Amendment "B" tries to do is to further reduce the millions of molecules of dioxin that are in that effluent through this oxygen delignification process. The hearing process is not a static process. It is a dynamic process. I think it was Emerson who talked. What he said was, essentially, don't hang onto any old idea even just for a moment. Change with every word you hear and with every experience you have. He was not applauding consistency and thinking, so in the hearing process as we learn new information, we move, we evolve. In this hearing process, we evolved just as in your committees you evolved. Committee Amendment "A," the Treat/Butland amendment, caused us or brought us to the realization that we had changed in this process. We no longer believe that the industry bill would bring about change, but would instead only satisfy the minimum EPA Cluster Rules.

The Chief Executive took great delight in the press conference in telling us that we were going to see a poster listing the mills or the states that adopted legislation regarding dioxin. When it was shown to us, there were no states listed. No states have adopted legislation regarding dioxin. I say, no state has to as long as they are only going to satisfy the minimum EPA requirements, which LD 1633 does. I say that the industry bill meets only the minimum EPA standards. The industry bill does not eliminate dioxin, it only reduces it. The industry bill raises serious questions about worker's safety and the industry bill does not provide for an economic vision for the future, which leaves options open.

I started off with fish. I don't intend to eat fish this summer. I probably won't be eating it for a very long time, until I can be satisfied that Maine fish are safe to eat. The Chief Executive, at the Blaine House, takes great pride in serving Maine products. Products from his vegetable garden and products that we Mainers produce. I challenge the Governor, serve Maine fish once a week.

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

Representative DRISCOLL: Mr. Speaker, Men and Women of the House. Committee Amendment "A" will jeopardize shaky paper mills in a lot of our towns in the State of Maine. Not only that, but it could jeopardize jobs that we need drastically. My district is in Washington County and Woodland is in my district, the home of Georgia Pacific. They have come onto hard times down through the years. In working with the unions in the mills, they have kept the mill together and they are still on shaky ground. Amendment "A" would jeopardize the jobs that Washington County needs so drastically. GP is a major industry in the county and without it, we would be in much worse shape than we are today, which is bad. I ask you to think about jobs and what Amendment "A" could do to this industry.

Like so many others, I was sorry when groups such as the Maine People's Alliance, the Natural Resource Council of Maine and others walked away from the stakeholders table because of a disagreement in approaching the issue. Nonetheless the work continued until LD 1633 was crafted. Everything seemed to be going well with an open spirited debate regarding what was the best means to address the issues. Senator Nutting's legislation or the alternative that this Legislature considered last week. At what was literally the final hours, Committee Amendment "A" was brought before the committee, which in my estimation, would hurt this state and the jobs we need so much. With no time for substantive debate and no input from the Department of Environmental Protection for the Maine industry, Committee Amendment "A" was introduced. I find it unconscionable that we, as legislators, are considering legislation that would force our pulp and paper industry to spend so much as a half a billion dollars and was never once asked for their input.

Another thing that I find very disturbing is how we have lost sight of the real objective. The objective is to eliminate dioxin related fish consumption advisories. We will eliminate advisories by eliminating dioxin in Maine's pulp mills. LD 1633 with Committee Amendment "B" will meet, in fact, it will exceed that objective. With Committee Amendment "B," Maine will have the toughest dioxin standards in the United States. Committee Amendment "A" with its reduced flow requirements does not even address dioxin.

Mr. Speaker, ladies and gentlemen of the House, I cannot consider such a drastic measure, which has been brought before this body, just three days before adjournment, particularly knowing committee members didn't even have an opportunity to debate the issue, to hear from those impacted. Before we can ask any segment of the state's economy to commit to such huge sums of money we owe those impacted, the opportunity to be heard, which they were not. Committee Amendment "A" is flawed. The amendment would require Maine mills to test for 17 different carcinogens at the bleach plant, even though 15 of those are not even produced during the pulp bleaching process. The amendment would force the spending of as much as \$500 million on technology we all agree is experimental, at best. We are also talking about a flawed process. A process where major, major changes can be developed out of the public process and then foisted on a committee in the last days. I urge my colleagues to reject Committee Amendment "A," which would jeopardize jobs. Committee Amendment "A" will reduce dioxin by shutting our mills down. Committee Amendment "B" will eliminate dioxin formation and discharge. That is the choice for Maine rivers and the choice for Maine people. I ask for your vote for our people who need work. Thank you.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House. It is not my intention to either dazzle or numb you with my knowledge of fish or chemistry or classical illusions. I would like to talk about reality at this late hour in this session. Not economic reality because the good Representative who just spoke before me talked about economic reality. I would like to speak about political reality. We vote for this and the two houses are in non-concurrence than most likely anything substantial in terms of dealing with the issues of dioxin will go down and ladies and gentlemen, too much has already gone down in this legislative session. For a while it has been an embarrassment and now it is getting to be a bad joke out there. Let's think very seriously before we blow the chance to at least deal with this particular issue. Now, "B" may not be the best alternative in the world, but it is one that has been worked out and has been worked out through the process and it addresses not only endangered species of wildlife, but also the endangered species, if you will, of the working men and women of the State of Maine. We should achieve that delicate balance in what we do here. I ask you, I beg of you, think very seriously before you support this because if you support this, we can add reform of the issue of dioxin to all of the other crumbled initiatives in this unfortunate session.

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

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House. I just want to rise again to clear up a few things. First of all, if you believe that the technology that is in Amendment "A" was not talked about thoroughly in our committee, you believe that a boogie man lives in my children's closet because that was thoroughly discussed. The catch is that the sponsors of the original bill refused to talk about anything that was an extension of that. There was a limited amount of debate amongst the members of our committee that needed to look further than the original bill. The technologies and the concepts and everything else were discussed thoroughly.

Secondly, I would like to let you know that the mill in Winslow, Kimberly Clark, is not a pulp mill and will not be impacted one way or another by this legislation. I think it is important to realize that some things said here are emotional and people are definitely all willing to listen to saving jobs. I can tell you that we are looking now at a world economy. We want the best for Maine. I don't think there is anybody in this room that would willingly do one thing to create a situation where the paper companies are going to run away from Maine because we need that here. As I listened to this and I know I always refer to children and families for my analogies, because that is what I know best, this debate reminds me of my daughter, Christine, agonizing over preseason for field hockey. She did that when she was a freshman. She didn't want to go. It was hard. She had aches and pains. She felt terrible because she was out of shape and on and on and on. That young lady now, because she stuck it out and she looked forward, has just finished a session with field hockey futures where it was a competitive New England session because she has stuck it out. She is in shape and she is reaping the results of all that. I really feel that the paper industry of Maine is going through a preseason right now. They need to look forward. They need to stick it out. They need to work together with the Chief Executive and with the people who are willing to set up financial incentives and with future legislators and Legislatures who will be working to make sure that the process is genuine. Thank you very much.

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

Representative LANE: Mr. Speaker, Men and Women of the House. Another one of these bills that we, as nonexperts, have

to sort through and figure out what is right and what is wrong. I want to read to you a short excerpt from a magazine sent to paper mills, the Alliance of Environmental Technology. We are hearing a lot about closed loop technology. We heard how it would increase marketing. According to this, the ECF technique will command the highest worldwide market with reductions surpassing that of all other bleaching processes. How am I supposed to consider low flow as being any part of the truth? I don't. I called my mill, in my town, which is the smallest family owned mill in the whole United States and has been beleaguered for years now with environmental demand. By the way, it has been awarded for their environmental attempts. I know this man. This isn't a big business person. This is somebody who has a face. A young man, a chemist who works for the mill. The current amendments to LD 1633, he says, pose differing degrees of concern. While both demonstrate a continued mistrust of the industry and increased cost over the original bill, the Dexter amendment would likely be achievable. The additional low flow amendments by Senator Treat, however, are totally unacceptable and would clearly place Maine's mills at a competitive disadvantage requiring tremendous capital expenditures and technology not yet available.

The original administration bill is proactive, protective of the environment and achievable by Maine's mills. Maybe he is lying. I am awful tired of hearing that paper mills and industry are really bad guys that don't give a hoot about our environment. You have all heard about how low flow does not even affect the reduction of dioxin formation, which is why we are here, currently, standing here in this chamber debating the issue. It is supposed to be about reducing dioxin, the low flow technology, Amendment "A" does not do that. I had handed to your desks some interesting articles from an environmental newsletter. The reason I did that is to show you that there are many thoughts or differing scientific points of view on the whole subject of dioxin in the first place. One says, we are moving ahead.

There is an article in, I think, the *Bangor Daily News* by a doctor Andrew Smith who is the State Toxicologist within the Maine Department of Human Services, Division of Disease Control. He also holds an appointment as a research associate with the Department of environmental health at Harvard School of Public Health and is a course instructor at Harvard Center for Continued Professional Education. In the article he said, "Here in Maine, both fish and lobster tamale dioxin concentrations have been decreasing in response to ongoing efforts by the paper industry to reduce their discharge of dioxin into rivers. Governor Angus Kings initiative to bring Maine's stakeholders together to work toward further reducing the discharge of dioxins into our rivers will continue this trend allowing us to eventually rescind all dioxin related fish consumption advisories." You have one point of view that there is a problem and that we are moving to eliminate the problem. You have the other point of view that says the whole dioxin is nothing but a scare technique and it is a nonissue. As a matter of fact, the EPA's own Science Advisory Board concluded that the only human disease known to be associated with dioxin is chloracne. It is hard to prove a negative. The EPA Science Advisory Board furthermore criticized the EPA's method of estimating the risk of dioxin lined compounds.

We have one point of view that says we are moving towards a solution. Another point of view that says there is no problem and then there is the third approach, which I call the Chicken Little approach. That approach, you remember the story, Chicken Little says when he gets hit on the head, "The sky is falling." Chicken Little goes to Henny Penny and says, "The sky is falling." Henny Penny and Chicken Little go to Goosy Lucy and says, "Help us. Help us, the sky is falling." Furthermore,

Chicken Little, Henny Penny and Goosy Lucy go to Turkey Lurkey and Turkey Lurkey says, "No problem, we will take it to the Maine Legislature and we will mandate that the sky no longer fall."

I don't know about you, but if something hits me in the head, I want to go to somebody that will say to me, let's examine the issue slowly and carefully and scientifically and determine whether or not the sky is falling. I am not saying that Henny Penny, Goosy Lucy, Turkey Lurkey and Ducky Lucky have ulterior motives. I wouldn't say that from the floor of this House. I think truly there are people that honestly believe that we need to eliminate paper mills in order to eliminate paper mill problems. I think we know on the floor of this House and being involved as legislators that one of the biggest, not demands, I don't know what to call it, on us as individuals is to come to a consensus. I probably wouldn't be supporting even the Governor's version, except that my mill says, let's do it. We can live with it. My paper workers say, yes, support the Governor's bill. We can live with it. I will tell you folks, this is the line in the sand. They are not going to be able to live with much more. Please, let's go on to Committee Amendment "B."

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House. I would urge you to support Amendment "A" because I think in the long term it is in the best interest of all the people of Maine and the mills of Maine, especially if some of those are in a shaky condition we have heard referred to. The progress we have had in this state in water quality in the last 10 years did not always happen with complete agreement of the paper industry. In fact, many times they were dragged along kicking and screaming. I think that is what we are seeing now. There is a lot of kicking and screaming going on. The past regulations that have been effective do not drive mills out of the state, even though we heard that story some years ago with the previous regulations. In fact, I would question setting any regulations only at the level in which the industry says they can live with. We only have to look to headlines today about another major industry in the state, Maine Yankee, and what some of the dangers can be when regulatory bodies and state agencies come to acquiescent about what is appropriate for an industry based on what they say. We have to set a higher standard in this House to represent all of the people of Maine. I don't think this bill is about fish or lobster tamale or Bald Eagles, although they are important and they are effected by dioxin, but it is about people and future generations of people. Little people and older people and many people who are directly influenced by dioxin in our streams and rivers. I think we can set a higher standard based on what we think is appropriate

When we talked about learning results, we don't ask the children in the schools to tell us what results they can live with. Many people have determined what kind of results are appropriate by setting that bar a little higher so they can jump that higher and be happy about it later and be pleased they have improved to another step of technology, which I think is what we are asking here. We are requiring improvements that will truly put even shaky mills in a better standing in their industry with the most modern technology we can get. In addition, it will give the people of Maine more security about the safety of their rivers and the foods they can eat. Other mills in other parts of the county and in other countries have converted to technologies that have reduced their output of dioxins and we have heard that some of the reasons have been because they go into low flow streams. Are not our streams and our waters just as important as some of those in other states? Don't we care just as much about the clarity of our waters as some states in the south eastern US do?

However fast or slow our rivers flow, they are very important to us. I think if we are going to keep Maine in the pristine condition that we all identify it with, we need to set higher standards for the river quality in this state.

I urge you to support this Amendment "A" because it will do that to a greater extent than the other amendments we have on the bill. I think the input of the paper industry, I heard they didn't have input into this bill and that it came along too late in the process. We often hear that about amendments that are made, but this amendment is part of the original bill that went through the same discussions that the amendments that will follow did. I think it is clear that the paper industry has had plenty of input into their process. The input has been no way, but I think it is up to us to determine our own way, not only what they can live with. Thank you.

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

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

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

Representative PERKINS: Thank you Mr. Speaker. It seems to me the story about Chicken Little is about perspective. We would all like to clean up the rivers. They are getting cleaner. Our state toxicologist, Dr. Smith, tells us that. Our state toxicologist, Dr. Smith, also tells us, as I understand it and my question is to anybody on the committee, I talked with Dr. Smith about the warning about not eating fish, even in the Androscoggin River, I believe, is don't eat more than one meal per month out of the Androscoggin, which I guess is the worst one. I said, what is that based on, the warning? He said, "One hundred times that level they have detected physical harm in other primates." The threshold is set at 100 of the know level of physical harm in primates. My question is, do I understand that properly? Could somebody on the committee answer that. Is that true and is it a reasonable threshold? Thank you.

The SPEAKER PRO TEM: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. I think it has become real clear to this body that we have our minds made up on this subject one way or the other. Debate has gone to new levels this morning. I would appreciate that if we could vote our conscience, our backyards and the issue. Thank you.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. I just couldn't sit any longer and listen to what I considered slamming fish. I happen to be a fisherman, a trout fisherman. I eat them. I eat them all the time. Tell me something, do I look sick? I just want to get rid of the myth that eating these fish is going to kill you. It isn't going to. It might if you eat enough over the next 50 years, but then you are going to die of old age. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. The healthy appearance of Representative Cross, notwithstanding, there is the philosophical approach to the health of a fish and along those same lines as Representative Cross outlined, I might remind people that the only fish that is really safe to eat is a dead fish. A live fish might put up somewhat of a squabble about being eaten. A dead fish is hardly the picture of

health. That being said, the problem of the technology involved in the ECF, TCF and low flow, etc.. In terms of that particular mandate and what we are going to mandate certainly carries with it a great deal of pause for thought. I have thought about this a great deal. I looked at this issue back in December on through. I studied it very closely. I have a lot of input. I have paper mill in my town. My position on it has become firm by the simple economics of the issue. It is going to be a great deal of money for an incremental improvement of Report "A" over Report "B."

When you are mandating a technology and I think we have to acknowledge that the closed loop technology is largely still very experimental. You sort of paint yourself in a corner and in terms of technology, that can never be a really good thing to do. We need to open up the process and say that this is the level we are going to mandate and you pick the process. I think that is what the Governor's bill does do. Report "B" certainly carries that on.

If the Wright brothers had designed their bi-plane and the United States Army had said that that is the bi-plane that we are going to use and we are not going to use anything but that bi-plane, things would have looked pretty bleak for the Army Air Corp at Midway. I think we should keep the technological question open and leave the philosophical questions to the philosophers and address the economy of it. I think in terms of the diminishing return, we do best to address the problem as Report "B" does and not exacerbate that diminishing return by supporting Report "A." I hope that you will join me in supporting Report "B." Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Mr. Speaker, Point of Order.

The SPEAKER PRO TEM: The Representative may state his point of order.

Representative USHER: Mr. Speaker, Would it be in order to move for suspension of the rules for the purpose of reconsideration, at this time or should we wait until the pending question of Passage to be Engrossed is defeated first?

The SPEAKER PRO TEM: A motion to move for suspension of the rules could be in order at this time, however, the Chair would indicate that it may be easier to either pass engrossment or if engrossment fails there could be an attempt to reconsider and back it up to go to the other Committee Amendment if that is the pleasure of the House.

The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Colleagues of the House. I just want to state again that there was no motive here to let it go this far today. Perhaps I should have gotten up. I started to and lest any member think differently, we are at this point and it is easy, I think, and a think somebody has a script that if this doesn't pass, to back it up and go for Report "B."

I wanted just to say about some words that have been said about the committee process. We have a good committee, the Natural Resources Committee, we worked hard. You have seen a lot of unanimous reports. Some were 11-2 or 12-1. We have worked hard. This report, we didn't come to agreement. I just really feel that when people that weren't in the room are talking about the lack of the process, I beg to differ with you. There were some people that were adamant in their positions and others wanted to look for some middle ground or improvements. That is what you have in Report "A." I also want to state for the record, in respect to the new technology, I understand what everybody is saying. You have been given information. I think differently. I have looked and I have done a lot of reading. I think the technology is out there. I know it is out there. I know it certainly is going to be there in 10 years, but that is up to you.

Many of you have spoken in opposition. I sincerely respect your position.

Finally, I just want to say that for those of you who think the members who are supporting Report "A" don't care about the jobs in this state, you are sadly mistaken. We care very much and there is no ulterior motive to close any paper mill in this state. The jobs in the paper mill and there are about 7,000 jobs in these seven mills. That is about the same number of employees that BIW has. We will hear about that later. These are good jobs. They pay well. They have benefits and we understand that. Those of us supporting this are in no way trying to close down paper mills or jeopardize jobs. What we are trying to do is to clean up Maine rivers. We have heard a lot of testimony about the cost of the technology. This is very doable. You may think otherwise and that is okay. I just don't want you to go away from here thinking that the individuals on Report "A" don't care about the jobs. We have had a lot of testimony and I appreciate it. A lot of it is heart felt and I know many of you feel very strongly about this issue. I would agree with the Representative who spoke that we should move on. The day is getting late and, again, I would suggest that if this isn't to be, there is a very easy way to get where you want to go. Thank you very much.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House. I only got up to apologize for my statement previously. I stated I was opposed to the pending motion. I supported passage of Amendment "B," not Amendment "A." I just wanted to apologize for that. I thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. I promise I will not be long. I could talk an hour on the notes that I have taken here. It is not necessary. Nobody's mind is going to be changed at this point. I think there is no point in belaboring the issue and making people angry at this point. I second the motion of those who have said that maybe it is time to vote.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Mr. Speaker, Men and Women of the House. I concur with the good House Chair from Portland, Representative Rowe. I realize he has a top rate committee. As a former chair of that committee, I know you are very proud of all the committee members, but as I read on the calendar, there was an equal amount of people who had different opinions. Report "A" had six people and Report "B" had six people. Therefore, I ask you to vote against the pending motion so we can vote for Report "B."

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 312

YEA - Baker CL, Bolduc, Brennan, Bull, Chartrand, Davidson, Fuller, Gagnon, Gerry, Green, Jones KW, Kane, McKee, Meres, Mitchell JE, O'Neil, Pieh, Povich, Powers, Quint, Rowe, Shiah, Skoglund, Stevens, Townsend, Volenik, Watson.

NAY - Ahearne, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brooks, Bruno, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Dunlap, Cowger, Cross, Desmond, Dexter, Donnelly, Driscoll, Conwell, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Gagne, Gamache, Gieringer, Goodwin, Gooley, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr,

Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Poulin, Richard, Rines, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Snowe-Mello, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Bumps, Hatch, Morgan, Perry, Spear.

Yes, 27; No, 119; Absent, 5; Excused, 0.

27 having voted in the affirmative and 119 voted in the negative, with 5 being absent, the Bill failed of passage to be engrossed.

On motion of Representative COWGER of Hallowell, the House reconsidered its action whereby Committee Amendment "A" (S-323) was adopted.

The same Representative moved that the House reconsider its action whereby Report "A" "**Ought to Pass**" as amended was accepted.

Representative ROWE of Portland withdrew his motion to accept Report "A" "**Ought to Pass**" as amended.

The same Representative moved that the House accept Report "B" "**Ought to Pass**" as amended.

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

Representative BULL: Mr. Speaker, Men and Women of the House. I will be very, very brief. I urge you not to accept this report. The EPA Cluster Rules are coming down. We basically will achieving this very same objective. I feel that if we accept this report that we will actually be putting ourselves in a position that is not going to achieve anything above and beyond the EPA Cluster Rules and would put us in a bad position later on to try to deal with this issue in a proper way. I urge you to not accept Report "B." I request a roll call.

Representative BULL of Freeport requested a roll call on the motion to accept Report "B" "**Ought to Pass**" as amended.

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

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

Representative ROWE: Mr. Speaker, Colleagues of the House. While I respect the Representative from Freeport, Representative Bull's opinion, I would strongly encourage you to vote for Report "B." I did support Report "A," but I said Report "B" will serve to reduce the dioxin levels in the rivers of Maine. It is the bill before us and I strongly support it at this time. I encourage you to. Thank you.

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

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House. I just want you to know that there is no losers on this issue. There are only winners. There were three options. They all were good. I would encourage everyone here to support the pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is acceptance of Committee Amendment "B" (S-324). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 313

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross,

Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutilleul, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Bull, Gerry.

ABSENT - Bumps, Hatch, Morgan, Perry, Spear.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, Report "B" "**Ought to Pass**" as amended was accepted.

The Bill was read once. Committee Amendment "B" (S-324) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "B" (S-324) in concurrence. Ordered sent forthwith.

On motion of Representative BUNKER of Kossuth Township the House recessed until 2:00 p.m.

(After Recess)

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 House Rule 502.

SENATE DIVIDED REPORT - Majority (8) "**Ought Not to Pass**" - Minority (5) "**Ought to Pass**" as amended by Committee Amendment "A" (S-244) - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Amend the Membership of the Maine Land Use Regulation Commission" (S.P. 347) (L.D. 1166)

- In Senate, Bill and accompanying papers indefinitely postponed.

TABLED - May 27, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Acceptance of either Report.

Representative BUNKER of Kossuth Township moved that the House accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I look around the body and see some of the people real concerned not in their seats at the moment. I guess I get to speak first instead of last as I usually try to do. I

am on the Minority Report as some of the confusion indicated. I am speaking against the present motion. I would ask the members of this body to vote against the Majority "Ought Not to Pass" Report. If you have a chance to look at the amendment on this subject, it is fairly clear. It is a very short and very concise issue that we are discussing here. What we are talking about and as you may have remembered a few days ago, we debated at some length and I stood up here and spoke quite lengthily about the 40 lot exemption and asking this body to give LURC authority to regulate themselves and asked you to support that zoning process within the unorganized territory to do the same as you have done in your local towns and communities.

What this bill basically does is at the very least, established membership on the LURC Board to be at a bare minimum, four members from the unorganized territories that represent the constituents of the LURC Board. Currently under Maine Law, at this time, only two of the members on the LURC Board have to reside in the unorganized territory that many of you know that I reside in. I can imagine how many of you people, whether you are from the north or south or east or west, how affronted you may be to think that we have a board that has authority over you and they don't have to live in the area that you reside in. They don't have to live in your community. If you are in an organized town, it is the like the guy down the road or a city 40 miles away can sit there and decide what is right for you and what zoning requirements are correct for the area that you reside.

It is a very simple bill. It got quite complicated. I will tell you, ladies and gentlemen, I spent along time trying to bring compromise to this issue and try to meet in the middle of the road between two and four and try to redefine some of the language that is in the current law to make it easier for the Chief Executive and the people who worked for him to find appropriate people to serve on these boards. I think that the Minority Report does that very well here. We open the door a lot. I will remind this body that there is 12,900 or 13,000 residents in the unorganized territory and I would be astounded if anybody in this body does not think that somebody in the Chief Executive's Branch cannot find seven capable people who actually reside in the unorganized territory who are concerned about the environment, business and various aspects that we all make sure that we have a balance on any committee. I would be astounded if anybody who lives in any town in the State of Maine that has at least 13,000 people in it that you don't think you can at least field one board of seven people from the community. That is really where the issue derives here.

You are going to hear some debate about how LURC should really represent the whole State of Maine. You have heard a lot of debate earlier with Representative Dexter on the 40 lot exemption and we overwhelmingly supported Representative Dexter on that. I really believe, ladies and gentlemen, that if I had this bill before you when we approved this bill giving the majority of the stakeholders on the LURC Board actually having to reside in the territory that I would probably hold a better chance against Representative Dexter on the 40 lot exemption. I think you all really felt that there is some local control even though we understand unorganized territories do not have the local control that you or I may have in a small community. We do realize that we should have the right to represent ourselves at whatever level is appropriate within the government that we have. I would ask that you would vote against the Majority "Ought Not to Pass" and move on to adopt the Minority Report. Thank you.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I would like to extend my appreciation

to the good Representative from Kossuth Township, Representative Bunker, he has spelled out the problem very, very well. I can't imagine that the City of Portland would want to have a zoning board or a planning commission that was made up from people in Aroostook, Washington or Piscataquis Counties. I think the people that I know that live in the unorganized territories, as well as the plantations, because they come under LURC's jurisdiction as well. There are a lot of people who are semi-retired who do live there. They are very well educated in many areas. They certainly are very capable of doing a good job as far as establishing the zoning that is required under the LURC Charter.

I also have a lot of respect for the good Representative Bunker for being willing to put forth a report that he was on the other side of because it happened to be the Majority Report. I think that that shows a great deal of character. I also urge that you support his suggestion that you defeat the Majority Report and accept the Minority Report. Madam Speaker, when the vote is taken, I request the yeas and nays.

Representative JOY of Crystal requested a roll call on the motion 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 Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I rise today to ask you support the Majority "Ought Not to Pass" Report. This bill would require that members of the commission be residents of the unorganized townships. Current law requires two members from the unorganized townships. This bill should not be passed because number one, there is no problem. In addition to requiring two members to be residents of the jurisdiction current law also requires the Governor to seek and give consideration to persons residing in or near the unorganized townships of the state. Six of the seven current commissioners live in or near the jurisdiction, including Caribou, Beaver Cove, Newry, Monhegan Plantation, Grand Lake Stream, Willimantic and Newburgh. This bill would exclude those who live in towns such as Jackman, Millinocket, Greenville, Ashland and Rangeley. Residents of these towns would not qualify for these four slots, even if they work or have other business interests in the unorganized townships.

LURC is more than a local planning board. While LURC does function like a local planning board for the 11,500 residents who live in the unorganized townships, many of the approximate 450 townships have no permanent residence. By law, LURC is responsible for protecting the unorganized townships, which is one-half of the State of Maine. They are protecting it for all of the citizens of the state. It is difficult to find potential commissioners who are willing and able to travel and spend the time required to be a commissioner. Finding qualified candidates who have the interests and flexibility or flexible time needed to serve as a LURC commissioner from a pool of 11,500 residents is very difficult. Also, LURC's meetings are held all over the state and frequently require overnight stays. Because of that, I would urge that you accept the Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Madam Speaker, Men and Women of the House. I hope you will support my good House Chair. This is the second time that I have praised him. I would like to point out to my colleague and neighbor, Representative Gooley, I would like to ask him how he would like to have Kingfield come down and plan his Town of Farmington. I don't think he would like it too well. There are 12,449 people in the

unorganized and I represent probably more than anyone else here. I hope that you will join me and vote against the Majority "Ought Not to Pass" Report.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. As a member of the Agriculture, Forestry and Conservation Committee, I do want to bring up a couple more things. I do urge you to support the Minority "Ought Not to Pass."

First of all, this is a state agency that oversees over 10 million acres of unorganized townships. I don't see the analogy between Kingfield overlooking Portland or Farmington. We are talking about unorganized territories. One should also look at the map that was passed out to all of us and to see that if anyone is underrepresented in this state agency, it is, in fact, those of us who live in the southern part of the state. The third point is that the Governor's Office made it quite clear that there have been very, very few nominations from the 12,000 people who live in the unorganized township. The representative from the Governor's Office found it to be quite difficult to fill these slots, especially because expertise in forestry, fisheries, wildlife, aquatic life and so on are very important. It also should be noted that 83 percent of the people who live in the unorganized township seek their economic lives outside the township.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I am also on the Minority Report. To me, it just come down to the simple question of equity. That is, there are 12,000 people that own property and live in townships. I think there is a misconception out here that because an area is unorganized or deorganized that it doesn't have residents who live there. There are seven members of this commission and that certainly does not exclude three of the members coming from any town in the state, but as far as having some kind of a voice in your future, I think it is important that out of the seven, you have at least some sort of a voting majority. There is a difference. We know it doesn't operate like your local planning board. I think that is true. There are restrictions placed on this state planning board. I guess we can call it that. LURC is run by the state and acts like a planning board. In local municipalities, for example, they must be knowledgeable in at least one of each of the following areas, commerce and industry, forestry, conservation and fisheries and wildlife.

I don't know of any towns that have that stipulation on people that run for the local planning board and help them plan their areas. It is a matter of equity. I would ask you please to vote against the current "Ought Not to Pass" report. We have amended the bill to make it easier. The Governor's Office seemed to indicate that when we made the requirements less stringent that they would not have a problem finding people to serve on the board. I ask you to please give the unorganized territories a chance to more fairly represent themselves. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. Quite often when we set up boards, commissions, blue ribbon commissions, study committees or whatever you will see the attempt the prescribe exactly what group should be involved, who should be involved and so forth right down to the last minutia. In doing this, I would just caution all of us to remember that as we make it more restrictive, we lessen the opportunities for really good people to serve. In most of the boards and commissions we have statewide that this

Legislature and past Legislatures have set up over the years, there is always a struggle by the Chief Executive to fill positions because of the lack of qualified candidates. I don't think the system is broken. I think if there are qualified people in the unorganized territory that they should be promoted to the Governor or the Chief Executive to enable he or she to make selections. Let's not limit a person who may be knowledgeable in all of the areas that have been mentioned who happens to come from even, pardon the word, away. If that person can do the job. I would caution you there. Also, if we want to make this truly representative of the acres in that unorganized territory, then we ought to have a representative from one of the paper companies.

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

ROLL CALL NO. 314

YEA - Baker CL, Barth, Berry RL, Bolduc, Brennan, Brooks, Bull, Chartrand, Colwell, Cowger, Davidson, Desmond, Dunlap, Farnsworth, Fisk, Gooley, Green, Jones KW, Kane, LaVerdiere, McKee, Muse, O'Neil, Plowman, Powers, Rowe, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Townsend, Volenik, Wheeler GJ, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Buck, Bunker, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Driscoll, Dutremble, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Goodwin, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Quint, Richard, Rines, Samson, Sanborn, Savage, Shannon, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Winglass, Winn.

ABSENT - Baker JL, Bruno, Bumps, Cameron, Gagnon, Hatch, Kontos, Underwood.

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

37 having voted in the affirmative and 106 voted in the negative, with 8 being absent, the Majority "Ought Not to Pass" Report was not accepted.

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

The Bill was read once. Committee Amendment "A" (S-244) 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-244) in non-concurrence and sent up for concurrence.

Bill "An Act to Amend the Site Location of Development Laws" (EMERGENCY) (H.P. 1065) (L.D. 1503)

- In House, Minority "Ought Not to Pass" Report of the Committee on **Natural Resources** read and accepted on May 23, 1997.

- In Senate, Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-609) in non-concurrence.
TABLED - May 27, 1997 (Till Later Today) by Representative ROWE of Portland.

PENDING - Motion of same Representative to Recede and Concur.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to Recede and Concur.

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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I apologize. I just got back in the chamber here. I am having passed out now a flyer from the Maine Municipal Association. I know there was some concern by members of this body that this bill was not supported by the municipalities. I just wanted to read to you from this flyer, which is from the Maine Municipal Association on LD 1503. It says, "Please reconsider your action on LD 1503. The Natural Resources Committee has done a good job soliciting municipal input regarding this issue and the committee has reported out a responsible amendment, which deserves your support. During the House debate there was some indication that the Natural Resource Committee's amendment rejected by the House, in some way interfered with smaller municipalities local control rights to review development. Actually, the Committee Amendment to LD 1503 reverses a mandate on the smaller municipalities. A mandate imposed by the last Legislature. First, every municipality in the state has the home rule authority to review the medium size developments and subdivisions that are the subject of LD 1503. The municipal authority to review this type of development has never been questioned. In addition to local review, this medium sized development is subject to review by the DEP. The site location of development laws allow any municipality, regardless of size, to be delegated what is here for to ban the DEP's responsibility to review certain medium size developments and subdivisions. For obvious reasons the municipality must meet certain standards to be delegated this responsibility. LD 1503 does not interfere with that opportunity for any municipality to be given that responsibility. What this bill does do or what LD 1503 does is address an irrebuttable presumption enacted by the last Legislature that said by the year 2003 that every municipality with a population greater than 2,500 was deemed to have the capacity to undertake this level of development review that has been previously done by the DEP. An irrebuttable presumption means that those municipalities would have to undertake this type of development review whether they wanted to or not, whether they felt prepared to undertake these reviews or not, whether they had the proper ordinances in place or not. In short, the irrebuttable presumption created by the last Legislature was a mandate projected into the future. The Committee Amendment to LD 1503 addresses this issue appropriately by lifting the municipal population threshold for the site law capacity shall be presumed from 2,500 to 5,000. Furthermore, the irrebuttable presumption is softened to a mere presumption." The letter goes on.

Men and women of the House, I just want to explain. What I was trying to explain the other day is what we did the other day is we raised that threshold from 2,500 to 5,000. We did soften that presumption. Many municipalities may not want the delegation of the approval of subdivisions that they would have under the current law. This would take those municipalities with populations of less than 5,000, they would have to ask for it. It would not be presumed. That is why I suggested the other day

that this was an amendment that was good for the municipalities of the state as well as being good for the environment. I would encourage your support of the pending Recede and Concur motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. I just want to re-emphasize one point that Representative Rowe has made. The conditions that are in the Committee Amendment only apply to communities that choose to take over delegation from DEP. It is not a municipal mandate. It does not apply to every community. Again, it only applies to those communities who choose this delegation process. It is my understanding that there are very few that have done so.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I have had a chance to review, prior to the distribution of this memorandum from the Maine Municipal Association and having reviewed it, I think I am going to have to change my mind about my concerns about this particular bill and will vote to Recede and Concur. Although the memorandum does not address what I think are all the issues in this bill and although I think there is some concentration of power given in this bill to the state planning office, if the Maine Municipal Association doesn't object to it, I don't see how I can.

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

ROLL CALL NO. 315

YEA - Ahearn, Bagley, Baker CL, Barth, Belanger DJ, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bunker, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Goodwin, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Murphy, Muse, Nass, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Belanger IG, Campbell, Dexter, Foster, Gooley, Joy, Lane, Nickerson, Pendleton, Pinkham WD, Wheeler EM.

ABSENT - Baker JL, Bigl, Bumps, Cameron, Desmond, Fisher, Gagnon, Green, Hatch, Morgan, Poulin, Saxl JW, Underwood, Vigue.

Yes, 126; No, 11; Absent, 14; Excused, 0.

126 having voted in the affirmative and 11 voted in the negative, with 14 being absent, the motion to Recede and Concur did prevail.

HOUSE DIVIDED REPORT - Majority (10) **"Ought to Pass"** as amended by Committee Amendment "A" (H-46) - Minority (3) **"Ought Not to Pass"** - Committee on **Legal and Veterans Affairs** on Bill "An Act to Open a Discount State Liquor Store in Calais" (H.P. 277) (L.D. 341)

TABLED - May 27, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of Representative TUTTLE of Sanford 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-46) was read by the Clerk.

Representative BUCK of Yarmouth presented House Amendment "A" (H-115) to Committee Amendment "A" (H-46), which was read by the Clerk.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. The amendment that I am presenting you today simply converts the proposed Calais Discount Liquor Store from a state run store to an agency store. If you notice some of the handouts that were passed out to you by the supporters of this, for all of the reasons in those handouts, I am offering this amendment. There is a concern in Washington County about the fact that it is one of our more depressed areas of the state. I couldn't agree more. For many years, previous Legislatures have talked about helping those folks down east with economic development. I couldn't agree more. We are not doing enough in that regard. As an individual legislator, I certainly haven't done anything in that regard. I regret that. Adding three or four state employees to a discount liquor store is not my idea of economic development. On the other hand, I understand the concerns of the representative from Washington County and sympathize with them. If indeed, we are going to have a second discount liquor store, I can't think of a better place to put it than in Calais, Maine. As I said before, one of the more economically depressed areas of the state. They make a good case for having the store there. The fact that there is a crossing that goes into Canada and there is a lot of tourists that go through the area so certainly the case can be made that we should have a discount liquor store there.

The only point I would like to make, if we are going to do that, and the state is going to generate some \$1.5 million in additional revenues to the General Fund because of this, why not make it an agency store? By doing that, according to the estimates that I have from the overhead cost of the existing Calais Liquor Store, we can save probably \$300,000 a year in overhead costs. My question is this, if the projections are correct and the state is going to generate, perhaps, \$1.5 million in additional revenues to the General Fund, why not generate \$300,000 in additional revenue every year by having it privatized rather than having it operated by the state? It is a matter of simple mathematics. The concerns that we have for hiring one or two employees down there is the same whether or not they are hired by the state or they are hired by free enterprise. I would urge you to vote for the pending motion. Thank you.

Representative TUTTLE of Sanford moved that House Amendment "A" (H-115) to Committee Amendment "A" (H-46) be indefinitely postponed.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. Just reviewing this amendment, I think there are some problems with the drafting. If you look at the amendment, I think it adds two stores that had been shut down in 1994, namely the store in Fairfield and in Sanford. Coming from Sanford, that is pretty interesting. I would encourage you to support the motion to Indefinitely Postpone.

This bill, essentially, deappropriates \$93,775 in one year of the biennium and \$179,000 for the second year. Essentially, it is

a deappropriation and the state will lose money. I think the bill totally destroys the intent of the legislation. It is a loss of \$272 in revenues over the biennium. I think money that is greatly needed to keep our financial house in order. It is for that reason that I would encourage you to support the motion for Indefinite Postponement. Just as a matter of history, we have been promising the people of Washington County economic development ever since I have been here. This bill may seem a small step in that direction, but I think it is the proper step to go. I think it is a minor step or beginning step in helping the people of Washington County. For that reason, I would encourage you to support the motion to Indefinitely Postpone.

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

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

The SPEAKER: The Representative may pose his question.

Representative BARTH: Madam Speaker, Men and Women of the House. My question is this, if we really do want to create jobs in Washington County and I am all for that and we do want to create a discount liquor store or stores, as I understand there are already two agency stores there. Why not just let those agency stores sell discount? If their sales increase, they will hire more people. We won't have any state jobs involved. It will give local people more opportunity to work. Thank you.

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

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I thanked the good Representative for his knowledge of Calais, but I would say that there are not two agency stores in Calais. There is one agency store in Calais and it is operated by the Irving Corporation. If we were to privatize the Calais store, which is in operation now and it is doing about \$1.4 million right now and the manager projects that this store will do over \$3 million in a little over a year and what else down the road. This net profit is going to the General Fund. Who is to say that the Irving Corporation is going to take over that agency store. What will happen then? Your profits are going to go to Canada. Not only that, but they will take that agency store and use their part-time help that they do not pay too much, they pay fairly well, but not too much and we would lose probably anywhere from three to five good paying jobs in Calais that we need drastically, full benefits to the Irving Corporation and their part-time jobs. I submit to you that privatizing this store will not help Calais. 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 to go back a little in history when I used to travel to Calais, when Calais was a prospering little town. I used to stay at the St. Croix Hotel. I used to rent the Hathaway Suite. The guy who owned the hotel was Joe Unosky. He used to own a store called Unosky's General Store. I used to pay \$7 per night and I got four rooms, TV set, bed, living room set and the whole thing for \$7 a night. Those days are long gone and the hotel is gone. The Unoskys have left. Most of what used to be the town is gone.

Ladies and gentlemen, we give a lot of lip service saying we are going to generate business. We are going to help these different areas. We are going to help down east. We are going to send a casino to the down east. We haven't done a blessed thing. Here we are with one of our own representatives asking, please, allow us to put in a discount store. We are not going to put in a new store. We are going to convert an existing store to a discount store. This will bring the traffic that these people have lost in the last 10 years. Calais used to be a booming town.

They had a mammoth mart. They had all kinds of stores that came in. Now the stores have gone. The reason being that the Canadians are staying across the border. This will give Calais a chance to bring people back into the State of Maine. If they come in to buy liquor, they are going to spend money. They may stay overnight or they may go into our restaurants and spend money, which will allow jobs to start building up in the Calais area. Ladies and gentlemen, I urge you to please Indefinitely Postpone House Amendment "A" and go on to pass the bill that would allow our Representative from Calais, Representative Driscoll, to have his discount liquor store. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "A" (H-115) to Committee Amendment "A" (H-46).

Representative WHEELER of Eliot requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-115) to Committee Amendment "A" (H-46).

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-115) to Committee Amendment "A" (H-46). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 316

YEA - Ahearn, Bagley, Baker CL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Campbell, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gerry, Gieringer, Goodwin, Gooley, Green, Honey, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Madore, Mailhot, Marvin, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Bragdon, Buck, Carleton, Chick, Cianchette, Cross, Dunlap, Fisk, Foster, Gamache, Hatch, Jones SA, Joy, Joyce, Kasprzak, Lane, Lovett, MacDougall, Mack, McAlevy, McElroy, Murphy, Nass, Perkins, Pinkham RG, Pinkham WD, Saxl JW, Snowe-Mello, Stedman, Tobin, Waterhouse, Winsor.

ABSENT - Baker JL, Bumps, Cameron, Gagnon, Underwood, Wheeler EM.

Yes, 112; No, 33; Absent, 6; Excused, 0.

112 having voted in the affirmative and 33 voted in the negative, with 6 being absent, House Amendment "A" (H-115) to Committee Amendment "A" (H-46) was indefinitely postponed.

Committee Amendment "A" (H-46) was adopted.

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

Representative DRISCOLL of Calais presented House Amendment "B" (H-636), which was read by the Clerk.

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

Representative DRISCOLL: Madam Speaker, Men and Women of the House. This amendment would simply sign that store that people coming into town will know where it is. There is no fiscal note on it. Thank you.

House Amendment "B" (H-636) was adopted.

Representative DONNELLY of Presque Isle presented House Amendment "C" (H-711), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. This amendment merely clarifies that as on I-95 there cannot be liquor stores. We cannot open discount liquor stores on the turnpike.

Representative TUTTLE of Sanford moved that House Amendment "C" (H-711) be indefinitely postponed.

The same Representative asked the Chair if the amendment was properly before the body according to House Rule 506 and also questioned its germaneness.

The SPEAKER: The title of LD 341 is bill, "An Act to Open a Discount State Liquor Store in Calais." The summary of the amendment says that this amendment repeals the provision authorizing the establishment of two discount liquor stores at Exit 3 on the Maine Turnpike. In the opinion of the Chair, this amendment is not germane and not properly before this body.

The Chair ruled that the amendment was not germane and was not properly before the House.

Representative BELANGER of Wallagrass presented House Amendment "A" (H-112), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wallagrass, Representative Belanger.

Representative BELANGER: Madam Speaker, Men and Women of the House. This amendment simply creates a study to look at the possibility of opening up a store in Fort Kent. Being on the committee and through the public hearing, I have seen the benefits of opening one up in Calais, which is right on the border of Canada. Fort Kent is also on the border of Canada and I just think that Fort Kent deserves a look to see if this would be a benefit for economic development in that area. Thank you.

House Amendment "A" (H-112) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-46), House Amendment "A" (H-112) and House Amendment "B" (H-636) and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" Pursuant to Joint Order (H.P. 1322) on Bill "An Act Regarding Health and the Prevention of Smoking" (H.P. 1338) (L.D. 1887) - **Minority (5) "Ought to Pass"** Pursuant to Joint Order (H.P. 1322) on Bill "An Act to Decrease Smoking Among Maine Youth, Young Adults and Adults" (H.P. 1339) (L.D. 1888) - **Committee on Health and Human Services**

TABLED - May 27, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of Representative MITCHELL of Portland to accept the Majority **"Ought to Pass"** Pursuant to Joint Order (H.P. 1322) on Bill "An Act Regarding Health and the Prevention of Smoking" (H.P. 1338) (L.D. 1887) Report.

On motion of Representative KONTOS of Windham, tabled pending acceptance of the Majority **"Ought to Pass"** Pursuant to Joint Order (H.P. 1322) and later today assigned.

An Act to Allow Agricultural Workers to Bargain Collectively (H.P. 1177) (L.D. 1654) (C. "A" H-550)

TABLED - May 27, 1997 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - Passage to be Enacted.

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

SENATE DIVIDED REPORT - Majority (9) "**Ought to Pass**" as amended by Committee Amendment "A" (S-326) - Minority (4) "**Ought Not to Pass**" - Committee on **Business and Economic Development** on Bill "An Act to Establish the Maine Economic Improvement Fund" (S.P. 637) (L.D. 1854)

- In Senate, Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-326).

TABLED - May 27, 1997 (Till Later Today) by Representative KONTOS of Windham.

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

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I just wanted to remind everyone what this was and not to repeat what I said last time. This bill is a bill for state subsidies, research and development to the tune of \$40 million coming from the Rainy Day Fund and other areas. Our question is not only with the fiscal note of \$40 million giving \$17 million to the University of Maine System without a clean plan, but also is this the right approach to be using to spend our money? Is it worth taxing the few successful businesses we have to put that money into question mark businesses or would it be better to adopt another amendment to give these businesses tax credits so they can decide for themselves what is the best areas to research and so that they know it is worth it to research? Also, this limits the research and development areas that the university and the Maine Science and Technology Fund pick out. There are a lot more than five different areas that we would like to see research and development in. If the tax credit approach is used, then all the different areas could get research and development. I urge you to vote against the pending motion. I would request that when the vote is taken, it be taken by the yeas and nays.

Representative MACK of Standish requested a roll call on the motion to accept the Majority "**Ought to Pass**" as amended 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 Penobscot, Representative Perkins.

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Thank you Madam Speaker, could somebody tell us where the money is coming from please, exactly, for this fund?

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. The amendment that I am about to offer would answer all the questions that will be asked. Actually no money will be involved. It is going to strip all the money and it is only going to offer the formation of a task force.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. As I said yesterday, this is very important for us to do this. We need to step ahead. We cannot be

following everybody else in the world. When we have countries in the world like Indonesia and all these countries pouring money in, can we afford not to? We asked over and over again what we can do to keep our youth in the state. This will give us a chance to do it. As the good Representative from Winslow said, once this is passed an amendment will be offered to strip out the money from the Rainy Day Fund. This is something that we need to do to look forward into the future and not into the past. Thank you.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. I think it is important to note that today we received communication from the Maine Technical College System. Each of us received a packet at our desk from them indicating research and development jobs created at seven areas. Some of these are due to educational opportunities through our Technical College System, but others are due to the research and development dollars that are being spent in the state today. I must stand to rebut the comment made on this floor recently that this targets only five specific areas. In quoting from the bill, aquaculture or marine sciences and technology alone are many multiples of five. Biotechnology is not a limited one item field of research. Composite materials engineering already having had one great success may well engender more. Environmental sciences and technology, multi-faceted, not one are of research, information sciences and technology, my goodness, anyone who thinks those five letters A through E indicate only five areas of research hasn't read the bill. I seriously urge you to support this legislation as good from Maine and good for Maine's future. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I stand to echo the comments of the good gentleman from Berwick and from Lewiston. When you include the District of Columbia in terms of research and development, we rank 50th in the nation in investing in all of those areas that the good Representative from Lewiston just described. We can't compete in all those areas that the other states are investing in. What this proposal does is it identifies our niches, our strengths and takes a rifle approach that with our limited dollars that if we can invest in those niche strength areas then maybe we can build jobs for the future. We are not talking about service industry jobs. We are not talking about seasonal jobs. We are talking about biotechnology, high tech.

The other component is where ever jobs have grown in those high paying, good benefit areas, the universities have been involved. In the core of this proposal is those research facilities, those doctors, science and engineering in the university system. What we will find is that the number of doctor candidates will grow. We are beginning to lag behind in the development of new degrees and will attract students to this state who want to specialize in those areas and will help grow jobs in those areas so that when they graduate, they will stay here in Maine, as well as our youngsters. We are finding in testimony before our committee that the biotechnology businesses that are some of our fastest growing businesses in the state have indicated that the highest paying jobs within their industry, they have to recruit outside of the State of Maine. This is an important first step.

The chairman of our committee has indicated that an amendment will follow. This is a tiny little step. Future Legislatures are going to have to look on funding this proposal. We need to take this first step. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue. Having spoken twice now

requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I just want to make a comment concerning the four previous speakers. They have made my work on the committee so much more pleasant this year. They have made me look good. I want to thank them and the rest of my committee. I am really proud of you. I thank you.

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

Representative MACDOUGALL: Madam Speaker, Ladies and Gentlemen of the House. The sponsor of the bill has addressed the vital need in Maine on investment and research and development technology is an important and crucial part of Maine's economy and future. As my good friend, Representative Wright, mentioned yesterday, its time has come. However, as the bill is now, as presented, I believe that the spending priority with this particular bill should have been within the budget when it was crafted. It shouldn't have been approached with a catcher's catch can approach. Funding of this particular legislation with bonding dollars and excess revenue that would come from the Rainy Day Fund and Retirement Funds is not a prudent answer to the problem. In fact, I am curious, somewhat rhetorical to whether states finance their R and D this way.

A better way would be to create a tax credit per chance for businesses who would invest in R and D and the various proposed targets in the legislation. The credits could come as a result of new jobs created. These jobs, in turn, would generate the tax dollars that would help offset the credit we have given to those businesses. In addition, individual investments should also play a vital role in the funding of this. Their investments could be returned to them in some way of a tax return, perhaps when they fill out their income tax return. These are only ideas and certainly need some work, but the important key difference here is that the funding is private. It gives businesses and individuals incentives to achieve success. As the Representative from Rumford, Representative Cameron, yesterday mentioned, an important component was missing during the public hearing and that was the absence of businesses.

Another thing I would like to address is the University of Maine System's research and development success. In their report called Research Creates Jobs it says that the success rate for proposals submitted by the University of Maine faculty to the National Science Foundation is above the national average. It also states that the University of Maine leads the nation in wood composite technology. These are wonderful and laudable accomplishments. These achievements need to be heralded to the business community and be used as a selling point for investments, as I discussed previously. The report further declares that their research is hampered by the lack of matching funds from federal programs. Part of the problem is that leverage federal dollars are linked to the state's financial contribution. The overriding reason should be the merits of the technology and its viability in the marketplace for federal funding, not particularly what the state puts in. I would submit.

It is these two points, the merit of the research and development technology and its viability to the marketplace that business and individuals can invest their dollars and their energy and see it to a successful completion. I dare say that this kind of leverage would be a better approach to keep Maine's economy and future. I thank you for listening.

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

ROLL CALL NO. 317

YEA - Ahearne, Bagley, Baker CL, Belanger DJ, Belanger IG, Berry DP, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bunker, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Driscoll, Dunlap, Dutremble, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Joy, Joyner, Kane, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Mayo, McAlevey, McElroy, Meres, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pih, Pinkham RG, Pinkham WD, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Bodwell, Buck, Chartrand, Cianchette, Etnier, Foster, Gerry, Goodwin, Jones SA, Joyce, Kasprzak, MacDougall, Mack, Marvin, Nass, O'Brien, Ott, Plowman, Powers, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse.

ABSENT - Baker JL, Berry RL, Bumps, Cameron, Donnelly, Gagnon, Labrecque, McKee, Poulin, Shiah.

Yes, 114; No, 27; Absent, 10; Excused, 0.

114 having voted in the affirmative and 27 voted in the negative, with 10 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-326) was read by the Clerk.

Representative VIGUE of Winslow presented House Amendment "B" (H-720) to Committee Amendment "A" (S-326), which was read by the Clerk.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. LD 1854 is back to just establishing the improvement fund to direct the university in spending money already in the budget. The study committee will be established by a joint order presented by the president of the other body. Thank you.

House Amendment "B" (H-720) to Committee Amendment "A" (S-326), was adopted.

Committee Amendment "A" (S-326) as amended by House Amendment "B" (H-720) thereto was adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-326) as amended by House Amendment "B" (H-720) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

Bill "An Act to Revise Certain Provisions of Fish and Wildlife Laws" (S.P. 520) (L.D. 1604) (H. "A" H-619 to C. "A" S-281; H. "A" H-659)

TABLED - May 27, 1997 (Till Later Today) by Representative DONNELLY of Presque Isle.

PENDING - Passage to be Engrossed.

On motion of Representative PAUL of Sanford, tabled pending passage to be engrossed and later today assigned.

Bill "An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions" (S.P. 662) (L.D. 1882) TABLED - May 27, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Adoption of House Amendment "A" (H-649).

Representative AHEARNE of Madawaska requested a roll call on the motion to adopt House Amendment "A" (H-649).

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

On further motion of the same Representative, tabled pending adoption of House Amendment "A" (H-649) and later today assigned. (Roll Call Ordered)

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled and today assigned:

Bill "An Act to Create the Maine Governmental Facilities Authority" (S.P. 589) (L.D. 1759)

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-297) and Senate Amendment "A" (S-336).

TABLED - May 27, 1997 by Representative KONTOS of Windham.

PENDING - Adoption of Committee Amendment "A" (S-297).

On motion of Representative DONNELLY of Presque Isle, tabled pending adoption of Committee Amendment "A" (S-297) and later today assigned.

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

ENACTORS

Emergency Measure

An Act to Regulate Personal Sports Mobile Franchises (H.P. 964) (L.D. 1327) (H. "A" H-628 and H. "B" H-655 to C. "A" H-503)

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

On motion of Representative VIGUE of Winslow, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-503) was adopted.

The same Representative presented House Amendment "C" (H-705) to Committee Amendment "A" (H-503) which was read by the Clerk and adopted.

Committee Amendment "A" (H-503) as amended by House Amendment "C" (H-705) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-503) as amended by House Amendment "C" (H-705) thereto in non-concurrence and sent up for concurrence.

Emergency Measure

Resolve, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care (S.P. 558) (L.D. 1684) (C. "A" S-256)

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

On motion of Representative MITCHELL of Portland, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-256) was adopted.

The same Representative presented House Amendment "A" (H-708) to Committee Amendment "A" (S-256) which was read by the Clerk and adopted.

Representative WATERHOUSE of Bridgton moved that the House reconsidered its action whereby House Amendment "A" (H-708) to Committee Amendment "A" (S-256) was adopted.

The Chair ordered a division on the motion to reconsider.

A vote of the House was taken. 38 voted in favor of the same and 51 against, the motion to reconsider did not prevail.

Subsequently, Committee Amendment "A" (S-256) as amended by House Amendment "A" (H-708) thereto was adopted.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I just wanted to say that all this amendment does is clarify the reporting date.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-256) as amended by House Amendment "A" (H-708) thereto in non-concurrence and sent up for concurrence.

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

Mandate

An Act to Assist the Law Enforcement Community in Locating Missing Children (S.P. 553) (L.D. 1679) (C. "A" S-276)

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

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

An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations (H.P. 953) (L.D. 1316) (C. "A" H-270; S. "A" S-190)

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

On motion of Representative CHARTRAND of Rockland, was set aside.

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

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "B" (H-675) which was read by the Clerk.

On further motion of the same Representative, tabled pending adoption of House Amendment "B" (H-675) and later today assigned.

An Act to Improve the Administration of Animal Welfare Law (H.P. 982) (L.D. 1362) (C. "A" H-492)

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

On motion of Representative BUNKER of Kossuth Township, was set aside.

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

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "A" (H-717) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-492) and House Amendment "A" (H-717) in non-concurrence and sent up for concurrence.

An Act Regarding the Economic Security and Safety of Harness Horsepersons (H.P. 1239) (L.D. 1756) (H. "A" H-683)

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 later today assigned.

An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion (S.P. 663) (L.D. 1883)

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

On motion of Representative GERRY of Auburn, was set aside.

The same Representative requested a roll call on passage to be enacted.

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

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned. (Roll Call Ordered)

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Amend the Maine Bail Code" (S.P. 509) (L.D. 1571) on which the Majority **"Ought to Pass"** as amended Report of the Committee on **Criminal Justice** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-314) in the House on May 27, 1997.

Came from the Senate with that Body having insisted on its former action whereby the Minority **"Ought to Pass"** as amended Report of the Committee on **Criminal Justice** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-315) and asked for a Committee of Conference in non-concurrence.

On motion of Representative BUNKER of Kossuth Township, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

Representative THOMPSON of Naples assumed the Chair. The House was called to order by the Speaker Pro Tem.

SENATE PAPERS

Divided Report

Majority Report of the Committee on **Transportation** reporting **"Ought to Pass"** on Resolve, Directing the Commissioner of Transportation to Propose an Adopt-A-Highway Program (S.P. 556) (L.D. 1682)

Signed:

Senators: O'GARA of Cumberland
CASSIDY of Washington

Representatives: WINGLASS of Auburn
FISHER of Brewer
CLUKEY of Houlton
CHARTRAND of Rockland
LINDAHL of Northport
DRISCOLL of Calais
BOUFFARD of Lewiston
SAVAGE of Union
WHEELER of Eliot

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

Signed:

Representative: JOYCE of Biddeford

Came from the Senate with the Majority **"Ought to Pass"** Report read and accepted and the Bill passed to be engrossed. Was read.

On motion of Representative DRISCOLL of Calais the Majority **"Ought to Pass"** Report was accepted.

The Resolve was read once.

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

Under further suspension of the rules the Resolve was passed to be engrossed in concurrence.

SENATE PAPERS

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-310) on Bill "An Act to Establish the Maine Center for Arts Education" (S.P. 388) (L.D. 1273)

Signed:

Senators: PENDLETON of Cumberland
SMALL of Sagadahoc
Representatives: RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BARTH of Bethel
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

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

Signed:

Senator: CATHCART of Penobscot

Representative: BAKER of Bangor

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-310).

Was read.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Mr. Speaker, Men and Women of the House. I rise to oppose the Majority Report. First of all, I must tell you that I am a supporter of art education. A recent study revealed that students with art training scored 50 to 60 points higher on their scholastic aptitude tests. Fine arts education is a critical area to which all students should have equity and access. LD 1273, "An Act to Establish a Maine Center for Arts Education," however fails to equitably meet the goal or to use taxpayer money wisely. The bill fails to provide equity an access to arts education to the majority of Maine students. Instead it provides art to the few who already have interest and talent. Tapping state money to invest in schools for the art undermines the basic integrity of America's public schools because it divides schools by special needs. A practice we have driven mightily to overcome in our public schools. It spends significant money for a few students while others go without exposure to the same subject.

This money would be better invested to strengthen weak arts programs in schools statewide or to restore arts education programs previously eliminated in some districts. Ultimately the bill would require annual state appropriations to support this school, thereby continuing to limit equity and access to the arts for the multitude of Maine students. To spite the provisions to provide intensive short term experiences to students and teachers from across the state during the summer, after the program is fully established, LD 1273 invests most of its fiscal note in sending a small number of students fortunate enough to have received previous exposure to the arts. The bill does not provide for the arts needs of the majority of Maine students. The bill duplicates LD 54, which gets some experience with the arts to all students for a fairly small percentage.

Many schools in Maine are hurting in this area. Ellsworth recently had to eliminate their Strings Program. One Howland teacher does all of the K-12 arts education. Bangor High, until last year, had one teacher doing all instrumental and vocal. Brewer has had to cut back and these are only a few of those schools who are without strong arts programs. For talent to be developed, an individual must be exposed to the arts early, long before high school. We need to make music and art core subjects for all Maine students at an early age and we need to fund that requirement. Until that happens, I cannot support using public tax dollars for the Portland schools. On behalf of all Maine public schools, I urge you to join me in voting for LD 1273 "Ought Not to Pass." Thank you.

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

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

Representative DESMOND: Mr. Speaker, Men and Women of the House. I am an advocate of art for all of Maine. I would like to reiterate some of the things that you have had across your desk just to make sure we understand what is going on. It is an intensive regional art education program for all high school students. It is a series of professional development institutes for K-12 arts and non-art teachers. A statewide program teaching teachers how to better teach art in their own schools. It is a

series of student institutes for Maine students seeking intensive and challenging art programs. It is not elitist. It does not create a private art school, but demonstrates Maine's commitment to arts education for all Maine students. It is not a charter school. It is not a magnet school. It should be worthwhile for all of Maine in the south and in the north. I would urge you to vote for the "Ought to Pass." Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, my name is on the "Ought to Pass" report. However, this morning we accepted, under the hammer, LD 54, which designated \$150,000 for art education. I think this is a duplication of some of that program. Therefore, I am going to change my mind and vote against this when it comes on the floor. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. I know that some of you are confused at this point. I would like to just try to allay some of your confusion. We do have two art bills before you. We would like to have had one, but we could not convince anyone to put these together, so we have two. Some of you were here, perhaps, I am not sure any of you were when the magnet school approach was started. I think at that time it was voted to start a magnet school for math and science in Limestone and something would be done for the performing arts in the southern part of the state. Last year we had a bill before us for a magnet school for performing arts in the southern part of the state and we did not pass that. Mostly because of the money aspect. That particular sponsor worked and changed her plans and changed her bill. This is not magnet school. This is not a charter school. This is a half-day school run the same way our high school vocational schools are run today. The students go to the vocational schools half a day. There is some thought that perhaps this would be conducted in the Portland Vocational and Arts School.

I have talked with the director of one of the vocational schools in central Maine and he thought this was an excellent idea. He didn't see why they couldn't run this along with their vocational program. Many of the vocational schools would be willing to move this into their programs. Again, it would be a half-day program that students would attend. That is what is planned for Portland. There is a fiscal note. I know, as the previous Representative stated, this is a lot of money. We all know there is not much money left and we all know if these both go to the Appropriations Table that they will have to decide if either or both are to have money. One of the aspects about this particular program is that these people who have started this program or who are working on this program, do have what we call 501C3. Those of you who are familiar with 501C3 know that it is the Internal Revenue Service qualifications that you have to have so that anyone who donates money to your organization can use that as an Income Tax write off. They do have 501C3. Therefore, it is important to them that this particular bill could pass. Even if we don't give them any money, if we pass the bill, then they can continue donations. They already have quite a few donations so that the school could go into progress.

There has been the north/south idea presented. We, on the committee, who are from all over the state, most of us did not see this as a north/south issue because of the fact that there would be programs for teachers who could come from all over the state and there would be programs for students who would not come daily, obviously, if they lived in the northern part of the state. They could come for weekends, in the summer or some other time. I would like to have you give this your serious

consideration and hope that you will vote with the majority of the committee.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. As a public high school teacher, I rise in opposition to the Maine Center for Arts Education. I would like to share with you why. We spent an enormous time in the last few weeks trying to get the learning results passed and it was not without a great deal of effort. I can assure you that if we can somehow implement what is in these books within our public schools in our own communities for every single student in public education in Maine, we will indeed be moving toward a magnet school in every community for every child. I have been to too many board meetings until midnight trying to save arts programs in every school that my kids have ever been in. Art is basic. I even said to some students recently, although I teach English, sometimes I would gladly give up a year of English so that those junior students could have art instead. We need art now more than ever. In the next century we are going to need students who are enormously creative to figure out some of the problems that we have gotten ourselves into with this morning's environmental question. Art is extremely important. I urge you to vote for all of the children, all across the state, for an arts education and vote to accept the Minority "Ought Not to Pass" and to reject the Majority "Ought to Pass." As a teacher, I must say that one of the reasons that our eighth graders are number one in science is because of the great work that the Maine Alliance for Math and Science did in this state. What did they do? They taught teachers how to teach math and science. I see that as an answer to arts education in every school, but not the Maine Center for Arts Education. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Mr. Speaker, Men and Women of the House. As a member of the Education Committee, this session, you will notice that my name is on the Majority Report. As a member of this body in the 117th Legislature, I was not a supporter of a charter school for the arts. It was very hard for me to go back to my district and to justify my refusal to spend money on arts education, when I, myself, am striving, at this point in my life, to complete my education in the arts. Some of you may already be aware that I am in an arts degree program right here in Augusta in the University of Maine. I have a great interest and passion, for not just my own endeavors, but for those of anyone who wishes to pursue the arts in any form. Especially, I have a passion for children learning, not just the arts for themselves, but to incorporate the arts in their lives. Representative McKee spoke so eloquently as an educator about the importance of art in the lives of her students. I want to assure her that I would never ever have supported a piece of legislation that I didn't feel was going to serve all of the children of the State of Maine. Not just the children of the State of Maine, but those that work with them in K-12 as their educators, not just their art educators.

What this school is going to provide is a center for arts educators, for all educators, to come together to explore their own talents and their own potential. To be able to learn techniques so they can go back to their schools all across the state and to be able to use art in the curriculum, no matter what the subject is that they teach. I think that is an important part of what this arts center is going to be able to do. In conjunction with that, it will provide a regional concentration for those high school students in junior and senior year to choose to spend some of their school days away from their schools and having concentrated lessons in whatever art form it is that they have chosen, whether it is performing for visual or literary.

Another aspect of the center that I really like a lot is that it is going to be year round. It is going to be an institute where summer programs will be run for students K-12, not just juniors and senior, but also for their educators, those who are interested in utilizing the arts in their school programs. The Maine Arts Commission for years has been providing statewide important arts residencies to those schools that may have limited arts programs, but know if it is only once a year, if they have an artist come into their school for a week or even a few days, how invaluable that is, not just to the school, but to the community. The Maine Arts Center, under the leadership of the Maine Arts Commission, will do exactly that. They will have a statewide mission. Representative Richard, earlier spoke to the fact that this school will be set up similarly to vocational and technical high schools that we have statewide. As part of this legislation or part of the mission is to look at this as a pilot program and hopefully in two years when they come back to the Legislature to ask for more funding, it will have been successful. Maybe to the extent that other parts of the state can use this as an example for them to utilize facilities, talents and people in their own communities so that they can set up their own arts center.

I urge my colleagues to please support me in voting in favor of the Majority "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. Two of the previous speakers, the good Representative from Wayne and the good Representative from Hartland really have said it for me. We are talking about investing well over a half million dollars over the biennium in a school in Portland that I don't believe will be regional in scope. The school district that I represent, MSAD 22, has had to take a number of hits in its arts program. I don't see that Winterport is necessarily regional to Portland into this school. I believe that the Appropriations Table is already sagging under the weight of a great many bills that have been sent there. Therefore, Mr. Speaker, I move Indefinite Postponement of LD 1273 and all accompanying papers.

Representative BROOKS of Winterport moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative PERRY: Mr. Speaker, Men and Women of the House. This bill has a few problems. One, my good friend Representative Watson, just mentioned. In two years when they come back for more money. I think we all saw what happened with the magnet school, which is a terrific school. I think it serves a great purpose, but we saw what happened in this budget when a private school was started and came back for money and when the Chief Executive tried to cut it out of the budget, it caused an uproar statewide. I don't think we want to go through this again. Learning results, we just passed learning results under great, great debate. There are a lot of schools that are exempt from the arts in learning results because they can't afford it. They don't have the money. Why would we want to put more money into a private school for the arts in one area when, statewide, kids aren't receiving arts training because their schools can't afford it? Funding, there are 14 counties in this state whose funding has been declining. Anyone whose funding is declining on school funding ought to think twice about taking money and putting it into a special project that could go into General Purpose Aid for Education. Just a final point, this bill is \$500,000. They may not get it. If it goes in front of the Appropriations Table, they won't get it. I am quite certain. If it is \$10,000 or \$25,000 for a study, the ball started rolling and we will

see it in two years and we will see it in future budgets. Thank you.

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

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

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

Representative PERKINS: Thank you Mr. Speaker. If a person comes applying for a job at this center and they have years of expertise or they are a noted artist themselves, will they have to be certified and go through that whole thing? Thank you.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. There is a provision in the bill that talks about certification and the Committee Amendment and it says that teacher will not need to be certified. In particular, what they are talking about are teachers that would be there on a visiting basis. Particularly, artists that might have particular specialties. This does not lend itself to certification. It is the understanding with the Department of Education is that preference and priority in terms of hiring permanent staff people will be given to people who are certified.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. I would remind you and information for those of you who were not here last session, the 117th, there was a program designed to provide art education in a private school in Bangor, which received the name, the Maine School for the Arts. That program is currently being developed and should be available to train teachers or other people in the arts as soon as they get going in the old freezer building in downtown Bangor. Again, I would stress the fact that in this bill and in the one we passed this morning, we are talking about \$225,000 a year to go to the Maine Arts Commission to help coordinate these programs and another \$500,000 to go to this school to get off the ground. I really feel we have other ways that we can spend our money at this time. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House. This bill does two basic things. I have heard a lot of misconceptions here this afternoon so I just kind of want to clear things up. What this does is it creates a program to instruct teachers throughout the state on teaching visual and performing arts. By doing that, it potentially benefits every single child in the State of Maine. It also creates a program of complementary education for the individual and performing arts for artistically motivated young people who are within driving distance of Portland. Within an hours range of Portland is almost two-thirds of the population of our state. That is a lot of the children of our state. This bill does not benefit only the kids in Portland. It benefits all teachers and students in the state who wish to participate. I would like to remind this body that in a year we spend \$7 million on our gifted children in this state. We spend \$185 million on our special education students. I don't see how we can say that we need to take care of one end of the spectrum and not take care of the other. We need to take care of all the children of this state. That is one of the things that this bill sets out to do.

This school would help fulfill the state's own commitment to fully educate its own students by educating both teachers and students in the performing and visual arts. It does not discriminate. It does not provide for only rich students whose parents can afford to pay for this type of education. It allows for all students in Maine to benefit, rich or poor. The only requirement for participation is artistic motivation. It is a program that can and will be replicated across the state by using facilities at the vocational schools, no new infrastructure is needed and existing facilities are more fully used. In coming years, students will be able to participate in their local vocational schools in every country in the State of Maine.

For those of you who don't know, I was fortunate enough to attend a fine arts boarding school for one year following high school. I can honestly say it completely changed my life. I went to Interlock and Arts Academy in Michigan. I didn't want to be away from my friends and family so I did an extra year of high school. These kids wouldn't have to make that kind of decision that I made. They could still be with their friends and their family. They can go to school in their regular school in the morning and go to this art school in the afternoon. I was a trombone performance major and that was a lot of hard work. I want to tell you that that work ethic is something that I have taken with me every day since I left that school. I will not lie to you. Appropriations is going to be an issue. However, you need to know that I will asking for substantially less than the requested amount. The group has indicated to me that they are willing to go to private foundations and get the money that they need to make this thing work. They need to have some commitment from the State of Maine.

This program is necessary now. We went through this the last session. We need to get going with this. We must start now to acknowledge that we are culturally depriving some of the best and most talented without this program. Those of you who sat through the hearing know exactly what I am talking about. The children who came and told us about what they wanted from their schools and what they weren't getting. It was criminal. We owe it to those kids. With this program, we can begin, just begin, to remedy the situation and eventually we will have a statewide arts program that this state can be proud of. I urge you to vote against the pending motion and go on to accept the Majority Report and I would like to request a roll call.

Representative MARVIN of Cape Elizabeth requested a roll call on the 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 PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. If we were asking for a football stadium for the performing football players to become professional football players, we wouldn't be debating this issue. If we were asking for an ice arena for people to develop into professional ice hockey players, we wouldn't be debating this issue. We are asking for performing arts. I ask everyone of you, what does the State of Maine have as far as performing arts, with the exception of the Portland Symphony Orchestra and the Bangor Symphony? There is nothing that drastic throughout this state. I think this is a program that deserves as much as any sports program that is within our system. Please defeat the pending motion and let's go on and adopt this.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I wanted to say something. I have heard this about

living within one hours drive of whatever, Portland. Farmington is a two hour drive from Portland. I wanted to pose a question. What kind of assistance will be given to those outlying schools that would like to have some professional help that exists more than one hour drive from Portland?

The SPEAKER PRO TEM: The Representative from Farmington, Representative Gooley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. The idea of the program is that they would have special programs for teachers, perhaps on weekends or during the summer. These teachers would be trained to go back and help their students. Some of the artists, when we talk about artists, we are not talking about just those who paint, we are talking about performing arts as the good Representative from Lewiston mentioned before, ballet, music and what have you. Some of these artists would go out to the schools coming from this particular program and also students, such as the students from Farmington, would be eligible to go to some of the programs they had on the weekends or during the summer. They would be offering programs that would touch people all over the state.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. A couple of items I wanted to add to this discussion. The very first thing is that somebody mentioned that this is a private school. In fact, that is not the case. It will be under the review of the Department of Education and the commissioner. It says very clearly in the statement of fact, it has been amended, we amended it in committee, to change it from a charter school to a public school.

Secondly, this bill was developed in close collaboration with the Department of Education and with staff people from the Department of Education because they see this effort as complimenting learning results, not taking away from learning results. There has been a number of concerns expressed both in this body and publicly that we may not have enough money to support certain areas of learning standards and learning results. In fact, the department and I think also members of the committee saw this effort as something that would add to learning results. It would be a strong policy statement by the state and support of arts and that, in fact, it would allow us to move forward across the state in reaching more students and more teachers in a very concentrated, very focused and very professional way with arts programs.

I do want to make it clear that this particular proposal has been significantly retooled from the one that came before this body last year. Not to go over ground that has already been covered by previous speakers, but there was a magnet school proposal for the performing arts that was before us last session. As a result of votes and certain monies that were not available, the people that were supporting that particular effort went back and said, how can we still offer a quality program to teachers and students throughout the State of Maine, but do it in ways that are realistic in terms of the state resources and are also complementary to other efforts and initiatives that are going on around the state. I believe this particular proposal meets those objectives and so did the overwhelming majority of people that were on the Education Committee that was some of the issues that have been raised here today about geographical representation, access by people across the state were all fully discussed by the committee and people felt very confident that this particular proposal, as it was presented, addressed those

issues and will provide the type of leadership that we want to see across the state in the arts. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House. LD 1273 does a number of things. We have a number of reasons why you should and shouldn't vote against it. Some people said it was a north/south issue and how far you live from it. It is becoming a talented and untalented issue. I want to break that discussion here. As a thoroughly untalented person, I want to stand up here and endorse this issue. What we are doing here today, in all seriousness, is we have an opportunity to promote arts in the state. I was a very strong advocate for a charter school or a magnet school in Limestone. This is not that. This is a pilot program that will start in southern Maine and hopefully not end there. This is a program which will help continue the important work of the arts. It will teach advanced classes in performing and visual arts and creative writing. The program will assist students in developing professional careers in the arts. Maine needs better arts education in all of its schools, as well as regional programs. Let's start off on the right foot and vote for this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. My humble opinion, for what it is worth. I have been listening to this debate and I need to disagree with a few statements that were made in regards that Maine does not have that much for culture and the arts. I think we have many, many fine organizations that deal with the arts. They are non-profit. They are private. I also know that many foundations, as the previous speaker eluded to, love to see collaboration. They love to see schools, specifically working with a non-profit organization. I think this is a wonderful thing to collaborate and get into working with the schools to do such a thing. It has a huge price tag of half a million dollars and I feel very uncomfortable with that. I do see it as an equity issue also. My good friend and very respected colleague of Representative Marvin talked about that most of the population of Maine is within a hour drive from Portland. The problem with that is that I am not sure we are going to have buses to bus those kids there. You may have some extremely talented children that really, really desperately want to go to this school, but their parents aren't around, prepared or willing to take them. I think this seriously is an equity issue. I would ask that you support the Indefinite Postponement with all due respect. I really believe strongly in the arts and I would think that we need to be creative in many ways to find funding for this, not state funds. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Savage.

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

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. I keep hearing Portland. Is it definitely going to be based in Portland? If it is going to train teachers, does this mean the school districts will have to have additional funding to take care of that training for their art teachers? Thank you.

The SPEAKER PRO TEM: The Representative from Union, Representative Savage has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. Yes, this one would be in Portland. However, as I

said before, it is meant to be a pilot project. Augusta has an excellent vocational school. Very likely this could be an adjunct of a school such as the Central Maine Vocational Center. The second question was this going to mean that districts were going to have pay more money. I do not see this as more. All teachers have to be recertified. This was one of the questions that I asked when we were discussing this. If teachers were to go there to get training, would these courses be the kinds of courses where they could get recertification? They said they would see that they were. Therefore, teachers do have to be recertified. They do have to get additional credits every few years. This would not be any different. If they wanted to go for something extra, that would very likely be at their own expense.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I just want to add a few words in favor of the Indefinite Postponement of this bill. I don't want to spend one red cent on any central art initiative school that is going to send forth teachers or going to teach the children in an hours radius of Portland until there are art teachers in each and every one of our schools and our children have the ability to have that experience within their own confines. Let me just share with you what Tim Humphreys, who is President of the Maine Education Association says. "The bill fails to provide equity and access to art education to the majority of Maine's students. The money would be better invested to augment week art programs in the schools statewide or to restore the art education programs previously eliminated in some districts." He represents my view exactly. I don't want to see a dime going into a specialized school for the arts until all children in Maine have access to this. Sorry, to me, Portland is not the center of the world and I do feel that if this is a statewide initiative, it could jolly well be located in Calais as well as Portland.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. I just wanted to also point out that Tim Humphreys from the MEA has also made similar comments or similar sentiments about the Limestone Magnet School. Those comments are not exclusive just to this particular proposal that is before us. Secondly, just to add to Representative Richard's comments to Representative Savage, the clear expectation is that the teacher training part, as well as the student workshops, will be offered throughout the state at a variety of different locations, not just in Portland. There will be an opportunity for teachers throughout the state to access that type of training without having to travel extensively in order to achieve that type of training. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Mr. Speaker, Men and Women of the House. The developmental years for the arts are the primary grades. Music and art are trivialized when we fail to make art and music core subjects for all Maine children. Even now, we are waiving three of the learning results requirements because of inadequate funding across the state. We cannot replace what has not been embedded in the early years. Why have two years in high school, when you don't have the first 10 years in public schools? How can we justify funding a two year program in one part of the state when many public schools across the state have anemic arts programs, if any at all? Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House. I think spending one red cent and a lot of red

cents on art education is a smart thing. We may not be able to afford right now doing it equitably in every school. This is one of the very few times you will hear me endorsing something you can't do equitably in every school in the state. It makes sense to start it. We have now in Portland an infrastructure for arts. We have now in the Portland area in infrastructure that we can tap into. It makes sense to start here and work our way up. What we are doing is we are building a house. We have to lay it one brick at a time. We can complain because all the bricks aren't standing in place waiting for the mortar to be laid in between them or we can start the groundwork now. That is the choice we have here with this bill. We will either start laying the groundwork for better arts education in the future or will you complain because the bricks aren't already standing awaiting the mortar. Thank you.

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

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House. I stand here to support the Center for the Arts in Portland or anywhere else. A lot of people have asked me, why do you think the way you do? You are a little bit odd. I guess maybe I am, but the point is that that is the way God made me. I am one of those people that has spent a lot of my time with writing. Maybe I have a learning disability or maybe I am just creative, but that is the way I am. I have children like that. There is a point in time when my children needed to be in a place where people understood the way they saw the world and the way they learned. We all learn differently, but people who are very talented in the arts have their own way of learning and identifying things. When they reach an age when they are high school age, they reach a point when they really need that time and that space. They need to be there with people who can help them actualize who they are. It is a real wonderful part of our learning process. I really feel that, in Maine, we have a wonderful history of dealing with art and music. It has been a real long history here. Yes, maybe we are at a point where it is dwindling in certain areas because of funding, but this particular center is there for everyone. We have to have people who understand the way people who are artistic think. We have to be there helping people set up workshops and get out into the communities.

When my children were little, they lived in Wisconsin. They were three and four years old and they were allowed to go the University of Wisconsin to study mime. That was a wonderful experience. They are all very, very active in theater and music. They are all very talented children, but it started at a university. I really think we are underestimating the value of having totally creative people here, because without that vision, without those dreams and without that ability, we are never going to grow. Thank you very much.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. Let me see if I can't give you a little different perspective. If you stop and think about it, many people don't have art because they chose not to have it in their schools. I think I can prove that in many ways. The state doesn't tell you how to spend your money. You may have an excellent industrial arts in your school, but 50 others in the State of Maine would not. You could take that case in just about anything that you wanted to. If you wanted to use that type of thinking. You all get a certain amount of money from the state, as well as that which is used from your taxes. Certainly, you as adults or parents are going to dictate what type of curriculum you have in our schools and what is in that curriculum. I certainly favor this type of education because I believe that it will train people in the arts. I

know that I was very fortunate, again, going back to my parents, because in my school we didn't have music and I love to sing. We didn't have music and I wanted to play the French horn. We didn't have an opportunity for me to take tap dancing lessons, but my parents wanted me to do those things and I wanted to do them, so they provided them.

This type of school, as I understand it, will open their doors to anyone in Maine and give them an opportunity to come at a time that it is not going to cause a problem with their education in their own towns and cities. Actually and it seems in listening to people, we seem to be quite parochial in where we want to place things. I just came from a committee that was worried about the fact that some of the people come from a cluster of places. In this case, one place. The type of state that we are, I think we have to do the best we can. How many of you people remember when a lot of schools didn't have libraries? How did we function? We had a mobile come around in each county and that is how it started. This is a start. Certainly anybody that has put any study at all into it, a child who has an opportunity to work in the arts will be a better person and a better student. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 318

YEA - Bagley, Baker CL, Berry RL, Bigl, Bolduc, Bragdon, Brooks, Bumps, Bunker, Cameron, Chizmar, Clark, Clukey, Colwell, Cowger, Dexter, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gamache, Gerry, Goodwin, Gooley, Jones KW, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kontos, Lane, LaVerdiere, Lemaire, Lemke, Lindahl, MacDougall, Mack, McElroy, McKee, Murphy, Nickerson, O'Brien, Paul, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Samson, Sanborn, Savage, Saxl JW, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Underwood, Vedral, Volenik, Waterhouse, Winn.

NAY - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bouffard, Brennan, Bruno, Buck, Bull, Carleton, Chartrand, Chick, Cianchette, Cross, Davidson, Desmond, Donnelly, Farnsworth, Gagne, Gieringer, Green, Honey, Jabar, Joyner, Kneeland, Labrecque, Layton, Lemont, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Muse, Nass, O'Neal, O'Neil, Ott, Peavey, Pendleton, Powers, Quint, Richard, Rines, Rowe, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Taylor, Tessier, True, Usher, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

ABSENT - Bodwell, Campbell, Gagnon, Hatch, Poulin, Povich, Vigue, Madam Speaker.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence 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.

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

HOUSE DIVIDED REPORT - Majority (8) "**Ought to Pass**" Pursuant to Joint Order (H.P. 1322) on Bill "An Act Regarding Health and the Prevention of Smoking" (H.P. 1338) (L.D. 1887) - Minority (5) "**Ought to Pass**" Pursuant to Joint Order (H.P. 1322) on Bill "An Act to Decrease Smoking Among Maine Youth, Young Adults and Adults" (H.P. 1339) (L.D. 1888) - Committee on **Health and Human Services** - which was tabled by Representative KONTOS of Windham pending acceptance of the Majority "**Ought to Pass**" Pursuant to Joint Order (H.P. 1322)

Representative BRAGDON of Bangor moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I urge you to vote against the pending motion from the Representative from Bangor. I am very proud tonight to offer this proposal. I think we are presented with a huge moment of opportunity. LD 1887 does three things. By raising the tax on tobacco 37 cents it provides basic health care insurance for children, offers senior citizens access to prescription drugs and establishes a state of the art tobacco prevention and control program. We can accomplish three goals with this one bill. One, to reduce smoking. Two, to provide health care for children and three, to help poor elderly Mainers get their medication. Why are we doing this? As we all know, unfortunately, Maine has the dubious distinction of leading the country with the highest smoking rate. As Representative Cameron said this morning, this is not an honor. Twenty-four hundred people every year, in Maine, are killed by smoking related illnesses. For Americans, that is more than AIDS, alcohol, car accidents, murder, suicide, drugs and fires combined killed by cigarettes. Smoking is also bankrupting the state.

Would you vote to spend \$77 million a year on unnecessary health care costs? The human costs and the economic costs are astronomical and they are completely unnecessary. What is worse is for our pain and suffering, the tobacco industry makes a profit. Our kids get sick and die. They make a profit. Our health care costs go through the roof. They make a profit. We are not even a tobacco state. Why would we want to make an industry rich for killing Maine citizens. As Representative Murphy eloquently stated this morning, if we don't do something now, we will have failed. The tobacco industry will have won. They will have won the right to continue to make a profit at our expense.

Goal number one of this bill is to reduce youth smoking. We can accomplish that with this bill. There is another very serious problem facing Maine today, as we all know. Thousands of children have no access to health care. We live in the richest country in the world and we don't give health care to our kids. Every other industrialized nation manages to do this. Certainly we can. If not the nation, then at least our great state. To compound this problem, it is getting worse. Fewer and fewer companies are offering health coverage to dependents and families. The number of businesses offering health coverage to families last year dropped by 6 percent. People who are working don't have coverage and at the same time, the state and federal government are cutting back. We are at a standoff. States don't want to do. Employers don't want to do it and who loses? The kids and the families. This all does come back to haunt us because the state, of course, ends up paying when these kids become disabled or acquire developmental disabilities for not having access to adequate health care or just end up in emergency rooms. We are going to pay for it.

Representative Cameron also said this morning that with all the merits of the tobacco bill we voted on this morning and I want to really applaud him for bringing that forward. I think it was an

excellent proposal, but the package in that proposal, as he said, helping a few of the richest just doesn't make a lot of sense. This bill presents the opportunity to help not a few of the richest, but the most vulnerable people in our state, the poor children. Goal two is to provide health care to kids and it is also accomplished in this bill.

Goal three is to give access to medication for the elderly citizens. Something I remember very distinctly about our committee last year was a group of elderly people came in and this 80 year old woman was eating cat food because she couldn't afford food and medication. The average cost of health insurance in this state is \$5,000 a year. These people are living below \$10,000 a year. They can't afford it.

We have here three profoundly important goals that can be accomplished. You can be proud to vote for this. It is something that will define us as a body of leaders, to reduce smoking, take care of the elderly and take care of our kids. I urge you to vote against the pending motion.

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

Representative KANE: Madam Speaker, Men and Women of the House. We have heard eloquent testimony this morning about the urgency of addressing this critical issue of nicotine addiction among our children. We have a unique opportunity to accomplish, here in Maine, an achievement that our congressional delegation, especially Senator Snowe, has attempted to accomplish in Washington, but hasn't be successful because of congressional opposition. This legislation increases the tax on cigarettes by 37 cents in order to fund the three major programs that Representative Mitchell just described. She pointed out that we are paying a tragic cost for doing nothing. Thirty-eight percent of Maine's children in grade 9 to 12 smoke. Thirty-two percent of Mainers age 18 to 30 smoke. The highest in the nation, by the way. Maine has the highest rate of smoking related deaths in the country.

The people are smarter than us at times. Polls show that 74 percent of voters agree that our political leaders are not doing enough to solve the problems facing children today. Seventy-three percent of American people support raising tobacco tax to pay for health care for all children who need it. The Smoking Prevention Cessation Program would focus on the development of community coalitions including health care, education and law enforcement leaders to develop and participate in media and enforcement programs. The health care program will serve 22,000 children, 66 percent of uninsured children. The smoking benefits are prevention programs in Massachusetts and California have been enormous. The data on scientific evaluation studies of such programs have demonstrated a significant reduction in the number of children and youth who are taking up smoking. As we all know, nicotine has proven to be clearly addictive.

We know that if we can prevent children from succumbing to the habit before the age of 18, there is a great likelihood that they will never become habitual smokers. The cost savings in terms of both dollars and lives is enormous. Maine cannot afford to wait. Maine is currently spending \$4 million on low cost drugs for the elderly that cover only chronic diseases of diabetes, heart disease, blood pressure, arthritis and chronic lung disease. This proposal being considered would cover all prescriptions covered under Medicaid for the elderly. The third program is the expansion of the Medicaid to include children in Maine's working families. I will repeat what Representative Mitchell has described. That is that these are the people who are not Medicaid eligible. These are hardworking families who can't afford insurance and whose kids clog up our emergency rooms in the hospitals. We all know that emergency room treatment is

the most expensive kind of medical care. We are paying a daily cost in very expensive medical care for folks that don't have access to good primary care, preventative care before children get more seriously ill.

On June 1st we will be observing the second National Stand for Children Day. This year the focus is on healthy children. According to the Children's Defense Fund, one in seven US children, some 10 million, belong to working families without insurance. One in three children, uninsured, have reoccurring ear infections, which go untreated, as well as a majority of children with asthma. One in four children under two are not fully immunized against preventable disease. Now is the time for the Legislature to stand for children by strongly supporting this expansion of Medicaid health coverage for children in low-income working families and at the same time implement a statewide, state of the art smoking prevention and cessation program. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. It is almost going to be un-American to sit here and say that I can't support a program that is going to fund insurance for children, but as I read the bill and I take my responsibility as a legislator very seriously and in the fiscal note it says, "Authorized expenditures will eventually exceed dedicated revenue." It is estimated that cost will exceed dedicated revenue beginning in the 2000/2001 biennium. Additional General Fund appropriations will be required to fund the differences at that time. This bill will result in a net General Fund cost beginning in the 2002/2003 biennium. As a responsible legislator, I cannot put that burden on the future Legislatures that will be here. We all want to vote for children and say we are going to take care of everybody, but fiscally we cannot do it. Madam Speaker, may I pose some questions.

The SPEAKER: The Representative may pose his questions.

Representative BRUNO: Thank you. I have a series of about four questions that I would like to pose. The first one is, how many elderly would be covered under this bill? This bill covers the elderly over 65. Currently the Drugs for the Elderly Program covers people starting at age 62. I would like to know what happens to the people who are age 62 to 64, currently? Has any state received a waiver on an optional program, such as the drug program from HICKFA? Can someone tell me what 200 percent of the poverty level is? As the good Representative from Portland has said, 6 percent of employers have dropped health insurance. Two hundred percent of the poverty level, I believe, would be around \$32,000 a year for a family of four. Why wouldn't more employees drop insurance to get their employees on the state program?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Mitchell.

Representative MITCHELL: Madam Speaker, Men and Women of the House. As a responsible legislator, I, too have read the fiscal note. I am aware of some of the problems in it. We have an amendment, once we go on to pass this bill, that we can tack on that will address those very problems. I can't speak about it. It is not germane, but it will address all of your concerns.

How many people will be covered by the Elderly Prescription Program? There will be 20,300 elderly citizens currently without coverage that will have coverage. The 200 percent poverty question is also addressed in the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. I also posed a question on what happens to the elderly who are age 62 to 64 who under this bill, right now, would not be covered. Do we just drop them off the role? The other thing that this body needs to know is under the Drugs for the Elderly Program we do cover chronic diseases. The average price of a prescription under the Drugs for the Elderly Program is \$24. If you move everyone over to the Medicaid program, the average price of a prescription is \$37. That is a 50 percent increase. Fiscally, think about this. By the way, HICKFA has never granted a waiver on an optional program, such as drugs. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Even if you believe in the public policy of taxing to modify social behavior, which I don't happen to, the question I have in my mind is, if we raise the tax to stop somebody from using a product, hoping to increase revenues or get revenues to support certain programs, if that policy is successful and people no longer buy the product, obviously the revenues no longer come in. My question would be to anyone on the committee or to anybody who supports this public policy is, what happens when the bottom falls out of the revenue pot? Where do we get the funding for these programs? Obviously any programs that have started up here have expanded, they haven't shrunk, especially a program like this. My other question is, we have heard how raising a tax on cigarettes reduces teen smoking or reduces smoking. Could somebody please explain to me or put to rest the piece of paper that came across my desk, I am sure yours too, the analysis of status survey of 1993 to 1995 from the US Center of Disease Control, which seems to refute that claim?

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 Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I believe that in terms of revenue and the fact that the smoking would stop and the revenue would go down would be more than covered by over time, the fact that we would not have to be treating, at our own taxpayer expense, the health problems that are related to smoking, which are vast and very expensive. The other thing and I have been concerned about this too being on the Health and Human Services Committee is the amount of paper that has come back and forth and one piece of paper says that raising the price stops the smoking. The next piece of paper says that raising the price won't stop the smoking. They have come from what looked like reputable resources so I have done my own research. My son who will be 28 years old tomorrow just quit smoking in December. He smoked for 14 years. He and I hoped that he doesn't suffer long-term affects from smoking. He and I hope he doesn't start smoking again. When I asked him, I said, does 37 cents make a difference? He said, "Well \$5 would make more difference, but 37 cents will sure help."

I was at a community supper this Saturday. Every year we have a community supper and auction for our firemen and firettes to raise a little money. These are working for, in our town, our fishermen and our retired people who get together. I was at a table with mostly fishermen and I was a little tired of talking about Right Whales. I said, What do you think about cigarettes and raising the tax on cigarettes? This young couple in their 20s across from me said, that is a great idea. The woman sitting next to me said, I am against smoking. Make it \$6. Her husband sitting next to her said, I think you should raise

the tax on cigarettes. The young couple and the husband then got up and left the room to go have a cigarette. When they came back, I said, what is up? The young couple said that if you raise this tax, I am going to quit smoking. As high as I am going to take it now. If you raise that tax, I am going to stop. That is enough input for me. When I said, what do we spend it on if we do get revenue? They said, Health care. Please spend it on health care. Spend it on our children. We can't afford insurance ourselves. Please help us with that. Put it in prevention. Get people to stop smoking. Get people to stop starting smoking and we will do better.

Help our elderly. My community is full of retired Republicans, I am in a very conservative district. Many of them said that the stories that we have heard at hearings is, I can't afford the drugs. My mother can afford it. She pays an extra amount a month to have her prescription drugs covered by insurance separate from Medicare. Medicare does not cover her prescription drugs. It would really help her. The last thing I would like to say is that I do have a financial advisor helping me and he is an extremely conservative Republican and he is talking about tax relief. I said, What about cigarettes? He said, Tax those suckers and put that money into health care. I encourage you to vote against the Indefinite Postponement. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

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

The SPEAKER: The Representative may pose her question.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I would like to know how many new positions are funded with this bill?

The SPEAKER: The Representative from Union, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Mitchell.

Representative MITCHELL: Madam Speaker, Men and Women of the House. I am sure you have read the fiscal note. I am sure you have read it says 150 positions. Frankly, we know that that is outrageous. Massachusetts extended their Medicaid coverage for children with no new positions. Last year there was a proposal from the state to do the exact same thing for 12 positions. Somewhere in there we can find a compromise.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. LD 1887, "An Act Regarding the Health and Prevention of Smoking" is a bill that causes me a great deal of concern. I am concerned with the prevention and enforcement piece of the bill. With the enactment of LD 1887, we will put into a law a tobacco prevention and control program, which, in essence, duplicates the Assist Program. The Assist Program is a federal program already running. It went into effect in 1991. I think it expires in 1998 or 99. Maine has received \$4.6 million for that Assist Program. The programs intent was planning and then implementation of an enforcement and smoking cessation program. I know that DHS has entered into contracts with the Maine Sheriffs to do the enforcement. Out of that \$4.6 million they entered into a contract for about \$20,000. I wonder where the rest of the money went?

This program is developed to reduce smoking by youths and adults. There has been very little scrutiny as to how and where those monies for the program were spent. If you just take a moment to examine that, I think you will be surprised. The 117th Legislature enacted legislation to reduce tobacco use by juveniles. This law created a licensing requirement for retailers selling tobacco and made it illegal for minors to purchase

tobacco products. The penalties were established for both the retailer who sells and the minor who purchases. The Maine Grocers Association did a great job informing retailers and distributing a package called, We Care Program. Once this legislation went into affect, local groups began to coordinate and move forward with sting operations against retailers to be sure they were in compliance. In the short time this law had been in effect, there was an 86 percent compliance rate. Not bad for one year. Not bad for a \$20,000 investment to the Maine Sheriffs.

In LD 1887, on Page 4, Section B, grants will be available for prevention programs as well as for community-based enforcement. I am not sure the logic behind this considering most of your major cities have law enforcement already. The rural areas are covered by the Sheriffs Department and State Police. They already had programs in affect, such as DARE, as well as the sting operations, which, by the way, the train juveniles to go in the store and make illegal purchases. It is, after all, against the law for minors to purchase tobacco and have it in their possession. It is time we work with what we already have and make it more effective. This will help curb smoking. Let's not create a new dependency. The State of Maine cannot afford to dependent upon tobacco taxes. According to the assessed goals, which are to reduce smoking with adults to 17 percent by 1998 and adolescents by 50 percent by the year 2000. If they succeed with this program, the revenue from the cigarette taxes will decline. Don't take my word for it. Look on the bill on Page 15, Line 24, 327, which indicates the same. We have a program which is up and running with federal dollars and this \$4.6 million spent. I would like to know how we spent it because we certainly are not spending a majority of it on enforcement. Maybe somebody could answer that question. Thank you ladies and gentlemen.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. I will do my best to respond to my colleague from Waterboro. He does refer to the Project Assist Program, which is a federal demonstration project that is near run out. This effort in no way attempts to defend whether that program was successful for not. It really doesn't attempt to do that. We asked some questions and discovered there were some \$80,000 that might be left from that demonstration project that will be running out over the course of next year. We don't want to defend either that or the DARE Program as an adequate response. We are talking about a state of the art community education program. We are talking about breaking drug habits. Nicotine is a drug. We are talking about educating children. We are talking about attempting to counter what is a multi-billion dollar tobacco industry on Madison Avenue, which is hooking our kids. DARE isn't enough for that. The relatively modest efforts we have made to date is not enough for that. If we are serious about saving our kids, we have to do something more substantial. This project calls for about \$10 million, but it calls for community-based grassroots-based education program involving school systems and law enforcement people. People that kids will listen to and people who can affect and change behavior. This is a bold step, but nothing short of a bold step is going to save our kids, ladies and gentlemen. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Ladies and Gentlemen of the House. I also rise today because I cannot support any increase in the tobacco tax. When we began down this trail of taxing tobacco products, the goal was to stop our kids from smoking and to prevent those who have not started from

even ever starting. I am convinced that doubling the tax on tobacco is not enough to stop young people from smoking. I have a copy of a survey, which I passed out yesterday conducted between 1993 to 1995 by the US Center for Disease Control that shows that increasing the tobacco tax has no affect on reducing youth smoking rates. In many states, youth smoking rates have actually increased. As a result, in 1991, here in Maine we increased the tobacco tax from 31 cents to 37 cents, a 19 percent increase and youth smoking rates increased over 15 percent by 1995. Our neighbor, Massachusetts, doubled its tobacco tax from 26 cents to 51 cents in 1993. Their youth smoking rate increased by 18 percent. In Illinois, there was an increase in the tobacco tax from 30 cents to 44 cents in 1993. Youth smoking rates then increased by 22 percent. Finally, the State of Arkansas increased its tobacco tax in 1993 from 21 cents to 31.5 cents and it produced a 19 percent increase in youth smoking rates.

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

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I rise to speak about a problem that I believe we have in this session a chance to help, above all, the young citizens of Maine. The only reason we are here really would be to take care of the citizens of the State of Maine and to educate them. I will not get into the discussion about the effects. The only thing I know that is real to me are the published reports about what smoking does to the human being. If you would think about how many bills we have discussed here and how much funds we have allocated to help people, to try and save lives and improve the lots of the citizens of Maine. I believe this one item, this session, would do more for the young people of Maine than any other thing that we might do. Thank you.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. It seems we are debating this issue here and all we hear is how much taxes, revenues aren't going to be sustainable, what have you. It is always a question of money. Let me remind you though that back when I was younger, there used to be a slogan on the cigarette pack saying that smoking may be harmful to your health. They have changed it now, ladies and gentlemen, smoking causes cancer and cancer causes death. That is the issue we should be talking about, death. This statistic of 32 percent of Mainers 18 to 30, the highest in the nation, these are people who are going to die. Thirty-eight percent of kids in grades 9-12, that is also very high. Maine has the highest rate of smoke related deaths. It doesn't speak anything of money. It talks of death. Where the money comes in is that part of this money here is going to be used for advertising for programs to teach kids the dangers of smoking, that smoking kills. Smoking will have you die at a younger age than what you would like. This is what we should be voting on. I didn't support the tax measure this morning because it didn't address any of this. It gave a tax relief to somebody. That is just shifting a tax, but this program is going to be good for elderly, children and everyone that wants to quit smoking and stay alive. Defeat this pending motion and let's go on to pass this.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I rise today to oppose any increase in cigarette tax and that may seem strange. I do this because I fear it will cause cigarettes to become more accessible for the young people in my bordering towns. I believe that would be true of many of the legislators that live in the border towns. My fear comes from the knowledge gained in my years dealing with

young people as a school teacher, as a coach and as a headmaster of a private school. It might be interesting for you to know that in 38 years of teaching three different sports, I never, never had a rule that said anything about smoking because I knew my kids. If they smoked, then they knew they had to deal with me at the next practice. Those of you that have engaged in athletics know what suicides are.

The people in my district already go across the border in New Hampshire to purchase many products because of the lack of sales tax in the Conway and North Conway area. I spoke the other day about going up in my town to find eight or nine hallows of young people waiting across the street for the carriers of cigarettes in backpacks coming from people who could legally buy them. My concern is that any further increase in the tobacco tax here in Maine will not only encourage more cross border sales, which hurt the grocers in district, as well as the young people, but also will produce a smuggling industry over the border with the contraband cigarettes being sold on the black market without any control over who buys them. This will seriously undermine the efforts that we have made in Maine to ensure that our stores are not selling tobacco to minors. I have a very strong sense and interest in these efforts, not only as a retired educator, but as a grandfather and a past and current member of the Legal and Veterans Affairs Committee, who last year passed LD 845, strengthening the laws prohibiting sales of tobacco to minors and putting some teeth into the enforcement or so we thought.

What has been the attitude of our police, who should be enforcing this when they know that these minors are standing on every street corner and if any of you think that they are not, take a little trip around your locals and your schools. We now say that you cannot smoke on the grounds, but they allow the young people to leave the grounds during the hours when they should be in school. Most of them are smoking. I fear that the gains made through that legislation, which is now beginning to show some success in reducing the incident of sales to minors will be put to rest if we increase the tobacco tax and produce an environment where our kids have illegal avenues in which to get tobacco. It becomes available without safeguards that we and our responsible grocers throughout the state have put into place.

I ask each and every one of you, those of you that now smoke, those of you that have stopped smoking, have you personally taken it upon yourself to talk to young people about what smoking will do to you? I say with not braggadocio, but only because I do that, because if you are familiar with the term, walk the walk. I have never smoked in my life, but I have 150 kids coming across my lot because I happen to live on the school campus. Each morning, when I am home, I go to a place to have coffee and I still have young people that I have had who set down at the table with me to have coffee, but they do not light a cigarette and I know they smoke. That is what we have got to do, not tax, but to react and take some responsibility on our own shoulders. Ironically, nearly everyone was speaking about the need for health care of those who cannot afford it. Are we really hoping to stop kids from smoking or are we only looking for the money or the tax to bring into our coffers to do something different? I, as some other speakers have said, we have all sorts of statistical information and as you know, there is a saying about statistics. You can make them tell whatever story that you want to make them and other people to believe.

Yes, I think we should have money for health care, but what has happened to the idea that in order to get young people to do what we want them to do, we do it through education and young people today, if you tell them no, what do they do? They try it out more often than not. I ask you to think about those things that I am not going to try to say both this way or that way. I try not to

do that. You have got to make up your own mind, but taxing will not, in my opinion, do what people who can be emulated by young people what that type of learning will do. I thank you very much.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I am honored to follow the Representative from Fryeburg. Many of you who have been here a couple of sessions know that I am pretty adamant about smoking in public places and protecting our children and have argued as forcefully as I could on some of the bills that have come before us. I would like to ask the question. Why do kids smoke? For the same reason they huff. For the same reason they sneak liquor. For the same reason that they smoke pot. They do it because they are looking for highs, rushes, awesomes or whatever you want to call it. They are looking to do something that is different, whether they are bored, scared or hopeless. The underlying problem is not that kids don't know what cigarettes do to them. My nine year old took a 20 year old baby-sitter to task last year and made her feel so guilty with all the statistics he told her and everything it would do to her that she gave up smoking. Kids aren't stupid. They know.

The underlying reason why kids smoke is not going to be addressed in this bill. You can educate them and they make the decision. You can lay out all the facts in front of them and they will make the decision. You hope they make the one that you like, but if they are bored or unhappy or frustrated or dysfunctional, looking for a good time or looking for a high, education doesn't get at it. Will this be cost prohibitive? Not to kids who wear \$100 sneakers and invest in CDs that are \$12 to \$18 a piece and buy \$50 to \$100 a piece computer games. They will pay \$2 to \$3 on a pack of cigarettes. Another 37 cents is not going to matter. A buck would not matter. While it is easy to say that I would quit if you hike the tax, the price of cigarettes go up every year and everybody says, My word, do you know we could buy a new car with what we spend on cigarettes. They sit out there and look at the 83 K Cars sitting in the yard and they light up. It is addictive. It is sad. A tax isn't going to make it go away. It is going to be a great source of revenue and you may see a decrease. I am sure you will. There will be people who decide not to smoke. Every year there are plenty of people who decide not to smoke.

I do not want to start relying on revenues that you can't rely on. We have a problem here that is caused, not just by putting the stuff on the shelves, but by making kids think that one, it is cool and we have to get after that. Two, what else are you going to do? Mom is working. Dad is working and basketball hoops are closed right now. You can't do much else so, hey, you got some cigarettes? Cool, let me try one of those. That is how this stuff starts.

To follow up on Representative True, when was the last time you challenged a minor that you saw smoking? It is not politically correct. That is somebody else's kid. Aren't you just 16. Are you supposed to be smoking? I will tell you. Things have changed because if I had been smoking on a corner and somebody called my mom, that would have made a difference to me. Not everybody gets to have a Representative True in their life. It is incumbent upon every single one of us. We are supposed to be the leaders. Ask yourselves, did you challenge the bunch of kids standing out in front of Rite Aid last week smoking? No. You walked by and said, Isn't it a shame. I can't believe how many kids in Maine smoke. Can you believe it? I wonder who is selling those to those people? Did you walk up and get in their face? They are kids and you know what the funny part is, as a parent I don't give my kids choices when it

comes to that. It is dangerous. I don't say to my daughter, don't stick your finger in the socket. You are going to find out that is dangerous or you know, I really wish you wouldn't take any of my wine tonight honey, but if you drink a half a glass of wine, you are going to be sick. I say no. You make decisions for kids, especially if you are talking 10, 11, 12 year olds. If you are talking about high schoolers. Walk up to them. That is how people used to help each other out in a neighborhood. You kept track. I remember the day I skipped school and my neighbor called my mother. I skipped school once.

If you are going to get at the problem, don't try to hide it as a way of bringing back programs that we decided weren't effective or weren't well managed or create 100 to 150 positions. Go for the education. See if it works. I am not for smoking and I don't think you can drive it out. I think it puts the state in the unusual place again of, do we promote alcohol because there is revenues? Do we promote lottery because there are revenues? Do we promote smoking because there are revenues? If you raise enough money, you might have a future Legislature sitting here saying, wait a minute. I like this idea. Let's keep spending the money that comes from cigarette taxes. There is always going to be people who smoke cigarettes. I am sorry, but there are. There are always going to be people who are addicted. We had to start a needle program for people who can't give up heroin. It is amazing to me that you think you can just wipe out smoking by taxing it. You can't even wipe out heroin use by making it illegal. Thank you.

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

Representative QUINT: Madam Speaker, Men and Women of the House. I would like to think this bill would wipe out smoking entirely, but that is not the intent of this bill whatsoever. I want to go back and talk about a component of LD 1887, which talks about insuring uninsured children. There currently are 44,000 children in the State of Maine that have no health insurance. With this modest increase of 37 cents, we will be able to ensure 21,000 of those children, which means we are only able to do half of what we really would like to do. I am going to tell you a little bit about the demographics of my district. Eighty-five percent of all the children in my district are uninsured. I have one of the largest populations of working poor in my district, percentage wise. These children have ear infections. These children have asthma and they don't have health insurance. Some would say, how do they get cared for? We also are fortunate to have two of the largest medical facilities, hospitals, in the state in Portland. They use the emergency rooms. The emergency rooms are always filled with these people who are uninsured. Who do you think pays for that? I would ask you when we are talking about the merits of prevention and whether it will be successful and whether we will entirely wipe out smoking in the State of Maine with this bill, I would also ask you to remember those uninsured children that are uninsured in the State of Maine.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I promise not to get up again. Representative True and Representative Plowman, as far as I am concerned, are 100 percent accurate in their assessment. For the life of me, I can't see setting a policy of funding something so important, like health care, through taxing something that you are trying to stop from happening. To me, it just doesn't make any sense. If it is that important, it should be funded through prioritizing with something a little bit more stable and something we are not trying to get rid of. I enjoyed Representative Pieh's comments about different people saying

tax the heck out of cigarettes, get rid of it and all the rest of that. If you raise the price of cigarettes that I would stop smoking and so forth and so on. I saw a new thing on the TV not too long ago. It was a segment on smoking and they were questioning a young person and asking them where they got their cigarettes. They were standing outside the store and they said that a friend of mine bought them for me. They said, how much did you pay for them? They said, \$5 a pack. I guess his friend was making a little money on the side.

I will tell you and I think you are aware of it, that kids have a lot more money, disposable income, a lot of times more than the parents do, especially now a days. Raising the tax of cigarettes will not stop these kids from smoking. I firmly believe that. In my heart of hearts, I believe that this will not stop them from smoking. What I see stopping young kids from smoking is peer pressure. Education from the adults also. Setting an example, but especially peer pressure. If it becomes not cool to smoke and Tommy wants to date Sally and he steps up and lights up a cigarette and she says, Oh you smoke and walks away. I can guarantee you that Tommy will ditch those cigarettes in a big hurry. That is how I see this happening. That is where I see the cultural change. Setting examples, talking to the kids about smoking and peer pressure. You are not going to do it through taxation. I still go back to where we get a lot of different resource and information and statistics. We are flooded with statistics. Until somebody counters the statistics I have in front of me from the US Center of Disease Control, where do we stand? Do we say that this is not accurate? If it is not accurate, who says that. The Center for Disease Control or our kids.

We talk about Massachusetts where cigarette taxes increase 98 percent on January 1, 1993. By 1995, youth smoking increased 20 percent according to the Massachusetts Department of Education and Youth Survey. Did anybody call the Massachusetts Department of Education and question that survey and see if it was accurate or scientifically done and all of that? We have seen so many conflicting things. We have to go by our instincts. I say the best way to stop these kids from smoking is through education and peer pressure.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. Newspapers throughout this state have called for a tobacco excise tax increases. We have a wonderful opportunity here to do something to reduce youth smoking. You have all heard the figures. I don't need to site them again. The highest rate of young adult smokers in the country and the fourth highest rate of youth smokers in the country. I personally think it is shameful. I have seen personally, first hand, the effects of smoking, having lost a husband as a result of smoking.

Let me talk to the issue of whether or not the increase in cigarette tax has a public health affect in actually reducing smoking. If you increase the tax and the tobacco industry reduces the price of the cigarettes, so, in fact, there is no net gain in the tax, of course it doesn't have an impact in reducing youth smoking. Let me tell you that the figures that were sited earlier by Representative Snowe-Mello where she talks about a 6 cent increase in the tax on cigarettes. That is not going to reduce the sales of cigarettes because the tobacco industry will lower the price of cigarettes. They have done it again and again. When you talk about an increase of even 20 or 25 or 11 cents, when the tobacco industry basically negates the increase in the cost of cigarettes, you are not going to have impact on reducing youth smoking.

However, we do know that with an increase of 37 cents, hoping that the 37 cent increase is, in fact, a 37 cent increase,

that we know from studies, that I submit, are reliable studies that there will be a 12 to 14 percent reduction in youth smoking. If we go even further, which, frankly, I support and I have had a number of other people support it. If we put a \$1 a pack on cigarettes, we would reduce youth smoking by 30 percent, but we are not bold enough to make that move here in our State Legislature. We just want to inch along gradually and maybe have an impact on youth smoking. I submit that even a 12 to 14 percent reduction in youth smoking is that number of kids who will not start smoking.

Relative to the shrinking revenue, I think people need to know that we have built into the fiscal note, into the projections, a provision for shrinking revenues. Thirty-seven cent tax on cigarettes is projected to actually raise about \$30.8 million. We are proposing to spend significantly less than that on the three priorities that you have already heard discussed, education, health care for kids and drugs for the elderly. We have heard a lot from people advocating for education. We have heard a lot advocating for better enforcement. There is no one single way that we are going to reduce youth smoking. We need a multi-faceted approach to reduce youth smoking, which I say has got to be a priority and this Legislature ought to be bold and do something about it.

Our taxes on tobacco are not relatively high. The amount of tax on a pack of cigarettes as a percentage of average retail sales has actually decreased steadily since 1964, the year of the first warning about tobacco from the Surgeon General. In 1964, nearly half the price of a pack of cigarettes was due to taxes. In 1996, less than one-third the price of a pack of cigarettes in Maine has been accounted for by federal and state taxes. One in three young adults in Maine who are addicted to tobacco are also having children of their own, thereby passing on the ill effects of second hand smoke to the next generation. Second hand smoke, not only kills 53,000 nonsmoking Americans every year, but is particularly harmful to children's lungs, which are not yet fully developed. It is associated with low birth rate, sudden infant death syndrome, childhood asthma, pneumonia, chronic ear infections and accounts for one in five deaths in children from pneumonia. I got to tell you when I see parents with their young children smoking, I have this great desire to do something about it. I do refrain from actually speaking to them about it. I also want to comment on the action taken by Down East Pharmacy, which pulled all of their tobacco products from their shelves back in 1993, feeling that smoking is a serious disease. There are over 400,000 tobacco related deaths in this country and 2,400 in Maine each year and our society, as a whole, continues to shrug its shoulders to the evidence with statements that tobacco is a legal product and individuals have personal choice. The tobacco industry continues to dance of the graves of their victims.

The owner of Down East Pharmacy pulled tobacco products. He has never regretted that move. I am sure his business has not been hurt by it. In fact, when we hear from other businesses, many of them comment that when they stopped smoking in their establishment and stopped dealing with tobacco it, in fact, helps their business. As a health care person, I think it is the responsible thing for us to do to implement and increase in our cigarette tax that will make a difference in youth smoking and I urge that you defeat the motion to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Madam Speaker, Men and Women of the House. I noticed in the budget document that we

received earlier this year that the Department of Human Services under the Bureau of Health has a responsibility of disseminating information to promote Maine's health and disease prevention objectives. It is an agency called, Healthy Maine 2000, a Health Agency for the Decade. Could anybody tell me how much money they have in their programs to help finance public education concerning cigarettes?

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

Representative WINN: Madam Speaker, Men and Women of the House. It is my understanding and I don't have any field of expertise in this, but it is my understanding that that department has received \$6.9 million from the federal government to create a stop smoking program. Of that \$6.9 million that they have to create a stop smoking program, I understand they have only released \$20,000 of that to help with enforcement. The big question is, where on Earth is the other \$6.88 million dollars? If anybody could answer that question, I am very interested. Thank you.

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

Representative KANE: Madam Speaker, Men and Women of the House. In our public hearings, we did hear from the Bureau of Health about the demonstration project that was underway. We were told that there was some \$80,000 remaining of their education program. It is important to keep in mind, however, that Representative Plowman talked about the most significant impact of education is peer pressure and peer influence. A statewide education program that just disseminates reading material and information or lecture material is not going to do the job with these kids. The kind of community-based education program that we are talking about in this project is going to address the proposal that Representative Plowman talked about. That is at the grassroots community level. Getting in and dealing with kids and using peer group influence. Has anybody seen some of the commercials that are coming out of Massachusetts now? Some of the new commercials that are designed to counter the tobacco industry commercials deal directly with influencing the mindset of kids. They are getting through to kids. They are beginning to create an influence on peer groups and peer group pressure. Representative Plowman is right. The kind of educational effort that has to be made has got to be at the grassroots level with kids using peer group influence. Thank you Madam Speaker.

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

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I find myself in a very awkward position this evening. As some of you may know, I am one of the cosponsors on the bill to place a dollar tax on cigarettes, not the 37 cents that we are currently discussing. I do support the concept of a tax on cigarettes. I personally feel, contrary to what we have heard from some other speakers, that the tax will have an impact on teen smoking and on adult smoking. I think some of the material that we have seen would back that statement up. However, I do rise tonight to urge you to Indefinitely Postpone LD 1887 and all its accompanying papers. I have supported in the past, those who were here in the 117th know that I supported insurance and Medicaid coverage for children. However, I did not support it at the 200 percent of poverty level and do not support it this evening at that particular level. I think the educational program portion of this particular bill, LD 1887, has

some merit. I think education, in addition to the tax increase, will have an effect. From my perspective, this bill places entirely too much emphasis on the hiring of new state employees. It is a new program and we are moving forward to hire many, many new state employees and that, ladies and gentlemen, gives me cause for concern.

Also, in this particular bill I am concerned that there is nothing currently for tax relief for the citizens of the State of Maine. We are placing a tax on an item and we are doing nothing in the area of tax relief. We have heard mentioned, but we can't speak a great deal about it, but there may be an amendment offered. I am sorry, but we are voting tonight and discussing LD 1887. We are not discussing what may come in the future. I would strongly urge those of you who are in the chamber or can hear my voice to Indefinitely Postpone this bill and all its accompanying papers. I do make that statement easily. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. At least those of you who are still here, I am assuming you are here because either you haven't made up your mind and you are listening to all of the debate or you already made up your mind and are waiting to speak. I will let that one go. If price reduces smoking and we have had contradictory information to that effect, but that was one of the things that was sold out in the halls to this legislator. If price does that, then let's raise the price, but not 37 cents. Let's go as some people have said, to \$5 or \$6 or whatever. If that is the defining issue of stopping smoking, then it is not education. The real fear I have is that this community-based education program for anti-smoking which has been mentioned over and over and over again with this bill will end up you know where, in our schools. It will be one more thing added to a day that hasn't increased in length. A school year that hasn't increase in length. What was one of the driving forces behind learning results? It was that people were dissatisfied with our children not being able to read and write. Well, if that is the case, we add more programs, there is less time to teach reading and writing. That is one of my fears I have about the education part of this.

Also, living where I do in Bethel, 20 miles from the New Hampshire border, I can see that some \$5 or \$6 increase in the price of cigarettes, we are going to have check point charley out in Gilead. We can hire some people to check everybody. We will have cigarette sniffing dogs. We have already got a tremendous border crossing now because they have cheaper booze. They have no sales tax. People from my area and areas around me go there all the time. The state loses a great deal of revenue through that. This would only exacerbate that. In one of the sheets the good Representative from Portland, Representative Mitchell, passed around, under facts on the second page, it says, cross border sales are insignificant when weighted against the health benefits of the higher tax. Well, if you are a store and a lot of your income depends on cigarette sales and you are located in Maine, on the border, cross border sales are not insignificant. You lose and you lose big time.

One of the other questions was raised or part of the program was children. The good Representative also from Portland, Representative Quint, mentioned that there are approximately 44,000 children who have no health insurance and that with a 37 cent increase on the sales tax, we would cover approximately, not quite, half of those, 21,000. How are they going to be selected? Are we going to flip a coin? Are we going to cover every other one that comes in the door? Are we going to draw a lottery? That was part of the problem with the old health care program. It was never funded adequately. People were chosen

at the end, near its demise, by lottery. I don't think that is really addressing the issue. With that and as far as I am concerned, we can raise the tax, but it presents other issues. I don't think it will attain what those who are proposing it say it will attain and therefore, I will be voting for Indefinite Postponement.

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. This legislation began as an important step to helping Maine's young people avoid the temptations of smoking and tobacco. It is built on federal demonstration grant, which has developed useful community-based programs aimed at changing the adolescent culture, which makes smoking cool for many kids. There is a unanimous committee support, a bipartisan committee support for such a smoking cessation program. We have turned this bill into a political football. I am afraid that we are kicking our Maine children. The bill as proposed by the majority would make smoking prevention a very minor part of LD 1887. Instead, they would add over 100 new positions to state government and spend over \$44 million by expanding state medical programs to children and the elderly.

Let's review the starting point again. Maine has a problem. Too many of our teenagers are smoking. The health professionals advised us that if we can help these kids stop smoking or never start smoking, then we can solve this problem and related problems in the future. The Maine Legislature has taken action to deal with the problem of youth smoking. Over the past four years, we have enacted laws to prohibit the sale of tobacco to minors. To prohibit the purchase of and the use of tobacco by minors. To increase the penalties for sale and use to pay for greater enforcement and other measures and most of the toughest of these steps only became effective in October of last year.

The Bureau of Health at the DHS has managed a federal demonstration program called Assist. They have managed this for the last four years. It is now spending, at a rate of three-fourths of a million dollars. The results have been mixed, but DHS officials and community groups are learning what works and what doesn't. I think it is worth continuing with more accountability required for how the money is spent. Advocates of the Assist Program came to the committee with a variety of ideas for smoking cessation programs costing up to \$20 million. There proposals included community grants for local coalition, support for educators and local law enforcement officials, TV and radio advertising, counseling and medication. We all agreed that some combinations of these are necessary. No one can tell us with confidence that all of these, even if funded at the suggestion of 15 times the present level of Assist spending, will be successful. We disagree on the premise underlying in LD 1887 doubling of the tax for all smokers, regardless of age, will accomplish the deterrents that its proponents claim.

The revenues necessary to pay for the smoking prevention program in LD 1887 are less than 25 percent of the funds raised by the related tax intended to pay for it. In short, those committee members who support LD 1887 simply looked for a way to spend the extra revenues. In so doing, they have come up with a scheme, which dedicates the funds for new expanded medical programs, but as with so many dedicated funds, the money raised will be insufficient to cover the costs by the next biennium. This bill is a house with a good foundation, but it is a house made of straw that won't survive even two Maine winters. I urge its defeat. I encourage you to vote to Indefinitely Postpone this bill. Madam Speaker, I request a roll call.

Representative LOVETT of Scarborough requested a roll call on the 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 Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I find myself agreeing with the good Representative from Fryeburg, Representative True and many of the other good Representatives on the other side of the room in reference to the need for education. I would just like to say that we are missing the point. LD 1887 does provide education on smoking and quitting smoking is the major aim and thrust of this legislation. That is the whole point of it. That is what we are dealing with here. It would fund it to the tune of another \$10 million. Maybe we can get some slick TV ads that kids will watch. Maybe my 20 year old son who plays football for Middlebury College would not have started smoking. I think the point is that the tobacco companies have got us just where they want us. We are on the run once again. The smoke screen is that this won't do anything. I say it will do something. It will provide facts. It will provide slick advertising to our kids and maybe we can win them over in this argument and get them to stop before they start. That is the whole point. May I pose a question Madam Chair.

The SPEAKER: The Representative may pose his question.

Representative COLWELL: Thank you. I, too, have been a little bit confused by the discrepancy in some of the data, but I am not so naïve to know that you can't manipulate statistics. My question is this to any of the Representatives whose names may be on these handouts or to anyone. Is it the position of those who say raising the tax only increases smoking among teenagers that if we really want to decrease the smoking in teenagers, we should make cigarettes even cheaper?

The SPEAKER: The Representative from Gardiner, Representative Colwell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I wasn't about to answer the question Madam Speaker. I hope you will not vote to Indefinitely Postpone this bill because I really think it is one of the most significant things we could do this session for health care and our costs in Maine. It is not to me so important whether or not it will reduce smoking with young people or whether this money should go to this purpose or that purpose. The most important aspect of this bill to me is that we have to begin assessing those who smoke and those who buy cigarettes more of the true cost of what that action in costing all of us in society. The price of a pack of cigarettes now, in no way approaches, I think, what the impact of that smoking does for those people who smoke and their health care costs. For those who are affected by passive smoking, employers who lose productivity by smokers who are out ill throughout society we are crippled today by the affects of smoking on all of us in some way or another. The health care costs are just unimaginable, I think. It would be very hard to quantify what the cost of one pack of cigarettes should be if we could work those costs out. I am sure it is way above what they are now. We have to begin to work together somehow to affect that. I think many of those who have spoken against this bill tonight do support some way to reduce smoking. Even a higher tax, but for the last hour or so we have been quibbling over, in my mind, relatively minor points about this, whether or not it will truly reduce the smoking or whether the programs we start now can continue in the future.

In a way we are being torn apart and as some said this morning, the people who are benefiting are the tobacco companies and their lobbyists. We could leave this chamber this

week having passed no legislation to impact smoking and really failed, I think, it is something that we have within reach. Our state won't lose any jobs if we effect smoking. We are lucky enough not to be in a state that produces cigarettes. We have that luxury to vote for something like this and not be directly affecting jobs in Maine, except in a positive way as I said by reducing job days out on productivity, by reducing health care costs. We have two parties, in a way, divided on what bill they support about smoking. I think we really have to take care of some of those divisions later in this session or in another session. All of the issues of revenue and where it goes will be changed no matter which bill passes.

I took a trip. I was fortunate enough in the April vacation to visit one of the former Soviet Republics and I won't tell too long a story, but it helped form my thinking on this bill because I was amazed to see, everywhere I looked, billboards for American cigarettes. Showing people riding fancy motorcycles and smoking Marlboro. It is very appealing to people who live there to move toward this image because smoking was much more prevalent than I see in our country today. So many people smoked and on every street corner there were grandmothers selling cigarettes in cartons on the black market. It was more like currency there. Literally everywhere were old women selling cigarettes to pay for their living. I thought about the difficulties that country is having economically moving to a free market. I mean they are almost hopeless. Adding to that they have the costs that they are not even beginning to look at for the amount of people who smoke there and the cost that is going to impact them. I come back and think there is not much we can do about that here. We can't stop that. Cigarette companies probably would survive on their non-American sales even if we banned smoking in this country.

What we can do is at least assess the people in Maine a little bit of what they are truly costing all of us when they buy a pack of cigarettes. We really have to move to that. I urge you to not vote for the Indefinite Postponement of this bill, but to pass something tonight that will begin to slow down or at least charge the true cost to those who smoke.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. This is an issue that strikes close to home with me. Not because I smoke, not because my family smokes, but because I am one of the border towns of that other state. I know that there has been many people talking about cross border sales, smuggling and such. I know it will affect some stores in my district. However, when people ask me, will you support a 37 cent tax hike? I say, no. I say let's go a \$1 or let's go \$2. We have to remember that what we are talking about here is a dirty, rotten, nasty, disgusting habit that kills you. This is not having a couple of puffs. This is not having a little drink. This is something that will kill you. There are hundreds, if not thousands, in my district that smoke now, if you believe the statistics. Many of them are children. Many of them will die horrible deaths, losing lungs, emphysema and heart failure. I cannot believe that anybody in this chamber truly wants to support anything like that. We have heard many statistics and statements and even conflicting statements. First we hear that we are going to raise the rates to pay for these programs and then smoking will decrease and how are we going to pay for it. The very next statement is by raising the rates, smoking will not decrease.

If you truly believe that higher taxes will increase smoking, then I am sure my good friend from Caribou, Representative Sirois, would encourage me to quadruple the taxes on potatoes, then children will eat more of them and then Aroostook County

will be sending money to the rest of the state. When smoking does decline, how will we pay for this? I say let's raise the taxes again. As the price goes up, smoking does decline. Every year we hear about the percentage of people smoking declines, except for in one group and that is our children. I have two children. I am sure that eventually they will try cigarettes. I am hoping that their good sense will prevent them from picking up this nasty habit. Why is it children are being targeted? It is because they are the most gullible. They are being targeted by multi-billion dollar ad campaigns, sports events, rock concerts and free gear. If we wanted to really and truly protect our children, I say we increase this. We go for it. We help prevent smoking. We help fund the programs that help the most needy children and our elderly. Let's not worry about what the future holds. If those programs are truly deserving, we will find a way to fund them. I urge you to vote against the Indefinite Postponement and help all the citizens of Maine.

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

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. The people of this state are crying out for leadership on this issue that is facing us tonight. I am truly honored to be a member of the same body as the distinguished Representative from Berwick, Representative Wright, who lives on the border community and faces the issues that you folks on the border community face in regards to this and has the courage to stand before you and take the position he has taken because his bottom line, as it should be for all of us, is the health and well being of the citizens of this entire state and most certainly the health and well being of our youngest and most vulnerable population who are appalling, in the worst situation in this entire country, in reference to smoking. They look to this building to see leadership and ladies and gentlemen if we don't act in a decisive manner to overturn this embarrassing motion before us and move on to pass this bill, they are going to see nothing more than a vacuum up here relative to our stance on one of the most serious health issues before our state at this time. We cannot continue to cow cow to an industry, an industry that as the former Surgeon General reminded us the other day in a note that was sent around, has lied to us repeatedly. My way of thinking regarding these health affects of smoking cannot continue to cow cow to their inane arguments and to their sea of lobbyists who have worked the halls of this Legislature for the past months. We must seize this tremendous opportunity to address this most serious and appalling health issue facing our state do all we can to turn the tide of ill health suffering.

Ladies and gentlemen, I have seen the ill health and suffering with members of my family and close and dear friends and also the death it has brought to us by our friends in the tobacco industry. We can always find reasons not to vote for any bill that is before us. Some of my own bills, which undoubtedly were the best bills you would see here in any given session. I could find reasons to vote against them by the end of the day. In the end, we have to consider if the good out weights the alleged downside to the bills that are before us on a day to day basis. That is one of the cases before us today. I urge you to oppose this Indefinite Postponement motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Men and Women of the House. First of all, I need to say that I have seen a lot of rhetoric on the desk. I have heard it in the chamber in the last several hours about the tobacco industry and tobacco lobbyists. I have to say that as far as I know, I have not spoken to one tobacco lobbyist in the last several weeks. I could stand corrected, but I really don't believe that I have. As a matter a

fact, I have turned away tobacco money. It was sent to me and I turned it back with thanks. Secondly, I know I am opening myself up, but I don't know what I am going to do on this vote. I had decided that I would support an increase in a tax to go toward smoking education and cessation and prevention for our youth. I agree that it is a horrible problem with our youth. I had agreed to that. When I just saw the 150 positions, I have a problem with it. I understand that it is going to be debated in the Appropriations Room. I understand that there may be amendments to deal with it, but, to me, this is opening up a whole new program that is not what the intent of the bill was supposed to be originally. I guess it is not a rhetorical question, but I will sit down if anyone cares to answer those questions for me. I am still grappling with this issue. Thank you.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I hope that you vote against the pending motion. I want to give you two reasons why. First, in 1993, I worked for a year at the Maine Youth Center in the Substance Abuse Treatment Program. Obviously in that program what we tried to do was educate and alert the youth that were there to the dangers of alcohol and drugs and smoking. I had one circumstance of a youth that I had been working with for three or four months on a variety of different substance abuse issues that he had. He was progressing so well that he got a weekend pass. He had been there six months. A weekend pass was a big deal at the Maine Youth Center because after being at the Youth Center for six months being able to go home for a weekend was something they looked forward to. He got out that Friday and he came back that Monday. I saw him about lunch time and he was sitting at the table, but he wasn't eating anything. I went over to him and I said, How are you feeling? He said, I am feeling pretty well. Is said, How was your weekend leave? He said, It wasn't too bad. I said, You are looking as if you are having a little bit of a problem here and you are not eating your food. He took me over to the side because he didn't want the other people to hear. He said, Mike within two hours that I got out of here I went and I bought 10 packs of cigarettes and I smoked all of them within six hours. I tried to recover a little bit and I said, That must have been a pretty painful experience. He said, I have been here six months and I really thought that I had these issues under control. We had done a lot of education and a lot of treatment, but the first thing I did when I got out of here is I had to go get the cigarettes and once I started one, I couldn't stop.

I think that speaks to the power of the addiction of nicotine and that even at times when people think they have it under control, it is still there. That particular instance points out to me the need for doing early intervention and early education. For this particular youth, his addiction was way down the road. He was a 10 pack smoker a day. For other people and through this legislation and through this bill, we had the opportunity to prevent people from smoking and not to smoke the first cigarette.

The second reason why I support this bill is that I worked for the United Way of Greater Portland for seven years. There was not a week that went by that I did not have a mother or a father call me and say, where do I get health care for my child? We just lost our jobs. We lost our health insurance. We don't qualify for Medicaid. We don't qualify for any health care. What do we do? Our child is sick. They need mental health counseling. They need substance abuse counseling or they have a physical ailment that we need to attend to. What do I do? The only thing I could tell them is to go to the emergency room, which is a very costly form of care or I would tell them to try to go find a provider that would be willing to accept them as a free patient. That simply is not right in this state that we ask our children that the

best we can do for our children is to go to an emergency room or to go to a provider that would be willing to give them free care.

I believe this bill is a good solid first step, if not a giant step towards preventing smoking for our young people in the state and providing health care for the most vulnerable citizens of our state. That is our children. Thank you.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I ask you to vote for the pending motion to Indefinitely Postpone this bill and all its accompanying papers. I do that with deep regret as I am one of the sponsors of the bill that was to create health insurance for children. Two Representatives a few minutes ago, the Representative from Harpswell, Representative Etnier and the Representative from Berwick, Representative Wright, stood here and basically insinuated that a sign of leadership was for us to not care about what the future holds. I beg to differ on this issue. I think a sign of leadership is for us to care about what the future holds. I think part of the dilemma that we are in tonight has to do with term limits actually because there is no historical knowledge in this body and because there is so few people that remember the past, I am very concerned that we are doomed to repeat the failure and that the history will continue. Again, I beg to differ. It is important to think about what the future holds. In order to do that, you need to understand what happened in the past.

The primary reason why I put in the legislation this year, all I asked for was one penny on a cigarette tax to cover all children age 18 and under. My first term here we had a health care program for people and it ended up dying because of a battle of a mere \$300,000. I will say it again. We did before, when I first came here, had a health care program and it died in this body for a lack of a mere \$300,000. Today this bill before you has a price tag of \$60 million. The health care program a few years ago died over only \$300,000. My second term we had another initiative to create health insurance for children. That died by one measly little vote in the Senate. I was pretty devastated. Yes, I put in legislation saying please create a health care program to cover children age 18 and under. Yes, all I need is a penny. I don't need a dollar. I only need a penny.

I think it is very important to come at it from a frugal, moderate point of view so that anything that we create will be held and continue in the long run. It will have sustainability. The next group of legislators that comes and takes our seats and they will does not stand here and say \$60 million let me, let me. I am going to take that money and spend it on something else and there goes our health care program and we have nothing all over again, which brings me back to the beginning of our story. If you don't understand the past, you are going to be doomed to repeat it and you will have failure. We do need to show leadership, but that means understanding what the future does hold. I think if we went with the frugal method where it will only cost one penny and if you had a system that was not expanding Medicaid, but created a nonprofit organization which had copays and sliding scales where the parents contributed based on their income. You would have a very moderate frugal sound funding formula that could provide health care insurance for children for generations to come and be something that we were truly proud of. I would just like you to bear that in mind. This is a \$60 million decision here and I think the document, as it is currently written, is seriously flawed. I, too, am extremely concerned about the whole aspect of young children starting to smoke.

I understand there is a real concern with young females in particular. As you know by now, I do have two daughters. One is Natalie, the 12 year old who loves to come here and I am concerned that she might start smoking. For those of you who

aren't clear as to how young teenagers start smoking, let me tell you. It has nothing to do with how much the cigarettes are going to cost. Again, whether or not a young girl decides to smoke has nothing to do with how much the cigarettes cost. What the girl does is she either takes her baby-sitting money or her allowance or steals money off her parents dresser and then she goes to the store and she buys them. If you insist on creating a black market, she will buy them from somebody else. Anyway, the girl goes to the store and buys the cigarettes, then she goes to the school and stands in front of the school building or in the bathroom and smokes them. Creating a new tax is not going to stop Natalie from starting to smoke. What it is going to do is take \$60 million out of this economy. In my opinion, it is not going to be wisely spent.

When I was in Australia, I saw the cigarettes for one package are \$6.80. That doesn't stop anybody from smoking. I think we have seen a lot that shows us that these supposed feel good measures to get people to change their sinful habits do not work. Many people are starting to realize that the DARE Program really doesn't work. Some of us have seen the commercials that they are talking about running to get you to stop smoking. I watched them with some teenagers. It was a big joke. It was a camel standing in front of a microphone telling you not to smoke. It was not effective. Again, none of these things are going to keep Natalie from stealing another 37 cents off her father's dresser and going to buy cigarettes.

If your serious about trying to help children stop smoking, what you need to do is enforce the existing laws. You need to have, first of all, stings on the stores on a regular basis so that the stores learn very quickly and thoroughly that no, you do not sell cigarettes to anybody that is not old enough. It is against the law. The second thing you need to do is work with the schools and the school bus drives to enforce what is going on before and after school. For instance, I wish what they would do is call in the bus drivers and the superintendents and say if you see Natalie smoking before or after she gets off the school bus, write her up on the form and throw her off the bus for a certain amount of time and don't let her back on the bus until both the mother and the father have signed off on it. That would keep Natalie from smoking or at least make it very difficult. Again, I don't think this is worth spending \$62 million on. I think it is seriously flawed. I think that if we were serious about getting children to not start smoking that there is more effective things that we can do without creating a black market that won't cost anything. If you are serious about creating a health care insurance for children, there is a smarter way to do it so that this will last into the next century and be something that we can be proud of. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. I think that the Representative from Glenburn is right on. We shouldn't be putting ourselves in a position to repeat the failures of the past. I think this program that is put forth in LD 1887 sets up for future success, but I sense among us a worry or a fear that this program will be successful. Ladies and gentlemen, the mark of this programs success will be the fact that it diminishes or the revenues that it generates diminishes. We won't need a study. We won't need to guess as to how effective this is. We will know. If the monies dry up, it is doing its job. There is not a whole lot of guesswork here. It reminds me of a quick story about when I used to work in a farm store. I had a man that used to come in every year and buy a 40 pound box of rat pellets. Every year he bought the same kind of rat pellets and one year we ran out of the kind he had and I asked if he would take brand X. He said he didn't want those

because they are twice as expensive. I said that that was all we had. You can put up with the rats or you can take the rat pellets. He paid twice as much. I saw him a month later. How did those rat pellets work out? He said, horrible, I am all out of them. They are gone. What is wrong with them then? I am going to have to buy more. By the way, all my rats are gone. That is an alleges, I think, to this bill. We should be taking the bold look as several of us have already mentioned. Our state's motto is evidence on that endangered flag up there isn't, let's wait to see what New Hampshire does. It is not, I can't. It is not, I will follow. We all know what it is. It is time to do it.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I feel just as disenfranchised this evening as I did this morning. I had indicated this morning that the bills in both committees, Health and Taxation, went into work session, I had indicated that we could have a first class teen prevention advertising program for 8 to 9 cents and for a penny, we could have a good support program for teenagers who decide to fight the addiction and need that support. I still can't find out what happened from the members of those two committees, but we found ourselves today, it is either this or nothing. It was that way this morning. It was that way this evening. We are all tired and for a moment I almost thought I was at home and I was relaxing and I was watching cable TV. I was watching AMC. It looked like an old James Dean movie. We are not talking about James Dean the sausage king. I think there are men and women within this chamber that remember James Dean the actor. We are out on a highway and we can hear the hot rods, the engines going. Coming from one direction is a hot rod which resembles the Taxation Committee and their bill. Coming from the other direction we have the Health Committee and their hot rod. They are playing an old fashioned game from the 50s called chicken. Instead of in the 1950s type movie where teenagers are jumping up and down on the side of the highway cheering their hero or heroin on, we have the cigarette companies jumping up and down and cheering them on because they know what is going to happen.

Over the last few months as I have gone to bean suppers and I have talked with friends, constituents who smoke and I asked them about 8 or 9 cents on the cigarette tax. If it is dedicated to fighting for teenagers and 90 to 95 percent of those smokers indicated that I am willing to pay it. I wish maybe someone could have helped me. It is too late for me, but maybe we can stop some fellow teenagers from smoking. My real concern on what has happened is I think there is a tremendous base of support in this House and the other chamber for a program targeted toward fighting for teenagers. Those teenagers that decide to back off from that addiction, I think there is support to give them the kind of help, whether it is the patch or the counseling. There will be people who will take exception to my mixed comments. I think people in those two committees saw an opportunity and went beyond that basic core. I think we saw the Chief Executive who saw an opportunity to provide income tax relief, which wasn't included in the budget.

I think in this bill we see that people looked at that bill and saw an opportunity to enact a brand new state health care program. Somewhere we lost the focus on those young teenagers. We are in a fight for their lives with the tobacco companies. I am afraid that what is going to happen here today, the engines are revving, the cars are headed toward each other and we know who the winner is going to be. If this pattern continues, the Maine Legislature won't even have left the locker room in that fight for our kids. I can't predict what is going to happen on this vote. I think it may very well end up like the vote

this morning. I would hope that in the remaining days, two, three or four days, however long we stay here in Augusta, that there is some statesmanship on those two committees, Taxation and Health. When the dust clears and they haul the debris off the highway that they will regroup and one of those two bills will be recommitted back to committee and they will come back with a focused bill that focuses on teenagers and fighting for them. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. I really had no intention of speaking to this. I had no intention of speaking to anything until next January. I am delighted to have listened to this debate and not hear one member of this body say that cigarette smoking is not poison. I haven't heard one member of this body say that cigarette smoking isn't harmful. I haven't heard one member of this body say that cigarette smoking isn't bad for your health. We all know that it is. It is a given and it is accepted. In a perfect world, we would have the courage to take that one step forward and just say, that is it. Cigarettes are outlawed and we just won't have them at all. I guess we are not going to do that. Like several Representatives have said, this is a first step. That is all that it is. It is a first step forward. Ladies and gentlemen, we can't go anywhere unless we take that first step.

I was concerned when I heard Representative Plowman talking about cigarette smoking and put it in the same ball park with huffing and drinking. It is a whole different game we are talking about. I work in a community where people are paying \$5 for a cigarette, for one. A jail community where cigarettes are smuggled in and there is a black market. It is \$5 per cigarette. Talk about addictive. I have talked to heroin addicts that tell me that cigarette smoking is far more addictive. There is medical research that will back that up. Nicotine is far more addictive. We all know that. We don't need to debate that. Nobody has even stood up and discussed it because we know it.

Some of the people that I have heard arguing against this bill have said that it is already illegal, so why don't we enforce that? Why don't we go that route? That is a real good suggestion. Why don't we? Ladies and gentlemen, we can. If this bill passes and later on an amendment that we can't talk about right now, as I understand, there will be ways to address that. There will be ways to address enforcement. We need to take this first step. I have been a big fan of stealing quotes from people. My good friend Representative Wright early on in this session and I were comparing quotes and different remarks and I need to steal this one from him because I think it is just so applicable.

"A politician thinks of the next election. A statesman thinks of the next generation." That is what this bill does. That is what we need to do. Thank you Madam Speaker.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I will not be one of those squirming in my seat when I vote for Indefinite Postponement. I have the same attitude that we all share. Smoking is not good for humans. I even voted for banning smoking in restaurants. I want to vote for a tax increase on tobacco products. I was a cosponsor of Representative Murphy's bill, which would increase the cost per pack by 25 cents, but I will not vote for a bill that does not aim most of the funds for a prevention program. I am voting for Indefinite Postponement, but I would be happy to vote on something later on in the week that would aim most of the funds at prevention programs.

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

Representative QUINT: Madam Speaker, Men and Women of the House. I have to say that I believe this bill is focused. I also need to talk about the process of how the committee got here. This committee bill is a compilation of eight other bills that were submitted to our committee. When we heard those bills at the Elks Club, we had over 100 people there suggesting to us what we should do with regards to prevention, health care for children and a variety of other issues. All of those suggestions provided several vehicles for us to put something forward for this Legislature to move forward. Unlike how it was alluded to that we just saw an opportunity to spend 37 cents and this is what we came up with. That is not entirely true. We had several options, one penny, two pennies, 25 cents, a dollar and 37 cents. We spent hours talking about how we could address the public's concern of all of those people who were at the Elk's Club, at the public hearing, asking us to do something about prevention for our youth, uninsured children and all of the other issues that are related to tobacco.

That hearing went on for six hours. It was overwhelming that the public support for doing something and moving forward. It is unfortunate that when the committee got to its work session, the minority group on the committee decided that they did not support an increase and removed themselves from the development of this package, entirely. We took it upon ourselves to put this together. I believe it is focused. I believe it does deal with prevention as well as dealing with insuring those who are uninsured and the elderly.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. I really, like many others, was not going to speak on this particular subject. Out of all the speakers that so far have stood up, I haven't seen anybody say they smoke. I don't smoke, but I chew cigars. I am having a heck of a time to break the habit. What are the kids doing when they are smoking and how are they going to stop smoking? It is a tough deal. By just raising the price, I question highly that that will do the job.

The other thing that bothers me is what Representative O'Neil said. He said if the program started going down or the problems went down, we would know that the program was a success. In the meantime, you have instituted a whole new health program. You have X number of new people hired and all of a sudden what happens to the General Fund? How are we going to pay the bill? We can't pay what we have now. The GPA is shot. The roads and bridges are shot. Human Services is shot. Do we keep open AMHI and BMHI? It is a serious problem. I personally, if the money wasn't going to fund new programs and was going to be in a fund to set aside to help the old programs, I would be very interested in supporting it. I cannot support the program that is going to add 153 new state jobs when we were elected to cut the cost of government. I will be voting for Indefinite Postponement of the bill and papers and I hope that you will do the same. Thank you very much.

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

Representative FISHER: Madam Speaker, Men and Women of the House. Representative Cross said that nobody has gotten up and said they smoked. I am a smoker. I quit once for about a year. Two days on the road with two young kids and a wife changed that real fast. It started again. I don't have any particular intentions of stopping. Over the last few days people have tiptoed around wondering how I feel about this bill. Would a smoker support an increase in the tax? I do, especially if it is put towards educating kids. By the way, I don't think 37 cents is going to stop one kid from smoking cigarettes, especially if it is

helping kids by education and it goes to programs for the elderly and for the poor. Thank you.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I have actually been listening to this entire debate. I have taken note of all of your questions. I don't know if they were rhetorical. I don't know if you wanted answers, but I am going to try to answer them. Representative True posed a question that taxes won't reduce smoking. Well, obviously there is debate on that, but I have abstracts here from the American Journal of Public Health and the general accounting office that will demonstrate just how much they will reduce smoking. Since we are not going to rely solely on attacks, we have created a state of the art prevention and cessation program. I believe that we can reduce smoking with this proposal. One of the other most common questions is about all these positions. Believe me, I didn't like the fiscal note either. I think it is outrageous. I think it is false. We just got back about 10 minutes ago new estimates from DHS that says we will now need 24 positions. That may not be the final count, but there is obviously room for movement. A lot of questions about what happens when the revenues drop. We built that into the fiscal note. We have room for movement, but more than that, we will set priorities like we do with all other programs. Representative Plowman asked why do kids smoke? Kids smoke because they are addicted. This is the most addictive drug that we know of. They may start for a variety of reasons, but they keep smoking because they are addicted. To respond to my good friend, Representative Mayo, who is not here right now, this is not a new program. Medicaid started in 1965. That is before I was born. This is not a new program. Medicaid happens to be the most efficient, least expensive way to cover children. They have 5 percent administrative costs. Compare that to any HMO, any hospital and any health plan, they have about 20 to 30 percent administrative costs. The rhetoric about new programs is garbage. We are not talking about programs. We are talking about children. Finally, I have my own question. Are Maine kids worth 37 cents?

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I had hoped that I could get in after my good friend from Gardiner spoke because being that I think I was a good teacher when my people left the classroom, I tried to have them remember what I said. I would like to repeat myself. It is true. I am certainly in favor of anything that can help young people. It is true that I think this costs us too much. I did say that there was a way that it could, perhaps, be helped. No one has spoken about that yet. You are still talking about 24 positions. You are talking about an exorbitant amount of money. You already have an educational system in every single one of your towns. In the curriculum because of state mandates and so forth, you must teach health. Some teach it in history as a social issue and some teach it in other ways. Until each and every one of you go into your schools and find out how much time is spent on this, which we say is the greatest killer of young people, then what in the world do you want to have new people spending a lot of money when it can be done right there with attentive young people. While I am up, I want to take exception to my good friend from Berwick, who says that I don't have any intestinal fortitude because I won't vote for this. I live on the border. I have lived on the border longer than he has been alive.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. My position, as always, is that I am totally opposed to taxes. I have been and the reason being is that taxes have a very negative effect on job creation and economic activity. Ladies and gentlemen, in this particular situation, my position will be changing. The reason, not because I am opposed to taxes, but because the harm done by cigarettes and smoking far outweighs the damages done to the economy by taxes. Therefore, I shall be supporting LD 1887, but I would tell you that I urge you to really think about changing the amount and the area where we are spending money to make sure that we do not create a program that we cannot fund beyond two or three years. I think this should be self-funding and it should have a sunset of some sort that protects us from having additional costs added onto the population of the General Fund, say in the year 2002. Like Representative Bruno said, I would not like to have a program that goes beyond the money that we are going to generate. Ladies and gentlemen, I urge you to oppose the pending motion and that we go on to pass this piece of legislation.

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

Representative JONES: Madam Speaker, Men and Women of the House. I have been curiously quiet this session. I thought I would have to speak a great deal on deregulation, but Madam Speaker cured me of that. I want to say something. If we could tax crack or heroin or cocaine, we could achieve all of these things. The reason we can't do it is because we can't grab onto it. There is no way to grab that tax. The reason we are against this and the reason we hear opposition to this isn't where the money is going. It is because there is a tobacco lobby. A lobby that is incredibly strong in this country. They grab onto us. They grab onto us hard. I have so many good things in here tonight about what we should do. Maybe this bill isn't perfect. The bill this morning maybe wasn't perfect. Representative Murphy maybe had it correct. We shouldn't have two trains running into each other. We should have some consensus. I would like to see that consensus. I don't see it in three days. This is the alternative we have. Let's do something right now, today, for the kids. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. This has gone on for a couple of hours now. I have been kind of baffled, quite frankly, as I listened to this. Where all the smoking came from since 10:30 this morning. It didn't seem to be an issue this morning. Thirty-three people voted for a bill this morning on this issue. Now all of a sudden everybody is concerned about smoking. I am a little baffled. I hear that this program, if we put it in place, will decrease smoking. I would like to believe that. I don't believe that the 37 cent tax will sway anybody from smoking. I think the 37 cents or 47 cents or \$1.07 have nothing to do with whether or not a young child starts smoking. What has to do with whether or not they smoke is taking away what the cigarette companies are able to create as a lifestyle. If you smoke, you have friends and everybody will be happy and you will be the Marlboro man and Camels will smoke. Education takes that away. That is why the piece of the 37 cents is important to me to go to education.

When I hear about how this program would encompass children and families at 200 percent of the poverty level, it is a fine goal. It is a noble goal. The median income in Maine is \$20,000. Two hundred percent of the poverty level is somewhere in the vicinity of \$30,000 or \$32,000. A lot of the people in that income range have employer paid health care. I believe, absolutely, that if we do this that a lot of those programs

will go away. We will create more people without health insurance if we go ahead and do this. The fiscal note, I heard Representative Mitchell say the fiscal note is exaggerated, my fear is that it is very conservative. My other fear is the one that I suggested this morning in the 10 minutes of debate on the other tax bill was that we would be exactly where we are right now at loggerheads over the issue of how the money will be spent rather than putting these two bills on the floor today. We didn't go find a way for a compromise. We are exactly where I was afraid we were going to be at 10:30 this morning. Maybe the numbers are there to pass this bill. I don't believe this bill will leave this building with us when we leave on Friday or Saturday or whenever it is. We have an obligation for the health of the future of the children of this state to find a way to pass a cigarette tax to help dissuade them from smoking.

I haven't been here for the whole debate, but I do know one of the things that we looked at in the bill that I had said that we would look at a 16 percent decline in the smoking rate in Maine and still end up with the amount of money that we have heard here tonight, somewhere in the range of \$60 million. I am not sure that is accurate. Obviously, we can only estimate. If that happens and then we add more people to the rolls, we can't finance this program in the future. It is irresponsible. While it may feel good and in the unlikely event that it will go home with us, it won't. I am absolutely convinced of that. Regardless of what happens in this room, this bill will not go home with us when we leave. Who will have won? We heard that the tobacco lobby has been out there working hard. Frankly, ladies and gentlemen, they are sitting back and laughing. They haven't had to do anything. We are doing their work for them in this room tonight. We, as the elected Representatives of the State of Maine, are not adult enough to sit down and find a way to make this thing work and we can get votes enough and we can get it passed in the other body and with the Chief Executive. They are laughing. They are getting paid and not have to lift a finger. They are the winners, as I said this morning, the cigarette companies are going to be the winners and our children are going to be the losers.

I will admit that I don't understand enough about parliamentary procedure to find a way to stop this train, as Representative Murphy said, those two cars that are headed toward each other and find a way to get a committee of conference or whatever it takes. I don't understand, but what we are doing, ladies and gentlemen, doesn't make sense. Our children are going to lose. I don't want to create another program. I want to stop our kids from taking up smoking. I want to help reduce the pain and anguish in the families whose parents end up with lung cancer and die prematurely. Your children, my children and their friends, that is what I want to prevent. I am not interested in working for the tobacco companies and that is what we are doing here tonight. I would like to be able to offer a solution, but we are at a point, almost, of no return here. As I said, I don't understand it. If anybody else has a way to do it, I would sorely love to have you say something on the floor of how we can do it because we can't afford to let our children down.

There are those that won't vote for a cigarette tax, whether it is 37 cents or 7 cents or what it is. They will not vote for it. That is a given. We understand that. There are those of us who believe that this is probably the most important thing we can do here this year because our children are involved. We can't afford to lose this opportunity and go home and say to our constituents that we weren't adult enough to help your children. I believe that is what we are doing here tonight. I wish I knew how to stop this train. If somebody else knows, please tell me. Thank you very much.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I know that the hour is late, but for a while here I am thinking that I am not in the State House in Augusta, but perhaps that maybe I am in Washington DC where a bill that has a perfectly good intent and is something that as the good Representative from Rumford says, everybody could support. Suddenly is used to be a vehicle for someone else's pet project. I think that this is exactly why we are where we are. This is why we can't reach common ground. This is why someone is going to wind up paying for our inability to take action. Each of the issues that are combined in this one package are worth while issues, but they should not be gained under fraudulent means. The board up here says health prevention smoking. That, ladies and gentlemen, should be the only issue that is tied to this bill. We should not have two or three other issues. We should not be supporting anyone else's agenda in handling these bills. We had a situation today where an amendment was denied because it was not germane. I think that the two issues that are tagged onto this are not germane to the prevention of teenage smoking.

I keep hearing too that this is a program about saving lives, saving children's lives, keeping them away from the addiction of using tobacco. I have heard about institutional memory. I have only been here five years and I don't think that is long enough to have institutional memory. I do remember that this body has voted for something that is always fatal to children's lives in the last five years on a number of occasions. Here we are talking about saving children's lives by preventing smoking by giving them educational programs and yet this body, time and time again, has supported something which is always fatal, abortion. I find that there is a mark of incredibility between a group that is now trying to prevent teenage illnesses and health problems when they can support abortion. I will be voting to Indefinitely Postpone this bill and all its papers.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I know it is late. There were a couple of things said that I feel compelled to address. I understand the sincerity of the speakers and I understand the analogy about the two cars heading toward one another. I think I differ with respect to that being the process at present. The idea of a pet project that somebody's agenda is involved here. I will tell you what my agenda is. My agenda is improving the lives of Maine people to include Maine children. I see doing that with this bill that is before us in a major way. I understand the concerns that the good Representative from Rumford, Representative Cameron and he is a good Representative. I consider him a friend. I also understand the concerns of the Representative from Kennebunk, Representative Murphy. That James Dean analogy. I thought about that when you used that Representative Murphy and you were suggesting that teenagers are going to lose with this proposal. I believe that the teenager is going to win with this proposal. They will win because of the smoking cessation programs. They will win because of the expanded Medicaid coverage to those children of the working poor. By the way, where I come from there are lots of kids that fall into this category. I know that on a personal basis. One of my family members treats these children on a daily basis. They have no pediatrician. They have no health insurance. The parent does not qualify for Medicaid and the parents employer does not have health insurance. Pre-teens win with this bill because of the preventative health care.

When I hear this analogy about the two cars coming together and I hear that the bystanders are cheering and laughing and that those bystanders may be the tobacco lobbyists, I think not. I think that those bystanders that are cheering are the children of the state and they are cheering us to pass this bill. I feel strongly about this. I ask you to consider this. I know many of you in this chamber have made your minds up. You think this may be our last chance. I would just suggest. This is the bill before you. It deals with the issue of smoking. It deals with the tobacco tax. It deals with some other programs, specifically children's health that in many ways is directly linked to smoking, either through the child or the family of the child. I ask for your support of the bill. I also ask for your vote against the pending motion. Thank you very much.

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

Representative BRAGDON: Madam Speaker, Ladies and Gentlemen of the House. I know it is late as well. I will try to be brief. I just want to recap why I believe LD 1887 is a very bad bill and why I think you should vote against it. First of all, LD 1887 increases Medicaid to children at or below 200 percent of poverty level. Right in the bill itself and you have had it read to you, it states that there is just barely enough revenue to fund that for the current biennium and that there will be a deficit that will have to be funded out of the General Fund in the very next biennium. I think it is very irresponsible of us as legislators to make a promise to the children of Maine that we are going to provide Medicaid coverage to you and to have to break that promise and knowingly break that promise in two years.

Secondly, I have a problem with the low-cost drug program for the elderly. As has been stated by Representative Bruno, the language in this LD specifically changes this program and removes the eligibility for this program to elderly people age 62 to 64. I think it is highly inappropriate that this Legislature tells our elderly, age 62 to 64, that we no longer are interested in making sure that they can receive their prescription medication at a subsidized rate.

Lastly, I think this bill is bad because it expands government. From the President on down we have all heard and the American people are crying out to reduce the size of government. Bill Clinton himself said in the State of the Union address that the era of big government is over. To my count, this bill creates 155 new state positions. I think that is irresponsible. We have heard lots of things about the tobacco industry and how they make millions and billions of dollars off the addictive behavior of those who buy cigarettes. I would suggest to you, ladies and gentlemen, that by funding programs that I believe are very worth while, an expansion of Medicaid and the drug program for our elderly. Funding those programs solely by a tax increase that we, as a Legislature, are acting exactly like the enemy. We are saying that these are priorities to us, but we think they should be paid for solely by smoking Mainers. The response to the question put forward by Representative Mitchell of Portland, I do think Maine's children are worth 37 cents, but I think they are worth 37 cents that each of us should pay. I would strongly urge you to support the motion to Indefinitely Postpone.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I believe tonight is a defining moment in the 118th Legislature. Before you today is a piece of legislation, which will do more for Maine children than any other piece of legislation before this body. There have been many points brought up in this debate and many of them concerning the funding of this program. While House Amendment 723 is not before us at this time, I ask my colleagues from both sides of the aisle to consider

it and consider the responsibility and the concerns taken in in this amendment in dealing with the funding issues. This amendment addresses the outlying years in regards to funding this program.

What I want to say to you tonight is that I was thinking about this morning's vote and I noticed that 33 members across the aisle supported the measure before us today. I got to thinking about LD 1753, which probably doesn't sound familiar to everybody in this body today, but that was a bill called Healthy Children. It was brought before this last Legislature. I found it encouraging as I was preparing for this vote that 17 of those 33 members who voted to increase cigarette taxes this morning, voted to support healthy children for the State of Maine. That is over half of those members. I also found it encouraging that 131 members of this body and the other body voted in support of healthy children just one year ago today. That was the healthy children program, which directly reflects the amendment which will be before you later on today.

As I began to prepare for this debate, I went through an old file. In that file I had some information sent out by the Chief Executive. In announcing his Communities for Children Program, the Chief Executive said, it is more of a guiding philosophy or a principle that says to Maine people that from this day forward the various departments of Maine government are going to work together with local communities to make children, toddlers, preschoolers, adolescents, teenagers and all the problems they face growing up in today's world an important area of concern. The Chief Executive went on to talk about his Communities for Children Program in a pamphlet he called *Our Maine Concern is Children* in that he explicitly talks of the state government commitment to children. He has three guiding principles in that. Number two, provide data to access how children are doing in each community. We know how children are doing in the State of Maine. We know that Maine is at the bottom of the heap when it comes to smoking throughout the entire nation. We know that one in three of these children will die due to a smoking related illness. We also know that over 36,000 children in the State of Maine go without health insurance every single year. The Chief Executive asked us to consider something else. He says work with community members to identify children's problems and to provide resources outlining proven and effective ways to solve them.

Over 38 states throughout this children have Healthy Children Programs. Those states and many other states have smoking cessation programs. These programs directly address the needs of Maine's children who are smoking and who are without health care. It is important for you to know that the Maine Health Reform Commission, which is not a Republican commission and it was not a Democratic Commission, it was a commission of three great leaders in health care in the State of Maine representing industry, public policy and the private sector. They came out and said that children who have access to regular preventive health care are less likely to be ill and require less expensive medical care at a later date. Parents of healthy children use less sick days at work. It sounds like it is good for the economy. They go on and they say that for every dollar we spend on preventive health care saves us four times that amount in expensive health care cost at a later date.

Healthy children and tobacco cessation will go a long way toward helping the children of the State of Maine and meeting our commitment to those children. If 131 members of the 117th Legislature, if Senator Orin Hatch from Utah, if 33 members from this morning's vote, if each one of you in this body joins those people to do what is right tonight, we will begin to address the needs of the uninsured children of the State of Maine will begin to meet our obligation to the teens in the State of Maine and we

will begin to do the right thing. Ladies and gentlemen of the House, I urge you to defeat the pending motion and to join me in adopting this committee report and adopting the later committee amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I just want to recap for you. We had eight bills before us in Health and Human Services and Taxation that wanted to raise the tax on cigarettes. We had umpteen work session. We have had this evenings and this afternoons debate. Some people wanted more tax. Some people wanted less tax. Some people wanted more prevention. Some people wanted less prevention. Some people wanted more education. Some people wanted less education. Some people wanted tax relief. We can't give any tax relief. We want more health care. We want less health care. We want to take care of the working poor. We can't take care of the working poor. We should fund BIW. We shouldn't fund BIW. We should take care of the mentally retarded waiting list. No, we shouldn't take care of the mentally retarded waiting list. We should do children at 200 percent. We should do children at 185 percent. Whatever we do the Executive is going to veto it. Whatever we do the Executive won't veto it. It will produce more revenue. It will produced less revenue. It will take more jobs. It will take fewer jobs. We sat down eventually as we kept working at it and tried to come up with things that would work for everyone. In terms of tax relief, if there is more revenue let's remember that in the terms of our current budget, 75 percent of that goes into tax relief. The common thread that we could find was prevention, health care for children and taking care of prescription drugs for the elderly. There are people here with history. There are people here with fresh blood and people with very strong opinions. We have spent hours and hours and hours trying to come up with an amount of a tax to charge that would make sense to people, that would encourage youth to stop smoking, not to start and adults to stop and it would take what revenue came from that and use it in an equitable manner that would increase doing better things for Maine people. What you have heard this afternoon and this evening is a microcosms of what we have been dealing with since we had the public hearing where hundreds of people spoke. I encourage you to not support the Indefinite Postponement. This is a good bill that really represents a lot of working together by all of us. Thank you very much.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. We have been debating this for over two and a half hours. About two hours ago there was one person that said she didn't know how she was going to vote. She has left the room so I think she has made up her mind. Why don't we vote?

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

ROLL CALL NO. 319

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Chizmar, Cianchette, Clukey, Cross, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD,

Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chick, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wright, Madam Speaker.

ABSENT - Campbell, Dexter, Hatch, McElroy, Poulin, Povich, Underwood.

Yes, 68; No, 76; Absent, 7; Excused, 0.

68 having voted in the affirmative and 76 voted in the negative, with 7 being absent, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

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

The Bill was read once.

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

Representative MITCHELL of Portland presented House Amendment "C" (H-723) which was read by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative BRAGDON: Madam Speaker, Men and Women of the House. To the good Representative from Portland, could she please explain the amendment and why it is necessary.

The SPEAKER: The Representative from Bangor, Representative Bragdon has posed a question through the Chair to the Representative from Portland, Representative Mitchell. The Chair recognizes that Representative.

Representative MITCHELL: Madam Speaker, Men and Women of the House. I would be happy to. This amendment addresses some of the concerns that were brought up in debate. This amendment lowers the eligibility level to 185 percent of poverty, down from 200 percent. Children and families with incomes at 185 percent of poverty or below will be eligible for health care.

Representative BRAGDON of Bangor requested a roll call on the motion to adopt House Amendment "C" (H-723).

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 Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Men and Women of the House. I hope that before everybody votes that they take a good look at (H-723) and look at the fiscal note attached to it.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I would just like to point out that this reduces the fiscal note of the original bill because it reduces the eligibility level.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I just want to make a comment on some things that we talked about in the budget before we do what it looks like this body is going to do. The number of other items in the budget that were talked about that people espoused on the floor that we wanted to do more for than we did last time and were planning to do more for in the future, they will now have a future competition, General Purpose Aid for Education, the University of Maine System, the Technical College System and school construction, homeless shelters, battered women's shelters, day programs for Maine's most vulnerable population, refurbishing this old house, job training for welfare recipients who will be graduating in the near future, more game wardens and finally property tax relief for Maine residents. As we go forward with things that we are not sure how much it will cost in the future and we increase the cost of doing business in this state, what we are putting at risk is all these other items that we all care about. As we are about to vote, I wanted to let my colleagues know why I supported the bill this morning and I am not supporting the bill this evening.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I just quickly ran through this amendment and I still see 132 new positions.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I hope that you vote against adopting this amendment. Besides creating 125 new positions, it is also spending millions of dollars to add thousands of people to Medicare. It is my understanding that we are trying to get away from increasing the welfare rolls and not adding to it. For that and many other reasons, I oppose this amendment. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BRAGDON: Madam Speaker, Men and Women of the House. We have heard different figures tonight on how many Maine children do not have health care. I have heard 41,000 and 36,000. By reducing eligibility from 200 percent down to 185 percent, how many Maine children will not be covered by this amendment?

The SPEAKER: The Representative from Bangor, Representative Bragdon has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. A lot more than will be covered if you vote against this bill. I will tell you something. I have sat through this debate and I haven't heard one comment on this debate that has anything to do with this amendment. This amendment is saying we are trying to reduce it to 185 percent. If you want to leave it at 200 percent, then vote against the amendment.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. In response to the question about the estimated number of children, it would be expected to enroll with the poverty level of 185 percent of poverty, the figure for a full year is 16,834 expected to enroll. I would also point out that there was a change in the fiscal note relative to the staff. The department as well as the Office of Fiscal Review is 24 staff on the state side.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

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

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Madam Speaker, Men and Women of the House. In the earlier debate, I asked a question on what happens to the elderly from age 62 to 64. Is it repaired in this amendment? I read the amendment and I do not see it corrected.

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Thank you. This amendment does not have anything to do with the elderly care.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Adopt House Amendment "C" (H-723). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 320

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Honey, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Plowman, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Bigl, Bodwell, Bragdon, Bruno, Buck, Cameron, Carleton, Cianchette, Clukey, Cross, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Pinkham WD, Poulin, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Vedral, Waterhouse, Wheeler EM, Winn, Winsor.

ABSENT - Campbell, Dexter, Hatch, McElroy, Povich, Saxl JW, Underwood.

Yes, 88; No, 56; Absent, 7; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, with 7 being absent, House Amendment "C" (H-723) was adopted.

Representative WINN of Glenburn presented House Amendment "B" (H-712), which was read by the Clerk.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I am here tonight to present to you an amendment for this bill, which basically goes back to the original bill that I sponsored. It provides health insurance for all children in the State of Maine 19 and under. Everybody can have health insurance. All the children 19 and under for three pennies on the cigarette tax. I don't need 37 cents. All I need is 3 cents. For \$3 million we can create something we can be proud of and something that will be here for the next century and something that will do our constituents a great deal of good. For \$3 million, not \$62 million.

Basically what it does is it creates a nonprofit organization. It is built on a model from Florida called the Florida Healthy Kids Corporation. You create a nonprofit organization so you are not expanding welfare. You are not creating 125 new jobs. You get away from the monopoly of Blue Cross and Blue Shield and this nonprofit organization makes the arrangements and creates a benefit package for children. Basically, the state contributes a little bit. The state kicks in about \$3 million and the parents kick in a little bit. The parents pay copays and the parents pay a sliding scale based on income for the premium and the provider kicks in a little bit too. For \$3 million of state money, you end up leveraging \$13 million, which is enough money to cover all the children in the State of Maine for 3 cents, instead of 37 cents. It is something that I think we could pass and that would be here in the future as something that we could accomplish this session and be proud of.

I would like you to bear in mind and consider it that there is a smarter way to do this. Some of you received the flyer I sent out and the issue is instead of spending \$13 million, spend \$3 million and get the job done and have it be something we can be proud of. I would appreciate it. I would like to create the yeas and nays. I would appreciate it if you would consider supporting this amendment. Thank you.

The same Representative requested a roll call on the motion to adopt House Amendment "B" (H-712).

Representative ETNIER of Harpswell moved that House Amendment "B" (H-712) be indefinitely postponed.

Representative LOVETT of Scarborough requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-712).

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 Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I would like to thank the Representative for bringing in a plan that does what we want it to do and no more and leave every other issue to stand by itself on its merit. I urge you to vote against the Indefinite Postponement of this House Amendment and to consider it on its merit. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. I think if I read this correctly that this amendment replaces the bill we just voted on.

The SPEAKER: The Chair would answer in the affirmative.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. In that case could the good Representative from Glenburn tell me where it is in here that there are funds allocated to stop children from starting to smoke.

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

Representative WINN: Madam Speaker, Men and Women of the House. I think if you had been here for my speech on the original bill you would understand that we can get children to stop smoking without having to spend \$62 million. Many people are afraid that spending \$62 million isn't really going to do anything to get teenagers to stop smoking. In fact, that money would just go up in smoke. We think that instead of pretending that isn't a tax on the working poor that we will say yes, we do want to provide health insurance for the children and that is what

we are going to do. Pure and simple. We will enforce the existing laws and make sure that children are not allowed to buy illegal drugs. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHANNON: Madam Speaker, Men and Women of the House. In recommending this amendment to replace the bill which was just passed, I note that costs are not fixed. I would ask that if there is any explanation or estimate for the lines beginning on page 7, line 25 through line 33, other than maybe \$10 or \$11 million a year. I am not satisfied that that estimate has any basis in reality.

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

Representative WINN: Madam Speaker, Men and Women of the House. I am a bit concerned about the question. I believe it is something to do with can \$3 million cover all the children in the State of Maine?

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

Representative SHANNON: Madam Speaker, Men and Women of the House. I apologize for being unclear. Let me read it to you. "The cost of establishing the Maine Healthy Kids Corporation cannot be estimated at this time and will depend upon the cost and timing of the benefit package provided the availability by the funding sources and administrative costs," etc. etc. The next line goes on to say if the corporation is able to provide benefits at a cost comparable to Medicaid, \$10 to \$11 million a year will be acquired. I would like to have an explanation of how those figures were arrived at and if that is the case, what is going to provide that funding and what is going to fix that funding?

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

Representative WINN: Madam Speaker, Men and Women of the House. I am still a bit unclear as to what the question is. Basically, Medicaid is an extremely expensive program. For instance, in Florida Medicaid costs \$80 or \$90 a month to cover one child. They have been able to do this program and it costs \$50 a month to provide the same health care package for the children. They are almost identical. The point is that if the committee assumed that it was going to cost \$13 or \$10 million to cover X amount of children for Medicaid to do an alternative route that saves us 30 percent, such as the Florida Healthy Kids Program, will automatically be at least a third cheaper than Medicaid. Another point is that I really don't need three pennies. I could do it with one penny so I know we have plenty of money to make this happen. The other point is that this is not an entitlement. It is set up so that if the money is available, the children will be able to receive the package. With Medicaid you have to set aside almost enough money as if 100 percent of the people apply. The statistics are solid. The three cents will give plenty of money. Medicaid ends up being at least one-third more expensive than a regular health care package. Florida is costing \$80 or \$90 to cover one child with Medicaid. They went this route and the maximum cost was \$50 for a wonderful package. Three cents is more than enough to leverage the money. If for some reason we had an incredible influx of people applying for it, it is not an entitlement so we haven't put the state at any risk. The most we are liable for is the three cents on the cigarette tax regardless of what happens to the amount of

packages that are sold and regardless of the amount of people that apply for the program. The numbers are there. It is very, very solid. Again, that three cents is more than enough to do it.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-712). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 321

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bull, Bunker, Cameron, Chartrand, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Jabar, Jones KW, Jones SL, Joyce, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, Marvin, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Pieh, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bragdon, Brooks, Buck, Bumps, Carleton, Chizmar, Cross, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mayo, McAlevey, Meres, Nass, Nickerson, O'Brien, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, True, Vedral, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Campbell, Dexter, Donnelly, Dutremble, Hatch, Kasprzak, McElroy, Povich, Saxl JW, Underwood, Wheeler EM.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, House Amendment "B" (H-712) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "C" (H-723) and sent up for concurrence. Ordered sent forthwith.

Non-Concurrent Matter

An Act to Exempt Contract Dance Instructors from the Unemployment Tax (H.P. 24) (L.D. 49) (H. "A" H-525) which was passed to be enacted in the House on May 23, 1997.

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

Representative MCKEE of Wayne moved that the House Recede and Concur.

The same Representative withdrew her motion.

Representative RINES of Wiscasset moved that the House Insist and ask for a Committee of Conference.

Representative CLARK of Millinocket moved that the House Recede and Concur.

The same Representative requested a roll call on his motion to Recede and Concur.

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 Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. This is not a very difficult bill. We passed it in committee on a 13 to 0 vote on all parts of it. If we Recede and Concur, that means we are agreeing to an Indefinite Postponement. This bill happens to carry with it a section that the Governor has asked us to bring forward dealing with the

America Corp., which is a group of college students who do volunteer work for a stipend. The Governor learned just recently that a field examiner for the Department of Labor has declared that the stipends received by these individuals was employment for an employer. By doing that, these wages were used for an unemployment case. Unfortunately, the standard set forth by the federal government as to dealing with these wages or these stipends ruled that this could not be considered wages and it kind of puts us in a non-compliance with a federal rule. Therefore, we were trying to make sure that this never happened again by adding that particular section of the bill to LD 749, which was the dance instructors, which was under the same section of law. It happens to be 1043, 11F, which covers the section of the law where individuals are declared not to be in employment for an employer and therefore not taxable. For this reason, I would ask that you vote against the Recede and Concur. Thank you very much.

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

Representative MACK: Madam Speaker, point of order.

The SPEAKER: The Representative may state his point of order.

Representative MACK: Thank you. It is approaching 9:00. According to House Rule 501, no business shall be taken up after the hour of 9:00. I move that we extend until 9:10 p.m.

The SPEAKER: The Chair would advise it is not 9:00 so the motion is not necessary.

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

Representative CLARK: Madam Speaker, Men and Women of the House. Let me bring up one point of this bill, LD 49. When we heard this in committee it was only aimed at one employer contract dance instructor in the state. I don't think that we should be changing the law for one person. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Madam Speaker, Men and Women of the House. I am confused now. I believe we are on Insist and Ask for a Committee of Conference.

The SPEAKER: The motion to Recede and Concur has priority. It is the higher motion. We have to deal with the motion to Recede and Concur.

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

Representative PENDLETON: Madam Speaker, Men and Women of the House. I didn't really plan on speaking on this. One of the reasons we brought in this dance hall contract is there is a great problem throughout the state. We have a great number of places that are teaching young people different forms of dance. In most cases, it is an individual that owns a facility where dance instruction can be given. They have a hall that they have rented. The situation is that maybe the person that is setting all of this up knows one type of dance. What they do is they have a great number of friends that are also dance instructors and different types of dance and what they do is they subcontract, which is allowed under the federal requirements of IRS for teaching a particular class, maybe once a week or twice a week or three times a week. These people teach in all types of different locations. They normally teach during the academic school year because that is the easiest time for parents to arrange for the children to get to these dance classes. These dance teachers are subcontractors by the federal statute. We are trying to make the State of Maine Unemployment Law recognize them as subcontractors. We had one particular employer who brought this about and the one employer. . .

The SPEAKER: For what purpose does the Representative rise?

Representative MACK: Point of order.

The SPEAKER: The Representative may state his point of order.

Representative MACK: According to House Rule 501 no business may be transacted after the hour of 9:00.

The SPEAKER: The Chair would advise the Representative when I gave my lesson on parliamentary procedure that it is inappropriate to interrupt debate to make such a motion to suspend the rules. The motion to adjourn is in order at this time if the Representative wishes to make that motion when Representative Pendleton has completed his remarks. You may move to adjourn. You cannot interrupt his debate to move to suspend the rules. The Representative may proceed.

Representative PENDLETON: What I was trying to say is there are a number of dance schools that are operating in this same manner. It is not just one. For that reason, I want to correct the good Representative from Millinocket. Thank you.

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

Representative MACK: Madam Speaker, Men and Women of the House. I move that we extend until 9:10 p.m.

The SPEAKER: The Representative is out of order. Would the Representative like to move to Adjourn.

Representative MACK: Yes.

Representative MACK of Standish moved that the House adjourn.

The Chair ordered a division on the motion to adjourn.

A vote of the House was taken. 12 voted in favor of the same and 90 against, the motion to adjourn did not prevail.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I urge you to vote against the Recede and Concur.

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

ROLL CALL NO. 322

YEA - Ahearne, Bolduc, Cameron, Clark, Fisk, Goodwin, Mailhot, Nass, O'Neal, Pinkham WD, Samson, Saxl MV, Shiah, Stanley, Vedral, Volenik, Winn, Wright.

NAY - Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clukey, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Poulin, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Shannon, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Usher, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Madam Speaker.

ABSENT - Campbell, Colwell, Cross, Dexter, Dutremble, Hatch, Jones KW, Lemke, McElroy, Perkins, Povich, True, Underwood, Vigue.

Yes, 18; No, 119; Absent, 14; Excused, 0.

18 having voted in the affirmative and 119 voted in the negative, with 14 being absent, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws" (H.P. 1289) (L.D. 1834) which was passed to be engrossed as amended by Committee Amendment "A" (H-700) in the House on May 27, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-700) and Senate Amendment "A" (S-339) in non-concurrence.

On motion of Representative TUTTLE of Sanford, the House voted to Recede and Concur.

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

ENACTORS

Emergency Measure

An Act to Promote Higher Education (H.P. 1223) (L.D. 1735) (C. "A" H-542)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 14 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Create a Universal Bank Charter (H.P. 1319) (L.D. 1869) (Governor's Bill) (C. "A" H-523; S. "A" S-284)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 13 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Regulate Recreational Vehicle Manufacturers, Distributors and Dealers (H.P. 880) (L.D. 1197) (C. "A" H-625)

An Act to Amend the Uniform Commercial Code as it Relates to Letters of Credit and Investment Securities (S.P. 430) (L.D. 1378) (C. "A" S-309)

Resolve, to Establish a Committee to Review the Asbestos Hazard Emergency Response Act of 1986 (H.P. 1030) (L.D. 1447) (C. "A" H-544)

Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act (H.P. 1174) (L.D. 1651) (C. "A" H-391; H. "A" H-566)

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

An Act to Regulate Viatical Companies (H.P. 1115) (L.D. 1558) (C. "A" H-656)

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

On motion of Representative WATSON of Farmingdale, was set aside.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Madam Speaker, Men and Women of the House. I ask to have LD 1558 set aside so that I could, with the Speaker's permission, dedicate this bill, "An Act to Regulate Viatical Companies," to my good friend and former neighbor, Jim Schneider. I provided some information to you all on how instrumental he was in producing and providing for us as legislators the opportunity to serve our constituents well and to safe guard what this bill addresses. I want to thank the Banking and Insurance Committee and their Chair, Representative Saxl, the mother, for their extraordinary crafting with the Bureau of Insurance on this complex bill. Jim would have been proud of our good efforts and I wanted the chance to thank you all on his behalf. Thank you Madam Speaker.

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

Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education (H.P. 1093) (L.D. 1536) (C. "A" H-569)

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

On motion of Representative STEDMAN of Hartland, was set aside.

The same Representative requested a roll call on passage to be enacted.

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

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

ROLL CALL NO. 323

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Carleton, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Honey, Jabar, Jones SL, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Bragdon, Buck, Bunker, Chartrand, Chizmar, Foster, Gerry, Goodwin, Jones SA, Joy, Joyce, Joyner, Kasprzak, Lane, Layton, MacDougall, Mack, McAlevey, Nass, Nickerson, Pinkham WD, Plowman, Savage, Skoglund, Snowe-Mello, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winn.

ABSENT - Campbell, Cross, Dexter, Dutremble, Hatch, Jones KW, Lemke, McElroy, Perkins, Pinkham RG, Poulin, Povich, True, Underwood, Vigue.

Yes, 104; No, 32; Absent, 15; Excused, 0.

104 having voted in the affirmative and 32 voted in the negative, with 15 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith with the exception of matters being held.

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 and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Fund the Collective Bargaining Agreements and Benefits for Certain Employees Excepted from Collective Bargaining for the Judicial Branch" (EMERGENCY) (H.P. 1343) (L.D. 1894) (Presented by Representative THOMPSON of Naples) (Cosponsored by Senator MICHAUD of Penobscot and Representatives: NASS of Acton, OTT of York) (Governor's Bill)

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1332)

Representative RICHARD from the Committee on **Education and Cultural Affairs** on Resolve, to Direct the State Board of Education to Study the School Funding Formula (H.P. 1344) (L.D. 1895) reporting "**Ought to Pass**" Pursuant to Joint Order (H.P. 1332)

On motion of Representative KONTOS of Windham, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 29, 1997.

ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order: (H.P. 1345)

ORDERED, the Senate concurring, that the Joint Select Committee to Oversee Maine Yankee Atomic Power Company is established as follows.

1. Establishment. The Joint Select Committee to Oversee Maine Yankee Atomic Power Company, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 7 Legislators appointed jointly by the President of the Senate and the Speaker of the House.

3. Duties. The committee shall monitor the developments at the Maine Yankee Atomic Power Company and report its findings to the Legislature.

4. Meetings. In conducting its duties, the committee may meet as often as necessary with any individuals, departments, organizations or institutions it considers appropriate.

5. Appointments. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the committee no later than October 15, 1997. The committee shall select a chair from among its members.

6. Staff assistance. The committee shall request staffing and clerical assistance from the Legislative Council, which must be provided from within the available resources.

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Report. The committee shall submit its findings, along with any necessary implementing legislation, to the Legislative Council and the Second Regular Session of the 118th Legislature by January 31, 1998. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

Was read.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. A brief explanation for my colleagues in the House. This order was developed as a response to the announcement from Maine Yankee that there is a strong possibility that that plant will be closing. Those of us who watch these issues closely have agreed that it is important for legislators to have an opportunity to monitor the development at that site in order to advise this body, in January, whether any action needs to be taken by this Legislature, which could include issues involving educational funding, taxation, reassessment of energy policy as it relates to that nuclear power plant. I believe it is an appropriate response for us to be making at a time when we are out of session with a great amount of uncertainty in terms of that particular plant. Thank you Madam Speaker.

Representative CAMERON of Rumford requested a roll call on passage of the Joint Order.

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 Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. When this order came across my desk, I guess I was a little confused. In reading it, I don't see anything really to be gained by this except some year round employment by a few people. Under number 3, duties, shall monitor developments. I plan to do just that. I am going to read the newspapers and watch television. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage of the Joint Order. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 324

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry DP, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Honey, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Madore, Mailhot, Marvin, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Powers, Quint, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shanon, Shiah, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vedral, Volenik, Watson, Wheeler GJ, Winn, Wright.

NAY - Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Fisher, Fisk, Foster, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, McAlevey, Murphy, Nass, Nickerson, O'Brien, Pinkham WD, Plowman,

Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Berry RL, Bunker, Cross, Dexter, Donnelly, Driscoll, Dutremble, Hatch, Jones KW, Lemaire, Lemke, McElroy, Perkins, Pinkham RG, Poulin, Povich, Richard, True, Underwood, Vigue, Madam Speaker.

Yes, 81; No, 49; Absent, 21; Excused, 0.

81 having voted in the affirmative and 49 voted in the negative, with 21 being absent, the Joint Order was passed.

Representative MAYO of Bath moved that the House reconsider its action whereby the Joint Order was passed.

The same Representative further moved that the Joint Order be tabled pending reconsideration and specially assigned for Thursday, May, 29, 1997.

Representative SAXL of Portland requested a division on the motion to table.

The Chair ordered a division on the motion to table.

A vote of the House was taken. 66 voted in favor of the same and 56 against, the Joint Order was tabled pending reconsideration and specially assigned for Thursday, May 29, 1997.

Reference is made to Bill "An Act to Amend the Maine Bail Code" (S.P. 509) (L.D. 1571)

In reference to the action of the House on Wednesday, May 28, 1997, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative POVICH of Ellsworth
 Representative FRECHETTE of Biddeford
 Representative McALEVEY of Waterboro

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

An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion (S.P. 663) (L.D. 1883) which was tabled by Representative GERRY of Auburn pending passage to be enacted and later today assigned. (Roll Call Ordered)

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

Representative GERRY: Madam Speaker, Men and Women of the House. The reason I asked for a roll call is I object to the way this question is phrased. I feel it is too misleading and it would be very hard for anyone to say know even if it is their conscience. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Nothing has changed since Friday. We didn't change any wording in the question at all. I move that we Enact this. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. We are talking about from mile 12 to mile 42. I inquired of the turnpike the other day because there were questions about safety. Since the referendum was enacted through 1996 on that 30 mile stretch there has been 19 deaths. These aren't just statistics. They are people from York County, Aroostook and some were tourists on their way to Rockland maybe skiing Sunday River. It isn't a southern Maine problem. I think maybe we made a mistake when that referendum was

passed. I can't think of the name of the road that is down in New Hampshire that got tied up for a decade because of a small wetland. People in that region as their families and strangers began to die, they began going out and placing white crosses at every point for people that died. After that referendum had passed, maybe starting in 1991 we should have started putting up those white crosses. Maybe in major accidents that occurred during that 30 mile stretch maybe we should have taken the door of that vehicle and rammed it into the ground so that as we traveled that road we would begin to see what the body count is. I think if we had done that then maybe we wouldn't be quibbling over the language that this evening. There are those that want a delay and vote even more. At the rate they are dying on that 30 mile stretch, in three and a half years if the averages hold true then we will have a cross for every mile. I remember a Dick Curliis song about a highway to the north with a tombstone every mile. In three years we will reach that point.

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

ROLL CALL NO. 325

YEA - Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Etner, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagnon, Gamache, Gieringer, Gooley, Green, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham WD, Plowman, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Treadwell, Tripp, Tuttle, Usher, Vedral, Waterhouse, Watson, Wheeler EM, Winn, Winsor, Wright, Madam Speaker.

NAY - Ahearn, Dunlap, Gerry, Goodwin, Volenik.

ABSENT - Berry RL, Bunker, Cross, Dexter, Donnelly, Driscoll, Dutremble, Gagne, Hatch, Jones KW, Layton, Lemaire, Lemke, McElroy, Perkins, Pinkham RG, Poulin, Povich, Thompson, Townsend, True, Underwood, Vigue, Wheeler GJ, Winglass.

Yes, 121; No, 5; Absent, 25; Excused, 0.

121 having voted in the affirmative and 5 voted in the negative, with 25 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Regarding the Economic Security and Safety of Harness Horsepersons (H.P. 1239) (L.D. 1756) (H. "A" H-683) which was tabled by Representative KONTOS of Windham pending passage to be enacted.

On motion of Representative TUTTLE of Sanford, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" (H-683) was adopted.

LEGISLATIVE RECORD- HOUSE, May 28, 1997

The same Representative presented House Amendment "A" (H-706) to House Amendment "A" (H-683) which was read by the Clerk.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. This amendment clarifies language to make it consistent with language in other sections of the legislation. It corrects on typographical error. It is strictly technical by nature. I hope you will support it.

House Amendment "A" (H-706) to House Amendment "A" (H-683) was adopted.

House Amendment "A" (H-683) as amended by House Amendment "A" (H-706) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-683) as amended by House Amendment "A" (H-706) thereto 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 BERRY of Belmont, the House adjourned at 9:52 p.m., until 9:00 a.m., Thursday, May 29, 1997.