

# 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  
36th Legislative Day  
Thursday, May 29, 1997

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

Prayer by Father Gilbert Patenaude (retired), Augusta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

**ORDERS**

On motion of Representative O'BRIEN of Augusta, the following Joint Resolution: (H.P. 1152) (Cosponsored by: Representatives: MADORE of Augusta, MITCHELL of Vassalboro, Senator: DAGGETT of Kennebec)

**JOINT RESOLUTION COMMEMORATING THE CITY OF AUGUSTA ON ITS BICENTENNIAL**

**WHEREAS**, the "head of tide" on the river known as the Kennebec was early occupied by natives who spoke an Abenaki tongue and was, in 1607, visited by English settlers from the Popham Colony, and representatives from the Plymouth Colony seeking "a fit trading place" in 1628 chose the east shore as their "house at Kennebec," later called Cushnoc Trading Post; and

**WHEREAS**, the French Jesuit, Father Gabriel Dreuillettes met with Pilgrim traders and in 1646 established a mission among the Abenaki people and in the mid-17th century proprietors of Plymouth Company began efforts to settle the Kennebec region by erecting, in 1754, a fort at Cushnoc, which was named Fort Western and placed under the command of James Howard; and

**WHEREAS**, Fort Western, a National Historic Landmark, continued its existence, first as a fort, then as a trading store and a residence and, after a period of decline, underwent a series of restorations and is, this year, celebrating its 75th year as a museum; and

**WHEREAS**, Augusta, then known as the "Fort" settlement, was a part of the town incorporated as Hallowell in 1771 and, on February 8, 1796, the Massachusetts Legislature passed an act to build the Kennebec Bridge at the "Fort" location; and

**WHEREAS**, on February 20, 1797, an act was passed by the Massachusetts Legislature to divide the Town of Hallowell incorporating the northerly part into a town that was named Harrington and, on June 9, 1797, the name of the Town of Harrington was changed to Augusta by order of the Massachusetts Legislature; and

**WHEREAS**, in 1799, Augusta became the shire town of the new County of Kennebec, in 1827 was chosen as the capital and in 1831 it became the seat of government of the State of Maine and in 1849 was incorporated as a city; and

**WHEREAS**, Augusta has been, through the years, a trading post, an inland shipbuilding and shipping port, a center for publishing, manufacturing, education and governmental activity and has evolved into a community of varied neighborhoods and diverse occupational and cultural identities connected by civic pride just as the east and west shores were joined by that 1797 Kennebec Bridge; now, therefore, be it

**RESOLVED**: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in this First Special

Session, take this opportunity to honor the city and good citizens of Augusta on the very special occasion of the bicentennial celebration of the City of Augusta and extend our congratulations and best wishes; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the City of Augusta on behalf of the people of the State of Maine.

Was read.

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

Representative O'BRIEN: Madam Speaker, Men and Women of the House. I am so honored to stand here today as the Representative from Harrington Augusta. Some of you, some even in this Chamber, say, I need to get a life. I remember previous debate. I've traveled extensively, actually throughout the world, but I've chosen to remain a citizen of Augusta, Maine. As we celebrate Augusta's 200th Birthday, I've been here nearly all of my years. I'm so proud of that fact. I love the fact that my children go to the same schools that I went to. They have some of the same teachers. I love the fact that they walk to the YMCA as I did. They go to the Lithgow Library, as I did. They go get their hair cut at Duke's, as I did. I love the roots. I love the tradition. I'm very proud to be here in Augusta.

As I was thinking of the words that I would say this morning, I looked out my window and I looked across the street and I saw the Chief Justice of the Supreme Court, Daniel Wathen, standing on his beautiful old very historic home, standing on the balcony hanging out the American flag and I'll tell you, it sent chills up my spine. Then to top it all off, he picked up his year old grandson and pointed to the flag and I said, that says it all. It's tradition, it's history, it's roots and I'm really proud of it.

I'm a history buff and have become more so and I live in a very, very old home, a very historic home and I love it. I even love the old willow tree that just caused us, rooted into our pipes, and just caused us a massive sewer problem, but in a perverse way, I even love that tree. It is my mission in the next half of our session to introduce you more to your second home, kind of like your vacation home, Augusta. You're here in these halls, but there's so much more out there that I'm going to make sure that you see and do. It's a wonderful city and I'm so proud of it. We would invite you, as the Harrington Augusta delegation, to participate in the rest of the celebrations that we have going throughout the year. We'll have a wonderful day in the park in September, we'll have a New Years Eve Celebration, a wonderful parade, the largest parade I believe Augusta has even seen this Saturday, if we're out of session, bear that in mind. So we would invite you to join in the celebrations, cause you too, you're citizens of Augusta. I want to tell you that I have made public service, my family, my husband, my children, have made public service a very important part of their life and I can think of absolutely no greater honor then to be a Representative in the 200th year of existence, the Representative from Augusta and I want to thank the citizens of Augusta and thank the colleagues of the House for making this an incredibly honorable experience. Thank you, Madam Speaker.

The Sergeant of Arms escorted the Senator from Augusta to the well of the House to join her colleagues.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Madore.

Representative MADORE: Madam Speaker, Men and Women of the House. In trying to decide what I would say today, I wanted to say something that would be profound on this auspicious occasion, the bicentennial of the City of Augusta and something that would convey the feelings and the sentiments of

not only myself, but my colleagues in the Augusta delegation and in doing so I went back, of course, as we would in the theme of bicentennialness, if you want to use that word, in the history books. What I found was, a speech given one hundred years ago, at Augusta Centennial on June 9th, 1897, by a gentleman by the name of Charles Hichborn. Mr. Hichborn was charged with delivering a speech under the title of Augusta's future. The last two paragraphs of his speech I think speak well for the four of us when we describe how we feel about serving and representing our city. Before I read it, I wanted to say that this comes from Speaker Mitchell, Senator Daggett, myself, and Representative O'Brien.

"Therefore, because of my profound reverence for her past and my supreme, but justifiable, pride in her present, I face her future with serene confidence, unfaltering in my faith, unhesitating in my conviction, that glorious as has been her past, brilliant as is her present, no less splendence shall be her future. The smoke of her chimneys, the weir of her wheels, the hum of her spindles, the expanding commerce of her deepened river, the increasing traffic of her steel highways, shall tell of the prosperity and happiness of her people. She will maintain with undiminished vigor her wonder working efforts for the upbuilding of manly character and ennobling of human life. She will continue to be potent factor in the affairs of men and women and as the voice of time shall call out to the nations the role of honor, conspicuous among those entitled to be most honorable shall always be found the representative of Augusta."

On behalf of my colleagues, I would like to wish the City of Augusta and all its inhabitants, citizens thereof, a most happy birthday. Thank you.

The Joint Resolution was adopted and sent up for concurrence. Ordered sent forthwith.

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**SENATE PAPERS**

The following Communication: (H.C. 295)

**THE SENATE OF MAINE**

3 State House Station  
Augusta, Maine 04333

May 28, 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 it accepted the Majority Ought Not to Pass Report from the Committee on Transportation on Resolve, Regarding the Posting of Certain Roads by the Department of Transportation (S.P. 412) (L.D. 1333).

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

Was read.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. Item (1-1) is the issue that dealt with Route 11 in Aroostook County, that we debated a couple of weeks ago. That's the 56 miles of road up there that's in such bad shape that it's posted six months out of the year. As you may recall we were facing an uphill battle because of the action of the other body, but I ask you to help me send a message to the Department of Transportation that we need to take care of

some of the reconstruction problems in our state, not only in Aroostook County, but in other areas. We sent the message and DOT heard the message and as a result they've identified \$1.2 million that will leverage another \$6 million in federal money that will begin to deal, not only with this problem on Route 11, but in a couple of other areas of the state as well. The agreement is currently being put in writing by DOT, so I would like to thank my fellow Aroostook County Legislators for working on this situation, as well as my other colleagues in the House and I've talked with the sponsor, Senator Paradis, and we agreed to let this bill go. Thanks again.

The Communication was ordered placed on file.

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The following Communication: (H.C. 296)

**THE SENATE OF MAINE**

3 State House Station  
Augusta, Maine 04333

May 28, 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 has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill "An Act to Promote Wildlife Rehabilitation Centers" (H.P. 551) (L.D. 742).

The President has appointed as Conferees on the part of the Senate the following:

Senator Ruhlin of Penobscot  
Senator Daggett of Kennebec  
Senator Bennett of Oxford.

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

Was read and ordered placed on file.

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

Reference is made to Bill "An Act to Promote Wildlife Rehabilitation Centers" (H.P. 551) (L.D. 742)

In reference to the action of the House on Tuesday, May 20, 1997, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative STEVENS of Orono  
Representative AHEARNE of Madawaska  
Representative LEMONT of Kittery

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The following Communication: (H.C. 297)

**THE SENATE OF MAINE**

3 State House Station  
Augusta, Maine 04333

May 28, 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 has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill "An Act to Amend the Maine Bail Code" (S.P. 509) (L.D. 1571).

The President has appointed as Conferees on the part of the Senate the following:

Senator Murray of Penobscot  
Senator Mitchell of Penobscot  
Senator O'Gara of Cumberland.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

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#### Ought to Pass in New Draft/New Title

Report of the Committee on **Criminal Justice** on Bill "An Act to Criminalize Certain Photographing of Children" (S.P. 38) (L.D. 36) reporting "**Ought to Pass**" in New Draft under New Title Bill "An Act to Criminalize Certain Photographing of Children under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment" (S.P. 664) (L.D. 1892)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

The Report was read and accepted and the New Draft was given its first reading.

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

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. I'm confused by the title as to exactly what this bill does, if somebody could explain it briefly, I'd appreciate it.

The SPEAKER: The Representative from Bethel, Representative Barth has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. This bill title caught my eye and I checked it out and it seems to infer that you can't go around with a hidden camera looking under peoples dresses and what caught my eye on that it also included kilts and being of Scottish descent, I had to appreciate that.

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

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. Just in response to the good Representative's question. I don't have the bill in front of me, but I know it arose out of an incident in Brunswick where an individual did exactly what Representative Dunlap referred to and was arrested for it and they found he couldn't be arrested for it because there was no law against what he was doing, which was going around in a mall with a camera doing photography, there was no law against it so Senator Small came along, and this is a bill before you now so that it can't happen again. Thank you.

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

Representative POVICH: Madam Speaker, Men and Women of the House. This bill establishes a Class D Crime of visual exploitation of a child and Representative Etnier is correct, it was brought by the good Senator from Bath, Senator Small. This type of crime was impossible 15 years ago, but as cameras get smaller and technology improves, then we see sexual offenders using this as a medium. So the bill that we have put forth addresses this. We had to amend a new draft because some of the stores felt that we might be infringing upon their rights to surveillance. This protects the privacy of an individual. It's a good bill and I urge you to pass L.D. 1892, as it is in the new draft. Thank you very much.

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

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#### Ought to Pass Pursuant to Joint Order (S.P. 631)

Report of the Committee on **Health and Human Services** reporting "**Ought to Pass**" Pursuant to Joint Order (S.P. 631) on Bill "An Act Regarding Child Care Regulation" (S.P. 667) (L.D. 1893)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

The Report was read and accepted and the Bill was read once.

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

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

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#### Divided Report

Seven Members of the Committee on **State and Local Government** on Bill "An Act to Provide for Removal of a State Auditor Who Fails to Meet the Statutory Qualifications for the Office" (S.P. 440) (L.D. 1414) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-279)

Signed:

Senators: GOLDTHWAIT of Hancock  
LIBBY of York

Representatives: GERRY of Auburn  
GIERINGER of Portland  
KASPRZAK of Newport  
DUTREMBLE of Biddeford  
FISK of Falmouth

Three 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-280)

Signed:

Senator: NUTTING of Androscoggin  
Representatives: AHEARNE of Madawaska  
BUMPS of China

Two Members of the same Committee on same Bill report in Report "C" that the same "**Ought Not to Pass**"

Signed:

Representatives: BAGLEY of Machias  
SANBORN of Alton

Came from the Senate with Report "A" "**Ought to Pass**" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-279).

Was read.

Representative AHEARNE of Madawaska moved that the Bill and all accompanying papers be indefinitely postponed.

On further motion of the same Representative, tabled pending his motion to indefinitely postpone the Bill and all accompanying papers and later today assigned.

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**Non-Concurrent Matter**

An Act to Provide That the Operator of a Limousine Is Not Responsible for Securing in a Seat Belt a Passenger Transported for a Fee (H.P. 303) (L.D. 367) (C "A" H-334; S "C" S-218)

- In House, passed to be enacted on May 20, 1997.

- In Senate, passed to be enacted on May 20, 1997, in concurrence.

- Recalled from the Governor's Desk pursuant to Joint Order (S.P. 665)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-334) and Senate Amendment "C" (S-218) as amended by Senate Amendment "A" (S-343) thereto, in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Bill "An Act to Establish the Maine Center for Arts Education" (S.P. 388) (L.D. 1273) on which the Bill and accompanying papers were indefinitely postponed in the House on May 28, 1997.

Came from the Senate, with that Body having adhered to its former action whereby the Majority **"Ought to Pass"** as amended Report of the Committee on **Education and Cultural Affairs** was read and accepted and the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-310) in non-concurrence.

Representative PERRY of Bangor moved that the House Adhere.

Representative RICHARD of Madison moved that the House Recede and Concur.

Representative BRAGDON of Bangor 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 Bangor, Representative Perry.

Representative PERRY: Madam Speaker, Men and Women of the House. We voted on this bill just yesterday and we agreed it was not a good bill and I think today it's still not a good bill. It's got some problems. The money's not on the table. They want half a million dollars, if they get 10 cents that's all it takes to get their foot in the door and we'll be looking at this every two years in the budget. So please vote this motion down so we can adhere.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. We did vote this bill yesterday and many people have said since then, they didn't know what they were voting on. It was a busy day, people were coming and going and they were not aware of what it was. The previous speaker is right, there is no money on the table for this. We are asking that you would support this. This particular school has a 501c3 rating already and this would enable them to try to go out and

get private funds if we could pass this law, but they have to have the wording that is in this legislation before they can go out and get any funds from private donations. We would urge you to support the Recede and Concur motion.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. The only comment I can think of is here we go again. I wasn't on the floor for much of the somewhat extended debate, but I did listen in what is referred to as our retiring room and in that time I was quite puzzled number one, why we should be voting for this. Number two, what precisely does this do? Number three, how is it going to be funded? All of these seem to be good questions. I didn't hear that they were answered yesterday, so I think the House did exactly the right thing and the House should adhere today to it's position by voting against the pending motion. I think it's a very bad precedent to keep voting for wonderful concepts without money. It's kind of caught on here on the floor, but I don't think it catches on at all out there. That's not the way you run a business, that's not the way you run a home. That isn't the way we should be running important things like educational policy. So this may be one of the greatest concepts since sliced bread, but essentially there's no bread, so therefore I would urge you to vote against the pending motion.

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

Representative DONNELLY of Presque Isle requested that the Clerk read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I just want to reiterate what I said yesterday. I was on the original "Ought to Pass" side and after we passed L.D. 54, which provided \$300,000 of funds for art education, I felt that that was sufficient and could not continue to support this bill. So I am going to vote against this motion this morning.

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

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. I'm kind of intrigued by the conversation this morning about how this bill was not funded yesterday, because it would be difficult for it to be funded because it hadn't passed through the House yet. What I would ask today is that we do Recede and Concur so that we can take this back to the table and decide what we want to do. The other point I would like to make, is that there was \$350,000 for the other bill that had to do with the Art's. Seventy-five thousand dollars was allocated towards that. I need to remind all of you that this is for all the children of Maine and all the teachers in Maine. The teachers will have the opportunity to go there and structure their own programs and bring things back into their own communities that they don't have the opportunity to do now. Many of you made the point that you are very, very concerned because arts is being cut in your community. Well this is just the reason why you need to support this bill, because you want to bring art to your community. I urge you to accept the Recede and Concur motion.

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

Representative BAKER: Madam Speaker, Men and Women of the House. I rise to oppose the Majority Report. First of all, I

must tell you that I am an avid supporter of our education. A recent study reveals that students with arts training scored 50 to 60 points higher on their scholastic aptitude test. Fine arts education is a critical area to which all students should have equity and access. L.D. 1273, "An Act to Establish a Maine Center for Arts Education," however, does not equitably meet that goal or use tax payers money wisely. The bill fails to provide equity and 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 arts undermines the basic integrity of America's public schools. Because it divides school by special needs, a practice we have striven mightily to overcome in our school systems. It's been significant money for a few students while others go without exposure to the same subjects. This money would be better invested to strengthen these 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 the magnet schools, thereby continuing to limit equity and access to the arts for the multitude of Maine students.

Despite 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. L.D. 1273 invests most of its fiscal note in serving 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. It duplicates private efforts, it duplicates L.D. 54 which gets some experience with the arts to all students for a fairly small price tag. 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 can not support using public tax dollars for the Portland Schools. On behalf of all Maine public schools, I urge you to join me in voting L.D. 1273, adhere to the House vote of yesterday. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I hope you will join me in voting for the pending motion to Recede and Concur. This fulfills a promise and I realize that quite often we don't have long range visions in Legislatures, we always tend to think in two year cycles and I also realize that this Legislature can not bind a future Legislature, etc. etc., but this whole idea of arts education in the Portland area arose when the Magnet School in Limestone was first proposed and it was to be a two pronged effect, only half of which the Magnet School of Limestone got approved and got funded. I think that, and it's success is very evident and I think the arts, Portland being, in a sense, the center of arts in Maine with the symphony and all of the other things that are there can also be the Magnet School type situation in the Southern part of the state and fulfill that pledge and that commitment and that honor that I believe that we owe to those who supported the Magnet School in Limestone. Also, this school will be open to all students for various summer programs, etc. and teacher education, most importantly, teacher education, because that is where we are going to be able to fulfill one of the three wavered areas under learning results. Most of that will come through teacher education and reeducation so I urge you to Recede and Concur.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This again becomes a Magnet School for the Arts. Why is the equality concept always proposed by public schools? If money is to be spent, let it be spent for all public schools, all over the state, equally. I urge you to oppose the pending motion and go on to Adhere. Thank you.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I thought a comment made a few minutes ago was very interesting about the history to this proposed Magnet School. I stand before you today and ask you to vote against creating a new Magnet School, against creating a new program. I don't think it's right to make a commitment to create a new program when we can't take care of the existing programs that we already have, when our school buildings are falling apart and when there are all sorts of other major priorities. Evidently, what happened is during the wee hours of the night about four years ago a secret deal was made. The former Chair of the Education Committee is a strong member in the Senate from Southern Maine and evidently, without anybody realizing it, a deal was made saying I'll let you have the Magnet School in Limestone if you let me have a Magnet School in Southern Maine. I don't think that that's a healthy way to make a decision and I don't think that's a healthy way to decide how to spend millions and millions of dollars and I would also point out to you that learning results has been passed and it says that all children will have arts in their school and that there is several million dollars set aside for professional development already. Again, I don't think this is the time to cave into a private deal that was made in the wee hours of the night years and years ago and I don't think this is the time to create a new elitist program that will benefit a few people, but not all the children. I hope that you will vote against the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative COLWELL: Are there dormitories and residential facilities associated with this magnet school so that students from Eastport and Dexter could go there and study?

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 Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Men and Women of the House. In response to the question, number one, this is not a magnet school, it is not a residential school. It is a public school and the idea of it's being a public school as I stated yesterday, it would be comparable to our vocational school, in that students would go there for one half of the school day as they do at our vocational schools. The problem some people are having is that their students would not live within commuting distance and could not go there the one half school day and the response to that is, number one, we'd like to think that this is a pilot project of public schools, that other vocational schools around the state would develop such a program and I have already talked to one vocational school director in Central Maine whose very enthusiastic about this and would like to do this at his vocational school. The other answer is that students from all over the state will be able to attend weekends, or perhaps in the summer special programs. Some of you may say we already have arts in the schools program where we have

visiting artists come to our schools. My schools have that. However, the Arts Commission gets federal funding for that and that federal funding is drying up and this was an attempt to replace some of the arts in the schools, whereby the Arts Commission could have the opportunity to send a performing artist out to schools all over the state and they would do this coming from this program sending performing artists out all over the state for different programs. This would have a statewide influence. However, this particular would be housed in Portland.

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

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

The SPEAKER: The Representative may pose his question.

Representative FISHER: Do I understand this right, this is another half a million dollars worth of education spending going to Cumberland County?

The SPEAKER: The Representative from Brewer, Representative Fisher 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: Madam Speaker, Men and Women of the House. The answer is no.

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

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

The SPEAKER: The Representative may pose her question.

Representative GERRY: If students go to this school, will there be a cost to the individual student to participate in any of the classes, or is it free?

The SPEAKER: The Representative from Auburn, Representative Gerry 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: Madam Speaker, Men and Women of the House. This is set up as a public school. It would be like any other public school, naturally, if you did not live in the area, you would have to get transportation to get there.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. Several good questions have been asked on the floor. I think the answer, basically, to the question which Representative Colwell raised earlier is that this is not comparable to the Magnet School in Limestone. I'm not sure exactly what it is comparable to, it may not be a Magnet School on the one hand, but then it may be a semi-magnet school on the other hand. It's very unclear exactly what this is and where it's going to. Another Representative raised the point, which we did enact learning results, which I had heard at least was going to deal with this, but evidently this is an adjunct learning results bill. I'm not sure how many of these we need to implement another bill. Not the best way to do things, again, I'm a stickler on this. You should have it out in the bill and do it by the particular bill. I just have to remark that the good Representative Baker, I'm familiar with her husband, I went to school with him many years ago, in fact, he was a teacher, and so I listen quite closely to what the good Representative says and she makes a great deal of sense. Nobody can question her dedication to education in Maine, but she would like to see it done right. I think we all would like to see it done right, so, again, I urge you to vote against the pending motion.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I would have to agree with my good colleague, Representative Lemke, I, too, have a long term vision and it is not this vision. I would have to say that there's some really good things that are being purposed in this bill, the most important of which is a teacher education center for the arts. What better place to put it than in Portland. I don't like to see where some of the debate is headed into a North, South issue, Portland versus Northern Maine. Portland is the ideal spot for such a teacher education center. However, this bill has two other parts and the two-thirds that I can not agree with, as a long time public high school teacher, who is committed to the greatest good, for the greatest number of students, this bill doesn't work. I'm reminded of the quotation by John Dewey, whether you're a Dewey fan or not, "Ask the best and wisest parent, what shall be the education for her child, and that shall be the education for all children." I urge you to Adhere and to go along with the Minority Report. Thank you.

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Representative KONTOS of Windham assumed the Chair.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Gerry.

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

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

Representative GERRY: If parents or the school bring this student to this new proposal of a master school, during school, will the individual student, when he gets there, be charged a fee for participating in any of the classes?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Gerry 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: In response to that question, we would not anticipate, or at least the Committee in our discussions, would not anticipate that there would be any fees that would be unusual or above and beyond what fees are currently charged when a student participates in a program in a high school.

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

Representative SHANNON: Mr. Speaker, Men and Women of the House. Vision without finances are dreams. I wonder if the vocational technical school system set up at the high school level in this state suffered the same ridicule when it was first surfaced as an idea and a way to provide technical training to all high school students in the State of Maine that are sending students currently to these regional centers. I suspect many of you represent districts where arts education has come under the ax in recent school financing decisions by your local communities. If this continues, and it is a trend which I see as disastrous for Maine students, there will be many who have no access to arts education anywhere near them. This is a trial balloon, this is an effort, this is a prototype, this is an attempt to start something which will allow access to arts education to students everywhere in this state. I think the ridicule it has received here today is inappropriate.



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

Representative WATSON: Madam Speaker, Men and Women of the House. Having been on the Majority Report coming out of the Education Committee, I obviously am fully in support of the Maine Arts Center, but before I was fully in support of the Maine Arts Center, I need you to know that as a member of the 117th Legislature, I was not in support at all of the Magnet Schools of math and science. I want to explain why. I agree with much of what Representative McKee had to say in regards to wanting for all of the students in the State of Maine the same opportunities. I initially did not see the Magnet Schools for the math and science as offering that opportunity and could not support it. I, likewise, in the 117th did not support a Magnet School for the Arts for the same reasons. In this session, as a member now of the Education Committee, having had the opportunity to thoroughly review the Magnet School for Math and Science, I've changed my opinion about what a Magnet School can and should do for all student in the State of Maine.

A Magnet School in Limestone, granted, only serves a few of some of the most talented students in the state. That school, I've discovered, has become an inspiration for all students statewide. To know that there is a special place that if they work hard they may have an opportunity to go to. I'm speaking about the Magnet School for Math and Science because in some ways what's being proposed for the arts is not what the Magnet School is for math and science. As a matter of fact, it's not a magnet school, it's not a charter school, it's a public school and as Representative Richard tried to explain, yesterday and again today, this is a pilot program to be operated like any of the vocational programs that we have statewide, where you have an opportunity for students in a certain location and again Portland has a critical mass, to have an opportunity for concentrated studies, in the fine, performing, visual and literary art. It's in conjunction with their regular studies. The students would receive a diploma from their regular high school. It would be for two years only. That's only a part of this art's center. There are two other important parts and I, like Representative McKee, would like to have an opportunity for all children across the state to have exposure to the arts. I was sold on this idea, as opposed to a magnet school for the arts, because the mission of this art center is to provide just that opportunity statewide. Yes, there will be a site where students can come for weekends and summer institutes, but there's an outreach component it's one-third of the mission statement that will do just what the Maine Arts Commission does now and does wonderfully, it will do artists in residence statewide at the request of the schools that want those programs and at the availability of the artists to go into the schools.

The third part of the center, unlike a magnet school, has to do with development of educators, not just art educators, but all educators who want to integrate the arts in their curriculum. To me that's an important component, because what it does is it offers that opportunity to teachers statewide not just to come to Portland for those programs and workshops, but they'll be offered statewide. They'll be going to where the teachers are, offering them courses for recertification, offering them the opportunity to see how important the arts are in all curriculum. This is not a magnet school. This is not just for the South and not for the North. This is a pilot project. This is something that we all on the committee, in an 11 to 2 Report, had agreed that we wanted to see replicated statewide eventually. This is a dream and it's probably a dream at this point with no funding,

but it is an ideal and for people to talk about this as being elitist and only serving a certain population, well we all have to start somewhere. When the University of Maine at Augusta started 25 years ago, we served Augusta. I belong to a University that has a statewide mission. I know what a statewide mission means. I know what equity and I know what access is. UMA grew from one site to now over 20 sites. I would like to see the day that we have a Maine Center for the Arts that has sites throughout the state to offer access and opportunity for students, but hopefully the programs that can be offered at the vocational technical centers statewide will be for those students who excel in the arts and have gone beyond what their schools can offer, because I have a dream that someday every school will offer fine arts program for all of its students K-12. I urge you all to please vote to Recede and Concur and to at least give this dream a chance to be considered, seriously considered and even if there isn't funding for it now, it's ideal that the majority of us on the committee felt was worthwhile to pursue. Thank you.

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

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. In replying to the Representative from Glenburn's statement that this is not the time for this center for the arts, it just seems to me like it is never the time to do something for the performing arts. As I said yesterday, if we were debating the issue of having a stadium to train professional athletics there would be no debate. This would pass unanimously. We're not debating this issue. We're debating an issue for the performing arts and to me the performing arts is another nucleolus of education that rounds out the student and having made that statement, Madam Chair, may I pose a question through the Chair to anyone who can answer?

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

Representative BOUFFARD: I would like to know how much state funding is provided for athletic endeavors in the state as compared to the arts, the performing arts endeavors?

The SPEAKER PRO TEM: 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 Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Ladies and Gentlemen of the House. Not enough.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. Two years ago we had a bill for an arts school in Portland and apparently it was a charter school. I don't know exactly what the difference is, but I believe one of the major differences is a true charter school can hire teachers who have 20 years of expertise in the field, who are, in this case, noted artists who haven't happened to have taken EDB1, 2, 3 at some university. I supported that one two years ago, I am all for that concept. The idea of certification, the older I get, the more silly it seems. I support the school in Limestone mainly for that reason. They can hire a nuclear physicist to teach physics. I'll vote for anything that can break up this train of thinking that it's

more effective to spend time in some of those basic courses then it is out in the field doing and learning in the field. I'll support that in a minute. I asked the question yesterday if these teachers had to be certified and apparently the answer was, certified teachers would get the preference. This idea that a good teacher doesn't have to be certified is something that the wealthy people in this country have known for generations. Wealthy people who send their children to private schools. The major ones of which don't require accreditation. I hope you'll vote against the pending motion.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I wanted to just respond directly to two issues that were raised by Representative Lemke, and even though he's not here, I'll still respond to those two particular issues for the benefit of everybody else. The first thing Representative Lemke had a question about was the structure of this particular proposal and all you need to think about is current vocational technical schools. That's the model that is being proposed here for this particular school and in every district across the state we currently have vocational technical schools that act as regional centers and students feed from all the existing surrounding high schools. That's what we are talking about with this particular model. It's not rocket science and it's not a dramatically new model in the State of Maine and in fact, it's a model that's very common around the country for similar schools for the performing arts and the visual arts. Secondly, Representative Lemke raised the issue about learning results and we just passed learning results and does this somehow take away from learning results. In fact, the Department of Education has been extraordinarily supportive of this proposal because they see it as complimentary to implementing the learning results and they see this as an opportunity to expand arts education across the state to both teachers and to students so that we will have a better opportunity to implement those parts of learning results that pertain to this particular area, so I hope that if you do have some questions about the particular model that's being proposed here because some people were unsure as to what that was simply think about the current vocational technical schools that we have. Thank you.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I honestly think that some of you are looking at this through the wrong pyridine. We need a diverse educational system for people who have different needs and different talents. I remember when my oldest daughter was in high school. She graduated valedictorian of her class, so she was very intelligent, but she was very gifted also in art and music. She was very frustrated when the honors banquet that they had for seniors that they talked about the athletic achievements of the people in her class and talked about athletics as being the way, the only way, to be a good citizen. When she had spent so many hours working with the Cedar Department, untold hours, with the younger students and was very concerned about the fact that there wasn't a true appreciation for all the good that comes from the performing arts. It helps people learn to listen, to memorize, it helps their self-esteem. There are many, many, many aspects of everyday life that is enhanced.

The second thing that came to my attention along the way was a call I got not too long ago from a constituent of mine who wanted to know whether I could help get his child into another

school in my district, because his child was considered different in his school and wasn't accepted well and the reason this child was considered different was because of his artistic abilities. He was just different. So there are real needs for children to have the opportunities, the truly gifted children, to have an opportunity to express that. Often times these children don't remain in school because they just can't find a way to be a part of what's going on, they're different.

The other thing I wanted to talk about was some gifted and talented teachers I spoke to during the last session when we were dealing with the magnet school concept and the magnet school for the arts. These two teachers supported the magnet school of arts and science and didn't support the magnet school for the arts simply because they said that the students in the magnet school had a different way of learning, they needed to be there. It was structured for them. A magnet school for the arts was something that was not necessarily good because students and their instructors have to establish a bond and if they only have one choice of a teacher sometimes that's not a good idea. Their recommendation to me at that time was a concept that we're dealing with today, because not only are these charter schools seeds for an increase in your local communities, but it allows for teachers from Maine to come into the areas during the summer time and whatever, to work with students. One of the biggest frustrations of these two teachers was the fact that a teacher named Mr. Chinz who is an art teacher from SAD 54, at least he was at that time, I think he's in Farmington now, would take his summers and would travel out of the country to teach art, if there was something available that he could do locally, he would be a real asset and that we were losing our best teachers because they didn't have a program where they could actualize what they were doing locally. So there's many, many reasons why I feel this is a very positive approach. It's practical and it does create an opportunity for students to do the things they need to do well. I can look at my own neighborhood and realize how many hours and hours that parents in our neighborhood spend driving their kids to ice hockey camps, and ice hockey games, and ice hockey whatever, all over the state and all over New England during the school year because that's what they want for their kids. I know parents that want to find somebody to help with the cello and they have to drive far, far, far, because there aren't people available to help with that type of thing in their area. So parents are doing this and it's under great stress, and they are not all elitist and they don't have a lot of money, because the ones I know don't have any extra money to spend they are just committed to this. I think this is something that the state needs and I think that we ought to look at it through the pyridine of diversity, because we're not all sports minded. We're not all able to sit in the classroom. There's many ways to do a good thing for the State of Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. I believe in the availability of quality arts education for all Maine students. If we truly valued education for all and if we were committed to all of our children and showed it with our tax policy, if we state funded every school district equally and adequately, on a per pupil basis, then this debate would be unnecessary. Because we do not do these things, I will vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Madam Speaker, Ladies and Gentlemen of the House. I've had a considerable amount of experience in this issue. I was the director of the Dexter Vocational Center for 17 years and for 10 years we had such a program that was funded by the five sending districts who sent high schools to the center. It was an excellent program. We spent between \$14 and \$20 thousand a year for between 300-500 students per year. They came to the center twice a month. We had art, music, dance, performing arts, social studies, etc., it was an excellent program. In 1993, because of lack of funding this program was curtailed and we lost the money. Now why did we lose the money? I come from a part of Maine, ladies and gentlemen, that 5 of the 6 districts within 30 miles of my home are losing money next year. We're talking about the educational ship in the State of Maine, performing arts is very, very important and anyone who argues against it is foolish. I spent a summer at the Sorbon, in Paris, studying art. Ladies and gentlemen, the educational ship in the State of Maine in performing arts, the insignia, the paint, that makes the ship look beautiful and if you watch the rising sun in the ocean, nothing beats it. But ladies and gentlemen, the educational ship of the State of Maine has got holes in it and it's taking on water in a lot of parts of this state. Let's prioritize our spending. Let's think about the total picture. No one is against this issue, but let's totally fund education before we start painting the ship and shining the brass. Thank you.

The SPEAKER PRO TEM: 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. 326**

YEA - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bouffard, Brennan, Bruno, Buck, Bull, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clukey, Davidson, Desmond, Donnelly, Etnier, Farnsworth, Fisk, Frechette, Gagne, Gagnon, Gamache, Gieringer, Green, Honey, Jabar, Joyce, Joyner, Kane, Kerr, Kneeland, Layton, Lemont, Lovett, Madore, Marvin, Mayo, Meres, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Ott, Peavey, Pendleton, Powers, Quint, Richard, Rowe, Samson, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Taylor, Tessier, True, Usher, Vedral, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Bagley, Baker CL, Berry RL, Bigl, Bodwell, Bolduc, Bragdon, Brooks, Bumps, Chizmar, Clark, Colwell, Cowger, Cross, Dexter, Driscoll, Dunlap, Dutremble, Fisher, Foster, Fuller, Gerry, Goodwin, Gooley, Hatch, Jones KW, Jones SL, Jones SA, Joy, Kasprzak, Kontos, Labrecque, Lane, LaVerdiere, Lemke, Lindahl, MacDougall, Mack, Mailhot, McAlevey, McKee, Nickerson, O'Brien, Paul, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Rines, Sanborn, Saxl JW, Snowe-Mello, Stanley, Stedman, Stevens, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Underwood, Volenik, Waterhouse, Winn.

ABSENT - Bunker, Lemaire, McElroy, Mitchell JE, Poulin, Vigue, Madam Speaker.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, with 7 being absent, the House voted to Recede and Concur.

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

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**COMMUNICATIONS**

The following Communication: (H.C. 291)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

May 27, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1268

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Support the Construction of the Gulf of Maine Aquarium and Marine Research Facility

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud      S/Rep. George J. Kerr  
Senate Chair                      House Chair

Was read and ordered placed on file.

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The following Communication: (H.C. 292)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 27, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 811

An Act to Integrate Sources of Support for Children with Special Needs

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton      S/Rep. Shirley K. Richard  
Senate Chair                      House Chair

Was read and ordered placed on file.

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The following Communication: (H.C. 293)

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

May 27, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1569                      An Act to Reform the Corporate  
Income Tax and Create Employment  
Incentives

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin              S/Rep. Verdi L. Tripp  
Senate Chair                              House Chair

Was read and ordered placed on file.

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The following Communication: (H.C. 294)

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

May 27, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1875                      An Act to Permit the Public Utilities  
Commission to Grant an Emergency  
Rate Increase

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey              S/Rep. Kyle W. Jones  
Senate Chair                              House Chair

Was read and ordered placed on file.

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On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 29)

ORDERED, that Representative Ruel P. Cross of Dover-Foxcroft be excused May 21, 22, and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard R. Farnsworth of Portland be excused May 22 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Albert P. Gamache of Lewiston be excused May 19, 20, 21, 22, and 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative June C. Meres of Norridgewock be excused May 23, 27 and 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Laura Sanborn of Alton be excused May 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen Alicia Stevens of Orono be excused May 23 for personal reasons.

Was read and passed.

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**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

the Maranacook Community School and Saunders Manufacturing, of Readfield, recipients of an award in the national "Make A Difference Day" project of newspapers. The school and the manufacturing company donated 7,500 pounds of food to food banks and the family violence shelter. Kathy Schulz, representing the school, and Kelly Ross, representing the manufacturing company, coordinated this event. We extend our congratulations on this occasion; (HLS 619) by Representative FULLER of Manchester. (Cosponsor: 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. I never expected to see in the "Make a Difference Day" notices in the *Sunday Parade* section, many of you have probably already seen this, there was one of the schools and businesses in my district listed as having received an award. I think this is an example of a remarkable community effort of a school of over 500 students and a business of about 100 employees working together to do a community project that was truly beneficial to the people who use the food banks and the family violence shelter. I don't know how many of you are familiar with Route 17, that goes through Readfield and the Maranacook Community School, that sits half a mile up a winding road from Route 17, and what the students did and the employees of Saunders Manufacturing, they brought food in and lined that half mile walk with food. That was their goal. However, they brought in so much food that they also did the initials of the Maranacook School in food, they did sculptures in food, and they far exceeded their goal and I think this is a remarkable achievement. In the balcony is the lady who coordinated this event from Saunders Manufacturing and unfortunately, the lady from the Maranacook Community School could not be here this morning, but I think this is a remarkable community effort and deserves our recognition and I'm proud to have the honor of doing this. Thank you.

The Special Sentiment was passed and sent up for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 357) (L.D. 1176) Bill "An Act to Provide Continuity and Flexibility for Long-term Care" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-233)

(S.P. 367) (L.D. 1226) Bill "An Act to Amend the Retirement System as it Pertains to Qualified Survivors" Committee on

Labor reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-238)

(S.P. 453) (L.D. 1427) Bill "An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients" Committee on **Health and Human Services** and Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-342)

(S.P. 623) (L.D. 1826) Bill "An Act to Change the Name of the Bureau of Taxation and to Allow Other Agencies of the State to Benefit from Its Services" (Governor's Bill) Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-341)

(H.P. 1206) (L.D. 1706) Bill "An Act to Review Registration of Certified Nursing Assistants" Committee on **Health and Human Services** reporting "**Ought to Pass**"

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

There being no objection, the Senate Papers were passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed and sent up for concurrence.

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

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**ENACTORS**  
**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Address Federal and State Accessibility and Public Safety Issues (S.P. 612) (L.D. 1813) (Governor's Bill) (C. "A" S-329)

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

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

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**Bond Issue**

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$56,850,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, State and Local Bridges, Airports, State Ferry Vessels and Terminals and Rail and Marine Facilities (H.P. 1299) (L.D. 1842) (C. "A" H-709)

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

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

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**Emergency Measure**

An Act to Require the Department of Transportation to Improve the Conditions of Any Road That May be Turned Over to a Municipality (S.P. 368) (L.D. 1227) (C. "A" S-318)

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

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**Emergency Measure**

An Act Relating to Municipal Excise Tax Reimbursement (S.P. 418) (L.D. 1339) (C. "A" S-331)

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

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**Emergency Measure**

An Act to Authorize the Public Utilities Commission to Establish Reasonable Registration and Reporting Requirements and to Study Market Power Issues Associated with Electric Industry Restructuring (S.P. 649) (L.D. 1871) (C. "A" S-327)

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

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**Emergency Measure**

An Act to Increase the Debt Limit of the Vinalhaven Water District (S.P. 652) (L.D. 1873) (C. "A" S-316)

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

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**Emergency Mandate**

An Act to Revise the Salaries of Certain County Officers (H.P. 1341) (L.D. 1890)

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. 101 voted in favor of the same and 24 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Mandate**

An Act to Amend the Victims' Rights Laws (H.P. 879) (L.D. 1196) (C. "A" H-691)

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. 110 voted in favor of the same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Mandate**

An Act to Allow the Separation of Frye Island from the Town of Standish (H.P. 899) (L.D. 1216) (C. "A" H-602)

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

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An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment (S.P. 83) (L.D. 263) (S. "A" S-322 to C. "A" S-227)

An Act to Encourage the Use of Motor Vehicles That Use Alternative Sources of Fuel for the Purpose of Reducing Air Pollution (H.P. 300) (L.D. 364) (S. "A" S-337 to C. "A" H-680)

An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court (H.P. 404) (L.D. 549) (H. "A" H-672 to C. "A" H-639)

An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements (S.P. 292) (L.D. 943) (C. "A" S-263)

An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities (S.P. 344) (L.D. 1121) (C. "A" S-332)

An Act Concerning Authorization of Educational Technicians (H.P. 890) (L.D. 1207) (C. "A" H-688)

An Act to Amend the Maine Apprenticeship Program (S.P. 455) (L.D. 1429) (C. "A" S-298)

An Act to Amend Certain Motor Vehicle Laws (S.P. 473) (L.D. 1475) (C. "A" S-319)

An Act to Enhance the Collection of Unemployment Benefit Overpayments (H.P. 1080) (L.D. 1517) (C. "A" H-693)

An Act to Protect Workers and Establish Labor Standards for "Workfare" Participants (H.P. 1122) (L.D. 1578) (C. "A" H-677)

An Act to Improve the Child Development Services System and Encourage Collaboration in Early Childhood Programs with School Administrative Units (H.P. 1125) (L.D. 1581) (C. "A" H-703)

An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution (S.P. 528) (L.D. 1633) (Governor's Bill) (C. "B" S-324)

An Act to Authorize Interest-only Interim Financing in the School Construction Funding Process (S.P. 532) (L.D. 1637) (C. "A" S-328)

An Act to Permit the Retail Sale of Smoked Alewives (H.P. 1187) (L.D. 1686) (C. "A" H-613)

An Act to Simplify the Process for Applying for State Services for People with Disabilities (H.P. 1200) (L.D. 1700) (C. "A" H-702)

An Act to Adopt the Multistate Tax Compact (S.P. 590) (L.D. 1760) (C. "A" S-325)

An Act to Authorize Captive Insurance Companies (H.P. 1260) (L.D. 1787) (C. "A" H-638)

An Act to Amend Maine's Involuntary Commitment Laws (H.P. 1276) (L.D. 1806) (Governor's Bill) (C. "A" H-710)

An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws (H.P. 1290) (L.D. 1835) (C. "A" H-699)

An Act to Protect Victims of Domestic Violence (H.P. 1317) (L.D. 1867) (C. "A" H-687)

An Act to Implement the Recommendations of the Harness Racing Task Force (H.P. 1318) (L.D. 1868) (Governor's Bill) (C. "A" H-690)

Resolve, to Establish a Coordinated Information Referral System and a Single Intake System for the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Public Safety (H.P. 664) (L.D. 917) (C. "A" H-685)

Resolve, to Plan for Services for Children with Mental Health Needs (S.P. 579) (L.D. 1744) (C. "A" S-334)

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.

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

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An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers (H.P. 863) (L.D. 1180) (C. "A" H-615)

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

On motion of Representative JOYCE of Biddeford, 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. 327

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bouffard, Brennan, Brooks, Bull, Bunker, Chick, Chizmar, Clark, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Lemaire, Lemke, Mailhot, McKee, Meres, Morgan, Muse, O'Neil, Paul, Perry, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Thompson, Townsend, Tripp, Tuttle, Underwood, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chartrand, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Sanborn, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, True, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Berry DP, Bolduc, Colwell, Goodwin, Jones KW, Joy, Kontos, LaVerdiere, McElroy, Mitchell JE, O'Neal, Poulin, Povich, Taylor, Tessier, Usher, Vedral.

Yes, 70; No, 64; Absent, 17; Excused, 0.

70 having voted in the affirmative and 64 voted in the negative, with 17 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

An Act to Amend the Prevailing Wage Laws (H.P. 1037) (L.D. 1454) (C. "A" H-551)

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

On motion of Representative TREADWELL of Carmel, 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: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I would like to remind members of the House that this bill's fiscal impact can not be estimated with exactitude by the Office of Fiscal and Program Review. However, it's going to raise costs to this state for contracts which it enters into by a substantial amount. It's based on the state's version of the Federal Davis Bacon Act. I don't want to get into an argument with my good friend the Representative from Berwick about this, but I think it's an antiquated act, it really shouldn't be around and we should not compound the problem by adding to it. Thank you.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. I don't want to be in argument, but these are the facts, this is something that we dearly need, it helps sustain the workers in Maine, without this what we will help is a race to the bottom of the wages. Maine is already one of the lowest paid wage rates for heavy construction. As I said before, we owe approximately half of what our neighbors, New Hampshire and Vermont pay. This is something that would just require that the information be collected, the same as it is on the federal form. The federal form is much simpler than the Maine form and the Department of Labor has said that they would be looking into changing their forms. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. As you're aware of, we're dealing with a backlog of a half a billion dollars worth of renovations and school construction projects. We've taken a couple early steps to try and unplug that jam up that has occurred and one of those early steps is L.D. 1025, which we just enacted. My question to any member of the House who would care to answer would be, working at a half a billion dollars worth of cost, we're trying to move projects through as quickly as we can, fighting inflation, trying to keep the costs down so all the other school projects that follow can get into the pipeline. Well this bill, if it passes, increase the cost of those school construction buildings.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. At last night's Appropriations meeting, it was stated that this would not be a mandate on school construction or any municipalities.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Madam Speaker, Men and Women of the House. One thing that was said by the Commissioner of Administrative Services, according to their best estimate in the upcoming biennium, if this bill goes into effect, they could expect the increase of just their contracting

efforts of \$170,000, so I guess exteperlate what that means over the several billion dollars worth of repairs and buildings that we need to accomplish over the next few years. Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I just wanted to comment that I'm having trouble reconciling in my mind the difference in public policy between using state taxpayers money to subsidize one particular employer in the name of preserving high paying jobs, while at the same time refusing to use state funds to retain high paying jobs in construction.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. I just wanted to let you know that school construction is exempted from the prevailing wage.

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

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

The SPEAKER: The Representative may pose his question.

Representative MACK: When we have a construction job or a roads bill that goes through, is the purpose of that to fix the road, to build the building, to get the construction done that we need, or is the purpose of that just to hire people?

The SPEAKER: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Prevailing wages are found in all of the federal contracts. In some contracts there are requirements that the benefits be negotiated in. By not enacting this, we do not lower the prevailing wage. On some jobs in Maine, electricians are making \$28 an hour under the prevailing wage. Twenty-eight dollars an hour is pretty good money and by not enacting this, they don't drop \$28 an hour. As an employer, I just add all of that in when I place my bid to cover my costs and the bill goes to the taxpayer so the money stretches 2 percent less this time than it did last time. The next time you build in the increase on the money that was already increased. Prevailing wages increase each year because you have to take, find an average, forward it, the average is now the prevailing wage. When the next review is done the average is taken, a new prevailing wage is set out. Prevailing wages rise more quickly than any other wage calculations. People making \$28 an hour on federal jobs are sure doing pretty good, at least as far as I'm concerned.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. This is not federal contracts. This is state contracts. Frankly, we can agree to disagree on the \$170,000 that was brought forth in Appropriations last night.

I have to say, in agreement with the good Representative from Portland, we will give away the State House and the store to contractors and I don't have a problem if they're providing jobs that pay a good living wage and fringe benefits. We are going to be addressing a bill, which frankly, I'm probably going to end up supporting and I'm going to be choking on it, and I'm going to tell you, if you offer jobs in the State of Maine, we need to pay our people. We're talking about fringe benefits. Federal contracts already provide them, many contractors in the State of

Maine already provide them on state contract jobs. We are requesting that those who are not doing it, that they now do it.

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. 328**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mayo, McKee, Meres, Morgan, Muse, O'Neal, O'Neil, Paul, Perkins, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, 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, Donnelly, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perry, Pinkham RG, Pinkham WD, Plowman, Sanborn, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - McElroy, Mitchell JE, Poulin.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**BILL HELD**

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) - In House, Finally Passed.

HELD at the Request for Representative CAMERON of Rumford.

Representative CAMERON of Rumford moved that the House reconsider its action whereby the Resolve was finally passed.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

An Act to Establish the Uniform Unclaimed Property Act (H.P. 1116) (L.D. 1559) (C. "A" H-682)

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

On motion of Representative THOMPSON of Naples, was set aside.

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

An Act to Repeal the Requirement That Victualers Be Licensed by a Municipality (S.P. 563) (L.D. 1720)

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

On motion of Representative AHEARNE of Madawaska, was set aside.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. It was on request that I read a statement into the Record on behalf of MMA. Nothing in this section may preempt a municipality authority to license or regulate restaurants. Thank you.

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

Resolve, Directing the State Board of Education to Study Charter Schools and School Choice (S.P. 498) (L.D. 1560) (C. "A" S-317)

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

On motion of Representative LEMKE of Westbrook, was set aside.

The same Representative requested a roll call on final passage.

On further motion of the same Representative, tabled pending final passage and later today assigned. (Roll Call Requested)

An Act to Provide Court-ordered Income Withholding of Spousal Support (H.P. 1190) (L.D. 1689) (C. "A" H-681)

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

On motion of Representative PLOWMAN of Hampden, was set aside.

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

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

**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.

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)



TABLED - May 28, 1997 (Till Later Today) by Representative CAMPBELL of Holden.

PENDING - Passage to be Enacted.

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

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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)

TABLED - May 28, 1997 (Till Later Today) by Representative CAMPBELL of Holden.

PENDING - Final Passage.

On motion of Representative KONTOS of Windham, tabled pending final passage and later today assigned.

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

TABLED - May 28, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

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

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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 28, 1997 (Till Later Today) by Representative PAUL of Sanford.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendment "A" (H-619) thereto and House Amendment "A" (H-659) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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Bill "An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions" (S.P. 662) (L.D. 1882)

TABLED - May 28, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

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

Representative DAVIDSON of Brunswick presented House Amendment "A" (H-724) to House Amendment "A" (H-649), which was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Madam Speaker, Men and Women of the House. This amendment Representative Donnelly and I have worked on goes back to some of the original language of this bill that was brought forward with the work of Senator Amero, Representative Donnelly and a number of other members. This bill and this amendment would prohibit contributions during the time that we are in session in the Legislature. To the Governor, any member of the Legislature, any Constitutional Officer, staff or agent of the Governor, from a lobbyist, lobbyist associate, or employer during any time which the Legislature is in session and before they have convened, before final adjournment. The amendment is pretty

straightforward, I think it's the right thing to do. It covers everyone who has to impart judgment on any bill during the course of the Legislative session. I encourage you to support this bill and support this amendment. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I would encourage support of Representative Davidson's amendment to my amendment and move it's passage. It puts us all on an even playing field, which was part of a debate we had earlier. I think it's a good amendment, puts us in the right direction and I hardly endorse it.

By unanimous consent, Representative AHEARNE of Madawaska withdrew his request for a Roll Call.

House Amendment "A" (H-649) as amended by House Amendment "A" (H-724) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-649) as amended by House Amendment "A" (H-724) thereto in non-concurrence and sent up for concurrence.

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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 28, 1997 (Till Later Today) by Representative DONNELLY of Presque Isle.

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.

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

TABLED - May 28, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

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

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Bill "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)

TABLED - May 28, 1997 (Till Later Today) by Representative CHARTRAND of Rockland.

PENDING - Adoption of House Amendment "B" (H-675).

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

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#### TABLED AND TODAY ASSIGNED

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

HOUSE REPORT - "Ought to Pass" Pursuant to Joint Order (H.P. 1332) - 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)

TABLED - May 28, 1997 by Representative KONTOS of Windham.

PENDING - Acceptance of Committee Report.

On motion of Representative RICHARD of Madison the Committee 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**.

Representative BAKER of Bangor presented House Amendment "A" (H-729), which was read by the Clerk.

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

Representative BAKER: I rise today to offer House Amendment "A" to L.D. 1895, in so doing, I am opposing a unanimous committee vote, except that the vote wasn't really unanimous because the bill was changed on Friday afternoon after I had left the State House. I came back Tuesday to find that I could not vote because all bills had to be out on Friday.

I have presented an amendment, which for me is significantly different from the bill before you and I want to try to explain why I have taken this action. I think the issue of equity in educational funding should be a front burner issue. From across both sides of the aisle, we have heard about problems with school districts who are having to cut programs, having to cut staffing, because the funding they are receiving is adequate. Our Committee asked for a study to look at school funding and that was included in the budget. Concurrently, there is a study that has been funded for determining essential programs and services. That is currently ongoing. The State Board of Education is to coordinate both of those studies. The bill before you which is the Majority Committee Report asks that only one aspect of the funding formula be studied and reported back by January of 1998, during the current Legislative session. It then delays a further look at the equity issues in funding until January 15, 1999, which would be the 119th Legislative Session. I believe as the Board of Education offered those studies can be done concurrently. In a memo of May 14th, the Commissioner of Education says that they can produce both studies using different groups with some cross over between the two groups which will be coordinated under the State Board of Education, that they can return a report to us by January 1st, 1998. I offer an amendment to you which includes, yes the income and the cost of living adjustments, but unlike the Majority Report before you, the amendment that I offer you asks to look at the effectiveness and fairness of the current practice, not just the way it is assessed which would assume that one will retain the income in what we call COLA, the cost of living adjustment. That is also in my bill, but I am asking for us to question the assumption of whether or not it's effective and fair. Also, included in the amendment before you, Amendment "A," is the request that the committee to study school funding review the amount of state funding and the amount in local tax revenue sources that are necessary to provide funding for equal educational programs and services to all children in the state. My own district, Bangor, doesn't do too badly, because they are blessed with commercial properties, but the outlying districts around Bangor are suffering. Those are of concern to me, whether they are Houlton or Calais or Alton just as much as the students in my own district. I think also that we need to look at the effectiveness and fairness of implementing necessary state subsidy reductions by the percentage reduction method as it's compared to the mil rate reduction and finally, the fourth item asks to look at the effectiveness and fairness of minimum

subsidies. I believe that task is doable by the State Board and it's additional members by January 1998. The cost for this study will be absorbed within the Department of Education and I think that in choosing Amendment "A," which is the bill that I left on Friday, having already made a list of priorities before the Appropriations Committee, a bill that was changed later that day. I believe that by asking that Report to come back in January of 1998, we respect our own 118th State Legislature, we move this issue of equity and funding to the front burner and as one of you said, as I was talking in the last 24 hours to you, like children doing homework, if they know they have to get that assignment done, they will do it. The Commissioner has said he could do it, I believe we can do it and I hope that you will agree with me, that it is a top priority. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative O'NEIL: Madam Speaker, Colleagues of the House. The question would be this, this amendment wants to study the income and COLA factors, how much data do we have on those two factors? In other words, how long a period of time have those been in place for us to even study?

The SPEAKER: The Representative from Saco, Representative O'Neil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Madam Speaker, Men and Women of the House. The bill before you, asks to study those two items, the income and COLA, which have been in place, I believe, since the Rosser Commission Report and that's two years ago, or one year ago. I am asking for that to be, not just looked at in terms of the way we measure income and cost of living, but whether or not it's an effective component and in addition I'm asking that we look at issues of equity across the state, the increased mil rate, versus the percentage reduction method and the minimum subsidy. I hope that answers the question. Thank you.

Representative WHEELER of Eliot moved that House Amendment "A" (H-729) be indefinitely postponed.

The same Representative requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-729).

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 thank Representative Wheeler for making that motion that I was about to make. I am a member of the Essential Services and Programs Committee, which was established by the 117th. It however, was not funded at the last moment, the waning hours, the last hour, of that last session. We did meet twice, we've got a lot of work to do, but we are expected and will present to this Legislature our Report by the deadline that we've been given, which is January 1st of next year. This will happen. What will this mean? This will mean that we will know as well as we possibly can exactly what the state should fund through general purpose aid to education to ensure pupil equity across all of the school districts in Maine. When we talk about pupil equity, keep in mind the other side of that, which is tax payer equity and I'm not going to get into that, but in terms of pupil equity, it's been mentioned in other states and here in this body that if we could fund every student on a

per pupil basis at a certain rate, whatever, that would bring equity. Ladies and gentlemen, that won't bring equity, because there will always be, for example, the Wiscassetts who have the good fortune to have a major facility such as Maine Yankee, which allows that particular school district to spend over \$9,000 per pupil on their education. Almost twice the state average. That's always going to happen, so if you're looking for real pupil equity, I guess, the only way you could counter that would be to say, all right, we're going to fund it at whatever the level, and you can't spend any more than that, no matter whether you can afford it or not. Well, I think, any one of us knows, that's not going to happen. But what we want to do through the Essential Services Study, is to say this is what the state should fund in every school district to ensure the minimum, if that's what you want to call it, or the floor of funding, that will ensure that every child has an equal chance at getting a good education.

Now don't let this whole issue of the funding formula, the whole idea of putting, median income and COLA in the formula came up as a result, as has been mentioned, the Rosser Commission Report. This was an attempt to give some measure of ability to pay and not base everything simply on property tax, because as you know we all have people who are threatened with being taxed out of their family home because of rising property taxes, the bulk of which goes to support the local school. So, we looked at that, the Rosser Commission, asked or suggested that it be a 50/50, we didn't go that way, we went with 85/15. We knew in doing that that there were questions about the data that was used to measure median income and also cost of living. Those have been refined since then and will continue to be refined, but I think the idea of ability to pay is educationally sound. I'll make a guarantee right now that when this committee studies the school formula, they will find that the formula works. What happened this year? The formula worked and all of a sudden due to the Governor's purposed one percent increase for next year, somebody's school district was suddenly losing big time. While immediately the human cry came, the formula doesn't work. Well I suggest that those people that have those problems look into the formula to see how it works and then find out why it doesn't work. The formula doesn't work for those big losers because of the fact that they're evaluation rose, that's one possibility or they lost students, that's another possibility, both of which result in less funding coming to that town, but the biggest problems have been money. We have never funded adequately the formula. The second thing that's wrong is cushioning. For the last six years, we have fooled around with trying to ease the burden and this cushioning has exasperated the problem. It's made some of the big losers, bigger losers, or potentially bigger losers, and big winners also bigger winners. There's also minimum subsidy and the way we have reduced, because we haven't funded it fully, we have made reductions which are uniform such as percentage reduction across the board, which hurt the poorer communities, because a 20 percent decrease in their subsidy is a lot more difficult to make up than a 20 percent decrease to a minimum subsidy receiving town with high evaluation. We're on the right track with the Majority Report and I would urge that you vote to immediately postpone this amendment and go on and accept the Majority Report and we will find the answers we're looking for within the time frame sent out.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. As you have listened to the two previous speakers, I think you can see that this was a very difficult

decision for us to make. We had a lot of opinions of how we should do this, in fact, at one time, we had three reports that we were going to bring to the floor of this House. It was my opinion, and the opinion of other people on the committee, that to bring you three reports and have you battle that out here on the floor of the House was not something that a responsible committee should do. Therefore, when we met last Friday afternoon, we tried very hard to come up with something where we could present you with a unanimous report that would fulfill our obligations and that would do what so many of you have asked us to do all year long. We had two meetings last Friday afternoon, one earlier in the afternoon, and then after the Report was drafted we got together and 11 people of the committee who were there agreed to that Report and the 12th one agreed later on. I would like to point out to you just two or three things in the unanimous Report that might be of interest to you. Number one, in section one, we do say, each member appointed must be impartial and have extensive knowledge of public education and school finance policies in the state and if I were to ask you right now, how many of you have extensive knowledge of school finance policies in the state, I'm sure I would not get a lot of people who would volunteer and say I really know and understand school funding. We feel that we should have people on that committee who do have that knowledge and we have submitted a list of names to the State Board of Education and they will select from that list of names for their committee. We have said review and make recommendations regarding the report and the Representative from Saco asked about the income and cost of living and how much we knew about that.

Earlier this year, we asked the Department of Education to bring us some information and we have a packet of information about that thick where they have done a great deal of research on the income and cost of living. They did not research whether or not it was fair and equitable, but they did get the basic information and we are asking this committee to look over that information to see if it should be used differently, to see if it should be used at all, and to make a recommendation back to us by January 1, 1998. The Representative from Bethel mentioned the Essential Programs and Services and as we discussed this last Friday afternoon, we said, what are we talking about funding? We have had a recommendation from the Commissioner that we should study, what are the essential programs and services that we should be funded at the state level. This has been studied before, I know that, but a new study, what should be funded by the state. Before we started changing the formula around, we thought maybe we should get the horse before the cart and decide just what it is we should be funding. That's what we are asking this committee to do, but you have passed in legislation already this year a bill that would require the Essential Programs and Services Committee to report that back to you by January 1998. Therefore, if you do as suggested in the amendment, change the date for recommendation on a funding formula to January 1998, you are asking this committee to do all of that before January 1998. One other thing that you will see that's different between the amendment and the original bill, is that our original bill says to report it's findings to the Joint Standing Committee on Education and Cultural Affairs which may report out a bill based on the State Board recommendations. Therefore, we would make the decision on what legislation would be presented to this body, whereas the amendment says that to report it's findings and any recommended legislation. We don't feel they should be recommending legislation. We feel that we should be making the recommendation for that legislation. Yes, there may be

some things in this amendment that you would like to see in the bill. I told you before we had three lists that we were going to bring before you and on the Committee of 13 people we were that divided on what should be on the list. Therefore, we have tried to condense it, bring it together into what we thought was a unanimous report that would study the essential services and programs and would look. Also you will find the words adequate and equitable in our bill that would present something to us that would show funding that would be adequate and equitable and we also have said that we do want to look at that section, that 15 percent section on income and COLA. These are the basic differences. We felt very good when we left Friday afternoon. We 11 thought that we had done a tremendous job, that we had come up with something, everyone of us had given up something because we know it's very hard to get everything you want around here. Every single one of us had given up something so that we could come to you with a unanimous report that does do many of the things that many of you have asked us to do all year. I would urge you to indefinitely postpone this amendment.

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

Representative LANE: Madam Speaker, Men and Women of the House. I'm just looking at this amendment and I certainly don't envy the hard job of the Education Committee in trying to please all of the districts, but I'm looking at this thinking that this particular amendment would benefit my area, the small rural, poorer communities and I can be corrected. I just want to give my opinion, because I'm going to support this amendment. If the Education Research Institute comes back with recommended legislation, it seems to me after what we went through with the funding formula in the first session I was here, it gets so politicized. It seemed like, for instance, my district was ahead of the game when it was for a blindfold study, then all of a sudden the bags came off the heads and everyone could see, I ended up losing, so I kind of like the idea and far be for me to like the idea of a non-legislative group to come up with a funding formula, but in this particular case, it's such a hot button issue that personally, I like the idea of recommended legislation which then we can fix to the hearing process and everything else being brought forth by this Education Research Institute and I'm going to support this amendment. Thank you.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. It was the feeling of the group that met, the members of the committee who were present last Friday, that we needed these two parallel studies going on. The one that was approved earlier on Essential Service Programs and Services and that Committee has already been named by the State Board and has had a meeting already, I believe. The second panel made up of people who are recommended by members of the Education Committee to be knowledgeable people in the area of school finance. Their responsibility would be to look at the cost of living and the income factors, which are now in the formula to find out if the figures that they're using are valid. There's a lot of question about the validity of that program or that aspect of the funding formula. It was the feeling of the group that if we had these two aspects of this funding formula studied first, which define and give some numbers to us to use in establishing the validity of the funding formula itself later on. That would be enough to be done by January 1 of 1998. The rest of the study, looking at the rest of the factors in the funding formula would then follow that during the year of 1998. That

report would be due back in 1999 to be worked on in the 119th Legislature. It just seemed to be a very logical sequence to follow in getting the information together to look at the funding formula as a positive or negative influence on education in the State of Maine. Thank you.

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

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. When I came down here in January, at that time only two or three things were in my brief case. Today I can barely carry it out to my car, but of those two or three things, there were some things that I thought pretty crucial. Property tax relief was one that we were all looking at and I think we heard a great deal about in our campaigns. The overriding issue that I hear an awful lot about was the school funding formula and I kept hearing it, and hearing it and hearing it and when I got down here I kept getting phone calls. Those of you who might remember that when we got time for a budget, those of you who dragged me kicking and screaming to the budget agreement, because I was promised that we would definitely this year look at the school funding formula. Those promises came from a whole bunch of different directions, a whole bunch of different sources. When I walked out of here last Friday, I, too, had been watching what's been going on in the Education Committee and I'm down there as a friend on a couple of occasions talking about various bills and I felt reasonably comfortable with the list that was presented that the State Board of Education would appoint a committee. At one point, I thought maybe it would broaden it and have some Legislators on it, but I felt reasonably comfortable with the parameters that were set forth. Then I came back here on Monday and found that that was changed. I'm going to vote against indefinite postponement, because I think that as I look at the package that I have that was reported out, I believe, unanimous of the people who were voting from last Friday, it really doesn't set up in language that I understand, all of the things that I wanted explored under school funding. When I look at the amendment that's been offered here this afternoon, it comes awfully close to what I understood this committee was going to study. I wasn't real pleased with the make up, and how the committee would be structured, I guess I kind of equated it to it's almost like having the fox watch the chicken house, but I thought, well, we're going to be able to deal with this at some point and at least that some point was for a while when I was spending my time talking to people over the weekend that that sometime was going to be this session. I, like the rest of you, are not at all sure that I'm going to be back in the next session. I hope so. That's not a campaign announcement. By the way, not at this stage anywhere, we're got too many other issues to deal with. I hope we can take a really serious look at this amendment that's been offered this afternoon, so that we can have a report that we can deal with in the second half of this biennium. That's what I've promised my constituents is that all of the information that has been garnered and I guess that when I started complaining about the school funding formula, I suffered the kind of snowstorm of information that you would if you said you didn't have Supplement 5 and everybody started waving it, and yesterday, by the way, at last count, I had 17 copies of Supplement 5. I'm not going to say that now, and I'm not going to say I want more information on the funding formula, because I got buried from people in Bangor. As you know, and people in Portland, as you know. I'm hoping that this committee will take up this charge and it will be able to come back with proposed legislation that will be amenable to all of us. SAD 22, the district

that I represent, I don't believe they're hurt too badly this year, because of the cushion, so I'm not standing up here telling that we're the poor people in the state. We're not, but I think that Representative Lane mentioned that this is going to help some of the poorer communities, the amendment. I hope that we will vote against indefinite postponement and allow this amendment to become law, become part of a package so that we will be able to, next January, stand here and have a vehicle that we can all be proud of. This isn't going to make the change. This is only going to propose the change and for that reason, I'm willing to support it. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative STANLEY: Madam Speaker, Men and Women of the House. Coming from a small area up in Northern Maine, I campaigned on property taxes and one of my big issues was the school funding formula. Coming from an area, I did represent two different schools, in an area, one is fairly well developed and the other is fairly well rural and they've both lost over a \$100,000, not this year, but the year before. With the funding that we're receiving this year, through the cushion and through the extra percentage on the budget, one school is losing \$25,000 still, and one \$16,000 still and I hear about the evaluation and I've heard about the income and I'm talking two different areas here. We're both losing \$100,000 and to me we have to address the issue now. It can not wait for years and years. The quicker we do this the better off we're going to be. Coming from an area that last year my municipal town alone, they cut \$125,000 out of the school budget and \$90,000 out of the town budget, my mil rate still went up. Two years ago, I was paying \$17 a thousand and now I'm paying over \$20 a thousand and I think it's about time we address this issue. Look at the issues pretty hard and the quicker the better. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. If I could give you an analogy, I think what's happened is that if you went along and figured out the calorie count that a family of eight would need to be healthy, it is as if some magic hand came along and instead of giving you the food and the calories that you needed for a family of eight, they've only given you enough for five. If you come back to revisit that family, you're going to find that within that family, people are beginning to fight because they are not getting enough. That's basically what's happened over the last three to four years. I went back and pulled the GPA figures and percentage growth back to 1986. The GPA average, as a percentage of change, has not been above three percent since 1992. In 1993, it was .68 percent, it wasn't even 1 percent, in percent of growth, 1994, -1.88 percent, 1995, 2.71 percent, 1996, 2.98 percent, 1997, 2.63. We're on a starve diet and we're beginning to see the results of that. No matter what report we accept today, I think the members of the House and the other body have got to have a mind set that as we look at general fund dollars, as we look at what's coming in, we have to look at what percentage is going to be committed to education.

In 1992, GPA as a percentage of total General Fund Appropriation was 33.71 percent. Since then it has declined each and every year. In 1997 it has climbed to 30.49 percent, a 10 percent reduction. So what's happened is the money has come in, we made budgetary, or previous legislatures have made budgetary decisions to move the money elsewhere. Our commitment to education hasn't kept up with the flow of dollars coming in, so now we have a family of eight that's trying to live

on the calories destined for five. What we need to do, looking at the second session of the 118th, and those of us that would return for the 119th, that we're going to reverse that percentage. We're going to have education as a priority and we're going to try to reverse that percentage, that historical trend. Two, that this GPA which hasn't gone above 3 percent, has been affected by two sources. One is kids and trailers, we budget x dollars less than 3 percent, this upcoming year 2 percent and almost \$7 million is going to be eaten up by that GPA by lease space, kids in trailers, so that's not even really an honest figure. Another thing we have to do to ensure within this body is to make sure that the Appropriations Committee and leadership, that when there are surpluses in those GPA balances, that they are not rated and sent elsewhere. During those lean years when not enough calories were coming to the table, surpluses did appear in GPA and they were moved from GPA to other spending areas. The Education Committee, very much to its credit, has passed legislation to do that and I think that failed last night when the table was dealt with. We were not appropriating enough. When there are some balances there, the money is taken and spent elsewhere. So there are things that we can do. The Governor's report, or Commission, is going to come back on school construction to try to get rid of the trailer money that's eating up the GPA that ought to be going to communities in the North, the South, the East and the West. But we're not going to solve this problem without using that analogy again. That family of eight has the proper calories for a family of eight, not a family of five.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Men and Women of the House. I apologize for dragging this out, but there are a couple things I feel I should say. Ladies and Gentlemen of the House, since the last election, I have attended seven meetings in local communities in and around the district that I represent. What's happened, and these are all related to school funding, by the way, the municipal officials, the school boards, superintendents, and everybody related to education in and around the Bangor, Newport, in that area, are pleading with us to do something about this school funding and I agree with most of the things that have already been said here and I'm not going to repeat any of that. I would like to just bring up a couple of things that were effected in the past couple of years since the funding formula has been changed. In my town, up until last fall, the last budget year we had had a 24 percent increase in local efforts to fund our school. This year we got hit by another reduction in General Purpose Aid, and I would say that right now in three years we're up around 30 percent increase, which represents about a 2 mil increase in property taxes in my town. Other towns in the area are going through the same problem. What has happened we've had in SAD 46, they had a taxpayer revolt, they turned the school budget down, I guess it was two or three years ago, and they had to go through four different hearings before they finally got a budget approved. The local taxpayers just said we've had enough. We're not paying any more taxes to fund education. This has caused the schools to cut programs, to reduce their budgets. They're down now, all the fat's gone, they're down into the muscle and the bone now. SAD 48 had the same thing, they got their budget approved after one additional hearing referendum to get their budget done. SAD 22, in Hampden, the same thing, so we do have a problem and it's very acute in the Penobscot, Piscataquis County area. The people are giving us some very strong words to do something about the school funding.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I rise to ask you to support the pending motion and I'd like to explain why. Before I do that I want to clarify the answer to a previous question by Representative O'Neil. The current school funding formula, it was changed in 1995, it did not go into effect until July 1, 1996, so the current school funding formula has not been in effect one calendar year. It has been in effect for two distribution years, but it has not even been in effect for one full calendar year. That was an issue, again, before the Education Committee, that we were sitting here saying, what in fact, do we think we need to look at about the school funding formula, when in effect, the school funding formula had not even been played out or even been before the state for one calendar year.

Secondly, what I'd also like to say is that the amendment before you, Amendment "A," outlines a number of things that should be studied. There's already been a state study, and/or legislative study for each one of those issues that is listed in that Amendment. So, if you would like to study that issue, or if other people would like to study that issue, there are already reports that covers every one of those issues that's outlined in that Amendment. That is again why the Education Committee said, what information do we need to gather, what do we need to study in order to allow us to move forward not to go back and plow over ground that has already been studied. The Majority Report simply looks at the facts as Representative Stedman already pointed out. We do have in place a group with the Board of Education to look at essential services. We will define essential services and then by defining essential services look at how do we fairly fund and equitably fund school education across the state. To look at other factors in school funding formula before we look at essential services simply doesn't make sense. The other issue is that the Majority Report does say that there are things that we need to look at in regards to income and COLA. There was a report, and I know we're not suppose to use visuals, but there was a report done earlier this year by the Department of Education that outlined several important issues that need to be examined in regards to income and COLA. The Majority Report will do that. That information will come back to us in January and we will move forward on those issues in terms of income and COLAs, so I think that the Majority Report, which again is the unanimous Report from the committee is a prudent and reasonable step forward at this time. The Chair of the State Board of Education sat in with us on our deliberations during this whole discussion. He said if you look at the laundry list of proposals, do you see an A in terms of what will be studied that what you'll get back is a watered down study, because the Board of Education simply will not have the time and will not have the resources to examine all the issues that have been put forward. When members of the State Board were told that the Majority Report would look at essential services and look at cost of living and look at equitable funding, they said that's doable. We think that's reasonable and that something, a product, that we can bring back to the Legislature in January that we can stand behind and will allow you to move forward. For all those reasons, I ask you to vote for the pending motion. Thank you.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. The end of the session was drawing near, it seems to be disappearing into the sunset, anybody who

hasn't made up their mind, let's raise their hand and let us know, but let's get on.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I apologize, I'm only going to speak less than two minutes and Madam may throw her hammer at me if I am longer. There is one thing that I've waited this long that seems to be escaping people. Supposing I had five of you to go out with pad and paper and look at my truck and bring back what you think you'd give me for that truck. Is that not what happens when people in different parts of this state with different backgrounds, with different ideas look at every single municipality and decide what the evaluation is of that particular municipality. I say this because until we arrive at something whereby that we get an idea of what an evaluation is and not only that, but what it is worth in the geographic sections of a rural state like Maine. We are going to continue to have problems with our formula.

Secondly, it seems to me that it is a good idea to study what the committee has asked for. I would say to you, however, if you have a good solid committee, well rounded, and people from all walks of life that understand a little bit about this don't fence them in and say do this, this, and this. Give them an idea to brainstorm and I have an idea that they will come up with some ideas that perhaps we have not even thought of. There's no one in this House that would like to see this get situated so that we could go maybe five years without worrying about who's going to be hurt and why are they hurt and so forth.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-729). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 329**

YEA - Barth, Berry DP, Berry RL, Bodwell, Bouffard, Brennan, Bruno, Buck, Bull, Cameron, Campbell, Carleton, Chartrand, Cianchette, Cowger, Davidson, Desmond, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Foster, Frechette, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, Meres, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Poulin, Powers, Quint, Richard, Rines, Rowe, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stedman, Taylor, Thompson, Townsend, Tripp, True, Tuttle, Vedral, Watson, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Bigl, Bolduc, Bragdon, Brooks, Bumps, Bunker, Chick, Chizmar, Clark, Clukey, Colwell, Cross, Dexter, Donnelly, Driscoll, Fisher, Fuller, Gagne, Gerry, Goodwin, Jones KW, Jones SL, Kasprzak, Lane, LaVerdiere, Lemaire, Lemke, Mack, McKee, Nickerson, O'Brien, Perry, Plowman, Povich, Samson, Sanborn, Saxl JW, Snowe-Mello, Stanley, Stevens, Tessier, Tobin, Treadwell, Underwood, Vigue, Volenik, Waterhouse, Wheeler EM, Winn.

ABSENT - Jabar, Layton, McElroy, Mitchell JE, Usher, Madam Speaker.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, House Amendment "A" (H-729) was indefinitely postponed.

Subsequently, the Resolve was passed to be engrossed and sent up for concurrence.

JOINT ORDER - Relative to establishing the Joint Select Committee to Oversee Maine Yankee Atomic Power Company (H.P. 1345)

In House, Read and Passed on May 28, 1997.

TABLED - May 28, 1997 by Representative MAYO of Bath.

PENDING - Motion of same Representative to Reconsider Passage.

Subsequently, the House reconsidered its action whereby the Joint Order was passed.

Representative MAYO of Bath moved that the Joint Order be indefinitely postponed.

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

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. It is my understanding that the Executive is in the process of appointing a committee that would be quite similar to what you have before you. Yesterday, Supplement No. 7, the Joint Order to establish an oversight committee dealing with the current Maine Yankee situation. The Executive, this morning, to the Senate Chair of the Energy Committee indicated that he would appoint Legislative members to this committee and therefore even though it did receive some funding, I understand, this afternoon as a Study Committee, I would urge that you indefinitely postpone this because it appears to be duplicative. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. Sometimes issues before this body begin to take on a life of their own, this seems to be one of those. I put in this joint order as soon as we learned the news about the possible closing of Maine Yankee and after I had read a news story about the Chief Executive's intention to establish his own task force. On the task force that the Chief Executive's press release were members of the Executive Branch, all people that would report only to the Chief Executive with no particular obligation to keep the Legislative Branch of government apprised. I thought that was bad for this body, bad for this co-equal branch of government, so I put in the Joint Order, not because I want to serve on that task force, but rather because I believe this branch of government ought to be included in the kinds of discussions and studies that may develop in the next six to eight months. It seems to me that we need to constantly remind ourselves that we are that co-equal branch of government. I suggest to you that the Chief Executive may not have made the overtures that he has since made, had this Joint Order not been made public. He did not come to Legislative leadership with this proposal. He did not come to any of you until after the Joint Order was printed and it was only then that we hear, and we still have nothing printed from the Chief Executive, that there will be Legislators on the task force that was described in the newspaper clipping that I read. That's point number one. I believe strongly that the Legislature and this body in particular, must retain autonomy as a co-equal branch of government.

Secondly, there are public policy implications that will continue to develop that we, on behalf of our constituents, must understand, must question for nearly 25 years, I suggest to you that this body, the Legislative Branch of government as a whole has not been consistently informed about the activities at Maine

Yankee. I think that needs to change, particularly considering the news that we have heard recently this week. There are public policy implications with this announcement that extend well beyond one committee of jurisdiction. Many of you would have thought that this is a utilities issue, I suggest to you that it is also a tax issue, it's an educational issue, it's a municipal revenue sharing issue, it's a labor issue, and all of those public policy matters would be dispersed to a variety of committees. For that reason, I think it's appropriate for a diversified group of Legislators to be kept informed, particularly between now and when we reconvene in January. For those reasons, I put in the Joint Order. I was surprised by the reaction last night and if I'm guilty of anything, it's that I didn't think of the 25 people that needed to hear about this before it got printed. For that I apologize and that's as much as I intent to say about that.

I suggest to you that whatever oversight committee takes shape, our constituents need us to know as much as we can about this matter and with all due respect to the Representative from Bethel, I believe that knowledge will extend far beyond what is reported in both the print and video media. My hope is that this action puts sunshine on a matter that we must understand and ultimately may have to take some responsibility for, so despite the motion before you, I'll be voting in favor of the Order. I suggest to you, you may not have had the offer from the Chief Executive, were it not for this Order and I would ask you whether you think it's appropriate that the Chief Executive appoint the Legislators to this kind of a committee, or whether the presiding officers of the co-equal branch of government make those decisions. I leave that into your very capable hands, but I will not be supporting the pending motion and I thank you.

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

Representative JONES: Madam Speaker, Men and Women of the House. I was not informed of the Governor's task force or commission and I am the Chair of Utilities. I actually sat with him during the signing of the utilities deregulation, and at that time I didn't know that there was a commission being put forth. That's the kind of sunshine we are getting from the Chief Executive, I guess. Grecardoza said one time, great justice, that sunshine's the greatest disinfectant and I think the more knowledge we have on this issue, the better. Let me put this in perspective for all of you in your wallets. Right now we have \$169 million to close Maine Yankee, to decommission it. It's estimated, I think, at a \$317 million to decommission. Yankee Rowe, which is one-fifth the size of Maine Yankee is estimated right now while it's being decommissioned at \$300 million so what you actually have to do is multiply that 317 by five, so right around \$1.5 billion, we're talking about dumping on the ratepayers and these are your constituents we're going to be dumping this on and there's no way we can get away with that. We can't get away from that because FERCU is going to make us do it. This isn't the PUC, that says, well we'll let shareholders eat this. This is going to be us, me, you, all of your constituents. I think it's incumbent upon us to know as much as we can about this subject. Just as much as we can, maybe PECO, which is the Philadelphia Energy Company, I believe, that might want to buy this, doesn't want legislative oversight. Maybe they just don't want us sticking our nose into this situation. They'd rather have us out of it, maybe a little too much sunshine would hurt them. I have never been pro-nuclear in my life until I chaired Utilities and realized how important it was that to let this thing go through it's lifetime safely, so we could decommission it with the amount of money we're going to need and now we have a real

serious problem there, but we're not going to have any oversight from the Legislative process. We need that, I really truly believe that we should kill this motion, pass this Joint Order, have a Joint Select Committee made up of this body appointed by the presiding Officers, so we can study this in a circumspect way. I don't think that we are here to ruin Maine Yankee's prospects. I'm not here to put Wiscasset under. I'm here to make sure that the ratepayers for the utilities in Maine are benefited. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. As someone who has many constituents that work at Maine Yankee and many constituents who would like to see Maine Yankee closed down several days or years or biennium's ago if they could. It's a very crucial issue and it has impact, I think, statewide on us and I was overjoyed and relieved and nobody asked me about a Joint Order to create a task force. The Executive didn't ask me either and I was pleased to see that our Legislature was taking that kind of action and responsibility because it will help me stay informed. We won't be in session for a great deal of time. Well we need to know what's going on and I think it would be very helpful. I encourage you to vote against indefinite postponement. Thank you.

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 support the motion before us. I had a call this morning from an employee down at Maine Yankee, because I do, in my district, have a lot of people who work there and he says, you know, we just want to let you people know that things are not near as bad as the media is making it to believe. What she told me, this person, and I heard this just yesterday also, back home, that tomorrow there is a company coming in and they have been in negotiations with Maine Yankee. They are going to be there tomorrow. The chief executive of this company is going to be there to discuss the future and they want to buy. My question is to her, I said okay then, why did you people lay off 900 construction employees? The reply to me was, well, if you were building a house and you got part way through it and you wanted to sell it, a lot of your buyers don't want you to complete it. They'd like to come in and put in the carpets that they want to put in and they want to do this and they money it was costing them to do this. They felt it was best if they stop and let the new buyers take over and do it the way they wanted to and the way it was supposed to. The oversight of this is by the NRC. I think they have got very good control of it and I think that we ought to let this company move on and make their deal that there will be a sale on this property and it will continue to provide the good economy in our area that it has.

Representative SPEAR of Nobleboro requested a roll call on the motion to indefinitely postpone 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 Cumberland, Representative Taylor.

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

The SPEAKER: The Representative may pose his question.

Representative TAYLOR: Madam Speaker, Men and Women of the House. Probably to Representative Kontos, the title of this is to oversee Maine Yankee and elsewhere it

describes it will be monitoring the process and I'm wondering what you envision as the authority that the committee will have to subpoena data and make recommendations on the activities that go on down there or will it be really just a watchdog committee. My concern is that the Governor has at his beck and call the two Representatives from the planning department that have access to all the data in Maine Yankee. I'd be interested in elaboration of what you feel could be accomplished by this committee.

The SPEAKER: The Representative from Cumberland, Representative Taylor has posed a question through the Chair to the Representative from Windham, Representative Kontos. The Chair recognizes that Representative.

Representative KONTOS: Madam Speaker, Men and Women of the House. The language that the Representative from Cumberland refers to is intentionally vague, as an English teacher, I rather like that vague language sometimes, because I was trying envision what kinds of information a committee of this type might seek. I could envision a whole variety of things and presume that a group that would meet with that purpose would be able to also seek the expertise of the State Planning Office, the Public Utilities Committee, and as you well know, we've had representation before, the standing committee from the NRC, and from FERC and others. I envisioned this committee having a fairly wide reaching job description, if you will, depending on what happened and if I may, Madam Speaker, the Representative from Nobleboro is correct in suggesting that there is still a potential buyer being described. I don't see anything in this Joint Order that would preclude any of that activity from happening. My intention is to make sure that there is someone acting on behalf of the entire Legislature seeking information as that information is available, asking questions on our behalf when we might otherwise be apprised of that information because we're here in session. The language was intentionally vague, not because there was a hidden agenda, and I didn't envision subpoena power by any stretch of the imagination, but rather as a group that would solicit. I can imagine the Bureau of Taxation being asked to speak and help inform the committee on this matter in particular, the Department of Education and others that would have information relative to whatever developments occur, if any, maybe there won't be any for the next six months, but the fact that there were over ten articles and four editorials in today's newsclips about this issue suggest to me that this is certainly the kind of emerging matter that will continue to be of importance throughout the next six months. I hope I have answered the Representative's question.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. Maine Yankee will close, whether it's next year, or sometime before, if no buyer is found or when it's decommissioned sometime in the next millennium. It will close and the issues of decommissioning at that point will take place and most of that is technical issues on the decommissioning. I don't see this committee getting involved in those technical issues, because I don't see a lot of people in this body who are nuclear physicist who know about atomic fission, alpha particles, beta particles, gamma radiation, shielding, high versus low level nuclear waste, fuel rods, control rods, background radiation, etc., disposal of waste, etc., secondary primary cooling system, so forth and so on. I think you can see where I'm going. There are some issues when Maine Yankee closes, the Town of Wiscasset will no longer have it's sugar daddy.



They will begin to feel, maybe the pain that's felt in many smaller, poorer communities across Northern, Western and all over Maine. Those education issues involve funding. Tax issues, revenue sharing involves funding and it's going to come back to this body and I'll just stick to education. If we truly, as was mentioned earlier in another debate, measure and make education the number one priority then that will take care of the issue, but I just do not see this committee being able to come up with anything that isn't already going to come up through a variety of federal, state and other, whether it's the Chief Executive's committee or not, other committees, so I see no need for this committee and hope that you will indefinitely postpone this Joint Order.

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

Representative COLWELL: Madam Speaker, Men and Women of the House. I'd like to reiterate what the Majority Leader has stated because it is the truth. The issues that are associated with the closing of Maine Yankee, in all deference to my colleague from Bethel, maybe we aren't nuclear physicists, but the issues associated with closing this facility are of absolute critical importance to this body. They'll impact every facet of public policy that we can imagine and public policy is the preview and the domain of this Legislature. Since the issues are ours, we should have some ownership of them. More importantly, as a freshman here, I've learned that often where you get your information from is as important, or maybe more important, than the information itself. I would suggest that this Legislature, on an issue of this critical importance, needs to be able to gather its own information. In all deference to the Chief Executive and I know that the people that work for him will provide us with their honest version of what they think we should know, but we're the ones that are going to have to make these decisions. We're the ones that need to gather our own information so that we can make informed decisions. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BUMPS: Madam Speaker, Men and Women of the House. The first question is we have heard some debate about the importance of getting this thing off the ground quickly and my first question is, if you could inform us about when this committee might meet first, giving legislative timing and how long it would take for this Order to take effect? My second question is, in the event that Maine Yankee were to close, who is ultimately responsible for oversight of that closure? Is it a state agency or is it a federal agency? Thank you.

The SPEAKER: The Chair would answer to the first question, the Order would take effect immediately upon passage in the Senate, as it is an Order.

The Representative from China, Representative Bumps has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. I believe the Representative knows the answer to this question, but the jurisdiction over all nuclear plants is with the Nuclear Regulatory Commission, NRC, and ultimately with the Federal Energy Regulatory Commission, which we often refer to as the FERC, because it's a wholesale generator so that FERC has that responsibility as does the NRC.

We have, at the state level, additional responsibilities through our PUC because we still have jurisdiction over the investor owned utilities who own a share in Maine Yankee and in my judgment, as I tried to suggested earlier, the implications in this issue because we're talking about a closing, it's unprecedented, we haven't faced this in Maine before. The only models we have to look at is Connecticut and Massachusetts where other plants have closed for similar reasons, for economic reasons. Independent of any state policy or federal policy, the owners of the plants have chose to close them, which seems to be what the case will be in this instance. We have other kinds of related concerns. However, when that kind of a business decision is made, whether it's a nuclear facility, or a shipbuilder, or a shirt maker, or an air force base, we have a whole lot of responsibilities once those decisions are made, even though the decisions aren't prompted by state actions.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I don't support indefinite postponement. I do support this Joint Order and the reason I say this is because I have given this a lot of thought. I'm a member of the Advisory Committee on Radioactive Waste. This is my third year and we talk about many issues, but we do have regular updates on what's going on with Maine Yankee. It's a combination group that deals with members of the Legislature and members of the public and it's an ongoing process. I think there's an awful lot we can learn as lay people and legislators that impact our communities. I also do represent Norridgewock. Norridgewock hosts Waste Management Incorporated and when you live in a community that has a facility, that has the capacity to hold special waste or radioactive waste or any of those factors, there are a lot of very complicated issues that intertwine. They impact the economy and the safety of the community. I really feel that a lot of times we miss that when we look at businesses, but if you had a business in your town, whether it be a Maine Yankee or a waste management and they decide to up and leave, you've got to look at the long range impact of that. You have to look at the waste that's in your community and how that's going to be managed, long-term. What insurances are there to protect you from any kind of crisis, safety issues, many, many things. What types of commitments have been made to the community and to the state. I can understand these things because I've done them for a long time. I really feel that the only way to have a handle on this is to have oversight, to be informed and to have legislators involved in the process. If I were a resident of Wiscasset, I would really, really be here lobbying to have legislative oversight.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. Many of the previous speakers have talked about the issues that we may face in the event that Maine Yankee does close and we have a decommissioning issue. I don't really disagree with any of those statements. What I disagree with is that just because the Chief Executive does something, in and of itself, doesn't mean we have to do it. I'm reminded of the story we all heard as children, because Johnny jumped over the bridge, would you do it? That's not a reason to do this. Even if we went ahead and did it, I can't for the life of me understand how seven legislators being well informed does any good for the other 179 of us, unless you're going to send all of that information to us to read through the summer, and if you are, it's going to be a huge cost, because if we don't have that

information we won't know any more than we hear on the radio, television or read in the paper except for those seven people and in the event that this happens and we are faced with some of these issues, which we will be here someday. There will have to be public hearings and the same people that you're going to this committee would go to to get information is going to have to come to us in the public hearing process to give us this information. It seems redundant to me, I don't see the point. It seems to me that this whole thing is a matter of unfortunate timing. Quite frankly, if the announcement was next week, we couldn't do anything. We wouldn't have the commission. We'd have to wait until January. So it escapes me why it's important this week, but next week we could have waited until January. I'm going to vote for the pending motion, because it seems to me money unnecessarily spent, because if, in fact, we have to do anything, we're going to start in January and do it all over again. Just because seven people are well informed, I don't see where it's going to help the other 179 of us. Thank you.

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

Representative JONES: Madam Speaker, Men and Women of the House. I want to give one example of how seven people can learn an incredible difficult subject that the rest of us have to understand and believe them and that's deregulation of the electric utility industry. This is one of the most complex issues I have ever dealt with and I have a math degree and I have a law degree and it made those two look like phys ed degrees in high school. The key issue to me is that Entropy the managers of Maine Yankee at the moment are going to be through in September. It's between now and September that's the key period. The issues that will need to be dealt with will be dealt with through the summer into September. The energy company looking to buy may be taking a risk, maybe not. When we resleeved Maine Yankee, it cost \$27 million and that money was made back in three months. Just three months and \$27 million so it is a money making enterprise. The problem is that once deregulation is in place in 2000, is it a prudent investment if you have extremely cheap energy on your border, if it's a prudent investment the ratepayers will pay, if it's an imprudent investment the shareholders pay. It's sort of like the fiveheaded nickel with one tail, it's really a dangerous nickel to flip if you're in a gamble. I think that if 13 people can work on a bipartisan way to figure out one of the most difficult pieces of legislation in the country then this committee can work to understand, not the workings of a nuclear power plant, but about the economic, social aspects of maybe of a devastating situation for not only Wiscasset but of the ratepayers in this state for a long time \$1.5 billion will take a long time to pay on your electric bill and I don't want to be the person to blame for that. I may be the person to blame in a decade if prices go up and I'll take that chance, but I would like to have a chance to have a stop gap here, so I plead to defeat the pending motion.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. I beg of you to listen to the good Chair of the Utilities Committee. There's a conversation that I'm going to have over and over again this summer and fall that I don't want

to have and we can stop it from happening right now, it's, "Hey, Chris, what did you guys do up there?" I can tell them all about the great work that the committee and that the Legislature did with deregulation to save ratepayers money and I think of that \$169 million that has been set aside for decommissioning and it's about \$200 million short of what they say they need. Let's say it does close down, if we have to watch these ratepayers and voters and taxpayers pay that \$200 million, I can hear the constituent tell me, "Gee, Chris, I really appreciate the fact that you got my license plate squared away and I appreciate the fact that the dogs don't bark any more and that my dance instructor has her taxes all figured out, but where the heck were you on this one." Don't postpone this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I feel compelled to talk on this. I'm having a hard time registering some of this debate. I received a number of phone calls, besides maybe the Representative from Bath, Representative Rines also, I represent a number of employees, a number of people who are concerned about this issue and I have gotten a number of calls from people today.

Let's go back to what the Representative from Rumford said just because the Chief Executive does it doesn't mean that we have to do it also. I completely agree with that. The problem is that we're asked as Representatives, I think we all take this job pretty seriously, we're asked sometimes to do things that we don't necessarily want to do. I have a pretty good idea that the Representative from Windham didn't spend the last couple of months drafting up this Joint Order in the hope that one day Maine Yankee would possibly close down. Sometimes we have to react, sometimes we've got to address the issues of the day. Look in Washington, nobody wants to be investigating the campaign finance scandals down there, nobody does, but they're doing it because it's their responsibility. I can remember a couple of times over the last couple of years, the last couple of days, when the Legislature was brought in at the 11th hour on issues of major proportions. There's a certain shipbuilding company down in Bath that has an issue down stairs going on right now that I have a lot of problems with. It's is the largest employer in my district, because we were brought in at the end of the day. The forestry compact, the Legislature wasn't brought into that until the end of the day. We're not closing a Burger King here. This is a major, major issue and I guess I'm just having a hard time that we would absolve ourselves of that responsibility, that we would just say because it's going to cost a couple thousand dollars and some per diem for a couple of legislators. I do not want to serve on this thing, I will stay up front. I don't, if I'm asked I will, because it affects a lot of people in my district, just like a lot of people in Representative Mayo's district. It affects a lot of people who work there, who don't work there. I encourage you to vote against this, I really do. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Mr. Speaker, Men and Women of the House. I rise to ask you to defeat the pending motion and go on and accept the Joint Order. I'm a member of the Utilities Committee and back in 1995, when sleeving was taking place at Maine Yankee. We were told by the NRC that everything was fine. We took them for their word. In 1997, we met with the NRC, we were told that Maine Yankee was subject to new stringent tests and that it wasn't as fine as we thought they were. I ask the gentlemen who was in charge where the regional

director was that we had talked to before and they told us, well he's not around anymore. We represent the people of the State of Maine. We're going through deregulation. We need oversight. I believe this Joint Order is only one small piece of that. I ask you to defeat the pending motion and move on the motion. Thank you.

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

Representative O'BRIEN: Mr. Speaker, I have several questions I would like to pose through the Chair?

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

Representative O'BRIEN: To Representative Kontos, is there a reason? Is it set in stone according to this Order the Committee will convene the first meeting no later than October 15th? Is there a reason for that and if the work is being done and decisions are being made in the next few months, could we move that date earlier and then have an ending date on it? I'm concerned, it says the report back by January 31st, but I don't read that to mean that it's ending. Also, I would like to know if you have given any thought to a fiscal note, how long you're envisioning, what you actually think this will cost and could we put an amount in there and I would certainly feel more comfortable with those answers. Thank you.

The SPEAKER PRO TEM: The Representative from Augusta, Representative O'Brien has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House. The first question was about the time. I think the language says no later then, which means they could meet next month, they just can't meet prior to that date. The flexibility with that timing is similar to the language that was questioned by the Representative from Cumberland, in that it's very hard to know what developments, if any, may occur in the next three to four months, so it's a time by which they should at least convene, but it could be any time before that.

Your second question was about the number of meetings and cost and we just in Legislative Council took action on this issue as if it had passed, because we had to vote on the issues that were studies and I don't have my folder in front of me. I'm having trouble remembering the amount, I'm believing it was somewhere between \$4,000 and \$5,000 and I can get that for you if someone will bring it to me and we decided, I believe, we put a number in there like five meetings, so we had finite number of meeting before January. I think it is appropriate to say report back at a certain time, and if you think that should be an ending date, and this receives support, we could clearly amend that for an ending date. My concern was primarily that there was some coverage of this issue during the time that we are not in session and that's where the January 1st date came from.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Mr. Speaker, Men and Women of the House. If I wasn't sure whether or not I wanted to support this task force and if I listened to the comments from the good Representative from Bethel, I'm sure that I do support it. I think of nothing else, it shows how little he knows about this issue. He's right about one thing, whether it's tomorrow, whatever, Maine Yankee some day will close. The citizens of Wiscasset have lived in the shadow of Maine Yankee for years and we've known the day would come when it would close down, but we

certainly didn't expect to have it happen the way it has. It's like having the rug pulled out from under you. There are a lot of issues, whether it be jobs, taxation, rate increases, all of it. We're all wondering, nobody has any answers right now. I think the main reason I support this, and I thank the good Representative from Windham, Representative Kontos, for putting this in. It's really good to know that there are people that care and that the citizens back home in Wiscasset, in Lincoln County, all of Mid-Coast Maine that the Legislature of the State of Maine is concerned and that they do want to be involved. I hope that everyone will defeat the present motion and go on and pass this Joint Order. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative HONEY: Mr. Speaker, Ladies and Gentlemen of the House. I was glad to see my good friend, Representative Rines, get up and speak to this issue. Like Representative Rines, I live right in the shadow of Maine Yankee, have since that place was built in 1972. The people in my district would be done a disservice if they didn't hear something from this Legislature that we are doing something to see what's going on and what can be done and what can not be done and I'm kind of disappointed that some of my friends from this side of the aisle, if their was something going on in their district, I'm sure they would want some sort of Legislative oversight on that issue and I will be voting against indefinite postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House. I've been sitting here weighing the issue very carefully, frankly, I don't think it would be abnegation of our duties if we vote to table this motion and participate with the Governor in his review. I think we have a co-equal situation, but just as we have a need to work between the R's and D's in the House, we have a need to work between the Legislative and the Executive Branch in our total state government. I feel that with the tools that the Chief Executive's has that it would be less fragmentation of efforts if we had a combined venture and so I'm urging you to indefinitely postpone this issue and hope you'll join me in that vote. Thank you.

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

#### ROLL CALL NO. 330

YEA - Barth, Belanger DJ, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisher, Fisk, Foster, Fuller, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Spear, Stedman, Taylor, Tobin, Treadwell, True, Waterhouse, Wheeler EM.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Campbell, Chartrand, Chick, Chizmar, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Madore, Mailhot, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe,

Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

ABSENT - Bodwell, Bunker, Clark, Layton, McElroy, Samson, Underwood, Winsor.

Yes, 50; No, 93; Absent, 8; Excused, 0.

50 having voted in the affirmative and 93 voted in the negative, with 8 being absent, the motion to indefinitely postpone the Joint Order did not prevail.

Subsequently, the Joint Order was passed and sent up for concurrence.

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

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

**ENACTORS**  
**Emergency Measure**

An Act to Make Maine Health Insurance Laws Consistent with Federal Laws (H.P. 1278) (L.D. 1808) (Governor's Bill) (C. "A" H-610)

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

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An Act to Amend the Election Laws (S.P. 574) (L.D. 1731) (C. "A" S-230)

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

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

**REPORTS OF COMMITTEES**  
**Divided Report**

Majority Report of the Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-727) on Bill "An Act to Establish the Local Option Lodging Tax" (H.P. 1243) (L.D. 1763)

Signed:

Senators: DAGGETT of Kennebec  
MILLS of Somerset

Representatives: TRIPP of Topsham  
GREEN of Monmouth  
ROWE of Portland  
GAGNON of Waterville  
SPEAR of Nobleboro  
LEMONT of Kittery  
TUTTLE of Sanford  
MORGAN of South Portland

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

Signed:

Senator: RUHLIN of Penobscot  
Representatives: BUCK of Yarmouth  
CIANCHETTE of South Portland

Was read.

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

Representative WATERHOUSE of Bridgton moved that the Bill and all accompanying papers be indefinitely postponed.

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

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

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

Representative KERR: Mr. Speaker, Men and Women of the House. I'd like to just take a few minutes to explain exactly what L.D. 1763 does. L.D. 1763 focuses on three guiding principles. One is home rule, second is sound tax policy and three is accountability. L.D. 1763 does nothing more than give your community the home rule authority to establish a modest lodging tax. That would piggyback on the state imposed lodging tax, which currently is levied at the rate of 7 percent on the rental value of living quarters in motels, hotels, and other lodging facilities. The bill would limit the local option so that municipalities could add no more than 2 percent to the state tax levy. The bill would require that all the revenue obtained from the local option to be used only for one purpose, and that purpose would be to help finance major capital construction or renovation improvements, such as, could be a civic center, an industrial park, out falls, and things of that nature. The bill would require the local option to be approved by the voters. The same voters that elect you. It would also require that a referendum be issued and in that same vote, the citizens of that community would be dedicating those local option revenues to the specific capital improvements for which the local option is being created. L.D. 1763 also allows a municipality with the Legislative body to repeal the tax at any time. So if, in fact, those concerns that some people have expressed and lobbyists have been lobbying you about, that it would create competition amongst communities. If that were to hold true, this legislation would allow that community to repeal it.

Why is L.D. 1763 a good idea for the communities? It directly benefits. A local lodging tax would provide those municipalities that serve as regional centers with an additional tool to address the problem of this crushing burden on the property tax on residential home owners and small businesses. Under the current law, the only major source of revenue available to municipalities as we all know is to the property tax. A much lesser amount is available through the motor vehicle excise tax. A local option lodging tax would provide an option and I stress an option. To consider another revenue source that could particularly displace the burden that is currently borne by homeowners and small businesses. I guess most importantly this bill will provide an alternative option in an extremely accountable manner and I want to stress that because I think accountability is necessary, if in fact, we would join like 33 other states have done and 21 states provide a sales tax on municipalities similar to this bill. L.D. 1763 is accountable with respect to how the tax revenues can be used. As I stated earlier, the service center municipalities can raise a moderate source of revenue to put towards capital projects. This bill also provides tax revenues that can be raised, again, to piggyback the current lodging tax. It's accountable with respect to how the

local option is initiated. The voters approve both the local option and the specific project which local option revenues are to fund in the same referendum proposal. Lodging taxes, by their very nature are highly progressive and highly exported taxes, that's why Arizona to Virginia have maximized lodging tax rates from 16 to 18 percent compared to Maine's 7 percent. The statewide lodging tax in Connecticut is 12 percent. The state rate in Vermont is 8 percent and then we have New Hampshire with no sales tax, but with the lodging tax of 8 percent. When the statewide and local option lodging tax rates are combined in the State of Florida, the lodging tax rate is 25 percent. Why is this a good idea for communities that are not directly effected, as I mentioned earlier many local option taxation proposals have been presented to the Legislature since 1991. We have been very zealous in protecting our tax revenue and they've been rejected quickly. One reason, I would hope, that this bill would be passed is that it's most important that it would allow communities to adopt a local addition to the general sales tax and for those Legislators that are concerned about the development of a patchwork quilt of sales tax collection through this bill, on the other hand, it only deals with lodging tax. All the other bills prior to 1991 that have come before this chamber have dealt with lodging and sales or a combination, regional and no local. This is strictly a local lodging tax. To a large extent the burden of the lodging tax falls on the traveling public and business representatives. I would urge your support for this legislation. As you know, we've been discussing BIW. Whenever this Legislature, and I have sponsored legislation dealing with TIFs and other forms of corporate welfare, they tend to put a strain on the municipalities. This is an option for communities such as mine and yours to allow the voters an opportunity to generate extra revenue to help reduce the tax burden. I'll reiterate that it centers on three principles, home rule, sound tax policy and accountability. I urge you to vote against the pending motion.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I have some concerns for this bill and differ somewhat with the good Representative from Old Orchard Beach in my assessment of it. One of the things that concerns me about this bill is that we're asking a very small industry here in Maine to bear the brunt of increasing taxes in a particular community. We're asking the hotels and motels in your cities and towns to pay for infrastructure improvements that the rest of the citizens of that city or town will enjoy. To me, just that point alone, seems very unfair. When you look at the statistics about the lodging industry here in Maine, they are not good. I read something the other day where occupancy rates are down and the rates charged per resort area have also decreased significantly over the last 10 years. So this clearly is an industry in Maine that is struggling and to impose an additional 7 percent tax on them at this time seems unfair when our whole purpose up here is suppose to be creating opportunities for economic development. The good Representative from Old Orchard Beach suggested that one of the issues was home rule and the other issue was that it would help reduce property taxes, but if you look at the way the bill is crafted, the money raised from the 7 percent would go for capital improvements that don't exist already. I question the logic behind how that's going to help reduce local property taxes. In terms of tax policy, it just doesn't seem fair to me that we take one small segment of our business community and place the burden of those folks building all the infrastructure in our cities and towns. Thank you.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House. When I sent out my constituent questionnaire this spring to my residents of Wells and Ogunquit, East of Route One, I included a question which was similar, although not exact to the question that is presented to us here today, it said, are you in favor of a local option sales tax if all the proceeds of the tax went to the locality which collected it? Now this question is not exactly the same as the bill under consideration here, because, as I understand it, the bill under consideration here is a lodging tax, which is a subset of a sales tax. I'm aware, however, that this issue has been widely discussed in my town and I believe that a lot of people when they think of local option sales tax, they're really thinking of a lodging tax. I fully expected that there would be significant support for this idea. I got about 450 to 500 questionnaires back and to my surprise, I found that my constituents who answered the questionnaire opposed it two to one.

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

Representative GAGNON: Mr. Speaker, Men and Women of the House. There was a correction that I wanted to make to some of the comments that Representative Buck made concerning what this money can be used for. There was an amendment in the committee that said it did not have to be for new construction, but, in fact, it could be for renovations to existing facilities. There's also been a concern that there would be potential for communities competing with each other in raising or lowering the local lodging tax for that type of business and we're concerned about that. In my community, where we have a regional center, I think this would be a wonderful opportunity for municipalities to get together in regional efforts, potentially to create programs or facilities that can be shared from a regional standpoint and then collectively the councils getting together and agreeing that this may be the best way to fund such an approach. I'm a very big fan of regionalization. I would not want to vote for anything that I thought would hinder regionalization and I see this as a tool in which communities can get together in a particular area and fund things and to relieve some of the pressure on the property tax. That right now is, as all of you know, the only tool that city councils and town councils and selectmen have at this moment. You've asked us time and time again on the Taxation Committee to try to think outside the box a little bit, to provide some other relief from the property tax and to place an extra tool in the hands of these municipalities, so this I thought was a good way to go about it and I would urge you to defeat the indefinite postponement. Thank you.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. This is one issue that I have heard from constituents on, as many of you have heard me say before, I live in the most beautiful lake district in the State of Maine, at least I think so. Being in that lake district, we have several large lakes. Many of those lakes have developments around it or small camps and lodging places that are rented out to summer business, obviously, but those lakes are bordered by multiple towns and it is a concern on the competition factor that one town bordering on that lake may, in fact, impose this additional 2 percent sales tax while the other towns around the lake do not. Therefore, putting the person who owns property and is running a business on those lakes at a clear disadvantage to the people that could provide similar lodging in other areas of the same

lake. I have a question that I would like to ask through the Chair, if I may.

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

Representative FULLER: My question, is a golf course considered a capital improvement?

The SPEAKER PRO TEM: The Representative from Manchester, Representative Fuller has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: I suppose it can be considered a capital improvement if it's publicly owned, if it's owned by the municipality.

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

Representative CIANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Old Orchard described the technical aspects of the bill very well and I would like to point out some of the potential consequences and urge you to support indefinite postponement of this bill.

To my mind, and I firmly believe this, that this is nothing short of a brand new level of taxation with tremendous negative effects here in the State of Maine. This is language that would enable a tax increase. A local option lodging tax will only benefit some communities, only those communities with a significant number of lodging establishments in the municipality. For many, where the property tax is also a burden, this isn't an option. This will further define the differences between the municipalities, that are sort of the haves and the have nots. Special investment projects that need to happen in the less advantaged parts of our state will not even have this as a potential source of revenue to finance them. Where should they turn? I think this is a fairness issue.

As the previous speaker noted, a local option tax pits one municipality against another, Portland versus South Portland, Bangor versus Brewer, Waterville versus Winslow, Bath versus Brunswick. We need to work hard for tax reform that unites us, instead of sets off a series of interlocal competition that will hurt only the smallest entrepreneurs and all consumers. Article 9, section 9, of the Constitution says, "The Legislature shall never in any matter suspend or surrender the power of taxation." I'm not raising the constitutionality. I'm not raising that type of a challenge, but I do believe that this flies in the face of the spirit of that article. Tax policy will no longer be in the sole domain of the State Legislature. Future discussions from simple administrative changes, to discussions of exemptions, decreases or increases will become extremely complicated and cumbersome and I think we should whether it may even tie the hands of the Legislature to act without the action of becoming a mandate or requiring a two-thirds vote of the Legislature. The Representative from Yarmouth also talked about the level of taxation. Our lodging industry already has to charge a 7 percent sales tax, that's 1 percent above the general sales tax. This bill would allow up to 2 percentage points increase, potentially bringing our lodging tax in some communities up to 9 percent, again ahead of New Hampshire. What we discovered in Taxation Committee this year, I believe, is that property tax relief can not be solved by the sales tax base alone, broadening the sales tax base and local option taxes are always an immediate answer given to the property tax problem. From serving on this committee, I can tell you and I firmly believe, that the sales tax alone can not relieve property tax. It can't be done. Let's not fool ourselves into thinking we're solving this problem by

authorizing a local option sales tax. It won't hold every municipality that needs it and it will set off the interlocal competition that's unhealthy and it'll only exasperate the differences between the haves and the have not. There's a popular expression going around these days and it's usually used in the context of someone who makes a mistake and it says, been there, done that. I think we shouldn't go there, do this and make that mistake.

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

Representative MORGAN: Mr. Speaker, Ladies and Gentlemen of the House. In due respect to my colleague from South Portland, Representative Cianchette, he failed to point out to you that in his district there are no motels or hotels, they're all in mine. I rise to speak, however, because my city manager would like to have the option to have the local lodgings tax. Now this tax will be passed along to those customers from out of state and from 50 percent of them may be from Maine, but it will be passed along to the customer. Now this will give South Portland probably \$180,000 to \$200,000 in revenue if we raised it a penny or two. I think they take in around \$24 million in sales tax each year based on the 7 percent, if my figures are right, they are probably four or five communities here. You have Ogunquit that matches them. You have Portland that matches them. You have Bar Harbor. You have Bangor and a limited, probably, area in Waterville. However, the small communities, I mean they wouldn't pass that lodging tax because it doesn't make any sense, they don't have enough traffic there. They probably wouldn't generate more than \$50 in revenue or whatever. The revenue that would be produced would not be production for their area, but in South Portland, if we had this option and we needed to relieve our property tax base, this would be a great opportunity for us, if we had a building that needed to be constructed, we'll say a million or two, we could have a referendum and the voters would have to approve of this tax to be applied to the lodging tax. There is a problem here, here in South Portland we couldn't do that unless Portland went ahead and had a program going at the same time, because we would be in direct competition to them for a couple of pennies and I'm sure that as it works out that wouldn't politically, just wouldn't work, but I can understand Representative Kerr's area, not far away, where they have their problems with their infrastructure, a very difficult time, most of their money has to come from the property tax. This would give his community a great opportunity to pick up additional revenues to do building in that area, but for South Portland, this too, would give us an option. I don't think that we're going to be rushing right out there to find a project and add it, but my city manager felt that he would like to have this opportunity. I hope that you will go along with Representative Kerr and vote to not indefinitely postpone this bill.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. How many of you when you went door to door on the elections had people ask you to put in a local option tax on their businesses so they can raise revenue for the town? This is bad public policy. The Constitution in the State of Maine notwithstanding. Now it would be great for my Town of Bridgton, if the Town of Naples decided to institute this, because everybody would be coming to Bridgton to stay. I don't know how many stories I heard when I was on the campaign trail about reducing taxes because we're the tourist area and the hunting area and a lot of places up North have hunting and I can

tell you story after story, about large hunting parties that used to come to Maine that don't come any more because of the cost. We nickel and dime them to death. Now if you don't think this will cause economic warfare between the different towns and the temptations, of course, for a town when they are short on their budget would be to institute this and justifiably so. At whatever level, chose to look for taxes instead of cutting spending, no matter where it is, we never seem to have enough money and taxing is the answer. Well, it's not the answer folks. It's cutting spending and economic growth and if you want to tax your businesses by putting this tax on them, you're going to stifle economic growth. If you put it on statewide, it doesn't become a border issue between towns, you're going to have people going to other states. As anybody who works in the tourist industry knows that a lot of these people in the other states look at packages sometimes, especially hunting packages, what the cost is. This is bad public policy and I urge you to vote to indefinitely postpone.

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

Representative POVICH: Mr. Speaker, Men and Women of the House. Earlier this session I agreed to introduce legislation to establish a 1 percent lodging tax to fund the Hancock County Conference Center. That was first mistake this session. I've made a few more, but before I signed the bill, sent it back with the cosponsors, I checked with people I trust in Taxation Committee and was told with most assurance that a local option sales tax will never and never pass this Legislature. Imagine my surprise when I saw the report on this bill. My constituents urged me to put in the bill for discussion purposes anyway, but I quickly withdrew that after a inch high front page headline above the fold in the Ellsworth American proclaimed Povich introduces bill that creates a new 1 percent tax. Well, I caught the dickens from my mostly retail basin in Ellsworth. My point is, here, that Maine sales tax has it currently resides uniformly throughout this state makes more sense. I think a lower sales tax would make better sense and I reluctantly opposed the good Representative from Old Orchard, I respect his business acumen, but I do oppose Representative, the sales tax you pay in Lubec for that plastic lobster trap buoy souvenir benefits the good folks in Kittery. It goes all into the General Fund, much more fair, I believe, so I urge you to support the motion to indefinitely postpone. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the motion to indefinite postpone, however, if you do look at L.D. 1763, you will see that my name is listed as one of the cosponsors on that particular piece of legislation. When I had an opportunity to read more thoroughly and to think about it, I dropped the good Representative from Old Orchard a note about two and half, three weeks ago, and said that upon reflection, I did not feel that this was particularly good tax policy for the State of Maine and I don't this afternoon, soon to be evening. I think it will develop a patchwork situation, and in my mind it is going to open a Pandora's box. The next thing we are going to be taxing will be the lobsters that we catch, could be wood products, could be anything that a group decides to come to the Legislature to request and they will use the rationale that it is good tax policy and that it is a local option. I can see this going in a direction that I question whether this Legislative Body wishes to move in that direction. I would urge that you support the pending motion so that we may move on with other items this evening.

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

Representative KERR: Mr. Speaker, Men and Women of the House. We're mixing apples and oranges here. I want to be very clear that this isn't about a sales tax increase, this is about purely a lodging tax, purely local option. It would be considered and approved town by town. As I said it earlier, L.D. 1763 is about home rule. The same voters that elect you will have an option to put a local option tax on. It really reflects, provides relief for those service center communities. One legislator said, what happens to those 400 other communities in this state, municipalities, that do not play host to a significant lodging facilities and therefore what do they have to gain, that question was asked. I think it warrants an answer. I think the answer to that question was pretty relevant today during the debate, when we discussed general purpose aid. Are we going to tinker with the formula or are we going to leave it alone? What are we going to do? I think this provides a modest opportunity for those service communities to obtain some relief for this crushing property tax burden without taking any revenue from revenue sharing or general purpose aid that would otherwise be distributed to non-service communities.

The good Representative Waterhouse mentioned about cutting taxes. I want you to know, for those of you who supported the budget that was passed, we did cut taxes. We eliminated the gross receipts tax. We eliminated the sick tax. We're providing a broad based tax reduction, dealing with exemptions. During last night or early this morning, I was quite angry to see that still this Legislature is providing corporate welfare. There were many bills on the table for tax exemptions, this again shifts the burden to the property tax. We are worried about what communities may or may not do. Let's not forget, it's their option. I hear, for those of you who are not inn keepers, I am, I own a motel. I live it and breath it every day. Someone calls up for a reservation, they don't ask me what the lodging tax is or what the sales tax is. I also own a restaurant and lounge, they ask for a reservation. I tell them the dollar amount and I say plus tax. They don't ask me if the sales tax or the lodging tax is 6 percent, 8 percent, 10 percent, that's not the issue here. For those of you that feel that there's a fear or you're questioning whether your municipality has the courage and the knowledge to make this vote this is going to take place in a public forum. This is true property tax relief. Is it an increase in lodging tax? Only if your community chooses to elect and vote for a referendum and you ask, well, Representative Buck questioned, well these are projects that aren't on the table yet. Those are similar to projects that you will be voting on with bond issues. Those bond issues that at the local level would be paid from debt service, out of the general fund. Today, if this bill is passed, they'll have a revenue source now to pay for that. So they can go ahead put money for other areas in my community, which is less than seven square miles. We ought to build a sewage treatment plant to accommodate 50,000 people is the playground for the entire state. It has about three miles of sandy beach, provides life guards, rubbish pickup and those services grow and grow, police, full-time fire, full-time rescue. Yes, we need tax relief, and yes we do have a TIF, because it was provided in this Legislature. All we're asking in this bill is to allow the communities of this state to make a decision, if they chose to do so, to adopt a local option tax. You can speak here and say that you're against it or you want to see taxes cut, we've done that. We also, in the budget that's before you, not only reduced taxes, but was able to also increase some services. So you shouldn't just look at one side of the ledger, you have to look at both sides

of the ledger. I think that this bill doesn't divide the state, if anything it unites it. It doesn't divide your municipalities, those of you who have tourist oriented communities, that wedge has already been driven. This is a good opportunity for the residents and the business community to come together. They can feel that the business community is paying their share and I would urge you not to support indefinite postponement, so we can get on and support this piece of legislation because it is true property tax, when you go out there and talk the talk, now you've got an opportunity to vote and walk the walk. I urge you to vote against the pending motion.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. This is a very tough bill for any of us who believe that the people back home are wiser than we are or at least as wise and the good Representative Kerr makes a good argument. To say no to the option, to say no to their option, is kind of saying we're wiser than they are, that bothers the heck out of me. But the bill makes me nervous, too. Could I ask a question.

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

Representative PERKINS: Does this exist, the local option, in any other state? If so, what have we learned from that experience?

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 Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House. Thirty-three other states have made provisions for some form of local option sales tax. Twenty-one of the states provide municipalities with the option for sales tax, for lodging tax, so there are 33 other states. One thing that we have learned that, frankly, those with the largest tax, such as Florida, their tourist industry flourishes.

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

Representative KANE: Mr. Speaker, Men and Women of the House. I've been a resident of Saco for 25 years, and I've lived on the edge of Old Orchard Beach and I lived down near the beach area, so I witness every year the ebb and flow of the tourist. I watch a community of 8,000 residents swell from Memorial Day on to Labor Day and now beyond to well over 100,000. I see the municipal services ebb and flow and the growth and expansion that's required to accommodate part of what Maine's economy rests on and that is tourism.

Old Orchard Beach is one of the major sources of promoting and continuing the attraction to tourism and the generation of sales tax revenue. I've never heard anybody answer the question of how much sales tax a community like Old Orchard generates for the rest of the state, but I'll bet you it's impressive, but I see a community that struggles through all the year in a relatively modest community of modest income folks having to weigh the burden on property tax to continue to play the role as the major host of tourism in the State of Maine. As a non-resident of Old Orchard, but close enough to observe, I've long wondered why, long before I had any aspirations to be a member of this body, I have long wondered why this issue has not come further earlier. I really encourage people to put themselves in the kind of shoes that the folks in Old Orchard and other tourist communities are in as they attempt to play a

significant role in tourism and to support the motion of the Representative from Old Orchard.

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

Representative BUCK: Mr. Speaker, Men and Women of the House. Mr. Speaker, Men and Women of the House. I'd like to respond to a few comments that were made by the speaker last, concerning our tourist industry. When he talked about Old Orchard Beach and the amount of revenue that that particular community and other communities like Old Orchard Beach contribute to the state and he's absolutely correct. They contribute significant amounts of revenue to our state. But there are a few other points that we should remember also. The tourist industry here in Maine, for the most part is seasonal and particularly summer season is anywhere from 12 to 14 weeks long. The statistics that I have read recently show that it's an industry that is struggling as I mentioned before and it seems unfair to me that we should be burdening these people who don't place that much of a burden on their community in terms of the services they provide when you consider that the tourist industry itself doesn't have any children that go to the school system and that's the largest expense that most communities have and so it seems very unfair for us to be burdening these folks with paying for infrastructure that most of them aren't going to use themselves. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I just want to make a few comments. One, I heard Representative Kerr say people that frequent his establishment never ask what the tax is, whatever, but I can tell you, I'd be surprised if they didn't ask what the rates were, and unfortunately, the taxes are included in the rates, I would imagine.

I keep hearing that a solution to all problems is raising taxes and yet we keep losing people from our state, moving out and a number of summer residents who used to live here, lived in Bridgton year around and when they retired, they had another place in another state like North Carolina and they ended up moving their primary residence to another state because of the taxes. No matter how you look at it, whether you think it's local control, communities can decide whether they want to have this passed, I still can't get away from the reality that we keep thinking the answer to our problems is to raise taxes. Aren't we taxed enough? If this is a good idea, if this is a good public policy and we want to give the local people control on taxes they can levy, why not sales tax, why not an income tax. Why don't we just stop taxing at the state level altogether and let the communities do it and we can dissolve state government. Our answer is not raising taxes. We have to look at if the local communities decide to institute this. It kind of relieves the pressure on us up at the state level to not send mandates down to the towns to increase their costs. Maybe to pull a larger share of education because they'll have this money coming in at the local level. That will kind of elevate some of our responsibilities to keep our spending down. We have to stop spending, not increase taxes. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I would agree that there are some very good arguments for this bill for certain communities. However, this bill is discriminatory against hotels, rooming housing, tourist and trailer camps and those who own and frequent them. If this tax



were imposed across the board on all transactions within the municipality then it would be fair. In other words, if it were levied up to 2 percent on all goods, services and transactions in that town, then all of those voters in that town who would accept or reject this tax by a referendum ballot would also accept both the benefits and the liabilities of this tax. It is unfair to ask a small group to pay a tax to benefit the majority of a town. I urge you to vote to indefinitely postpone.

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 can remember at least 10 years ago, up in our area, Bangor was pushing to get a sales tax in. They were the hub and still are of the area encompassing all the towns, to get a sales tax in. We met in groups to see whether the dollars could be spread and how they would be spread. It carried over into MMA the same idea. It didn't make it because of one particular sentence here that I'll read to you. Section 9, power of taxation, the Legislature shall never in any matter suspend or surrender the power of taxation. May I pose a question through the Chair?

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

Representative CROSS: I would ask the Chair or anybody that would care to answer. This is the Constitution, is this going to break that? Do we have to go further? Tell me, can we do this legally?

The SPEAKER PRO TEM: The Representative from Dover-Foxcroft, Representative Cross has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House. Can we do it? Yes. Should we do it? Yes. Is it legal? Yes.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. Representative Cross is quite right. Bangor has been looking at a bill of this nature for at least 10 years and the reason is that their property taxes are excessively high. There is no other source of income for the City of Bangor besides the property tax. There is no other source of revenue that they can turn to. With 45 percent of Bangor's property tax exempt, thanks to the Legislature, the taxes continue to increase. They want very much to have this sales option and know that the citizens will choose whether they think it's a good idea or not. This is not something that we will be mandating. This is a choice that we are offering, but the hope is that the citizens of Bangor would pass this tax so that we can refurbish Bass Park and the Convention Center, which you know is an aid to tourism in our area. If you want the service centers to be able to provide the services for the surrounding communities, then I urge you to give them the option of raising a tax on hotels and motels, which are used by people who come to our state who are most unlikely to say as they check into their motel, if I'm going to Portland or South Portland, not have a tax, but rather to accept that as part of the cost of their vacation. So Bangor sides with Representative Kerr and I urge you to defeat the motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Colleagues of the House. Real quickly, I'm not a student of the English language

and as this debate has gone on, I've taken little notes, and of all the words, the verbs that I hear coming from the opponents Representative Kerr's bill, the words that come up that I hear over and over again that this Legislature by enacting this bill will mandate, will burden, will impose, will increase, the word, ladies and gentlemen, I think, is provide. We will provide a local option and that's all it is. Please do not indefinitely postpone this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. 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 WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I'll keep it very, very short. The previous speaker is right, what I'm saying is this is bad public policy. I'd like to pose a question through the Chair to anybody who would like answer.

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

Representative WATERHOUSE: Representative Cianchette read from the Constitution earlier, so I'm going to read it one more time and I'd like somebody to tell me what this means? Article 9, Section 9, the Maine State Constitution. The power of taxation, the Legislature shall never in any manner suspend or surrender the power of taxation. Could anybody explain what that means?

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

Representative KANE: Mr. Speaker, Men and Women of the House. Since I'm not a lawyer, I can't be held to the legal level of expertise, but the Constitution does not use the term delegate. It talks about surrender and there's a great many powers that the state delegates to various levels of government for the implementation of services and I would assume that since the word delegation is not prohibited that it would be Constitutional and would be in keeping with the wording of the Constitution. I would like to add one point. As we think about voting on this, let's ask ourselves the question. Do we trust the voters who sent us here to make this decision?

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House. I just have one or two quick things to say and I want some answers from it. I had about 20 phone calls and they all originated from the same campground. These were all from individuals who live out of state who maintain a trailer in a campground year round. They come and stay in our campgrounds during the summer. The campground charges a fix rate from September 1st until May 30th and from May 30th through the summer months they charge the rate that they would normally charge for anybody else who came and parked in their campground on a weekly basis or for the entire month. Now these individuals are mainly retired, however, they all maintain a trailer in the Town of Scarborough. They pay taxes to the Town of Scarborough on their trailer while they are there. In the winter months, they pay a small fixed rate. It goes to help cover the cost of maintaining, keeping the snow off their trailer, and making sure no water mains, or anything breaks to it, however, the campground is charging them the lodging tax on it. If we, in fact, add an additional lodging tax to that for the summer, aren't we double taxing them for the communities.

They're already contributing real estate tax, which they are not imposing any services on the community because the campground is taking care of all the services. So I'd like to know if anyone here can answer me. Do you think this is a fair tax to these individuals that are coming in, they're using our facilities for recreation, they're paying for it and now we're going to be taxing them in addition to the tax we're already taxing? Thank you.

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

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

Representative BIGL: Madam Speaker, Ladies and Gentlemen of the House. As Representative Povich told you, there was an attempt to put a tax on in Hancock County. I remember that time very vividly and I'll sort of explain it to you this way. In the middle of Main Street, in Bucksport, was a great big barrel of hot tar and next to that was two or three barrels of light feathers. I was just casually told, Representative Bigl, there's enough there for two. I am going to vote to have this indefinitely postponed.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I would like to bring up a subject that hasn't been, believe it or not, brought up yet. Having to do with private schools and doing research for colleges and so forth, supposing that the town where the colleges are located decides to have a lodging tax, does each one of these people who come, are they charged? Now the reason I say that is that most contracts of colleges and private schools, they have a safe guard there which states that if a student is asked to leave, and it may be for many reasons, then you must show a separation of what the lodging cost and what the academic cost, because it has been proven many times in court that the only thing that you pay back and must return is a portion of those moneys which are not under lodging. Lodging does not need to be paid back, because if you rent a room and that's what it is and somebody leaves in the middle or the second semester, who's going to take their place? Probably no one and so they try to get the so called lodging for that period of time and we have quite a few and we're always talking about costs for people going to school and I would like to have somebody answer that if they could.

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. In response to the question, there is a specific exemption for educational institutions and housing at educational institutions, so that would not apply.

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

**ROLL CALL NO. 331**

YEA - Ahearne, Bagley, Barth, Belanger IG, Berry DP, Bigl, Bolduc, Bragdon, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Dexter, Donnelly, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette,

Gagne, Gamache, Gerry, Gooley, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Samson, Sanborn, Savage, Shiah, Skoglund, Snowe-Mello, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Usher, Vedral, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winn, Winsor.

NAY - Baker CL, Baker JL, Belanger DJ, Berry RL, Bouffard, Brennan, Brooks, Bunker, Davidson, Desmond, Driscoll, Farnsworth, Fuller, Gagnon, Gieringer, Goodwin, Green, Hatch, Jones KW, Kane, Kneeland, Lemaire, Lemont, Mailhot, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Pendleton, Perry, Pieh, Quint, Richard, Rines, Rowe, Saxl JW, Saxl MV, Shannon, Sirois, Spear, Stevens, Tessier, Thompson, Townsend, Tuttle, Vigue, Watson, Winglass, Wright, Madam Speaker.

ABSENT - Bodwell, McElroy, Paul, Poulin, Tripp, Underwood.

Yes, 92; No, 53; Absent, 6; Excused, 0.

92 having voted in the affirmative and 53 voted in the negative, with 6 being absent, the Bill and all accompanying papers were indefinitely postponed.

Representative KERR of Old Orchard Beach moved that the House reconsider its action whereby the Bill and all accompanying papers were indefinitely postponed.

On further motion of the same Representative, tabled pending his motion to reconsider and later today assigned.

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**SENATE PAPERS**

The following Communication: (H.C. 301)

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

May 29, 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 has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the 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).

The President has appointed as Conferees on the part of the Senate the following:

Senator Ruhlin of Penobscot

Senator Daggett of Kennebec

Senator Mills of Somerset.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

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Reference is made to 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)

In reference to the action of the House on Wednesday, May 28, 1997, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative GREEN of Monmouth  
Representative GAGNON of Waterville  
Representative CIANCHETTE of South Portland

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**COMMUNICATIONS**

The following Communication: (H.C. 302)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

May 28, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1433                    Resolve, to Compensate Janice Burns  
of South Portland as Personal  
Representative of the Estate of Wrendy  
Hayne of Augusta

We have also notified the sponsor and cosponsor of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud    S/Rep. George J. Kerr  
Senate Chair                    House Chair  
Was read and ordered placed on file.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 601) (L.D. 792) Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-732)

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

There being no objection, the House Paper was passed to be engrossed as amended and sent up for concurrence.

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**SENATE PAPERS**

The following Joint Order: (S.P. 669)

**ORDERED**, the House concurring, that the Joint Select Committee on Research and Development is established as follows.

**1. Establishment.** The Joint Select Committee on Research and Development, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of 14 Legislators appointed jointly by the President of the Senate and the Speaker of the House. The 14 members must include at least one

member from each of the following joint standing committees: the Joint Standing Committee on Appropriations and Financial Affairs; the Joint Standing Committee on Business and Economic Development; the Joint Standing Committee on Education and Cultural Affairs; the Joint Standing Committee on Taxation; the Joint Standing Committee on Natural Resources; the Joint Standing Committee on Marine Resources; and the Joint Standing Committee on Agriculture, Conservation and Forestry.

**3. Duties.** The committee shall review the current policies and programs within the State in support of applied research and development in the following target areas:

- A. Aquaculture and marine sciences and technology;
- B. Biotechnology;
- C. Composite materials engineering;
- D. Environmental sciences and technology; and
- E. Information sciences and technology.

**4. Meetings.** In conducting its duties, the committee may meet with any individuals, departments, organizations or institutions it considers appropriate. At a minimum, the committee shall meet with the representatives of the following:

- A. The University of Maine System, including representatives of the chancellor's office, the University of Maine and the University of Southern Maine;
- B. The Maine Technical College System;
- C. The Maine Science and Technology Foundation;
- D. The Department of Economic and Community Development;
- E. The Department of Marine Resources;
- F. The State Planning Office;
- G. The Department of Agriculture, Food and Rural Resources; and
- H. The Department of Environmental Protection.

**5. Plan.** The committee shall develop and recommend a plan for the support of research and development in the 5 target areas within the State set forth in section 3. The plan must address the following issues:

- A. The role of research and development in the economic development strategy of the State;
- B. The relative role of educational institutions, governmental agencies, private research facilities and businesses within the State's research and development strategy;
- C. The level of bonding for capital investments in support of research and development in the target areas and the manner in which such funds should be expended;
- D. The level of funding for the Maine Economic Improvement Fund, established pursuant to L.D. 1854, the manner in which such funds should be expended and the source for the funding; and
- E. The proper tax policy in support of research and development and, if that policy includes tax exemptions or other tax breaks, the method of funding that tax policy.

**6. 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.

**7. Staff assistance.** The committee shall request staffing and clerical assistance from the Legislative Council, which must be provided within the available resources.

**8. 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.

**9. Report.** The committee shall submit its findings and plan, along with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature by January 1, 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.

Came from the Senate, read and passed as amended by Senate Amendment "A" (S-346).

Was read.

Senate Amendment "A" (S-346) was read by the Clerk and adopted.

The Joint Order was passed in concurrence. Ordered sent forthwith.

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

An Act to Assist the Law Enforcement Community in Locating Missing Children (MANDATE) (S.P. 553) (L.D. 1679) (C. "A" S-276) which was tabled by Representative KONTOS of Windham pending passage to be enacted.

On motion of Representative POVICH of Ellsworth, 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-276) was adopted.

The same Representative presented House Amendment "A" (H-707) to Committee Amendment "A" (S-276) which was read by the Clerk.

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

Representative POVICH: Madam Speaker, Men and Women of the House. This amendment makes technical changes to insure grammatical consistency in the language used in the Committee Amendment.

House Amendment "A" was adopted.

Committee Amendment "A" (S-276) as amended by House Amendment "A" (H-707) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-276) as amended by House Amendment "A" (H-707) thereto in non-concurrence and sent up for concurrence.

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An Act to Establish the Uniform Unclaimed Property Act (H.P. 1116) (L.D. 1559) (C. "A" H-682) which was tabled by Representative THOMPSON of Naples pending passage to be enacted.

On motion of Representative THOMPSON of Naples, 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-733) which was read by the Clerk.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. This Amendment changes a date in the Unclaimed Property Act from Jan. 1, 1998 to July 1, 1998, that's all the Amendment does. Members of the Judiciary Committee, we've talked about this issue and the members that I spoke to, all except one, I believe, who I didn't have a chance to talk to, agreed with the Amendment.

House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-682) and House Amendment "A" (H-733) in non-concurrence and sent up for concurrence.

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Resolve, Directing the State Board of Education to Study Charter Schools and School Choice (S.P. 498) (L.D. 1560) (C. "A" S-317) which was tabled by Representative LEMKE of Westbrook pending final passage. (Roll Call Requested)

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 Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I urge you to vote against the pending motion and I would like to explain why. You've all heard the old saying that there are two things we shouldn't see made, one of them being laws and the other being sausages. What we have here is an example of a bill, that as I read it, was a pretty good bill when it went before the Education and Cultural Affairs Committee, started out sort of as a good sausage, but then with the amended version, it's sort of a hot dog, or what have you. So let me explain briefly. The bill that was put in by Senator Jenkins of the other body was a Resolve, to establish the Committee to study the development of the charter school initiative, which obviously is an important issue. One of the elements of it was to establish a committee that was made up of 15 members jointly appointed by the President of the Senate and the Speaker of the House of Representatives from applications submitted to them. Members would also represent different geographic areas of the state and would include three members of the clergy, three educators, three municipal or state officials, three members of business or industry and three youths. In other words, you had a pretty good cross section of folks that might be affected one way or another by this issue. Also the appointments were to go through the legislative council, which would convene the first meeting of the committee created. Furthermore, and this is important, section 6, compensation, members of the committee are not entitled to compensation. Let me stress, members not compensated.

Okay, that's the original bill, I thought it was a good bill, but what we have now, by Committee Amendment "A" is the substitute for the bill, a Resolve, Directing the State Board of Education to Study Charter Schools and School Choice. What it says here, very briefly, is that the State Board of Education shall establish a committee to study charter schools and school choice initiative developed in other states and jurisdictions. So two points here, first of all, the Legislators involved are gone, clergy involved gone, educators involved gone, municipal state

officials gone, business officials gone, youth gone, it's the State Board of Education now. One other thing I didn't mention, you'll notice, that this is talking about initiatives developed in other states and jurisdictions, whereas the original bill says development of the charter school initiative with it's primary focus on the improvement of education throughout the State of Maine, so there's a difference there as well. It also says that the Board may request, this is the amendment, may request research assistance from the Education Research Institutes Steering Committee. So you've moved away from going through the regular motions or regular route, which the good Representative from Windham mentioned on another issue, but also in terms in of Legislative purgatives. The focus has changed, as I read it and then most importantly, it ends in the summary, this amendment also adds a fiscal note to the Resolve. Now the original bill had no compensation. I think this would be a good example of volunteerism to deal with this. We don't have that any more, now you have a fiscal note on this thing as well. So to sum up, the original, I think, was very good, but what we have before us, certainly, I don't think was the intent of Senator Jenkins from the other body when he put this in. It doesn't have the same scope, it doesn't have the same involvement and very significantly, it now has a fiscal note. So for all of these reasons, I urge you to vote against the pending motion.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. I really have to commend Representative Lemke, I doubt if there are many people who compare the original bill and the amendment as well as he does and I'm glad that there is somebody that is really on top of things as these amendments are coming by so fast.

Senator Jenkins is aware of what happened. We had 10 different bills presented to us on various studies for charter schools and school choice and as we went through all of these 10 different bills, we thought perhaps the best thing that we could do would be to try to take parts from all of them and put them together into one bill and one study. The title of Senator Jenkin's bill seemed to fit that study better than any other. That's what that's all about, as far as the fiscal note is concerned, we were directed that any legislators who serve on a committee are entitled to funding. I would like to add to this that the education commission of the states, of which I am a member, has chosen this as their project for study and we will be going into this in a great deal of detail. The Senate Chairman of the Education Committee and I are both members of the Education Committee of the States and that has people on it who are superintendents of schools, school board members, teachers, parents and we will be studying this issue also. So I think the issue will be studied and I'm sorry that this particular bill, which is a combination of 10 bills may not sound to be satisfactory, but I think it would be good to pass this so that we could have the study done. Charter schools and school choice, that's a big issue now. We didn't feel that we just wanted to just say go ahead, that sending your students off here there and everywhere, so that's why we felt that we did need some kind of a study and we think we have two studies coming forth from the 10 different bills that came before us. I would appreciate it if you would support the motion to pass this.

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

**ROLL CALL NO. 332**

YEA - Baker JL, Barth, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Campbell, Chartrand, Chick, Clukey, Colwell, Cowger, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Farnsworth, Fisher, Frechette, Fuller, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Kane, Labrecque, Lemaire, Lovett, Mayo, McAlevey, Meres, Murphy, Muse, O'Neil, Pendleton, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samsom, Shannon, Sirois, Stedman, Taylor, Tessier, Thompson, Tripp, Watson, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Baker CL, Belanger DJ, Berry DP, Bodwell, Bragdon, Buck, Bumps, Carleton, Chizmar, Cianchette, Clark, Cross, Dexter, Foster, Gagne, Gerry, Goodwin, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Layton, Lemke, Lemont, Lindahl, MacDougall, Mack, Mailhot, Marvin, McKee, Morgan, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pinkham RG, Pinkham WD, Sanborn, Savage, Saxl JW, Saxl MV, Shiah, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tobin, Townsend, Treadwell, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Wheeler EM, Winn.

ABSENT - Davidson, Etnier, Fisk, Madore, McElroy, Mitchell JE, Plowman, Poulin, Underwood.

Yes, 70; No, 72; Absent, 9; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 9 being absent, the Resolve failed of final passage and was sent up for concurrence.

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

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Bill "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) which was tabled by Representative KONTOS of Windham pending adoption of House Amendment "B" (H-675).

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I hope we don't have to debate this issue very long, but I do feel we should have another vote on this bill, because there's a couple of important principles at stake here and the past action the House did move to limit the provisions of this bill and those provisions in the form of an amendment were later taken off in a committee of conference. I'll just go over a couple of the facts briefly, in case you don't remember this bill, or want to know about this amendment.

Basically, the original bill allowed Maine Public Broadcasting to have a new right which has never been granted to any public, or private organization in Maine before, which was to be able to auction wine and beer. I was uncomfortable with this bill because it singled out one organization out of all of the private and public groups in Maine that might be interested in having this advantage. This bill singled out one of those and gave them the right to have something that would be quite a bit of financial gain for them potentially and I just felt that it was not good policy to have a bill give one organization this kind of prerogative. They don't currently have any licenses to sell wine or beer and they wouldn't have to pay for any under the provisions of this bill. All they have to do is have you vote in favor of it tonight

and they will be able to have something that's been not granted to anybody else in Maine history.

We've heard that this would be a trial case and that if this was effective, or comfortable, in the future it might be opened up to other entities which would be fairer, but in the interest of compromise I tried to come up with an amendment that would limit it somewhat, so that they wouldn't have an unfettered right to do this as often as they want, or at any time they want and still see the bill pass. The amendment that we have before us tonight is just to limit the auctions that they could do to once per year and for no longer than 10 days at a time. They currently have their major fund raising auction once per year for 10 days, so this would fit in exactly with that provision and I don't think they have a strong opposition to this, although, in talking with Representatives on the phone, they certainly would rather not see it limited in any way and I can understand that, but we're starting from a point with no right to do anything and they're being given quite a bit so I don't see a problem with restricting it to once a year, especially if this is a trial case. It's a trial run, we're letting one organization do it, let's limit it somewhat so that it is in keeping with something new that hasn't been tried before. There was a previous amendment on it that limited to the time of day when this could be auctioned, as I said, in the committee of conference that amendment was taken off and the House did concur with that in the previous vote, but it did happen kind of quickly and I felt it important before this is finally enacted to just have one more vote on it, so if you vote in favor of this amendment, the bill would pass, but it would be limited to one auction per year. I think that's a fair compromise on some of the debate we're had over this, and I would hope you'd support this amendment.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I hope that you will go along with this amendment, I think it's a good compromise. As you know, I was very much opposed to having Maine Public Broadcasting beginning to sell alcoholic beverages on a channel that we knew that we could always turn and expect to find no advertisements for beer, alcohol, or cigarettes. I did receive a personal visit from Rod Gardner, who was very distressed that it had brought this much debate on the floor of the House. He said it was never the intention of the Board to do that and he didn't want to alienate any supporters. I did bring up the fact that they had made quite a bit of money, an enormous amount of money, he gave me the exact figure. They were very proud of their last auction, so I can't see that they need to have this in order to sustain Maine Public Broadcasting. The Board also had some reservations about asking us to do this, so I think they put us in an uncomfortable position. I regret that it ever came to the floor of the House, but as opponent of the original bill, I'm going along with the amendment and supporting my good colleague, Representative Chartrand, and I appreciate his help. Thank you.

Representative TUTTLE of Sanford moved that House Amendment "B" (H-675) be indefinitely postponed.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I do commend the individuals who would try to reach a compromise on this issue, but having checked with a number of the people who are interested in this initiative, we are essentially are calling for a vote of yea or nay on the issue. Representative Donnelly and I submitted a letter to this body last week from the Maine Public Broadcasting System and in it they

said that L.D. 1316 would allow Public Broadcasting to raise a few additional dollars from those Maine companies which would produce the beer and wine products. They say that the revenue potential may not be large, but L.D. 1316 would be helpful, as we continue to seek ways to increase funding from private sources to take up the slack created by reduce of federal support. We are very much appreciative of the efforts of the sponsors and members of the committee to assist us in expanding our revenues and he mentions also that he assures us that they will not do anything that would offend their thousands of members who hold up to the very highest standards and that's the reason why I'm moving for the indefinite postponement. As I had mentioned before, Maine Public Broadcasting System is seeing significant declines in revenues, both from the federal and state government, and I have to repeat that Maine is one of the very few states that has this prohibition. With the growth of wineries and micro-breweries in Maine, it could be, in our opinion, a win, win situation for both in Maine Public Broadcasting System and the people of Maine. This is a potential source of revenue and as I said before, Maine Public Broadcast is committed to closely monitoring the process. Thank you.

Representative BODWELL of Brunswick requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-675).

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 Indefinite Postponement of House Amendment "B" (H-675). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 333

YEA - Bagley, Baker CL, Berry RL, Bigl, Bodwell, Bouffard, Brooks, Bunker, Campbell, Carleton, Chick, Cianchette, Clark, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisk, Frechette, Gagnon, Gamache, Gieringer, Goodwin, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Layton, Lindahl, Lovett, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Murphy, Muse, Nass, O'Neal, Ott, Paul, Perkins, Pieh, Pinkham WD, Richard, Rowe, Savage, Shannon, Sirois, Spear, Stedman, Stevens, Taylor, Tessier, Townsend, Treadwell, Tripp, True, Tuttle, Wheeler GJ, Winsor, Wright, Madam Speaker.

NAY - Ahearn, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bolduc, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Chartrand, Chizmar, Clukey, Colwell, Cowger, Cross, Dexter, Farnsworth, Fisher, Foster, Fuller, Gagne, Gagne, Gerry, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Kasprzak, Lane, LaVerdiere, Lemaire, Lemke, Lemont, MacDougall, Mack, Marvin, Meres, Morgan, Nickerson, O'Brien, O'Neil, Peavey, Pendleton, Perry, Pinkham RG, Povich, Powers, Quint, Rines, Samson, Sanborn, Saxl JW, Shiah, Skoglund, Snowe-Mello, Stanley, Tobin, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Winglass, Winn.

ABSENT - Bragdon, Jabar, Madore, McElroy, Plowman, Poulin, Saxl MV, Thompson, Underwood.

Yes, 71; No, 71; Absent, 9; Excused, 0.

71 having voted in the affirmative and 71 voted in the negative, with 9 being absent, the motion to indefinitely postpone House Amendment "B" (H-675) did not prevail.

Representative SHANNON of Lewiston requested a roll call on the motion to adopt House Amendment "B" (H-675).

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 Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I'm sorry that I sat to let this go by, but I can not let this go by until we take this vote. It was stated that during discussions of our committee that this was just going to be a test case and then there would be others perhaps to follow. Now I sat all through this and unless somebody in my committee says I missed something, I certainly didn't hear that statement during the time that we were discussing this and I think it's unfair to have something like that said when, at least as far as I'm concerned, I did not hear that in any of the testimony.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-675). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 334**

YEA - Ahearn, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bragdon, Brennan, Bruno, Bumps, Chartrand, Chick, Chizmar, Clukey, Colwell, Cowger, Cross, Dexter, Farnsworth, Fisher, Foster, Fuller, Gagne, Gerry, Green, Honey, Jabar, Jones KW, Jones SL, Kasprzak, Lane, Lemke, Lemont, Lovett, MacDougall, Mack, Marvin, Mayo, McKee, Meres, Nickerson, O'Brien, O'Neil, Peavey, Pendleton, Perry, Pinkham RG, Povich, Powers, Samson, Sanborn, Saxl JW, Shiah, Skoglund, Snowe-Mello, Spear, Stanley, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Winglass, Winn.

NAY - Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brooks, Buck, Bull, Bunker, Cameron, Campbell, Carleton, Cianchette, Clark, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisk, Frechette, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Hatch, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lindahl, Mailhot, McAlevey, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, Ott, Paul, Perkins, Pieh, Pinkham WD, Quint, Richard, Rines, Rowe, Savage, Saxl MV, Shannon, Sirois, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Waterhouse, Wheeler GJ, Winsor, Wright, Madam Speaker.

ABSENT - Madore, McElroy, Plowman, Poulin, Underwood. Yes, 67; No, 79; Absent, 5; Excused, 0.

67 having voted in the affirmative and 79 voted in the negative, with 5 being absent, House Amendment "B" (H-675) was not adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-270) and Senate Amendment "A" (S-190) in concurrence.

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 Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I think there's some confusion at this point, we've had a series of roll calls, but if I understand correctly, and please correct me if I'm wrong. If you vote for the pending motion, that allows auctioning of alcoholic beverages on public and children TV and if you vote against it, you don't allow that, is that correct? If I may Madam Speaker, without further clarification, I would say probably that if you vote green, you vote for beer and big bird, and if you vote against it, you don't.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. As comical as beer and big bird mix may be at some time and the sillier we get the tired we get, the honest truth is we had during the discussion of this debate, the President of Maine Public Broadcasting availed themselves to members of the Legal and Veterans Affairs Committee and to myself and to the Committee of Conference members. We talked to them and we had them put in writing that big bird and beer would not mix, that big bird and beer are bad. He spoke of using it as an opportunity to promote Maine products during adult programming in the evening and he said the will of the Legislature was obvious to he and his Board members and he would not take the opportunity to anger hundreds of dues paying members who keep the station going by offending their sensitivities and showing off alcoholic beverages during Barney, Big Bird and other children's programming. I would take them at their word, if it winds up becoming an issue, we can repeal this, restrict it, but right now we have it in writing and it was distributed twice, both times by Representative Tuttle and myself, and I would ask you to support the pending motion.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. This is a bad bill. This is a confusing bill. I was confused on the last go around. Let's all press red. Get rid of it and go back to a good relationship with Maine Public Broadcasting. Thank you.

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

**ROLL CALL NO. 335**

YEA - Barth, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brooks, Bruno, Bull, Bunker, Carleton, Chick, Clark, Colwell, Cowger, Davidson, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SA, Kane, Kerr, Kontos, Labrecque, Lemaire, Lemont, Lindahl, Lovett, Mailhot, Marvin, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Paul, Peavey, Perry, Pieh, Pinkham RG, Povich, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winsor, Wright, Madam Speaker.

NAY - Ahearn, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Bragdon, Brennan, Buck, Bumps, Cameron, Chartrand, Chizmar, Cianchette, Clukey, Cross, Desmond, Dexter, Foster, Gagne, Gerry, Honey, Jones SL, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, LaVerdiere, Layton, Lemke, MacDougall, Mack, Mayo, McAlevey, McKee, Meres, Nass, Nickerson, O'Brien, Ott, Pendleton, Perkins, Pinkham WD, Powers, Sanborn, Skoglund, Snowe-Mello, Spear, Stedman, Stevens, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winglass, Winn.

ABSENT - Campbell, Madore, McElroy, Plowman, Poulin, Underwood.

Yes, 86; No, 59; Absent, 6; Excused, 0.

86 having voted in the affirmative and 59 voted in the negative, with 6 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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**ENACTORS**

**Emergency Measure**

An Act to Regulate Personal Sports Mobile Franchises (H.P. 964) (L.D. 1327) (H. "A" H-628; H. "B" H-655 and H. "C" H-705 to C. "A" H-503)

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

**Emergency Measure**

An Act to Establish Family Development Accounts (H.P. 1216) (L.D. 1716) (C. "A" H-704)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care (S.P. 558) (L.D. 1684) (H. "A" H-708 to C. "A" S-256)

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.

An Act to Improve the Administration of Animal Welfare Law (H.P. 982) (L.D. 1362) (C. "A" H-492; H. "A" H-717)

An Act to Amend the Site Location of Development Laws (H.P. 1065) (L.D. 1503) (C. "A" H-609)

An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws (H.P. 1289) (L.D. 1834) (C. "A" H-700; S. "A" S-339)

An Act to Clarify the Charitable Status of Nonprofit Hospital and Medical Service Organizations, to Permit Their Creation of Health Insurance Affiliates and Their Conversion to Stock Insurers and to Ensure Regulatory Equity (H.P. 1306) (L.D. 1849) (C. "A" H-701)

An Act to Amend the Insurance Premium Tax for Certain Large Domestic Insurers (H.P. 1336) (L.D. 1885)

Resolve, Directing the Commissioner of Transportation to Propose an Adopt-A-Highway Program (S.P. 556) (L.D. 1682)

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.

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Fewer Than 6 Months (H.P. 123) (L.D. 147) (C. "A" H-657)

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. 336**

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

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

ABSENT - Campbell, Lemont, McElroy, Poulin, Thompson, Underwood, Winn.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Improve Transportation in Maine (S.P. 584) (L.D. 1747) (C. "A" S-330)

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

On motion of Representative VIGUE of Winslow, was set aside.

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 House reconsidered its action whereby Committee Amendment "A" (S-330) was adopted.

The same Representative presented House Amendment "B" (H-730) to Committee Amendment "A" (S-330) 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. This was a technical correction that had to be made and it doesn't really change the bill at all.

House Amendment "B" (H-730) was adopted.

Committee Amendment "A" (S-330) as amended by House Amendment "B" (H-730) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-330) as amended by House



Amendment "B" (H-730) thereto in non-concurrence and sent up for concurrence.

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

**ORDERS**

On motion of Representative WHEELER of Eliot, the following Joint Order: (H.P. 1346)

**ORDERED**, the Senate concurring, that Bill, "An Act to Return a Portion of Fines Resulting from Violations of Motor Vehicle Laws to Law Enforcement Agencies," H.P. 623, L.D. 848, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. What this Order does is recall L.D. 848 from the Governor's desk. This is a long story and it's late, so I'll shorten the version, so bear with me. Early on we had a number of bills to deal with the reimbursement of police officers that go to court. We narrowed them down to two different bills, Judiciary had one of them and we had the other. We had three people from Transportation and three people from Judiciary meet and come up with a compromise where L.D. 549 was to include \$30 a day for municipalities to be reimbursed for the court time that these officers go for. Presently, they receive \$10 a day and the other was to put a moratorium on municipalities from creating their own ordinances which they could collect fines and keep them locally. This was a compromise between MMA, municipalities, Judiciary, Transportation Committee and a number of people, but it was a package deal. So L.D. 549 went down to Appropriations and last night they decided not to fund the \$30 a day, so I recalled L.D. 848, because it isn't fair to the municipalities to be putting into law a moratorium so they can not create their own ordinances to deal with this unfair payment that they receive now for court time that their officers are charged and basically what we'd like to do is we are working with some members of Appropriations and there may be a deal in the works, but as of right now to be fair to the municipalities we need to recall this from the Governor's desk before he signs it into law.

The same Representative requested a roll call on passage of the Joint Order.

On motion of Representative KONTOS of Windham, tabled pending passage and later today assigned. (Roll Call Requested)

**ENACTORS  
Emergency Measure**

An Act to Streamline Licensing and Reporting Requirements and Reduce Regulatory Burdens for Licensed Insurance Professionals and Insurers (S.P. 535) (L.D. 1640) (C. "A" S-313)

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

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes (S.P. 428) (L.D. 1376) (C. "A" S-210)

An Act to Provide Warranty Reimbursement Protection for Retailers (H.P. 1340) (L.D. 1889)

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

An Act to Establish the Maine Economic Improvement Fund (S.P. 637) (L.D. 1854) (H. "B" H-720 to C. "A" S-326)

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

On motion of Representative MURPHY of Kennebunk, was set aside.

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Madam Speaker, Men and Women of the House. My confusion goes a little bit more beyond just the end of the session confusion. We're looking at L.D. 1854 and we debated language and areas of investment dealing with that bill. Earlier we had Supplement No. 8, which is a Joint Order, which appears to be the same bill except it appears elsewhere this evening as a Joint Order.

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

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

An Act to Allow Agricultural Workers to Bargain Collectively (H.P. 1177) (L.D. 1654) (C. "A" H-550) which was tabled by Representative KONTOS of Windham pending passage to be enacted.

Representative TREADWELL of Carmel 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 Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would encourage you to vote against enactment. I believe that this bill is really bad for agriculture. It is clear that, to me, and I've checked around, there's only five other states that have collective bargaining in this country and why should Maine. We do not have anywhere near the agriculture that other states have. I think it sends a message in the wrong direction for some other enterprises that are looking to the State of Maine. We have a lot of natural resources here, they're looking to move here and it definitely sends the wrong message. So I would encourage you to defeat the pending motion. Thank you.

On motion of Representative HATCH of Skowhegan, 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-550) was adopted.

The same Representative presented House Amendment "A" (H-731) to Committee Amendment "A" (H-550) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. This amendment changes the bill title and limits the application of the bill to egg processing facilities that have over 300,000 laying birds and it employs more than 75 agricultural employees. We limited it to this amount because we had a lot of problems with getting anyone else involved with the collective bargaining process, including the blueberry growers and the cranberry growers, a new enterprise that will come along soon, and we wanted to make sure that our farmers up North were not hindered by this collective bargaining agreement.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I believe that this really singling out what one employer here in the state. I'm not defending that employer, but I'm just questioning whether we should single out any one employer here in the State of Maine. Question, is this good public policy and something that we can be proud of. I clearly think that this amendment is an attempt to get a foot in the door on collective bargaining for agricultural workers and as I said before, there's only five states in this nation that have it now. How are employees with 300,000 chickens any different than someone that might have a 1,000 cows or 1,000 acres of blueberries or 1,000 acres of potatoes? There is one other chicken operation in this state that falls underneath this right now, but in my opinion, that would prevent them from expanding. If we are to progress here in this state, I think we need to defeat this motion. The Department of Agriculture and the Department of Economic and Community Development are working hard to attract new agriculture to this state. I think this just sends a message in the wrong place. I would urge you to defeat this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Nickerson.

Representative NICKERSON: Madam Speaker, Ladies and Gentlemen of the House. This is another DeCoster bill. I see, they've changed it around on me and slipped in a bill so to make it a DeCoster bill. Well, we only have one more day to bring the DeCoster bills out, but we'd better get busy and get more amendments out here. It's kind of too bad to pick on one person like that, but I'm getting kind of used to it now. I don't know what people are thinking of, picking on one farmer like you've picked on DeCoster. So far he's survived most of them and I think he'll try and survive this one. This is the worse one to come along so far. The rest of them he's being able to live with, but if this one goes through and you're successful in unionizing his people, he'll probably start moving out and closing his plants one at a time. It'll take about a year to close these plants one at a time, because he'll have to get rid of his laying hens. He'd have to keep them until they lay their life out, then they'll go into Campbell Soup and you can have some of those. I encourage everybody to vote against this. It's a bad bill all the way around. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Bodwell.

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. I just wanted to remind people that if DeCoster goes out of business in the State of Maine it's going to effect many small businesses. One of the largest tax payers and employers in one of the towns I represent, Durham, raises pullets for DeCoster and I'm sure many other communities in that area depend on DeCoster for many of the jobs in their communities.

Representative BODWELL of Brunswick requested a roll call on the motion to adopt House Amendment "A" (H-731) to Committee Amendment "A" (H-550).

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 Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. Some people may look at this as a DeCoster bill, I look at it as a worker bill. As all of us now know, agricultural workers can not really organize for collective bargaining. There are workers that do want to organize for collective bargaining and frankly, I think, they're going to organize one way or the other. I would prefer that they organize under some rules, under State of Maine laws that gives fair treatment for the workers as well as to the owners of the company. Under National Labor Relations Act, workers organize all the time and it's under a certain framework that they do that. Part of the framework that we are incorporating is protection of these workers to organize. The kind of workers that are going to organize are the kind of workers that were not always paid for time worked. They were workers that didn't receive overtime when they should have. They're workers that work very long hours, some over 100 hours per week. They're workers that have worked in unsafe conditions. They're workers that are often intimidated, some even had guns pointed in their ribs. They're also the kind of workers that want to organize are the kind of workers that were injured and not tended to. I will certainly back this amendment. I will certainly back this bill.

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

#### ROLL CALL NO. 337

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, McKee, Mitchell JE, Morgan, Muse, O'Neil, Paul, Perry, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, 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, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-

Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Dutremble, Lemke, McElroy, Poulin, Tessier, Underwood, Winn.

Yes, 71; No, 73; Absent, 7; Excused, 0.

71 having voted in the affirmative and 73 voted in the negative, with 7 being absent, House Amendment "A" (H-731) to Committee Amendment "A" (H-550) was not adopted.

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

Representative DONNELLY of Presque Isle moved that Committee Amendment "A" (H-550) be indefinitely postponed.

Representative BODWELL of Brunswick requested a roll call on the motion to indefinitely postpone Committee Amendment "A" (H-550).

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

Representative HATCH of Skowhegan moved that the Bill be tabled pending the motion of Representative DONNELLY of Presque Isle to indefinitely postpone Committee Amendment "A" (H-550) and specially assigned for Friday, May 30, 1997.

Representative DONNELLY of Presque Isle requested a roll call on the motion to table.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion to Table One Legislative Day. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 338

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright.

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

ABSENT - Bouffard, Brennan, Dutremble, Gamache, Kerr, Lemke, McElroy, Poulin, Underwood, Madam Speaker.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, the Bill was tabled pending the motion of Representative DONNELLY of Presque Isle to indefinitely postpone Committee Amendment "A" (H-550) and specially assigned for Friday, May 30, 1997. (Roll Call Ordered)

SENATE DIVIDED REPORT - Report "A" (7) "**Ought to Pass**" as amended by Committee Amendment "A" (S-279) - Report "B" (3) "**Ought to Pass**" as amended by Committee Amendment "B" (S-280) - Report "C" (2) "**Ought Not to Pass**" - Committee on **State and Local Government** on Bill "An Act to Provide for Removal of a State Auditor Who Fails to Meet the Statutory Qualifications for the Office" (S.P. 440) (L.D. 1414) which was tabled by Representative AHEARNE of Madawaska pending his motion to indefinitely postpone the Bill and all accompanying papers.

Representative BRAGDON of Bangor 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 China, Representative Bumps.

Representative BUMPS: Mr. Speaker, Ladies and Gentlemen of the House. Before we vote on this, I want to let everyone know exactly what it is we're voting on, in case you're confused at this point. I am a bit perplexed at the motion to indefinitely postpone, because if you take time to look at the Committee Report you will find that there are only two people in the Committee who voted in opposition to this bill. This bill does something very simple. It adds to the current statute a provision that explains how the Auditor, in the event that the Auditor isn't qualified for the job, is removed from office. Throughout the debate on these issues previously, we have noted that the Auditor is required to be a CPA and that they have nine months to achieve that level of training, but where the statute is silent is what happens at the end of that nine months. This bill simply says that if one does not become a CPA in nine months that they are removed from office and that they are not allowed to be reelected by that Legislature. Now, I suspect many of you would be a little bit suspect of this whole approach and think that perhaps that this something partisan trying to remove the current Auditor. Let me assure you that that is not the case. In fact, if you take time again to look at the Committee Report, you'll notice that the Committee Chairs and I are on a Minority Report that absolutely prohibits the application of this statute against the current Auditor. This is for future positions. It clarifies the statutes. It's a simple straight forward bill that shouldn't take on a partisan tone. I certainly hope that you'll go, take the responsible step of clarifying the statute that will help us to understand what happens in the event that the person doesn't become qualified. Vote against the pending motion to indefinitely postpone. 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. I'm going to do something that I don't do often on the floor, but I do agree with Representative Bumps. This is a pretty straight forward bill. It definitely is not intended to be directed against a particular individual. I can understand that people think that, but that certainly was not the approach of the Committee and basically everything that Representative Bumps said leaves me speechless. So, I'll sit down and urge you to vote against the pending motion.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone

the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 339**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, 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, Wheeler GJ, Wright, Madam Speaker.

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

ABSENT - Bouffard, Dutremble, Gamache, McElroy, Poulin, Underwood.

Yes, 74; No, 71; Absent, 6; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, with 6 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence.

Representative O'BRIEN of Augusta moved that the House reconsidered its action whereby the Bill and all accompanying papers were indefinitely postponed.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. What am I missing here. Could somebody please tell me. I fully expected not to see one vote against this bill. It appears to me to be so clear cut. It doesn't appear that it should have any partisan anything, because it is strictly, obviously, precluding the current Auditor. It's logical to me, unless I'm absolutely asleep, I admit there may be something that has gone right over my head, but if a State Auditor, a state official, fails to meet the qualifications set forth in the Constitution, what's wrong here? Thank you.

Representative AHEARNE of Madawaska requested a roll call on the motion to reconsider.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House. I would not have supported this if I thought it were partisan, had partisan intent. As some of you may recall, there was a bill on the floor about a week ago, which unfortunately, I believe, degenerated into partisanship and I came down here and basically spoke against the bill for that reason. I don't see that applicable in this situation. It has been mentioned that it specifically precludes the individual holding the office. I can certainly say as far as this Representative is concerned that in no way cast dispergen. What it does do is to set up a structural framework, which I think we should have. It's basically quite

straight forward. It's kind of late at night, but you don't have fear any conspiracy or malevolence or anything like that on this particular bill. So once again, I'd urge you to support this legislation, which got a very good vote out of the State and Local Government Committee before it reached the floor.

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 Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. At the beginning of the 118th Legislature, this Legislature sought advise from the Attorney General for the State of Maine because we needed some clarification of the statutes. I feel it's our duty to clarify the statues so that future sessions of this Legislative body will not need to ask for an opinion, but rather already have a very clear statute before them.

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

**ROLL CALL NO. 340**

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, 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, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bouffard, Dutremble, Gamache, McElroy, Poulin, Underwood.

Yes, 72; No, 73; Absent, 6; Excused, 0.

72 having voted in the affirmative and 73 voted in the negative, with 6 being absent, the motion to reconsider did not prevail.

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

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

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On motion of Representative VEDRAL of Buxton, the House adjourned at 9:45 p.m., until 9:00 a.m., Friday, May 30, 1997.