

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
37th Legislative Day
Friday, May 30, 1997

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

Prayer by Reverend Robert Ganung, Clark Memorial United Methodist Church, Portland.

National Anthem by the Koininia Quartet, Presque Isle.

Pledge of Allegiance.

Doctor of the day, Ira W. Stockwell, D.O., Westbrook.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 298)

THE SENATE OF MAINE
3 State House Station
Augusta, Maine 04333
May 28, 1997

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources the nominations of Warren Balgooyen of Norridgewock and Dennis L. Higgins of Mattawamkeag for appointment to the Land for Maine's Future Board.

Thank you for your attention to this matter.

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

Was read and ordered placed on file.

The following Communication: (H.C. 299)

THE SENATE OF MAINE
3 State House Station
Augusta, Maine 04333
May 28, 1997

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs the nominations of G. Calvin MacKenzie of Bowdoinham, Merle R. Nelson of Falmouth, the Honorable Harriet P. Henry of Standish, Linda Cronkhite of Brunswick and Peter B. Webster of Yarmouth for appointment to the Commission on Governmental Ethics and Election Practices.

Thank you for your attention to this matter.

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

Was read and ordered placed on file.

The following Communication: (H.C. 300)

THE SENATE OF MAINE
3 State House Station
Augusta, Maine 04333
May 28, 1997

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs the nominations of Willis A. Lord of N. Waterboro, Goodwin O. Gilman of Newport and Fred Lunt of Clinton for appointment and Dr. Charmaine A. Brown of Monmouth and Richard A. Crabtree of Readfield for reappointment to the Harness Racing Commission.

Thank you for your attention to this matter.

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

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 670)
**JOINT RESOLUTION COMMEMORATING THE OPENING OF
THE MERRILL AUDITORIUM IN PORTLAND**

WHEREAS, the Portland City Hall Auditorium was built in 1912 as part of the current City Hall; and

WHEREAS, since its construction the auditorium has hosted artistic performances for audiences of all ages and interests; and

WHEREAS, in 1985 it became clear that time and use had taken their toll on this wonderful public facility; and

WHEREAS, the need to restore and renovate the auditorium led to a remarkable public and private partnership between the city and individual and corporate citizens from the area and throughout the State; and

WHEREAS, this partnership raised \$3,600,000 in public funds and nearly \$3,000,000 in private funds from over 1,200 private contributions and arranged the financing of a \$2,300,000 revenue bond from a consortium of local banks; and

WHEREAS, in addition to the many hundreds of people who donated their time, certain individuals deserve special acknowledgment for their role in this project, including the late Paul E. Merrill and his late wife Virginia S. Merrill, whose extraordinary generosity made this project possible and for whom the auditorium is now named; the members of the Auditorium Committee, chaired by Linda E. Abromson, who were charged with the job of guiding and monitoring the renovation and who fulfilled their charge so well that the Merrill Auditorium is now one of the premier entertainment facilities in New England; Peter and Pamela Plumb for their dedication, energy and zeal in leading the extremely successful private fund-raising effort critical to the project's success; Lee Urban, Chair of Portland Cares; the primary tenant organizations, the Portland Symphony Orchestra, Portland Concert Association and Friends of the Kotschmar Organ, for their participation in every phase

of the renovation and their perseverance while the hall was closed; and

WHEREAS, it is the sincere wish of everyone involved in this remarkable project that audiences of all ages and interests consider this facility "A Place for Everyone" and come once again to enjoy the Merrill Auditorium and the wonderful variety of shows that it will host; now, therefore, be it

RESOLVED: That the Members of the 118th Legislature, now, assembled in the First Special Session, take this opportunity to commend the many citizens and businesses of this State without whose help this project would not have been possible; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the individuals and organizations listed in this resolution.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Non-Concurrent Matter

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 failed of final passage in the House on May 29, 1997.

Came from the Senate finally passed in non-concurrence.

The House voted to Recede and Concur.

On motion of Representative WATERHOUSE of Bridgton, the House reconsidered its action whereby it Receded and Concur.

The same Representative 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 Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. Just to be very, very brief, I think when this was defeated in the House by a couple of votes there was a some confusion as to the makeup of the study committee. It will not be just the department and the board. I will just throw a couple of names out. One is Frank Heller, who probably knows more about charter schools and school choice and vouchers in this state then probably anybody alive. Also, Roger Brainard from the University System. Also, a strong proponent of charter schools. It is a good study. We need to have that information because, believe me ladies and gentlemen, this is the wave of the future if we continue to inadequately fund public education. Thank you.

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

ROLL CALL NO. 341

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Bragdon, Bruno, Bull, Bunker, Cameron, Carleton, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley, Hatch, Honey, Jones SA, Joy, Kane, Kerr, Kneeland, Kontos, Labrecque, Layton, Lemont, Lovett, Mack, Mailhot, Mayo, McAlevey, Meres, Morgan, Murphy, Muse, Nass, O'Neal, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham WD, Powers, Richard, Rines, Rowe, Samson, Savage, Saxl MV, Shannon, Sirois, Snowe-Mello, Spear, Stedman, Taylor,

Thompson, Tobin, Townsend, Treadwell, Tripp, True, Usher, Vedral, Vigue, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Bodwell, Brooks, Buck, Bumps, Chick, Chizmar, Clark, Gagne, Goodwin, Jones SL, Joyce, Joyner, Kasprzak, Lane, LaVerdiere, Lemaire, Lindahl, MacDougall, Marvin, Nickerson, O'Neil, Perry, Pinkham RG, Povich, Sanborn, Saxl JW, Stanley, Underwood, Volenik, Waterhouse, Winn.

ABSENT - Bolduc, Brennan, Campbell, Chartrand, Cianchette, Fisk, Frechette, Green, Jabar, Jones KW, Lemke, Madore, McElroy, McKee, Mitchell JE, O'Brien, Ott, Plowman, Poulin, Quint, Shiah, Skoglund, Stevens, Tessier, Tuttle, Winsor.

Yes, 90; No, 35; Absent, 26; Excused, 0.

90 having voted in the affirmative and 35 voted in the negative, with 26 being absent, the House voted to Recede and Concur.

CONSENT CALENDAR

First Day

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

(S.P. 588) (L.D. 1758) Bill "An Act to Authorize Transfer of Property Taxes to the Passamaquoddy Tribe" (Governor's Bill) Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-344)

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

There being no objection, the Senate Paper was passed to be engrossed as amended in concurrence.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (H-727) - Minority (3) - "**Ought Not to Pass**" - Committee on **Taxation** on Bill "An Act to Establish the Local Option Lodging Tax" (H.P. 1243) (L.D. 1763)

TABLED - May 29, 1997 (Till Later Today) by Representative KERR of Old Orchard Beach.

PENDING - Motion of same Representative to reconsider indefinite postponement of the Bill and accompanying papers.

Subsequently, the House voted to reconsider indefinite postponement of the Bill and all accompanying papers.

Representative KERR of Old Orchard Beach requested a division on the motion to indefinitely postpone the Bill and all accompanying papers.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to indefinitely postpone the Bill and all accompanying papers.

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

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

Representative KERR: Madam Speaker, Men and Women of the House. I would just like to ask for your indulgence for a brief moment. The reason I am asking for reconsideration is I would like to present an amendment that through the discussion yesterday I would like the opportunity to do a pilot using my community as an example. I would urge you to vote against the pending motion so I can offer a friendly amendment.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. As we start looking toward the goal line or the road back home, I think many times what begins to suffer are the basic courtesies. I am going to vote to support the gentlemen from Old Orchard.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I think the time has come. For many years we have had this issue brought to us. I think the time has come where we have to start considering what is happening in some of these larger communities that have to provide services and take on many, many charges and expenses that other communities do not. I would urge you to oppose the postponing of this bill and papers and urge you to go on and support the position of our good Representative from Old Orchard Beach, Representative Kerr.

Representative WATERHOUSE of Bridgton withdrew his request for a roll call.

The Chair ordered a division on the motion to indefinitely postpone the Bill and all accompanying papers.

A vote of the House was taken. 7 voted in favor of the same and 110 against, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

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

The Bill was read once. Committee Amendment "A" (H-727) was read by the Clerk.

Representative KERR of Old Orchard Beach presented House Amendment "A" (H-738) to Committee Amendment "A" (H-727), which was read by the Clerk.

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

Representative KERR: Madam Speaker, Men and Women of the House. I present to you an amendment and urge your support. What this amendment does is it would just use Old Orchard Beach as a pilot program so that we would have enough data and review this at some later date. Many questions were asked and I tried to address them yesterday. I felt that communities, such as mine need to have another access to revenue. As I explained yesterday, Old Orchard Beach is very unique whereas we are a small community of less than six and a half square miles. We have a sewage treatment plant that accommodates almost 50,000 residents. We are only about a community of 8,000. We have one of the second largest property tax in the state. I met with my town council. They have embraced this bill. I had a meeting on Monday with the Chamber of Commerce. They have endorsed this bill. Thirty-three other states have made the provisions for a local option sales tax of which, as I stated yesterday, 21 provide municipalities as opposed to counties or districts with that local

option authority. I would urge your support to this bill to allow my community, if it chooses to do so, and have an opportunity to have a local option tax. If, in fact, this works, then we can bring it back and discuss it at a later date. Thank you very much and I appreciate your indulgence. I would also like to thank the Representative from Bridgton, Representative Waterhouse, for withdrawing his roll call. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MAYO: Madam Speaker, Men and Women of the House. To the previous speaker, the good Representative from Old Orchard, is there a sunset provision or a date when this pilot program will cease and be evaluated either by the Taxation Committee or by some arm of the Legislature?

The SPEAKER: The Representative from Bath, Representative Mayo 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: Madam Speaker, Men and Women of the House. If, in fact, the community and again, this is an option so the community must at first vote for this. If, in fact, this does pass, there are two options. This would last for as long as the debt is paid or if, in fact, the community finds that they no longer want to have a local option tax. Within this bill we provided language that allows a municipality or its legislative body to repeal the tax at any time. Those are the conditions.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. Up front, I want to make it very clear that I voted against the broader bill the other day and any other time the broader bill comes before us, I will vote against it. Old Orchard is unique. I can't think of another community in the State of Maine that sees such an influx of people from away. For us, it is a cash cow. The millions of dollars that flow into the state coffers. While there is a benefit to the local community in the way of jobs and business owners, again, that produces money for the state through the income tax. There is a third party in that unique community that is left holding the bag. That is the property tax payers for the personnel costs for a population that increases by 800 percent during the summer and for the infrastructure that has to support that larger population. I can't think of another community in this state that would match the problem that Old Orchard has. With this narrow application, pilot project just directed at Old Orchard, not at the rest of the state, then I would support that today.

Representative WATERHOUSE of Bridgton moved that House Amendment "A" (H-738) to Committee Amendment "A" (H-727) be indefinitely postponed.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I have sympathy for the problems of Old Orchard. I am against this amendment for the same reasons that I am against the whole bill. It sets a bad precedence. It is not good public policy. You have to ask yourself if this amendment is good for Old Orchard, why isn't it good for the rest of the state? I urge you to vote against this amendment and Indefinitely Postpone it. Thank you.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I think we should support this amendment. The discussion yesterday kind of centered it around what is the states' roll and what should we allow communities to decide for themselves. Are we wiser then they are? Send around the Constitution of the state that says we shall not surrender taxation, but as the good Representative Kane mentioned, it does not say delegate that we can't delegate. This is not surrendering. We are just allowing this community to make the decision. By the way, I want to point out it is by referendum. The selectmen or the town council can't do this. This is by referendum. Whether or not the state or the federal government should make decisions for people, of course there are some things that shouldn't be left up to local control, like the First Amendment. None of us would like towns to be able to change the US Constitution First Amendment or Second Amendment rights. We certainly don't want those to be local options. This one here, I think we ought to let the people of that town decide. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I would also ask you to vote against Indefinite Postponement so we might go on to support the amendment offered by the good Representative from Old Orchard Beach. There has been a lot of criticism of this idea in this body and by previous Legislatures as we all know. I believe there is probably not a better community in the State of Maine to test this in, as you have heard. I agree with that. I think this will allow us to evaluate local option taxes to see if all the bad things that we hear about actually come true. If they do, then it is not a good idea. If they don't come true and this actually proves very beneficial, then it will have to come back to this Legislature or another Legislature to broaden it. This bill alone would do nothing more than set up this pilot project. It would require approval by future legislators to expand it. For those reasons, I would urge you to vote against this and support the amendment. Thank you.

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 guess this would go to the good Representative from Old Orchard. In reading this on the first page it says, the Town of Old Orchard Beach shall and then down in Section one, the Town of Old Orchard Beach may. I wonder if this is a contradiction. I am just a little confused on that. I would appreciate any clarity. Thank you.

The SPEAKER: The Representative from Old Orchard Beach, Representative Kerr 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: Madam Speaker, Men and Women of the House. The question was asked on the first portion says the Town of Old Orchard Beach shall establish a pilot program to implement a local lodging tax as specified in this section. Underneath it says the Town of Old Orchard Beach may impose. I think that is probably, but I will double check with Revisors, but I think it is all predicated on whether or not the voters vote for this. If the voters don't vote for it, then it is not going to be implemented.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. For about 20 years, I spent part of my summers at Pine Point. I know the problems and what the influx of tourists that come into an area. Actually what we are doing is having somebody care for the numerous problems that come with tourists and businesses being moved into the area. Ladies and gentlemen, I would urge you to oppose the pending motion and go on to support Representative Kerr and see if and how this is going to work. I thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I will be voting in opposition to the motion that is presently on the floor. While I think the City of Old Orchard needs to look at this very, very carefully, to some degree, in my mind, it is a local control issue. I have historically voted for everyone of these that has come up. I think that this may be an error for them to do, but they think it is important. It certainly will be a learning process for the rest of us. This, like anything else that we do, is cast in warm Jell-O. It will last for about a week. We can change it so I don't think we are out on a limb very far here. If a year from now or the next Legislature when they come back feels that it has been a grave error, then we can change it. I will be supporting the request of Representative Kerr and wish him all the luck.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Madam Speaker, Men and Women of the House. I cannot sit here, in good conscience, and try to micromanage what Old Orchard Beach wants to do. I urge you to vote against Indefinite Postponement.

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. I urge you to vote against the Indefinite Postponement for two reasons. I have always thought this would be a good idea and I would like to see Old Orchard do it. The second reason is because while they are testing it, I am sure all those people might come to Scarborough and use our facilities without the tax.

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

Representative BIGL: Madam Speaker, Ladies and Gentlemen of the House. Representative Kerr, I have a barrel of hot tar and some feathers I will gladly send down to you and I will back your amendment.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. Again, as I told you yesterday, Bangor has tried to make some kind of a tax. Portland has approached me in the halls and wanted, again, to have some kind of a tax. If Representative Kerr wants to start the ball rolling in his own back court, he has to sell it to his counsel. I say let him go, but it will mushroom if it is a success. You can count on that. I am going to endorse and vote to not Indefinitely Postpone.

Representative BODWELL of Brunswick requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-738) to Committee Amendment "A" (H-727).

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 Bar Harbor, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. I just want to tell you a little story about my community of Bar Harbor and Mount Desert Island. We put one-quarter of a billion dollars in sales tax into this state budget every two years, a quarter billion dollars. My community gets \$80,000 back for education. We don't cry about that. We do a good job with our education. I would put our school system up against any in the nation. It has a lot to do with having bright kids because of the lab and the College of the Atlantic. I think it is fair in our instance to give us a chance to have a local option lodging tax. We put up with what is called "the big flush" on the 4th of July when there is 150,000 or 200,000 people on the island. We have to accommodate those people. Think of the quarter billion dollars. How many schools or people sitting here is my local funding? A lot of them. Just give us this chance for this local option lodging tax so we can keep a little bit for ourselves, just a small portion so we can defray the costs for having our school system. Eighty thousand dollars is what we get. A quarter billion is what we put in per biennium. Thank you very much.

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

Representative BULL: Madam Speaker, Men and Women of the House. I was an original sponsor of the original bill with the good Representative from Old Orchard Beach, Representative Kerr. Unfortunately once my bed and breakfast proprietors in the Town of Freeport found out about this they wanted to burn me in effigy. I did vote against the original bill yesterday because I simply did not feel that we are ready to go forth with this project because there were a lot of questions involved with the bill yesterday. I do think that this pilot project is an excellent idea. If we allow the Town of Old Orchard Beach to go ahead and do this, I feel comfortable they will leave some of the fears that have been presented about this bill and idea of local option lodging tax so that in future years maybe we can allow the original bill that the good Representative from Old Orchard Beach brought forth, maybe we can finally enact that in a couple of years when this project proves to be successful. I urge you to vote against the pending motion, ladies and gentlemen. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BUCK: Madam Speaker, Men and Women of the House. Did the sponsor or any of the cosponsors consider the local option sales tax to be placed on the entire sales tax rather than singling out the tourist industry?

The SPEAKER: The Representative from Yarmouth, Representative Buck 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: Madam Speaker, Men and Women of the House. In drafting this legislation, as I said before the committee when I presented this during the public hearing, it has failed every time it has come into this chamber. The towns that I discussed this with were not looking for a large sum of money. What they wanted to do was be able to offset some of their debt service. Instead of using those dollars for debt service, they felt it was more beneficial to use those dollars for education, public safety and those areas. That is why it was only steered around

the lodging tax, which if every community that was able to apply for it, you are not talking more than \$7 million. I think that a lot of concerns have been raised. That is why I have narrowed this down to use a pilot program so we can gather data and should this bill come back in a later date, at least we will be able to review a pilot program and see how well it has worked or hasn't worked.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. I feel obliged to speak on this issue. Probably I am the only other graduate of Old Orchard Beach High School in this room. I feel that I must say that I do support anything that the Chamber of Commerce in Old Orchard Beach would like to have.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Now that we have all voted verbally, I think it is time to vote manually.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-738) to Committee Amendment "A" (H-727). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 342

YEA - Barth, Bragdon, Buck, Cianchette, Clukey, Cowger, Dunlap, Foster, Gerry, Honey, Jabar, Joy, Kasprzak, MacDougall, Mack, Nass, Nickerson, Pinkham RG, Pinkham WD, Povich, Snowe-Mello, Stanley, Tobin, Treadwell, Vedral, Waterhouse, Winsor.

NAY - Ahearne, Bagley, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stedman, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

ABSENT - Baker CL, Campbell, McElroy, Plowman, Saxl JW, Wheeler EM.

Yes, 27; No, 118; Absent, 6; Excused, 0.

27 having voted in the affirmative and 118 voted in the negative, with 6 being absent, the motion to indefinitely postpone House Amendment "A" (H-738) to Committee Amendment "A" (H-727) did not prevail.

Subsequently, House Amendment "A" (H-738) to Committee Amendment "A" (H-727) was adopted.

Committee Amendment "A" (H-727) as amended by House Amendment "A" (H-738) thereto was adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-727) as amended by House Amendment "A" (H-738) thereto and sent up for concurrence.

An Act to Establish the Maine Economic Improvement Fund (S.P. 637) (L.D. 1854) (H. "B" H-720 to C. "A" S-326) TABLED - May 29, 1997 (Till Later Today) by Representative SAXL of Portland.
PENDING - Passage to be Enacted.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. We were able to unravel some of the confusion last night surrounding this bill. Earlier, Representative Vigue had placed a House Amendment on this which stripped off the funding, but left a future vehicle or mechanism that as monies are raised privately or federal research dollars come to Maine that they would be gathered within this vehicle and we would move forward with research and development. Down at the other end of the hall, part of this bill was separated and we had a Joint Order establishing the study commission, which was part of this bill is traveling separately. That is why we had two mirror like documents moving through. The members that serve on Business and Economic Development support LD 1854 in its present form and would continue to support it in its present form as a vehicle. If, down at the other end of the hall, funding is put back into this, any future liabilities, I think that if it came back to us amended then at that point many of the members of the House from that committee would oppose that. I would urge your support for its enactment today in its present form. If it comes back amended, then we are going to ask for your reconsideration of that issue. Thank you.

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.

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

ENACTORS
Emergency Measure

An Act Concerning Technical Changes to the Tax Laws (H.P. 601) (L.D. 792) (C. "A" H-732)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mandate

An Act to Assist the Law Enforcement Community in Locating Missing Children (S.P. 553) (L.D. 1679) (H. "A" H-707 to C. "A" S-276)

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

An Act to Establish the Uniform Unclaimed Property Act (H.P. 1116) (L.D. 1559) (C. "A" H-682; H. "A" H-733)

An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions (S.P. 662) (L.D. 1882) (H. "A" H-724 to H. "A" H-649)

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. Ordered sent forthwith.

Resolve, to Direct the State Board of Education to Study the School Funding Formula (H.P. 1344) (L.D. 1895)

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

On motion of Representative GOOLEY of Farmington, was set aside.

The same Representative requested a roll call on final passage.

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 Baker.

Representative BAKER: Madam Speaker, Men and Women of the House. I want to urge again you to consider the vote on the school funding study. I believe that we must move the date forward to 1998. Currently, the date set for this study to return is January 15, 1999. The longer we wait the more we lose. No school district should have anything to fear from the amendment that I offered yesterday to move the date forward. We are already in agreement that a study of equity should be done by 1999. That was the vote yesterday. Those of us losing money, however, want to look at equity done sooner, rather than later. Every Representative in this House needs to understand that 55 percent of school districts in this state lose money under the current formula. In the past five years, 14 out of 16 counties have lost money. This is a basic fairness issue that needs to be addressed now because regardless of all else, it is the children who lose.

Yesterday the good Representative from Bethel, Representative Barth, got up and spoke of Wiscasset. Wiscasset spends over \$9,000 per student. That same school district received over \$100,000 more under the current funding formula. At the same time, a school district in Western Maine, which only has \$3,200 per student lost over \$165,000. I ask you, is that equity? Is that fairness? Who ultimately loses? It is the children. We have voted to implement learning results, which say that all children across the state should achieve a certain standard. However, if we are to require that, then the funding needs to be adequate. I ask you to reconsider your vote yesterday and to adopt Amendment "A," which does the same thing except it asks that equity be looked at within this 118th Legislative Session. The Majority Report only asks that the committee study the issue of the income and cost of living adjustment. It does not ask, however, whether or not we should include that in the formula. It simply asks to look at how it is currently assessed. That committee will come back in 1998 with a report, which will have a kind of sanction to it, which will be difficult to address.

I urge you to consider the fact that any aspect of the current school funding needs to be looked at within the context of equity and that that can be done by 1998 when we return to this session. Thank you.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I didn't rise to talk about this yesterday, but I can tell you one thing. As far as the school funding formula goes, there is one part that I am really concerned about and that is the income part of it. It leaves a lot to be desired. We, in SAD 9, have really felt the effect of this. We have analyzed the income part as well as the property evaluation part. We are very unhappy at the present time with the present formula. I know that Representative Barth did speak up highly for the formula, but it leaves a lot to be desired and that is why I wanted to set this issue aside for another vote. Thank you.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. If there is anyone in this body who thinks that I do not understand about schools and districts losing money, let me remind you of something that I said quite some time ago. My district lost \$100,000 this year. I understand that. I also understand the budget system. I understand why we lost \$100,000. We also lost 60 students. If you multiply the amount of money per student that the state gives, that is why we lost \$100,000. Unfortunately, that happened in SAD 9 too. They lost a number of students and that is one of the reasons that they lost so much money. There seems to be concern about the wording of the Majority Report review and make recommendations regarding the cost of living and income adjustment factors.

I have already tried to allay those fears by sending word, written word, to the committee that we expect that they will look at the equitable method in which that is figured. There were some people yesterday who expressed to me after the vote that they did not see that we had equity in that. I have already sent written word to the committee that they will study the equity of the income and cost of living adjustment factors. I think we have covered what you want covered. If we are specific, then that is all they will look at is what we are being specific about. If we say adequate and equitable, that can cover a whole array of items. I have no concerns whatsoever about what the cost of living and income adjustment factor will be thoroughly studied and we will have that report by January 1, 1998. If it is necessary for us to do anything with those recommendations, that is also in the bill that you have before you that the joint standing committee on Education and Cultural Affairs may report out a bill based on the state board recommendations. That is next year. Thank you. I would hope that you would support the final passage of the Majority Report.

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

Representative BELANGER: Madam Speaker, Men and Women of the House. I had hoped not to rise on this issue, but I do want to make sure that everyone understands that when people stand and say that the formula works, in my opinion, it does not. We have had to cushion five or six years in a row. That says something is wrong. For them to say that loss of subsidy is due to the change in property values and the declining students is partially true. I have printouts to show you that income and COLA could shift as much as a million dollars in one community. When they tell you there is a 15 percent

impact and it is not a huge impact, the data does not bare that out. The 15 percent COLA and income can shift as much as a million dollars in the largest community in this state. I think it does need to be looked at and the sooner the better. Thank you.

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

Representative JABAR: Madam Speaker, Men and Women of the House. My concern is that this is going to take too long to come back to us to do something about it. For my town of Waterville, the funding formula is a problem and has been a problem. It must be addressed. I think it has to be done immediately. For two years, some of us might not even be here in two years and that is why I think it should come back sooner than later and the timeline of the report, I compliment Representative Richard for sending the letter and making sure the state board focuses on those issues that concern all of us. There is still the problem with the date. I would like to see it back a lot sooner than they have in their mandate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. This is the people's house. We each represent 8,000 people, approximately. Like many here, we heard the plea to provide us with property tax relief. I suspect that in each caucus, the Ds and Rs, this was your number one request. How do we give help to circuit breakers, heating assistance and other social programs very necessary for our elderly and disenfranchised, disabled and unemployed? If 50 percent of the entire budget is education, this is where the adjustment must come to save us in our property taxes. Government for seven years, state government, has balanced its books by cutting General Purpose Aid to Education. This established the North/South battle for dollars. Each and every year since the 85 formula was abandoned, we have lost money in Washington County, Aroostook County, Penobscot County, the east, the north and the far west.

Representative Barth quoted yesterday a \$9,000 number expended per pupil in Wiscasset. We don't have the luxury of Maine Yankee and I guarantee that when Maine Yankee shuts down, the \$9 million of the \$10 million in their budget dries up, they will be on our side in a fight to establish equal education opportunities for our kids. Our kids are equal from Kittery to Madawaska to Calais. Each child in Maine has the same values. We need to establish in this body that value and create a system that gives equal funds per child and the funds go to the local school boards to educate their children. The study committee of 10 from the Department of Education put a time line of 1999 means that in 2000 we are going to act. That means that the school year 2001-2002, depending on our actions will do something for our local people. We need to move now in a quicker time line. Adopt the Baker amendment and I thank the Speaker.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I tried to explain an earlier time the reason for the delay that was put into the bill. A couple of weeks ago, we passed a learning results bill. That was going to have a major impact on local schools, local funding and it was thought that in order to establish the essential programs and services that the state was going to recommend or support, that those need to be identified. There is a committee that has been funded recently to do that study. It is a 10 person committee under the jurisdiction of the state board.

The second committee of 10 was set up in this bill in order to study the effects of cost of living and income factors in the formula. It was felt that those two studies could go on parallel. The next phase is to put these together will all the factors in the formula to find out if the formula is in fact flawed and needs to be corrected. It was the feeling of the majority of the committee that put out this report that those studies had to be done in that order and at the time was needed to look at all of the many factors that go into the funding formula to get a real study of that issue. If we try to rush through all of these other factors, at this time, without knowing what the essential services and programs are, we are going to be spinning wheels. We are not going to have any real numbers to work with and would probably need amendments or changes in the law later to affect the flawed information that we get. That was the thinking of the committee and I would urge that you accept the motion of Final Passage at this time. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLUKEY: This would be a question of parliamentary inquiry. We debated the amendment yesterday for a great length. I voted for it. Are we now not debating an amendment that is currently before us?

The SPEAKER: The motion that is currently before us is Final Passage. It is not any amendment. It is the passage of the bill unamended by the amendment that was defeated by this body.

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

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

The SPEAKER: The Representative may pose his question.

Representative BELANGER: Madam Speaker, Men and Women of the House. My question is to Representative Richard. Is the COLA and the cost of living factor being reported back as it regards equity in January 1998?

The SPEAKER: The Representative from Caribou, Representative Belanger 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. I have this day sent written word to the chairman of that committee that that is something that we need. In their review of the COLA that the number of people who spoke to us yesterday, that we also need them to look at the equity issue of everything that they study, including the COLA. That is a report that must be back to us by January 1, 1998. I think those of you who spoke to us during the year, this was the word that we heard the most because this was a totally new part of the funding formula, the income and COLA section. There was a lot of feeling and that was especially true in SAD 9 that the COLA part of it and the income part of it was not accurate. The department has done some review of that and we want more study of that done and looking at it from the full point of view of the formula. That study will be back to us by January 1, 1998. Then it is up to this body what we want to do with that study.

I hope you listened to what the Representative from Hartland said in that we have a lot of things to consider with learning results and this new aspect of the formula that has only been in existence for a year. There are a lot of things to be done. If we

jump into this, we are going to be doing the same thing year after year and that is saying something is wrong. Something is wrong. The Representative from Kennebunk made a statement yesterday that is also a very true statement. Regardless of what we have for a formula, if we don't put the money into or enough money into it, it isn't going to work very well. That is not the aspect we are talking about right now. What we are talking about right now is what are we going to have back that we can look at January 1, 1998. We are going to have something back that we can look at January 1, 1998.

You have already passed the bill that says this essential service report did not have to be back until January 1, 1999. We feel that we need that report. What is it that we should fund rather than just going and saying that this is the funding that we should do. What is it that we should be paying for? Perhaps and we have discussed this a lot in committee, perhaps there are some things in programs that the state is now paying for that the we shouldn't be paying for. Perhaps there are some things that we are not paying for that we should be paying for. We feel very strongly with this. We need to look at that before we make any changes other than this one section that we are talking about, whether or not we will change that, we don't know. We need some kind of further study of that before we make a decision.

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

Representative BAKER: Madam Speaker, Men and Women of the House. The essential programs and services study has already been underway. I am told for as long as a year and a half. It was proposed in the last legislative session, but not funded. It has been funded now with \$75,000. Representative Barth told you yesterday that he is actually on this study, which has been meeting. I do not understand how the department could have determined learning results without somehow, at the same time, understanding essential programs and services. I do not understand how those are separate things. I suggest to you that this issue has been and is being studied.

Equity is not in the bill, which this body passed yesterday. My amendment and the earlier report from the committee asks the school funding study to look at several issues which were not limited, which should be included, but not limited to the following. That language is gone from that bill yesterday. I am very concerned that the income and the cost of living are to be addressed only out of context and not under the umbrella of equity. I want a study desperately, but I want the correct study. I do not want it done piecemeal. The department, itself, the state board, with a letter from the Commissioner, Duke Albanese, offered to us that these two studies should be done together, essential programs and services and school funding with some cross over people on both committees and that those people would come back in January of 1998. I believe that the delay to 1999, January 15, 1999, which will be the 119th legislative session. I tell you, that date only went into this bill late Friday afternoon, last Friday. I left town and had permission to leave town believing that the two lengthy debates we had already had on this issue were final.

The SPEAKER: Would the Representative please defer. For what purpose does the Representative rise?

Representative ETNIER: Please excuse me Madam Speaker and Representative Baker. I just was wondering if this was relevant to the bill that is before us.

The SPEAKER: The Representative has raised a point of parliamentary inquiry. The Chair would caution all speakers to

try to focus on the pending question, which is passage of this particular piece of legislation. The Representative may proceed.

Representative BAKER: Thank you Madam Speaker. I am sorry that I feel so strongly about this issue. I think that the school districts that are hurting need to be helped now. I want us to do this in this legislative session. I believe that we can do that. May I ask a question of procedure.

The SPEAKER: The Representative may pose her question.

Representative BAKER: Madam Speaker, I would urge that we vote against the current passage of this bill, but I want the study. Is there any way to move the date forward or to bring back the amendment of yesterday?

The SPEAKER: The Chair would advise the Representative that the pending question is Passage. Should Passage fail, then to offer further amendments, one would have to reconsider and have permission of the body to reconsider. I believe because the amendment was defeated yesterday there would be some super majority required. That is what we call suspension of the rules to move backwards. One would require two-thirds vote to back the bill up.

Representative BAKER: My dilemma is I don't want to lose a study, but I desperately want the date moved forward. I would urge you to consider my request. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. A few days ago, it seems like a week ago, the good Representative from Bangor and I had a fundamental disagreement on the learning results bill, but I do respect that she wanted, if that legislation were passed, that it be done right. Quite frankly, if you vote for this, I think her passion is well founded. You are not even going to start to do it right. If I were the kind of person, which of course I am not, I would be saying I told you so now. When you pass a learning results bill without dealing with equity of funding, these things are going to come back to bite you. It surprised even me that it has come back to bite us within a matter of hours. In all deference to the good Representative from Bangor on this fundamental issue, if you are going to attempt to do something, however flawed, try to do it right at least. I support her on this. Vote against the pending motion so that at least there is an opportunity to do it right. I will say in all honesty, you can try all you want to, there are so many problems that you probably won't do it, but I will at least defer that at least in a minimal level, you might try to get this thing right. It amazes me how education issues create greater confusion on the floor of the House and create more confusing bills than I guess any other subject we have before the Legislature. I think if we all calm down and try to deal with this in judicial and prudent and sound way, we may have at least some political learning results here today. I support the good Representative. Please vote against the pending motion. We shouldn't always be in the practice of passing bills that are already flawed.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to support the passage of this because of the following. No matter what study comes out in education dealing with finances and that is every single place agrees that they are getting their share, there will not be final agreement. I am sure that some of you remember being taught that formula A equals one-half BH. If you take that formula and you put the right things in it, it will always come out right. Why? Because it is constant. A couple of people have

said that no matter what study, until such time as we, the Legislature or the State of Maine, appropriates the proper amount of money, we still are going to have a problem.

Let me just give you an illustration. Eighteen years ago I came down to speak on a bill that had to do with everyone dealing with monies, which we get, which is called IVF, insured value factor. At that time, they recommended that they would pay 7 and a half percent of whatever was given to each community for each student. They said in three years it would go to 10 and a half percent. In five years it would go to 15 percent and then we would consider it again. Those of you that know, it is still 7 and a half percent because they found that we did not have the money to support that. I hope that without cutting short and I certainly agree with my good friend from Westbrook that some of these studies have got to be accurate, but they also have got to have the time and I think that is because we don't have the money. It hasn't been consistently been coming in as we expected it to do. I think that we should allow this study, whether it takes another year or not. I certainly feel for the people that have lost money, but there are many many facets of those reasons why they have lost money. I urge you to pass it.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I want to clarify a few points. First, I just recently spoke to the person who is chairing the essential services study for the Board of Education. He was, in fact, complaining about the huge workload that they have before them and the amount of work that they have to do to complete the essential services between now and January. That work has not been completed in the three years that I have been on the Education Committee. There has not been an essential services report that has come before our committee. I just want to be clear because there was some indication that somehow the essential services study had been completed and that that was not something that was of a major concern and, in fact, the people on the Board of Education are studying that and still see that as a huge task before them.

Secondly, there clearly has been some discussion and possibly some confusion about the dates. I am going to reiterate what other people have already said. Representative Gooley raised the point about income and COLA and his particular school district. There has been some issues raised by the Department of Education through a special committee that they formed in March and reported back to us earlier this month, the end of April. The purpose of the study that is before you is to go back look at those income and COLA issues and to have a thorough examination and come back with clear recommendations about what to do with income and COLA next January. That is not deferred for a year. That is next January. Before us next January, before this body, we will have a significant report on essential services and we will also have a complete and in-depth report on income and COLA, which I hope we don't have huge debates about it, but we will have discussions and an opportunity to go forward and revisit these issues over and over again.

The final point that I just want to make because it is a point, I think, that drives a lot of this discussion. In 1991, the state share of funding for General Purpose Aid to Education was 51 percent. Last year, it was 43 percent. Because of the 2 percent/3 percent increase that was granted in this biennium budget, it has gone up to about 44 and a half percent, maybe 45 percent. During that same period of time, between 1991 and

1995, the local option part of the school funding formula, which is the local property tax money that is raised to support general purpose education in 1991 was 90 million and in 1995 it was \$260 million. What we have seen in the last five years is that a portion of state funding has dropped from 51 percent to 44 percent. Local property tax effort has gone from \$90 million to \$260 million. I would submit to you that I think a lot of the discussion we need to have about school funding or related to that very issue and the percentage drop in state funding and the pressure that that put on local property tax.

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

Representative PERRY: Madam Speaker, Ladies and Gentlemen of the House. I think it is fair to say that the majority of us in the 118th Legislature would agree there is a problem with the school funding formula. By passing this bill, as it stands, I believe the majority of us will be saying we don't care if we fix it. I think we should kill this bill, amend it and get this study underway. Thank you.

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

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Bangor is absolutely correct. I think the first thing I need to say is so much to do and so little time to do it in. I don't know if we can do this today, but. I think it is almost *deja vu* all over again. This is the same issue we looked at yesterday. I am as reluctant as anyone else to get up here and say the same things that we did yesterday. I would just simply say that the Representative from Bangor, Representative Perry is absolutely correct. Fourteen out of sixteen counties there is some concern about the school funding formula. I am not sure I want this thing passed in the current way that it is written. The Representative from Portland, Representative Brennan, is absolutely correct. We will be looking at income and COLA. Those things will be back to us. That is a definite and serious part of the questions we need to ask. That is not the only questions. There are other questions that were framed in the other amendment, which we rejected yesterday. There is a deadline that I would like to see us adhere to, which is January of next year, not January of the year after. I guess the only solution that I see to it is, quite frankly, is to defeat the bill at its final passage and I am not up on parliamentary procedure because I didn't get to attend the Clerk's sessions much this year. It seems to me that if we do that, we will stand in non-concurrence with the Senate and if that is the case, then perhaps we can Adhere and ask for at least a committee of conference so we can resolve this and get it done. While there is very little time to do this, today or tomorrow or whenever, I think we still have time to do this particular effort. I would suggest to join with me so that we can defeat this so that we can get back to looking at it and making sure that the bill we do pass is appropriate. Thank you Madam Speaker.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. I am totally offended when anybody says we don't care if we fix it. The Education Committee, the majority of the Education Committee, has met five days a week during this entire session. This is a topic that has come up over and over and over again. To say that we don't care is a major understatement. We do care. However, we do care about doing it right. There is little time. You cannot do this kind of thing quickly. It is a very difficult task and has been mentioned to you

before. We have tried to come up with a plan. The majority of the committee tried to come up with a plan that would be something that would be systematic and would have reason behind it and would come up with something that would be equitable and adequate. It was previously stated that we should go about this in a sensible way. I thoroughly agree with that. We should go about this in a sensible way. If we limit the committee to say do this and do this, that is all they will do. If we give them the long, long, long list that we originally had compiled from the Majority, Minority and the Minority to the Minority Report, then they could not have done all of that. I feel they will come up with something that we can work with in January of 1998. I really would appreciate it if you would support all of the work that the Education Committee, the majority of the Education Committee did during this past year.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I don't have anything to say on this subject. I will try not to be as blunt as a bulldozer, but we have a lot of work to do and the hour is late. I don't think anybody's opinion is being changed and I think it is maybe time that we bring this to a vote. I don't know how anybody else feels, but I think it has gone on about as long as necessary. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I would respond to the previous speaker, I agree totally. The results of this will be made clear if you pass this in the districts, like any other legislation. Vote your conscience. If you want to vote another flawed bill, vote for it. If you want to make it better, vote against it. It is as simple as that.

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

Representative BARTH: Madam Speaker, Men and Women of the House. Very quickly. It was mentioned that 55 percent of the school districts lose or lost this year. That points out exactly what I and others have said. We haven't put enough money into it. The whole new formula that has only had a year to work got started as a result of the decline in the economy, the recession that hit and the inadequate funding of the old formula. That prompted the new formula. We haven't funded it adequately. It adds up to dollars. It has been made mention of that a lot of the schools in the northern part of the state have been losing these last seven years. Well, you could make the same case as others have that in the preceding seven years, the schools in the southern part of the state lost. No matter what type of a formula you have, if you don't fund it adequately, there will be losers.

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

Representative JONES: Madam Speaker, Ladies and Gentlemen of the House. By now nobody has had an opportunity to read the *Bangor Daily News* today with all this other paperwork and the time frame that we are under. However, I am going to be very brief and read a paragraph. This is not just a north and south issue or east and west. It is a statewide issue. I will be supporting Representative Baker. The Education Committee has obviously worked incredibly hard and I think what I am trying to say is that we all need to work together for the entire State of Maine to resolve this issue. I think this is a crisis. To me, it has to be resolved and the sooner the better. January 1, 1998 can't come soon enough. When I was given a newspaper article this morning and fax and e-mail and called, we have a town meeting on Monday evening on

discuss our school budget. In the paper it says, "Faring an effort be made next week at the annual town meeting to close the school or cut the budget a group of business people, parents, senior citizens and town and school officials met Wednesday to discuss a way to pull the community back together and thought such an action." We are talking about not only closing our schools, but businesses not moving in and businesses moving out. I mean this is a tremendous affect and we cannot wait for three more years to resolve this. The State of Maine is in a crisis situation. I mean 14 counties out of 16. Let's encourage the Education Committee. Let's work with them. Let's help them. Let's do whatever we go to do statewide and take care of this by January 1, 1998. Thank you.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I want to say this. A lot of us served on school boards. From that perspective, we all thought always that we were on the short end of the stick. After we came here, one of the things that we realized was that everyone was working very hard to create an equitable situation. If anything, I can go home and say to my constituents, it is truly in an egalitarian group. We try to hear people every single day and give a little and get out on that narrow ridge and try to find common ground. The common ground today is the study. We want the study. Fourteen out of 16 counties have said to us, however, that this is an emergency. What divides us is the date. It is the small matter. Can we not come together on the date and ask the Department of Education to make this a top priority for us. If they can't, they can back and come back and say we couldn't do it. It was absolutely impossible, but we tried. Here is what we know today. You and I may not be re-elected. We may not be back here to fight this good fight. Let's fight it today in good will and in great appreciation to the Education Committee who probably has worked harder than any committee here at the State House for education. Let's defeat this bill and go on to reconsider our good colleague Representative Baker's amendment and to see if we can find common ground, not only on the study, but also on something small like the date. Thank you.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. Being a freshman here, I have a couple of questions I would like to ask.

The SPEAKER: The Representative may pose his questions.

Representative SHANNON: Thank you. Whichever report gets passed, that which is pending enactment or an amended version, does it have to wait 90 days from the end of session before it can begin?

The SPEAKER: The Chair would answer in the affirmative.

Representative SHANNON: Thank you. Meaning that on September 1st this group could begin to gather its information and report back to us four months later. Four months later what it has found out being a January 1st deadline. I tend to think when we rush to making choices and decisions about something as important as school funding, we deserve information that is gathered over a considerable length of time, digested and presented to us with recommendations, which are thought out recommendations. Many of the problems with the school funding formula in the last 10 years have resulted from rushes to judgment. I would hope this body would resist that urge in spite of the emergency that we have facing us in the school funding

area. Please, let's take the time if we are going to fix this to fix it correctly so that we don't fix it again every two years. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. There is a real positive side to the debate today. There is an enthusiasm and a fever for the proper education funding, whether you are from the north or the south or the east or the west. Yesterday we talked about things that we need to do. We need to fight for increased GPA funding. We need to deal with the school construction crisis. We also need to make sure their aren't raids on education dollars and that they remain within the education. Given the tone of the debate today and the intensity of emotion that people feel and the consequences they understand when education doesn't get properly funded, I wish there was some way we could wave a magic wand and given the priorities that we hear on the floor today that that budget we passed in March, \$2.8 billion, given the fever I hear I today, I don't think we would have been appropriating 2 percent and 3 percent for GPA. I hear a higher priority today and I think that would have resulted in a higher percentage of funding. I would hope that in the future when those biennium budgets move through that we don't do that again. That we wait until the end and what we are doing is setting our priorities now. That is what we have been hired to do. We are sifting through all the priorities that have come to us as legislators. You have come to a position that education is one of your highest priorities. The \$2.8 billion is no longer with us. I hope in the future that we would hold those budgets until the end so that when our priorities come together with the money, we can move forward with the money and we don't have the consequences, very graphic consequences that we have heard in all the communities north and south because we haven't funded education properly.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker. 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 BAKER: Madam Speaker, Men and Women of the House. We are not starting from scratch. There have been endless studies of the school funding. We have the Roser Commission of 1995. We have the 1993 study. We have a 1991. Basically, we need to return to the 1985 school funding formula. It worked. It was a national model. I suggest to you if this body can create a state budget in three months, those who have already been addressing these issues can solve the educational crisis before January 1998. Thank you.

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

Representative STANLEY: Madam Speaker, Men and Women of the House. I rise to say that no matter if we have a thousand dollars or \$10 million, the name of the game here is equity so that everybody will get their fair share. We can overfund it or underfund it or whatever it is, but you are going to have X amount of dollars no matter what. All we are asking is our fair share of that amount of dollars. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. We have talked about this so long it is getting boring so can we please move forward and vote on this. We have a lot more work to do. We voted yesterday and it was

overwhelming. It wasn't even close. Please, can we move forward.

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

Representative DESMOND: Madam Speaker, Men and Women of the House. I think that perhaps what Representative Shannon has thought of is a really very good point even though he is a new legislator. We have asked a group of people to take on an arduous, time consuming and complicated task in studying the funding formula. The Education Committee in the 117th Legislature spent months on a formula with the aid of advice from many others. This study committee needs time to do a good job with the education issues that are underfunded. What Representative Baker is putting forth is and I do think is what we want in this study committee to do. I think it is already in what we have asked the study committee as a charge. I feel that we should not go astray, perhaps, and get into a complicated matter that we don't have time to take care of. I do hope we give this study committee the time and support to get this work done and hope that we have final passage on the bill.

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. 343

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Bruno, Bull, Bumps, Cameron, Campbell, Chartrand, Chick, Cianchette, Clukey, Colwell, Cowger, Cross, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Frechette, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Honey, Kane, Kasprzak, Kerr, Kneeland, Kontos, Lane, Layton, Lemont, Lovett, Mack, Madore, Mailhot, McAlevey, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, 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, Tessier, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Bolduc, Brooks, Buck, Bunker, Chizmar, Clark, Dexter, Donnelly, Fisher, Foster, Fuller, Gerry, Goodwin, Gooley, Jabar, Jones KW, Jones SL, Joy, Joyce, Joyner, LaVerdiere, Lemaire, Lemke, Lindahl, MacDougall, Marvin, McKee, O'Brien, Ott, Perry, Plowman, Povich, Samson, Sanborn, Snowe-Mello, Stanley, Stevens, Treadwell, Underwood, Waterhouse.

ABSENT - Carleton, Davidson, Jones SA, Labrecque, Mayo, McElroy, O'Neil, Saxl JW, Thompson, Winn.

Yes, 97; No, 44; Absent, 10; Excused, 0.

97 having voted in the affirmative and 44 voted in the negative, with 10 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients (S.P. 453) (L.D. 1427) (C. "A" S-342)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 116 voted in favor of the same and 11 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older (H.P. 303) (L.D. 367)(C. "A" H-334) (S. "A" S-343 to S. "C" S-218)

An Act to Provide Continuity and Flexibility for Long-term Care (S.P. 357) (L.D. 1176) (C. "A" S-233)

An Act to Amend the Retirement System as it Pertains to Qualified Survivors (S.P. 367) (L.D. 1226) (C. "A" S-238)

An Act to Review Registration of Certified Nursing Assistants (H.P. 1206) (L.D. 1706)

An Act Regarding the Economic Security and Safety of Harness Horsepersons (H.P. 1239) (L.D. 1756) (H. "A" H-706 to H. "A" H-683)

An Act Regarding Child Care Regulation (S.P. 667) (L.D. 1893)

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. Ordered sent forthwith.

An Act to Establish the Maine Center for Arts Education (S.P. 388) (L.D. 1273) (C. "A" S-310)

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

On motion of Representative PLOWMAN of Hampden, 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. 344

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

NAY - Bagley, Baker CL, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brooks, Bumps, Bunker, Chizmar, Clark, Colwell, Cowger, Dexter, Dunlap, Fisher, Foster, Fuller, Gerry, Goodwin, Jones KW, Jones SL, Jones SA, Kasprzak, Kontos, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Mack, Mailhot, McAlevey, McKee, Nickerson, O'Brien, Paul, Perkins, Pieh, Pinkham RG, Plowman, Poulin, Povich, Rines, Sanborn, Saxl JW, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Tessier, Thompson, Tobin, Townsend, Treadwell, Tuttle, Underwood, Vigue, Volenik, Waterhouse.

ABSENT - Labrecque, McElroy, Madam Speaker.

Yes, 83; No, 65; Absent, 3; Excused, 0.

83 having voted in the affirmative and 65 voted in the negative, with 3 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Make the Workers' Compensation System More Equitable (S.P. 491) (L.D. 1523) (H. "E" H-719 to C. "B" S-302)

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

On motion of Representative HATCH of Skowhegan, 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. 345

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

NAY - Ahearne, Bolduc, Clark, Dexter, Jabar, Kasprzak, Nickerson, Underwood.

ABSENT - Labrecque, McElroy.

Yes, 141; No, 8; Absent, 2; Excused, 0.

141 having voted in the affirmative and 8 voted in the negative, with 2 being absent, 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.

CONSENT CALENDAR

First Day

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

(H.P. 1343) (L.D. 1894) Bill "An Act to Fund the Collective Bargaining Agreements and Benefits for Certain Employees Exempted from Collective Bargaining for the Judicial Branch" (EMERGENCY) (Governor's Bill) Committee on

Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-739)

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.

ENACTORS

An Act to Criminalize Unpermitted Visual Surveillance under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment (S.P. 664) (L.D. 1892)

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.

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

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick who wishes to address the House on the record.

Representative CHICK: Madam Speaker, Men and Women of the House. In reference to LD 341, I request that the record reflect my desire to be recorded as voting yea. Thank you.

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

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.

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)

TABLED - May 29, 1997 (Till Later Today) by Representative CAMERON of Rumford.

PENDING - Motion of same Representative to reconsider Final Passage.

Subsequently, the House reconsidered final passage.

Representative CAMERON of Rumford requested a roll call on final passage.

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

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

Representative ROWE: Madam Speaker, Men and Women of the House. I just wanted to remind you of this bill. We have had a lot of debate on it. This is the bill that simply directs the Department of Environmental Protection to come back to the next Legislature with some proposals to comply with the Federal Clean Air Act. This Legislature will have an opportunity during the next session to look at those proposals to decide what, if anything, to do. I would strongly encourage your support of this bill. Thank you very much.

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

ROLL CALL NO. 346

YEA - Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Campbell, Chartrand, Chizmar, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dutremble, Etnier, Farnsworth, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Jabar, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, Nickerson, O'Neal, O'Neil, Paul, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samsom, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Volenik, Watson, Winn, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Cameron, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Dunlap, Fisher, Gerry, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Murphy, Nass, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass.

ABSENT - Jones KW, Kerr, Labrecque, Lemke, McElroy, Plowman, Poulin, Saxl JW, Winsor.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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 29, 1997 (Till Later Today) by Representative DONNELLY of Presque Isle.

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

Subsequently, Committee Amendment "A" (S-297) was adopted. Senate Amendment "A" (S-336) was read by the Clerk and adopted.

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

Representative DONNELLY of Presque Isle presented House Amendment "A" (H-737), which was read by the Clerk.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. We are expanding the powers of the executive to don some probably good management tools, but in order to keep this chamber and the other chamber as coequal branches of government those who control the purse strings, after reviewing the bill, several members felt that it was important for us to require a vote of the chambers to approve this indebtedness. What this amendment does is it requires a two-thirds vote of both the House and the Senate. It also lowers the amount from \$70 million to \$60 of the overall package. After speaking with members of the executive and of the courts, they believe that is a workable number and if they needed more they

could come back to us for approval. They do not suspect that they will hit that target date anytime in the near future. The final thing this does is because this is a new entity for overall state government, it is not brand new for the judicial system, there has not been a detailed plan on how they will ask for reimbursement from the different agencies and how they are going to go about enacting this. As they do this plan to report back to the State and Local Government Committee and the Appropriations Committee with exactly how they are going to do this. I think it sets this chamber up back into the position of being a coequal branch of government. Thank you.

House Amendment "A" (H-737) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-297), Senate Amendment "A" (S-336) and House Amendment "A" (H-737) in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

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) on which the Bill and accompanying papers were indefinitely postponed in the House on May 29, 1997.

Came from the Senate with that Body having insisted on its former action whereby Report "A" **"Ought to Pass"** as amended was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-279) in non-concurrence.

Representative DUTREMBLE of Biddeford moved that the House Recede and Concur.

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

Representative SAXL: Madam Speaker, Ladies and Gentlemen of the House. As former President Ronald Reagan said, "Here we go again." This is a matter that we had a very long debate about yesterday regarding the state auditor. We have had many bills before us today or it seems many bills before us this year dealing with the state auditor and I think that we should Adhere to our previous motion. I urge my colleagues in the House to defeat the pending motion and stick with their guns and go on to Adhere to our previous position.

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

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

The SPEAKER: 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. 347

YEA - Ahearne, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Dutremble, Fisk, Foster, Frechette, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Murphy, Muse, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins,

Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn.

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

ABSENT - Jones KW, Kerr, Labrecque, Lemke, McElroy, Winsor.

Yes, 79; No, 66; Absent, 6; Excused, 0.

79 having voted in the affirmative and 66 voted in the negative, with 6 being absent, the House voted to Recede and Concur.

ORDERS

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1347) (Cosponsored by Senator PINGREE of Knox and Representatives: CHARTRAND of Rockland, PIEH of Bremen, POWERS of Rockport, SAVAGE of Union, VOLENIK of Brooklin, Senator: LONGLEY of Waldo)
JOINT RESOLUTION IN HONOR OF THE 80TH BIRTHDAY OF ANDREW WYETH

WHEREAS, Andrew Wyeth was born at Chadds Ford, Pennsylvania, July 12, 1917; and

WHEREAS, N. C. Wyeth, his father, bought a summer home called "Eight Bells" on Horse Point, Port Clyde, Maine, in 1920, which is still owned by the Wyeth family; and

WHEREAS, the Wyeth family has spent summers in Maine for nearly 80 years; and

WHEREAS, Andrew Wyeth has been painting in Knox County for more than 60 years, so long that he himself has become part of the summer landscape; and

WHEREAS, Andrew Wyeth and Betsey James were married in 1940 and have maintained a summer residence in Cushing for many years; and

WHEREAS, their sons, James and Nicholas, have continued the family tradition of summering on the coast of Maine; and

WHEREAS, Andrew Wyeth has received dozens of honors and degrees, including the Presidential Medal of Freedom awarded by President Kennedy and honorary citizenship in the State of Maine; and

WHEREAS, Andrew Wyeth's portraits have consistently depicted Maine's people as having dignity, strength and sensitivity; and

WHEREAS, Andrew Wyeth's works are among the finest and most widely recognized paintings created in this century; and

WHEREAS, Andrew Wyeth's paintings have raised the consciousness of Maine people to the beauty and inherent value of the State's natural and historic social landscapes; and

WHEREAS, the people of the State are grateful for the generous support Andrew Wyeth and his family have given to historic preservation and cultural enrichment; now, therefore, be it

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

Session, take this occasion to recognize Andrew Wyeth on the 80th anniversary of his birth, and extend our sincere wishes that he may continue to enjoy many more years of joy and creativity; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Andrew Wyeth in honor of the occasion.

Was read and adopted and sent up for concurrence.

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

COMMUNICATIONS

The following Communication: (H.C. 303)

STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

May 30, 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. 1821 An Act to Provide Funding for the
Southern York County Business
Resource Center

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.

On motion of Representative KONTOS of Windham, the following item was removed from the Tabled and Unassigned matters:

HOUSE DIVIDED REPORT - Majority (12) "**Ought Not to Pass**" - Minority (1) "**Ought to Pass**" - Committee on **Natural Resources** on Resolve, to Allow Donald Hebert to Retain a Certain Structure in Exchange for the Removal of Another Structure (H.P. 477) (L.D. 648)

TABLED - March 25, 1997 by Representative KONTOS of Windham.

PENDING - Motion of Representative ROWE of Portland to accept the Majority "**Ought Not to Pass**" Report.

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

Representative AHEARNE: Madam Speaker, Men and Women of the House. I hope you have retained the piece of paper that I had distributed around for this debate because it is important that I tried to explain to you exactly what this bill and what I am trying to accomplish for one of my constituents. After a few comments I received about my drawing, I believe I may have to go down to Portland to the Maine Arts School. What I am trying to accomplish, ladies and gentlemen, is I have a constituent who did something that is wrong. There is no

question about it. He made a mistake. I believe truly that he did not intentionally try to deceive or undermine the authority of the zoning board or DEP when he erected this structure. Under the drawing that I made on side B, this is a rough drawing of what it was. It was a sun deck. It is suspended in the air. It has six poles, approximately, that go into the ground and they are anchored in by concrete blocks at each pole six feet in the ground.

When he found out he was in violation, he came to me and there was a letter that he received during this discussion from DEP, in which I will read in part that basically would allow him a swap. It would allow him to remove another structure, which is an issue for us, which is a small shed, which is located about 10 feet in front. If you look on side A there is an old shed. If he would remove this shed, he would therefore not move the sun deck, which he is required to do. In that letter it said that the council agreed to that and it could be done so. Unfortunately, the council is still meeting on this and they have asked the attorney for the town and they have yet to find a satisfactory answer and unfortunately due to time we must move on with this bill. Currently, if you take a look on side A, what actually has to be moved is the sun deck, which is 12 x 12. It is currently where number 2 is. He must move this to where it is side by side with the house, which is number 1. The sun deck will be moved to where number 3 is.

To understand what is required here, you have to look on side B and basically this structure is elevated. The reason why we want to have this exchange is because more damage will be done to the shore zone if he were to have to move this sun deck. It seems like an easy swap if he were to allow to keep the structure where it is and remove this old shed that would do far less damage if he were required to remove it where it presently is. If you look on side A, he would have to cut down about three trees, which I inadvertently didn't draw three trees, but where that tree line is you would have to knock down three trees, move a back hoe in and if you see on side A, of course it is elevated and there is a slope toward the house where the sun deck is at. You would have to, of course, dig us these posts, which are six feet anchored in the ground by one foot in diameter of concrete and you have to literally move this back. You would have to level it off right next to the house because where the house is there is a slight decline and you would have to, of course, bring in a quite an amount of dirt. That is it in a nutshell. Basically, it will cause more damage to the shoreline if he were required to remove the sun deck in compliance.

He is willing to do it if this legislation doesn't make it through the process. He will move it. There is no question about it. He has every intention to do so. Again, it will cause more damage to the environment, this shoreline, if he were to move it. I think it is an easy enough swap. It seems more than reasonable. I ask you not to accept the Majority "Ought Not to Pass." Madam Speaker, I request a roll call.

Representative AHEARNE of Madawaska requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

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

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

Representative ROWE: Madam Speaker, Men and Women of the House. This bill was heard by the Committee on Natural Resources back in March and it was tabled unassigned at the request of the good Representative and was brought up today. It was a 12 to 1 vote. Thirteen members of the committee heard

from this gentlemen from Madawaska and 12 or those 13 members voted "Ought Not to Pass." He is asking for an exception to law that could apply to a single individual's property. What happened is this individual built this sun deck in clear violation of the local municipal ordinance in the Town of Madawaska and the state shore land zoning laws. The code enforcement officer of the town found him in violation. He appealed to the board of appeals. He lost. He complained to the DEP and he was not granted what he wanted. He asked his Representative to bring a bill to this Legislature to make a single exception to a statewide law, that being the shore land zoning law.

The shore land zoning law has been in place since 1974. It has been amended but municipalities have local ordinances that comply and so do the Town of Madawaska. As I said, he has gone before the town and he has even entered into a consent agreement to move this structure with the Town of Madawaska, but he has yet to comply so he comes to the Legislature. We heard from this gentlemen. We looked at the charts. He showed us pictures of his sun deck. The bottom line is he built the sun deck without checking with the local zoning ordinance and then he finds out he is in violation because his sun deck is too close to the lake shore. He requests an exception. The shore land zoning law requires that each lot contain at least 100 feet of shore frontage and the Town of Madawaska's municipal ordinance complies with that. To make an exception to this gentlemen would send a signal out to every citizen of this state that going out and doing what you want in constructing structures closer to the lake than the law allows or the local municipal ordinance allows and then go to your local legislator bring a bill in here and get an exception. I don't think that is the message we want to send and it is certainly the message that 12 members of the committee did not want to send. I would ask you today to stand with the strong majority of the committee and oppose this bill. I think if we were to pass this bill, it would send out a very wrong message to the citizens of the state. Thank you. I would ask you to support the pending motion of "Ought Not to Pass."

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

Representative SAVAGE: Madam Speaker, Men and Women of the House. I have to agree with Representative Rowe. I think we would be setting the wrong precedent if we allowed everyone who objected to municipal land use ordinances to come to the Legislature to overturn those ordinances. I would agree with Representative Rowe. Thank you.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. When this first came across my desk, I looked at it and tried to decide whether or not it was an abstract or cubits drawing. Talking with the good Representative from Madawaska I considered this not as a legislator, but in my real life I am also on the board of selectmen, which also serves as the board of appeals and appraiser. We run across this quite often in our town and in many towns I am sure. What we try to do is we try to reach a compromise. It seems to me that by removing the shed, which is actually closer to the water and leaving the deck in tact that this would impact much less than having to tear up the existing structure there. I would just urge you to consider this when you vote and please support the man from Madawaska.

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

Representative DEXTER: Madam Speaker, Men and Women of the House. I am the one that signed this out. I will tell you why. I don't think it was intentional, but during the course of the hearing, it was kind of imitated that we shouldn't be bothered with a small issue like that. Men and women of the House, we may get to the point where our egos are so inflated that we can't bother with the common person in the street. We need to be deflated. I have someone at my house that does a fine job, called my wife. I believe that there was an honest mistake here. There was a language barrier. The gentlemen spoke broken English and so did his wife. I don't look down on someone that speaks broken English. To me that means that they know two languages. The gentlemen from Madawaska is right. It would cause more damage to tear this down. Remember, he has not got off scott free. He paid a fine. He has paid his dues and as far as opening the flood gates, each one of us has the right to screen our constituents requests. If we decide it is frivolous, we don't have to bring it here. There is no law that says we have to honor that. We are here to serve the people. We are the people's court, the court of last resort. I know we have some lawyers here. I think I am right saying that. We are the court of last resort. Let's not lose sight of that. Let's pass this and send it over to the other body and see what they do in all their wisdom. I could go on and on, but I think you get the point.

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

Representative BULL: Madam Speaker, Men and Women of the House. I am a member of the Natural Resources Committee and we heard this bill a couple months ago. The Representative from Kingfield, Representative Dexter is correct. There was an honest mistake here. The point is that this is not an issue that we should be deciding in this body. This is an issue that is being dealt with in Madawaska. It needs to be decided in Madawaska. He put this addition on without even getting a building permit. He was in violation, not only local, but state zoning ordinances by doing that. There is definitely a problem here. The Town of Madawaska has ordered him to remove this sun deck. The Maine Municipal Association came in in strong opposition to this bill that they do see a problem here. They do not want the local authority being undermined by people that are coming up here if they don't get what they want at the local level. Ladies and gentlemen, I urge you to support the pending motion and to not undermine the authority of the Town of Madawaska for trying to deal with local joining ordinances in an efficient and appropriate manner. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I am not sure how many of the Representative and Senators in this chamber have had to step in and try to negotiate some of these concerns between a town, DEP, a constituent and a landowner in some of these issues. I want you to know that I have been in the middle of some of these. I think this is a very clear point of something I have been involved with in the past. I was very lucky to be able to broker a deal that made common sense. There is no doubt that these people were in violation and my constituents were in violation. There is no doubt that punishment was due and punishment was rendered. The issue here is can there be a common sense solution that was less harmful to the environment. At least in the cases I have been involved with, that common sense part

tends to get overlooked because the rule says this or the rules says that. Unfortunately we are the body of common sense. I would ask you to support the Representative and allow common sense to prevail in this case as a one-time only situation and as Representative Dexter indicated, we do control these issues that come into this body. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. Just to explain, I simply was asking to go off the record to talk about the committee process because I thought that might be inappropriate to be on the record, but I will certainly put it on the record. I just wanted to say that Mr. Hebert came to the committee and I applaud the Representative from Madawaska for putting in the bill. I would have done that for a constituent. I think that was the appropriate thing to do. I just want to say that I think the committee did listen to the gentlemen. I am speaking for all 13 member of the committee carefully. We understood the issue. What I know struck me was the fact that we didn't have as much information as the Town of Madawaska had and the code enforcement officer had, the board of appeals had and the DEP had in reviewing the situation. Everything that we had pointed that the situation had been fairly looked at. It was the opinion of the Department of Environmental Protection, Shore Land Zoning Coordinator, that a variance could not be granted to this gentlemen because the applicant had not demonstrated that he had been subjected to undo hardship. He could not meet the test of undo hardship because a hardship was caused by his own actions, ie building the deck toward the water.

I wanted to talk about the process. Our committee has been excellent. I think we have listened to everyone and tried to give everyone their day in court. I appreciate the Representative from Kingfield for bringing this up because certainly this is, to many people, the court of last resort. If you aren't content with the result at municipal or county level, you come to the state and this is a body to listen to concerns. I think we did listen to the concern and this was nothing against the applicant here. Certainly the thing that struck myself and I believe the majority of the committee, was the precedent that we were setting with this in the Legislature after the town had really looked at this situation. Again, I am always looking for the best way out too. In my profession away from here, I am always compromising and trying to arrange a solution that is win win for everyone. In this particular case, we didn't have a lot of testimony presented to us that this would we a great harm to the environment. The applicant did testify to that affect, but we only had his word and we didn't have a lot of information on that issue.

It is the principle of the thing, in my belief. I believe this would send out a signal that if you were in violation of a local ordinance and you don't go out and check out the ordinance before you start construction of a rather major structure. This was a pretty elaborate sun deck, then there may be consequences and indeed for Mr. Hebert, this was unintentional. He certainly didn't build this and flaunt it. He built it, as I understand from him and I don't disagree, I am sure that is right, but I am just saying that we did look at this on the committee and I believe our committee has been fair and I certainly believe that we gave this gentleman his day in court in terms of listening to him during the public hearing. I just wanted to make sure that I communicated that to you because I had some concern about that issue. Again, I would ask that you would vote for the Majority "Ought Not to Pass" Report. Thank you very much.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. As I listen to this debate, I realize that the gentlemen in question did make a mistake, but I have not heard anybody say that the building in question is unsafe, is dangerous or has complained about it. The building is on his own property. It is his land. It is safe. If nobody is complaining about the structure of it, he admitted he made a mistake. He is willing to pay some restitution, but there is nothing wrong with the building and it is his land. I would urge you to vote with the good Representative from Madawaska.

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

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

The SPEAKER: The Representative may pose his question.

Representative JOY: Madam Speaker, Men and Women of the House. I wonder if the good Representative from Madawaska could answer this question. I wonder if the town has re-evaluated this property and is charging an increased tax rate since the sun deck has been added?

The SPEAKER: The Representative from Crystal, Representative Joy has posed a question through the Chair to the Representative from Madawaska, Representative Ahearne. The Chair recognizes that Representative.

Representative AHEARNE: Madam Speaker, Men and Women of the House. No. They are looking into it. They are trying to resolve it and of course they are looking through their town. I may not have been clear enough. They asked the town attorney to look into it further to see if this is a possibility at their level. Fortunately, also the reason why it was tabled unassigned was trying to see if they could resolve it at the local level, but because of time, it would be next week that they would get an answer. They have been trying to get an answer this week, knowing that I have asked if they could look into it. Unfortunately they probably won't get an answer until next week and we must address this issue, of course, before we adjourn. That is where we are at this point.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. To the good Representative from Madawaska, does your town go by the state shoreline zoning or does it have shoreline zoning of its own that goes beyond the state like my town of Bridgton does?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to the Representative from Madawaska, Representative Ahearne. The Chair recognizes that Representative.

Representative AHEARNE: Madam Speaker, Men and Women of the House. The town has not enacted its own ordinances. It did accept the states.

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

ROLL CALL NO. 348

YEA - Baker CL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chizmar, Cianchette, Colwell,

Cowger, Cross, Davidson, Donnelly, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lovett, MacDougall, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Snowe-Mello, Spear, Stedman, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Usher, Volenik, Waterhouse, Watson, Winglass, Winn, Madam Speaker.

NAY - Ahearne, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Bodwell, Buck, Bunker, Chick, Clark, Clukey, Desmond, Dexter, Driscoll, Dutremble, Frechette, Gerry, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Lindahl, Mack, Marvin, O'Neal, Paul, Perkins, Pinkham RG, Pinkham WD, Plowman, Sirois, Skoglund, Stanley, Treadwell, Tuttle, Underwood, Vedral, Vigue, Wheeler EM, Wheeler GJ, Wright.

ABSENT - McElroy, Tobin, Winsor.

Yes, 104; No, 44; Absent, 3; Excused, 0.

104 having voted in the affirmative and 44 voted in the negative, with 3 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

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

ENACTORS Emergency Measure

An Act to Protect the Potato Industry from the Spread of Serious Disease (S.P. 150) (L.D. 429) (C. "A" S-241)

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

On motion of Representative BUNKER of Kossuth Township, 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-741) which was read by the Clerk.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. If any of you had a chance to look at this, this is a very, very, very technical change to the bill. It adds a comma.

House Amendment "A" (H-741) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-241) and House Amendment "A" (H-741) in non-concurrence and sent up for concurrence.

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

On motion of Representative KONTOS of Windham, the following item was removed from the Tabled and Unassigned matters:

SENATE REPORT - "**Ought to Pass**" as amended by Committee Amendment "A" (S-299) - Committee on **Labor** on Bill "An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry" (S.P. 475) (L.D. 1477)

TABLED - May 23, 1997 by Representative KONTOS of Windham.

PENDING -Acceptance of Committee Report.

Subsequently, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (S-299) was read by the Clerk and adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-299) in concurrence. Ordered sent forthwith.

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

TABLED AND TODAY ASSIGNED

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

An Act to Allow Agricultural Workers to Bargain Collectively (H.P. 1177) (L.D. 1654)

TABLED - May 29, 1997 by Representative HATCH of Skowhegan.

PENDING - Motion of Representative DONNELLY of Presque Isle to Indefinitely Postpone Committee Amendment "A" (H-550). (Roll Call Ordered)

Representative HATCH of Skowhegan presented House Amendment "B" (H-740) 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 is a totally different amendment than I presented last night. I would like you to listen for just a minute. This amendment changes the bill title. It limits the application of the bill to egg processing facilities that have over 500,000 laying birds and that employed more than 100 agricultural employees. As far as we know there is only one facility this would cover. The second part of this amendment is an effort to protect, not only the workers, but the industry. This amendment prohibits agricultural employees governed by the bill from locking out their employees and prohibits their employees from striking. Currently, there is some organizing going on down in Turner, Maine. Those individuals with or without our permission will organize. If they organize, they will have the right to strike under the federal law. Doing so, it does put the farm at definite risk. This is our attempt to assure that there will be no strikes there. Also, that the owner cannot lock them out of employment. It does give some rights. The federal law, as far as we know, is a little light on this. They will organize. Believe me, they are trying to do so now. We thought that maybe if we gave the owner, also, an opportunity to have a workforce that would be there all the time, it might help. The problem being is that if they don't organize, they still have the right to walk out at any moment. It is sort of a double-edge sword. They are hoping that you will vote yes on this amendment. We offer it in all good faith. Thank you.

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

Representative NICKERSON: Madam Speaker, Men and Women of the House. This one is definitely a DeCoster bill. Last night it wasn't too bad, but this time here there is nobody who could reach this level but DeCoster. We have no trouble in Turner as long as the labor people will leave us alone. We will raise chickens and we will lay eggs down there, all you can use. Please, keep the union people out of there. We don't need them. If we need them, we will ask for them. I beg you. Please vote "Ought Not to Pass" on this amendment. Madam Speaker, I request a roll call.

Representative NICKERSON of Turner requested a roll call on the motion to adopt House Amendment "B" (H-740) 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 Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I can't remember the number of times that we have stood up on this subject, but I wish we could put this to rest. Representative Nickerson is right. There is no question this is directed now directly at one entity here in Maine. Once again, I think it is very bad public policy to be directing for one individual here in Maine. What about if we have a whole crew of people come in for harvesting broccoli up in Aroostook County. I think it would look fairly difficult if we were to have special legislation for them. If we were to take any other commodity here in Maine and try to make a statute here that affected their bargaining power, I just think you are picking it out from one commodity to another. It is just bad public policy. I think you would see a lot more farmers here, if it wasn't for this time of season, it is planting time. I will tell you that that is where I should be, but here I am. Speaking for the farmers here in Maine, I would urge you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. Last night I said that I don't call this a DeCoster bill, I call this a workers bill. Workers at DeCoster are asking to organize. They are in the process of organizing. They asked for representation. They are going to get it one way or another. There are two ways of doing things. You can do it the easy way or you can do it the hard way. The easy way for everyone concerned is to set up a structure, laws in the State of Maine that are like federal laws on organizing where everything is done above board. Workers are protected. Management is protected. If enough workers want a union, they vote secret ballot. If the majority of the people want a union, then management has to sit down and negotiate. The other way is to force the employer to recognize them. It would be much easier for everyone concerned to set up some rules here in the State of Maine that take care of that. Once a union is established there are rules for a mediation and arbitration and so forth. Things have been taken out of this bill. This amendment takes out a lot of fears that people have about the blueberry industry, the broccoli industry, the dairy industry, the apple industry and the rest of them. It also takes out strikes. Right now workers without unions certainly can strike and there is nothing you can do about it. They can do that if they want to. Under this bill, if they can sit down and negotiate a contract with their employer, they will not be able to strike and the employer will not be able to

lock them out. That is security for both the workers and for management. It is silly to think that any worker wants to put their employer out of business. All the employees want is a fair shake. DeCoster Egg Farm is the one place where the workers have not had a fair shake. At times they have been cheated out of their pay and they have not been treated very well when they have been injured on the job. That is documented. There has been a lot of unsafe conditions there. To me, it would be a lot better if the workers would sit down with management and tell them their problems so they can take care of it in house instead of coming to me or coming to you. This bill, if it passes, with this amendment, well do just that. I urge you to support this amendment.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. This has been called a DeCoster bill. If it were truly a DeCoster bill, I think that would be reason enough to pass it. I grew up on a farm and I have worked my entire life. Having worked on a farm and grown up on a farm, I would say that I would be very humbled to tell people from out of state that I worked on a farm in Maine, which also is home to a place like this. Agreements have been reached and progress has been made, but it is not the end of the story.

My parents started up a small business about 40 years ago. At one point, they put a shower in the shop so that people that worked for them and lived in humbles could at least come in and get cleaned up. My mother used to keep \$200 cash in the medicine cabinet in the bathroom because when people were short of money, they could borrow some from it and put it back. You know, that \$200 was always there for years. People did take from it and they did pay it back. Wouldn't it be nice if every employers was like my mother and my father, but they are not. That is why labor unions play such a pivotal role in the working society today. People would argue that membership in unions have declined sharply in the recent decades and they are right, but part of that is the shift of labor to the service industry, which is usually not represented so their jobs are usually so fluid. I work in that industry now. It is so fluid that people come and go, a few months here and a few months there. People don't go to work at a high school anymore and work their entire lives for the same business. They change jobs 8, 10 or 15 times over the course of their lives. I think we are all examples of that right here. We have all taken a sharp change in our career paths by being here in this chamber today. I have to say that I have watched this situation from outside for a number of years and I have thought it is an absolute disgrace. It is a disgrace to business in this state. It is a disgrace to labor in this state and I think we should put this to rest and do something for these working people and do something to help business and farm business in the state and bring back the integrity that it really deserves. It doesn't have it now with this situation. Thank you.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. During the previous debate, I mentioned that the agricultural workers already have the authority to organize and form a union. They don't need this legislation to do that. The workers at DeCoster, as we have heard, are already organizing without this bill. Why do we need it? We have heard that the amendment to the bill, there is an agreement in that amendment or the amendment has wording that they will not strike. Why are they forming a union if they

don't intend to strike? I smell a red herring here and I really don't like the looks of what I am seeing.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. If of all, workers don't want to strike. Workers need their paychecks just like you and I. Strike, the last thing any workers wants to do. The concern here is agriculture or in this case, taking care of hens. Who are going to feed the hens, etc., etc? Well would a contract with a no strike clause there would be no worry if the workers struck, they would be sanctioned. They could face some penalties. Forget about that part of it. Yes, workers can organize now. They can organize, but they can't organize for collective bargaining, which means that the employer does not have to recognize them. It means that if there is a majority vote, management doesn't have to sit down across the table and bargain. We can manage. We can cause some problems or they can cause some problems under what they have to do today. In other words, force the employer to the bargaining table if they want to. I don't want to see that.

I would rather see things done under a set of laws similar to the National Labor Relations Act and similar to the act that public employees negotiate under now. It would be a secret ballot election. If the majority of the people wanted a union, management would have to sit down and bargain. It doesn't mean you have to agree to the contract, but they have to at sit down and at least bargain. That is a couple of steps in the right direction. That is done all over the country today without strikes and 98 percent of all contracts today are settled without strikes. In this case, they can't strike. That is protection for management and protection from labor. Without a contract, the workers can strike. They can walk out anytime they want and there is no penalties for it. I think this is a good bill. It will help empower the workers at that farm so that they can take care of themselves, in House, without having to come to the Legislature, the state, OSHA or any other agency. They will take care of the problems themselves. I firmly believe that if there had been a labor organization representing them years ago, there wouldn't have been 20 or 30 years of problems at that plant. The people that work there are extremely nice people and extremely hardworking. Many of them work up to 100 hours a week. Give them a break.

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

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

The SPEAKER: The Representative may pose his question.

Representative TREADWELL: Madam Speaker, Men and Women of the House. To anybody that has the knowledge, who is organizing the workers at DeCoster?

The SPEAKER: The Representative from Carmel, Representative Treadwell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. A lot of us are helping the DeCoster workers organize. The ALF-CIO; Jose Soto, who has worked for those folks for over a year without pay helping them go to doctors, get other jobs and helping them in whatever they need. He has been doing it for nothing. We are helping him to organize the workers. The AFL-CIO is helping and there are

other people not tied to organized labor that are also helping because they care about the people that work on that farm.

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

Representative STANLEY: Madam Speaker, Men and Women of the House. Sitting down there on the Labor Committee working on the retirement for certain organizations, we have state police, teachers and other organizations that are all organized people. In the private sector alone we have mill workers, truckers and all kinds of other segments have the right to organize. I feel that excluding one set of individuals to their right to bargain, I think we ought to allow them the right to bargain. Thank you.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. The question was asked if the workers at DeCoster are organizing, why do we need this bill. Let me give you my opinion why this bill is needed. Any man that says that he only has to answer to God, places himself above the law. That is the reason why this bill is needed. 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 just like to remind you that Maine, relatively speaking, is a small agricultural state, although we are trying to expand the best we can. Even though we are a relatively small state compared to the nation, there are only five states that have any bargaining power across this nation. There are only five other states that have this. I think it is a bad signal for agriculture. If we want agriculture to move here, of what we might do to any large operation. I would urge you to defeat the motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-740) to Committee Amendment "A" (H-550). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 349

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Meres, 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, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

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

ABSENT - Farnsworth, Kerr, Lemke, Lemont, McElroy.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, House Amendment "B" (H-740) to Committee Amendment "A" (H-550) was adopted.

A roll call having been previously ordered was taken now:

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (H-550). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 350

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

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Madore, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Pinkham WD, 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, Wright, Madam Speaker.

ABSENT - Farnsworth, Kerr, Lemke, Lemont, McElroy.

Yes, 66; No, 80; Absent, 5; Excused, 0.

66 having voted in the affirmative and 80 voted in the negative, with 5 being absent, the motion to indefinitely postpone Committee Amendment "A" (H-550) did not prevail.

Subsequently, Committee Amendment "A" (H-550) as amended by House Amendment "B" (H-740) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-550) as amended by House Amendment "B" (H-740) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Encourage Art Education in the State (H.P. 29) (L.D. 54) which was passed to be enacted in the House on May 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-349)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-349) as amended by Senate Amendment "A" (S-370) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings (H.P. 122) (L.D. 146) which was finally passed in the House on March 25, 1997.

(Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-10)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-10) as amended by Senate Amendment "A" (S-396) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents (S.P. 47) (L.D. 157) which was passed to be enacted in the House on May 9, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (S-94)

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (S-94) as amended by Senate Amendment "A" (S-360) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Expand Access to Maine's Technical Colleges (H.P. 263) (L.D. 327) which was passed to be enacted in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-348) as amended by House Amendment "A" (H-564) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-348) as amended by Senate Amendment "A" (S-367) and House Amendment "A" (H-564) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Unemployment Compensation System (EMERGENCY) (H.P. 268) (L.D. 332) which failed of final passage in the House on May 27, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-549)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-549) as amended by Senate Amendment "A" (S-358) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Establish Maine as a Sponsor of the Women in Military Service for America Memorial in Arlington National Cemetery (H.P. 275) (L.D. 339) which was passed to be enacted in the House on April 30, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-171)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-171) as amended by Senate Amendment "A" (S-352) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits (EMERGENCY) (H.P. 286) (L.D. 350) which was finally passed in the House on April 1, 1997. (Having

previously been passed to be engrossed as amended by Committee Amendment "A" (H-89)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-89) as amended by Senate Amendment "A" (S-394) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

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) which was passed to be enacted in the House on May 29, 1997 (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-680) as amended by Senate Amendment "A" (S-337) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-680) as amended by Senate Amendments "A" (S-337) and "C" (S-414) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate (S.P. 117) (L.D. 396) which was passed to be enacted in the House on March 26, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-23)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-23) as amended by Senate Amendment "A" (S-359) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Family Medical Leave Laws (S.P. 123) (L.D. 402) which was passed to be enacted in the House on April 14, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-88)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-88) as amended by Senate Amendment "A" (S-379) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements (S.P. 129) (L.D. 408) which was passed to be enacted in the House on March 31, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-62)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-62) and Senate Amendment "A" (S-391) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Establish a Tuition Rate for Education in the Unorganized Territory (H.P. 360) (L.D. 505) which was passed to be enacted in the House on May 6, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-229)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-229) and Senate Amendment "A" (S-361) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation (EMERGENCY) (H.P. 431) (L.D. 581) which was finally passed in the House on May 8, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-273))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-273) as amended by Senate Amendment "A" (S-403) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Expand the Family Medical Leave Laws (S.P. 196) (L.D. 624) which was passed to be enacted in the House on May 21, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-235))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-235) as amended by Senate Amendment "A" (S-371) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants (EMERGENCY) (H.P. 626) (L.D. 851) which was passed to be enacted in the House on May 20, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-455))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-455) as amended by Senate Amendment "A" (S-377) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Task Force to Determine the Tuition Rates of a Receiving School for a Student from Another School District (EMERGENCY) (H.P. 632) (L.D. 857) which was finally passed in the House on May 19, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-305) as amended by House Amendment "A" (H-448) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-305) as amended by Senate Amendment "A" (S-397) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide Additional Operating Funds for Homeless Shelters (H.P. 660) (L.D. 913) which was passed to be enacted in the House on May 20, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-409))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-409) as amended by Senate Amendment "A" (S-372) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Commission to Study Insurance Fraud (EMERGENCY) (H.P. 681) (L.D. 933) which was finally passed in the House on May 6, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-238))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-238) as amended by Senate Amendment "A" (S-357) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities (S.P. 293) (L.D. 944) which was finally passed in the House on May 6, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-152))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-152) as amended by Senate Amendment "A" (S-409) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Clarify the Laws Relating to Backyard Burning (H.P. 703) (L.D. 967) which was passed to be enacted in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-392) as amended by House Amendment "A" (H-555) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-392) as amended by Senate Amendment "B" (S-408) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Certificate of Need Laws (EMERGENCY) (H.P. 1734) (L.D. 998) which was finally passed in the House on May 19, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-414))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-414) as amended by Senate Amendment "A" (S-351) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Task Force to Review the Applied Technology Centers and Applied Technology Regions (H.P. 771) (L.D. 1048) which was finally passed in the House on May 20, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-320) as amended by Senate Amendment "A" (S-226) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-320) as amended by Senate Amendment "B" (S-398) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Require Legislative Review of Revisions to the State's Clean Air Strategy (S.P. 318) (L.D. 1058) which was passed to be enacted in the House on May 15, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-189)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-189) as amended by Senate Amendment "A" (S-393) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Increase Access to Education, Training and Employment for Displaced Homemakers (S.P. 328) (L.D. 1106) which was passed to be enacted in the House on May 6, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-142)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-142) as amended by Senate Amendment "A" (S-373) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act Concerning Authorization of Educational Technicians (H.P. 890) (L.D. 1207) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-688)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-688) and Senate Amendment "A" (S-380) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses (H.P. 988) (L.D. 1368) which was finally passed in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-240) as amended by House Amendment "B" (H-565) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-240) as amended by Senate Amendment "A" (S-399) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Reestablish the State Compensation Commission (H.P. 999) (L.D. 1391) which was passed to be enacted in the House on May 19, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-309) and House Amendment "A" (H-440)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-309) as amended by Senate

Amendment "A" (S-383) thereto and House Amendment "A" (H-440) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Redistrict Knox County and Provide for 5 County Commissioners (MANDATE) (H.P. 1016) (L.D. 1408) which was passed to be enacted in the House on May 21, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-475)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-475) as amended by Senate Amendment "A" (S-356) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish Additional Funding for the University of Maine System (H.P. 1018) (L.D. 1410) which was finally passed in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-590)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-590) as amended by Senate Amendment "A" (S-362) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Clarify the Application of the Sales Tax on Hay, Horses and Horse Farms (S.P. 445) (L.D. 1419) was passed to be enacted in the House on May 27, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-261)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-261) as amended by Senate Amendment "A" (S-378) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Maine Apprenticeship Program (S.P. 455) (L.D. 1429) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-298)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-298) as amended by Senate Amendment "A" (S-375) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Committee to Review the Asbestos Hazard Emergency Response Act of 1986 (H.P. 1030) (L.D. 1447) which was finally passed in the House on May 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-544)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-544) as amended by Senate Amendment "A" (S-381) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Establish the Task Force to Study Equal Economic Opportunity for All Regions of the State (H.P. 1035) (L.D. 1452) which was passed to be enacted in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-504)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-504) as amended by Senate Amendment "A" (S-400) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Promote Adult Education (H.P. 1095) (L.D. 1538) which was passed to be enacted in the House on May 6, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-246)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-246) as amended by Senate Amendment "A" (S-368) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

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) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-703)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-703) as amended by Senate Amendment "A" (S-374) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Composition of the Information Services Policy Board and Establish a Task Force on Information Technology in the Public Sector (H.P. 1133) (L.D. 1589) which was passed to be enacted in the House on May 14, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-357)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-357) as amended by Senate Amendment "A" (S-387) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Assist the Maine Potato Industry (S.P. 516) (L.D. 1600) which was passed to be enacted in the House on May 6, 1997.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-363) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource (EMERGENCY) (S.P. 519) (L.D. 1603) which was

finally passed in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-275) as amended by Senate Amendment "A" (S-283) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-275) as amended by Senate Amendments "A" (S-283) and "D" (S-405) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Maine Health Data Organization Laws (EMERGENCY) (S.P. 560) (L.D. 1693) which was passed to be enacted in the House on April 29, 1997. (Having previously been passed to be engrossed as amended by House Amendment "A" (H-206)

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-206) and Senate Amendment "A" (S-369) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Plan for Services for Children with Mental Health Needs (S.P. 579) (L.D. 1744) which was finally passed in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-334)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-334) as amended by Senate Amendment "A" (S-401) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide Funding for Mental Retardation Day Services for Nonclass Members (EMERGENCY) (H.P. 1285) (L.D. 1830) which was passed to be enacted in the House on May 20, 1997.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-386) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws (H.P. 1290) (L.D. 1835) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-699)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-699) as amended by Senate Amendment "A" (S-355) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Appropriate Funds for the Education Research Institute (H.P. 1298) (L.D. 1841) which was passed to be enacted in the House on May 19, 1997.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-402) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Allow the Town of Chester to Annex a Certain Parcel of Land (S.P. 633) (L.D. 1850) which was passed to be enacted in the House on May 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-296)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-296) and Senate Amendment "A" (S-364) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Protect Victims of Domestic Violence (H.P. 1317) (L.D. 1867) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-687)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-687) and Senate Amendment "A" (S-389) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to implement the Recommendations of the Harness Racing Task Force (H.P. 1318) (L.D. 1868) (Governor's Bill) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-690)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-690) as amended by Senate Amendment "A" (S-410) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile (S.P. 234) (L.D. 803) which was passed to be enacted in the House on May 21, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-207) as amended by House Amendment "A" (H-537) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-207) as amended by Senate Amendment "A" (S-382) thereto in non-concurrence.

The House voted to Recede and Concur.

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

TABLED - May 29, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 100 voted in favor of the same and 20 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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 (BOND ISSUE) (H.P. 1299) (L.D. 1842) (C. "A" H-709)

TABLED - May 29, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 114 voted in favor of the same and 14 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding Health and the Prevention of Smoking" (H.P. 1338) (L.D. 1887) which was passed to be engrossed as amended by House Amendment "C" (H-723) in the House on May 28, 1997.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-723) as amended by Senate Amendment "B" (S-412) thereto in non-concurrence.

Representative MITCHELL of Vassalboro moved that the House Recede and Concur.

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

Representative BRUNO: Madam Speaker, Men and Women of the House. I am just going to be brief. Yesterday morning I went into work and for those of you who don't know, my company processes all Medicaid claims and drugs for the elderly claims for the State of Maine. I happen to sit down at my computer and I ran some statistics. The average drugs for the elderly recipient in the State of Maine is \$193 a year. When you move to the Medicaid Program and look at recipients over age 65, the average recipient is over \$1,200 a year. That is a six-fold increase. I just want to point out to you that you are going to move 20,000 people from the Drugs for the Elderly Program into the Medicaid Program, plus add on another 10,000 eligibles. At that point, you are looking at \$36 million a year to fund this program. Some of you will say that the fiscal note doesn't show it. The fiscal note does show it because I ran these numbers by the department and they agree with me. What you are looking at at this fiscal note is just for this biennium. When you pass it out into the future, ladies and gentlemen, you will not afford this

program with a 37 cent tax increase. That is all I want to say. It is up to you how you want to vote on this, but just in the drug program, you are looking at over \$36 million a year. Thank you.

Representative TAYLOR of Cumberland 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: 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. 351

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

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

ABSENT - Dutremble, Lemont, McElroy, Plowman, Poulin.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, the House voted to Recede and Concur. Ordered sent forthwith.

Non-Concurrent Matter

Joint Order (H.P. 1345) relative to the Joint Select Committee to Oversee Maine Yankee Atomic Power Company which was read and passed in the House on May 29, 1997.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-347) in non-concurrence.

Representative RINES of Wiscasset moved that the House Insist and ask for a Committee of Conference

Representative JOY of Crystal moved that the House Recede and Concur.

The Chair ordered a division on the motion to Recede and Concur.

Representative KONTOS of Windham 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 Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. This bill comes back to us from the Senate as amended with (S-347), which makes the Utilities and Energy Committee the overseeing committee on this matter as far as Maine Yankee goes. I think that is the appropriate area

for this committee to be coming from rather than a group of legislators in general. I urge you to support the motion to Recede and Concur. Thank you.

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

Representative RINES: Madam Speaker, Men and Women of the House. It is the feeling of most of us in the delegation around the mid coast area that the Utilities Committee just isn't enough. Between BIW and Maine Yankee, for that matter, Brunswick Naval Air Station there is a lot of apprehension in the coastal areas and we feel that it would be a lot better if there was some representatives from the mid coast area who were on this committee and no offense to the Utilities Committee they do fine work. Nobody knows any of these people down in our area. We would like to see some mid coast representation on this committee. I hope that you will defeat the present motion. Thank you.

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

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I think the Utilities Committee already has responsibility for oversight on this kind of a program and what is happening. It has other impact issues. It has incredible economic issues through labor and that kind of a thing. It also has an environmental impact issue. It has State and Local Government issues in term of Wiscasset and what is going to happen to them and how can they best plan for the future. I really encourage you to vote against Recede and Concur so that we can have a committee of conference and come to an agreement. Thank you very much.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to vote to Recede and Concur. The amendment that was put on gives the Utilities Committee the oversight that we are looking for here. I think it is sufficient. It is true that they have the expertise and knowledge to look at it. I am a member of the Lincoln County Delegation and I know that we often meet and I think we will meet with Maine Yankee Officials. They have been very receptive to us meeting with them. I think we will continue to meet with them. If we have some concerns, we will sure bring them back the next session of the Legislature. I think we can handle it at the local level and I think any oversight, as far as utilities go, the Utilities Committee can do it. I would urge you to Recede and Concur. Thank you.

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

Representative HONEY: Madam Speaker, Ladies and Gentlemen of the House. It is seldom that I differ with my seat mate, Representative Spear, but on this issue I suggest we go the other way. There is much more than utilities involved with this issue in our local area. As I said yesterday, I live right in the shadow of that place and I would be remiss by not going with my good friend, Representative Rines from Wiscasset.

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

ROLL CALL NO. 352

YEA - Barth, Belanger DJ, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Desmond, Dexter, Donnelly, Fisk, Foster, Fuller, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett,

MacDougall, Mack, Madore, Marvin, McAlevey, Murphy, Nass, Nickerson, O'Brien, Ott, Pendleton, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Berry RL, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Peavey, Perkins, 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, Winglass, Wright, Madam Speaker.

ABSENT - Dutremble, McElroy, Plowman, Poulin.

Yes, 62; No, 85; Absent, 4; Excused, 0.

62 having voted in the affirmative and 85 voted in the negative, with 4 being absent, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence. Ordered sent forthwith.

Non-Concurrent Matter

Bill "An Act to Regulate the Use of Personal Watercraft" (S.P. 137) (L.D. 416) which was passed to be engrossed as amended by Committee Amendment "A" (S-311) as amended by House Amendment "A" (H-689) thereto in the House on May 27, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-311) as amended by House Amendment "A" (H-689) and Senate Amendment "A" (S-338) thereto in non-concurrence.

On motion of Representative PAUL of Sanford, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence. Ordered sent forthwith.

**SENATE PAPERS
Divided Report**

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Amend the Off-track Betting Laws as They Pertain to Reduced Payments for Small Market Licensees" (S.P. 188) (L.D. 606)

Signed:

Senators: FERGUSON of Oxford
DAGGETT of Kennebec
CAREY of Kennebec

Representatives: FISHER of Brewer
LABRECQUE of Gorham
TUTTLE of Sanford
GAGNE of Buckfield
TESSIER of Fairfield
GAMACHE of Lewiston

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-258) on same Bill.

Signed:

Representatives: TRUE of Fryeburg
CHIZMAR of Lisbon
BIGL of Bucksport
BELANGER of Wallagrass

Came from the Senate with the Minority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended Senate Amendment "A" (S-348).

Was read.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Madam Speaker, Men and Women of the House. I am on the Minority Report, "Ought to Pass" for LD 606. I need to make a couple of comments to put them on the record. The Minority Report, as written, makes it a level playing field for all smart markets on off track betting facilities. The amendment from the other body only addresses the off track betting facility in Presque Isle. The off track betting facilities in Bath and Brunswick are subject to a double whammy as they have no reduced payments, plus they paid Lewiston off track betting facilities 7 percent of their handle for having the privilege of doing business within the 35 mile limit, which the Harness Racing Commission endorsed. The inequity of this amendment from the other body forces me to support the Indefinite Postponement of this bill. Thank you.

Subsequently, the Bill and all accompanying papers were indefinitely postponed. Ordered sent forthwith.

In the absence of a printed document and under suspension of the rules, the following item was read by the Clerk in its entirety.

ORDERS

On motion of Representative HATCH of Skowhegan, the following Joint Order: (H.P. 1351)

ORDERED, the Senate concurring, that Bill, "An Act to Provide Equal Political Rights for Classified State Employees," H.P. 740, L.D. 1004, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read, passed and sent up for concurrence. Ordered sent forthwith.

ORDERS

On motion of Representative MACK of Standish, the following Joint Order: (H.P. 1348)

ORDERED, the Senate concurring, that the Joint Select Committee on Research and Development meet with a representative of The Maine Maritime Academy.

Was read, passed and sent up for concurrence. Ordered sent forthwith.

Reference is made to a Joint Order (H.P. 1345) Establishing the Joint Select Committee to Oversee Maine Yankee

In reference to the action of the House on Friday, May 30, 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 RINES of Wiscasset
Representative JONES of Bar Harbor
Representative HONEY of Boothbay

ENACTORS

An Act Regarding Health and the Prevention of Smoking (H.P. 1338) (L.D. 1887) (S. "B" S-412 to H. "C" H-723)

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

Representative MITCHELL of Vassalboro 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. 353

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

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

ABSENT - Dutremble, McElroy, Perry, Plowman, Poulin.

Yes, 75; No, 71; Absent, 5; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, with 5 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

SENATE PAPERS

Non-Concurrent Matter

An Act to Increase the Period of Probation for Sex Offenders (H.P. 49) (L.D. 74) which was passed to be enacted in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-517))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife (H.P. 274) (L.D. 338) which was passed to be enacted in the House on May 9, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-315))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Representative UNDERWOOD of Oxford moved that the House reconsidered its action whereby it Receded and Concurred.

The Chair ordered a division on the motion to reconsider.

Representative KONTOS of Windham requested a roll call on the motion to reconsider.

The same Representative withdrew her request for a roll call.

A vote of the House was taken. 67 voted in favor of the same and 61 against, the House reconsidered its action whereby it Receded and Concurred.

Representative UNDERWOOD of Oxford 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: 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. 354

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Campbell, Carleton, Chartrand, Chizmar, Cianchette, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Meres, Mitchell JE, Morgan, Muse, Nass, Nickerson, O'Neal, O'Neil, Ott, Paul, Pendleton, Perkins, Perry, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Chick, Clark, Cross, Dunlap, Fisk, Gerry, Goodwin, Joy, Joyce, Kasprzak, Lane, Layton, MacDougall, Mack, McAlevey, McKee, Murphy, Peavey, Pieh, Pinkham RG, Pinkham WD, Saxl JW, Snowe-Mello, Stedman, Treadwell, Underwood, Vedral.

ABSENT - Dexter, Dutremble, Mayo, McElroy, O'Brien, Plowman, Poulin.

Yes, 108; No, 36; Absent, 7; Excused, 0.

108 having voted in the affirmative and 36 voted in the negative, with 7 being absent, the House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Preserve Senior Volunteerism (S.P. 115) (L.D. 394) which was passed to be enacted in the House on March 31, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-61))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Establish a Part-time Liquor License (H.P. 381) (L.D. 526) which was passed to be enacted in the House on April 1, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-94)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act Concerning the Fees Charged by the Secretary of State for Copies (H.P. 410) (L.D. 555) which was passed to be enacted in the House on April 14, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-138)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court (H.P. 404) (L.D. 549) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-639) as amended by House Amendment "A" (H-672) thereto)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Permit Forest Rangers to Carry Weapons (H.P. 472) (L.D. 643) which was passed to be enacted in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-395) as amended by House Amendment "B" (H-489) thereto)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Tax against Certain Casual Sales (H.P. 671) (L.D. 923) which was passed to be enacted in the House on May 23, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-547) as amended by Senate Amendment "A" (S-285) thereto)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

(1-9) Resolve, to Improve the Delivery and Financing of Long-term Care (S.P. 382) (L.D. 1241) which was finally passed in the House on May 20, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-208)

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Define the Permissible Duties of Part-time and Full-time Law Enforcement Officers (H.P. 938) (L.D. 1285) which was passed to be enacted in the House on May 27, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-623)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Simplify the Process for Applying for State Services for People with Disabilities (H.P. 1200) (L.D. 1700) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-702)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Promote Higher Education (EMERGENCY) (H.P. 1223) (L.D. 1735) which was passed to be enacted in the House on May 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-542)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness (H.P. 81) (L.D. 106) which was finally passed in the House on April 17, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-158)

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Commission to Designate Outstanding Maine Citizens Whose Portraits Are to Be Displayed in the State House (H.P. 1145) (L.D. 1610) which was finally passed in the House on May 19, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-328) as amended by House Amendment "A" (H-452) thereto)

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide That Students Receiving Any Services from a School Be Counted as Students for Purposes of State Aid (H.P. 144) (L.D. 187) which was passed to be enacted in the

House on May 9, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-321)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide Legal Counsel for Legislative Investigating Committees (H.P. 847) (L.D. 1152) which was passed to be enacted in the House on May 27, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-488)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Victims' Rights Laws (MANDATE) (H.P. 879) (L.D. 1196) which was passed to be enacted in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-691)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

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

ENACTORS

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Fund Capital Expenses for Vocational High Schools (H.P. 413) (L.D. 558) (C. "A" H-697)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 119 voted in favor of the same and 19 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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

On motion of Representative UNDERWOOD of Oxford, 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-281) was adopted.

The same Representative presented House Amendment "C" (H-774) to Committee Amendment "A" (S-281) which was read by the Clerk.

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

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. What this amendment does is it defunds a study committee in this bill and removes \$3,650 out of the appropriation. It also sets up a new committee, which will basically be the departments reporting back to the Inland Fisheries Committee next year on this topic of stocking of alewives. Thank you.

House Amendment "C" (H-774) to Committee Amendment "A" (S-281) was adopted.

Committee Amendment "A" (S-281) as amended by House Amendment "C" (H-774) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendment "C" (H-774) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

An Act to Amend the Membership of the Maine Land Use Regulation Commission (S.P. 347) (L.D. 1166) (C. "A" S-244)

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) (C. "A" S-279)

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. Ordered sent forthwith.

An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry (S.P. 475) (L.D. 1477) (C. "A" S-299)

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

On motion of Representative SAXL of Portland, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Saturday, May 31, 1997.

SENATE PAPERS

Ought to Pass Pursuant to Joint Order (S.P. 661)

Report of the Committee on **Health and Human Services** reporting "**Ought to Pass**" Pursuant to Joint Order (S.P. 661) on Bill "An Act Regarding Temporary Assistance for Needy Families and Welfare Reform" (EMERGENCY) (S.P. 671) (L.D. 1896)

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

The Committee 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**.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. We just got this bill within the past day or so, LD 1896. I realize it has come out of the Committee of

Human Resources . I would like to ask a question or two through the chair to anybody who cares to answer.

The SPEAKER: The Representative may pose his questions.

Representative CARLETON: Does this bill commit the state to new obligations not required by the federal legislation and not here to for provided by the state?

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. That is not quite as simple a question as I wish it was. This is a very complicated bill. However, it is a unanimous report and I think one of the greatest accomplishments of our committee. Our committee reflects the wide range of political beliefs and we all came to agreement on the issues in this bill. As you all know, we received from Congress, they passed the buck and said design your own welfare program. That is what we have done. We have stayed with the goals that we had established. We expect people to work. We expect people to get training. We expect people to prepare for self-sufficiency and we will help them to do that. We have, however, added as was expected of the states, what we have considered to be incentives and support for people that do that. We have tailored this to Maine, but we feel that it is an excellent package and we hope for your support. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Madam Speaker, Men and Women of the House. To what extent do the changes in this law have a future financial impact on state treasury and in what respect and how much, realizing this is a general question, I expect a general answer, but I would like to get a response from somebody from the committee since, I, at least, am unfamiliar with the bill.

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

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. In response to that question, when we receive federal money there is a certain amount of state money that is obligated. The money that is spent that is state money within this bill, is within that third so there is not an extension of funds coming in that is extra. It is the money that is already obligated and some of that is state money we have put in if you look at the Parents of Scholars Program, it is state funded, but it is out of that obligated committed portion of funds. It doesn't have a greater implication. Thank you.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. Is this emergency legislation?

The SPEAKER: The Chair would reply in the affirmative.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Madam Speaker, Men and Women of the House. Were the monies for this particular program in the budget that was passed in March?

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. Yes, what we have done is we have used the monies allocated from Congress in the Tanner Budget and the existing state funds. It is always in the budget.

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

ENACTORS Mandate

An Act to Redistrict Knox County and Provide for 5 County Commissioners (H.P. 1016) (L.D. 1408) (S. "A" S-356 to C. "A" H-475)

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. 109 voted in favor of the same and 10 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Require Legislative Review of Revisions to the State's Clean Air Strategy (S.P. 318) (L.D. 1058) (S. "A" S-393 to C. "A" S-189)

An Act to Increase Access to Education, Training and Employment for Displaced Homemakers (S.P. 328) (L.D. 1106) (S. "A" S-373 to C. "A" S-142)

An Act Concerning Authorization of Educational Technicians (H.P. 890) (L.D. 1207) (C. "A" H-688; S. "A" S-380)

An Act to Reestablish the State Compensation Commission (H.P. 999) (L.D. 1391) (H. "A" H-440; S. "A" S-383 to C. "A" H-309)

Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses (H.P. 988) (L.D. 1368) (S. "A" S-399 to C. "A" H-240)

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.

REPORTS OF COMMITTEES Divided Report

Majority Report of the Committee on **Natural Resources** and the Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-746) on Bill "An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program" (H.P. 900) (L.D. 1217)

Signed:

Senators: TREAT of Kennebec
NUTTING of Androscoggin
MICHAUD of Penobscot
CLEVELAND of Androscoggin

LEGISLATIVE RECORD- HOUSE, May 30, 1997

Representatives: ROWE of Portland
SHIAH of Bowdoinham
BULL of Freeport
COWGER of Hallowell
JONES of Greenville
McKEE of Wayne
TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
KERR of Old Orchard Beach
LEMAIRE of Lewiston
POULIN of Oakland

MERES of Norridgewock
KNEELAND of Easton
MARVIN of Cape Elizabeth
OTT of York
WINSOR of Norway

Was read.

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

On motion of Representative SAXL of Portland, tabled pending the motion of Representative ROWE of Portland to accept the Majority "**Ought to Pass**" as amended Report and later today assigned.

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-747) on same Bill.

Signed:

Senators: BUTLAND of Cumberland
BENNETT of Oxford

Representatives: DEXTER of Kingfield
NICKERSON of Turner
FOSTER of Gray

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

On motion of Representative KNEELAND of Easton, the House adjourned at 10:09 p.m., until 10:00 a.m., Saturday, May 31, 1997.