

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
38th Legislative Day
Saturday, May 31, 1997

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

Prayer by Honorable Patrick Colwell, Gardiner.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 672)

JOINT RESOLUTION HONORING THE BICENTENNIAL OF
THE FIRST BAPTIST CHURCH OF YARMOUTH

WHEREAS, Baptist missionaries traveled to the greater Yarmouth area to teach the word of God in an evangelistic style; and

WHEREAS, these self-proclaimed ministers of Christ would preach in barns, schoolhouses, homes or anywhere a congregation could be formed; and

WHEREAS, these ministers were described as enthusiastic and charismatic and it was their teachings that inspired many in the greater Yarmouth area to become Baptists; and

WHEREAS, the newly converted Baptists organized what became The Baptist Society of North Yarmouth and Freeport; and

WHEREAS, the Baptists eventually erected on Byram's Hill a house of worship, commonly referred to as the "Old Meeting House on the Hill," and in June of 1797 an act of incorporation under the name of The Baptist Religious Society of North Yarmouth and Freeport was granted; and

WHEREAS, Dr. Thomas Green, a physician as well as a minister of the gospel, was the first pastor of the church who preached eloquently and effectively each Sunday; and

WHEREAS, the congregation of the First Baptist Church of Yarmouth will celebrate 200 years of faith during festivities at the Old Meeting House on the Hill on Sunday, June 22, 1997; now, therefore, be it

RESOLVED: That We, the Members of the 118th Legislature, now assembled in the First Special Session, pause in our deliberations to extend our best wishes to the congregation of the First Baptist Church of Yarmouth on the occasion of their bicentennial celebration; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Pastor Richard Ochsner for presentation to the Members of the First Baptist Church of Yarmouth.

Came from the Senate read and adopted.

Was read and adopted in concurrence.

Non-Concurrent Matter

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

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 Implement the Recommendations of the Judicial Compensation Commission (S.P. 322) (L.D. 1062) 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-286))

Came from the Senate with the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Create an Historic Preservation Tax Credit (S.P. 126) (L.D. 405) 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" (S-139) and House Amendment "A" (H-372))

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 Ensure Funding for Snowmobile Law Enforcement Activities (S.P. 193) (L.D. 611) 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-270) and Senate Amendment "A" (S-306))

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

On motion of Representative SAXL of Portland, tabled pending further consideration and later today assigned.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1324)

Representative TRIPP from the Committee on **Taxation** on Bill "An Act Concerning Tax Relief" (EMERGENCY) (H.P. 1350) (L.D. 1897) reporting **"Ought to Pass"** Pursuant to Joint Order (H.P. 1324)

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

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

Under further suspension of the rules the Bill was passed to be engrossed and sent up for concurrence. 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. 833) (L.D. 1138) Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (Governor's Bill) Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-750)

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

On motion of Representative SAXL of Portland, was removed from the Second Day Consent Calendar.

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

On further motion of the same Representative, tabled pending passage to be engrossed as amended by Committee Amendment "A" (H-750) and later today assigned.

ENACTORS

Emergency Measure

An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants (H.P. 626) (L.D. 851) (S. "A" S-377 to C. "A" H-455)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Maine Health Data Organization Laws (S.P. 560) (L.D. 1693) (H. "A" H-206; S. "A" S-369)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Funding for Mental Retardation Day Services for Nonclass Members (H.P. 1285) (L.D. 1830) (S. "A" S-386)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Fund the Collective Bargaining Agreements and Benefits for Certain Employees Excepted from Collective Bargaining for the Judicial Branch (H.P. 1343) (L.D. 1894) (Governor's Bill) (C. "A" H-739)

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. 101 voted in favor of the same and 18 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Study the Unemployment Compensation System (H.P. 268) (L.D. 332) (S. "A" S-358 to C. "A" H-549)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 26 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits (H.P. 286) (L.D. 350) (S. "A" S-394 to C. "A" H-89)

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. 104 voted in favor of the same and 26 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation (H.P. 431) (L.D. 581) (S. "A" S-403 to C. "A" H-273)

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 was necessary.

Representative KONTOS of Windham 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: 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. 355

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Kane, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon,

Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Foster, Joy, Joyce, Kasprzak, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Marvin, Ott, Pinkham WD, Stedman, Treadwell, Underwood, Vedral, Waterhouse.

ABSENT - Berry DP, Brennan, Brooks, Buck, Davidson, Fisk, Joyner, Kerr, McElroy, Mitchell JE, Poulin, Stevens.

Yes, 120; No, 19; Absent, 12; Excused, 0.

A total was taken. 120 voted in favor of the same and 19 against, with 12 being absent, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Require the Department of Education to Review the Methods Used to Determine the Tuition Rates of a Receiving School for a Student from Another School District (H.P. 632) (L.D. 857) (S. "A" S-397 to C. "A" H-305)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 11 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish a Commission to Study Insurance Fraud (H.P. 681) (L.D. 933) (S. "A" S-357 to C. "A" H-238)

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

Emergency Measure

Resolve, to Establish the Commission to Study the Certificate of Need Laws (H.P. 734) (L.D. 998) (S. "A" S-351 to C. "A" H-414)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 27 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource (S.P. 519) (L.D. 1603) (S. "A" S-283 and S. "D" S-405 to C. "A" S-275)

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. 124 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mandate

An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements (S.P. 129) (L.D. 408) (C. "A" S-62; S. "A" S-391)

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

Mandate

An Act to Allow the Town of Chester to Annex a Certain Parcel of Land (S.P. 633) (L.D. 1850) (C. "A" S-296; S. "A" S-364)

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

Mandate

An Act to Protect Victims of Domestic Violence (H.P. 1317) (L.D. 1867) (C. "A" H-687; S. "A" S-389)

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. 125 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 Encourage Art Education in the State (H.P. 29) (L.D. 54) (S. "A" S-370 to C. "A" H-349)

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) (C. "B" S-94; S. "A" S-360 to C. "B" S-94)

An Act to Expand Access to Maine's Technical Colleges (H.P. 263) (L.D. 327) (H. "A" H-564 and S. "A" S-367 to C. "A" H-348)

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) (S. "A" S-352 to C. "A" H-171)

An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate (S.P. 117) (L.D. 396) (S. "A" S-359 to C. "A" S-23)

An Act to Establish a Tuition Rate for Education in the Unorganized Territory (H.P. 360) (L.D. 505) (C. "A" H-229; S. "A" S-361)

An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile (S.P. 234) (L.D. 803) (S. "A" S-382 to C. "A" S-207)

An Act to Provide Additional Operating Funds for Homeless Shelters (H.P. 660) (L.D. 913) (S. "A" S-372 to C. "A" H-409)

An Act to Amend the Maine Apprenticeship Program (S.P. 455) (L.D. 1429) (S. "A" S-375 to C. "A" S-298)

An Act to Establish the Task Force to Study Equal Economic Opportunity for All Regions of the State (H.P. 1035) (L.D. 1452) (S. "A" S-400 to C. "A" H-504)

An Act to Promote Adult Education (H.P. 1095) (L.D. 1538) (S. "A" S-368 to C. "A" H-246)

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) (S. "A" S-374 to C. "A" H-703)

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) (S. "A" S-387 to C. "A" H-357)

An Act to Assist the Maine Potato Industry (S.P. 516) (L.D. 1600) (S. "A" S-363)

An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws (H.P. 1290) (L.D. 1835) (S. "A" S-355 to C. "A" H-699)

An Act to Appropriate Funds for the Education Research Institute (H.P. 1298) (L.D. 1841) (S. "A" S-402)

An Act to Implement the Recommendations of the Harness Racing Task Force (H.P. 1318) (L.D. 1868) (Governor's Bill) (S. "A" S-410 to C. "A" H-690)

Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings (H.P. 122) (L.D. 146) (S. "A" S-396 to C. "A" H-10)

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) (S. "A" S-409 to C. "A" S-152)

Resolve, to Establish a Task Force to Review the Applied Technology Centers and Applied Technology Regions (H.P. 771) (L.D. 1048) (S. "B" S-398 to C. "A" H-320)

Resolve, to Establish Additional Funding for the University of Maine System (H.P. 1018) (L.D. 1410) (S. "A" S-362 to C. "A" H-590)

Resolve, to Require the Department of Environmental Protection to Review the Asbestos Hazard Emergency Response Act of 1986 (H.P. 1030) (L.D. 1447) (S. "A" S-381 to C. "A" H-544)

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.

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

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

An Act to Amend the Family Medical Leave Laws (S.P. 123) (L.D. 402) (S. "A" S-379 to C. "A" S-88)

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

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

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, this is the Family Leave Act. I will say that I voted against it. I think it is bad for

small business. It puts another burden on them. The reason I am rising today is to ask you to vote against Enactment on this bill. If you look at the Senate Amendment (S-379), it says, "Notwithstanding the Maine Revised Statutes Title 26, Section 701, the Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that session to reflect the changes in the law resulting from this act." I don't think that is fair to the businesses. If we are going to put a burden on the businesses and it is going to be an expense to them, we shouldn't be exempting the Bureau of Labor from their responsibility of modifying these posters for the businesses so they can put those up. I urge you to vote against Enactment. Mr. Speaker, I ask for the yeas and nays.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I urge you to support the bill. It is a good bill. The issue which was amended on the Appropriations Table was about the labor poster. A traditional way of killing good bills is to say you can't afford to print the poster. We said, Give us a break. You can use up the current poster and when it runs out, you can print a new one with this on it. Don't kill good bills just for the lack of a poster. Thank you.

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

Representative HATCH: Mr. Speaker, Men and Women of the House. This particular bill and its companion bill, the following one, this first bill is conforming the issue with the federal law. As the good Representative from Portland has already stated, there was a money note attached to it. It makes good sense for the citizens of the State of Maine and the families in the State of Maine to have this law on the books to give them time and opportunity to be with a sick child or take time off for one reason or another. I encourage you to vote for this bill and its companion bill, the next one coming up. Thank you.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. If this law is so great, we should at least tell the businesses who are going to be affected about it. I am not sure I loved the law when it came through last time, but if we are going to pass a law, we should at least let the businesses and the people affected by it know. I urge you to vote against Enactment.

The SPEAKER PRO TEM: 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. 356

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bull, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Goodwin, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mayo, McAlevey, McKee, Meres, Morgan, Muse, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund,

Spear, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright.

NAY - Barth, Belanger DJ, Bigl, Bodwell, Bragdon, Bumps, Cianchette, Clukey, Cross, Dexter, Foster, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Murphy, Nass, Nickerson, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Berry DP, Brooks, Buck, Davidson, Fisk, Gagnon, Joyner, Kerr, Madore, McElroy, Mitchell JE, O'Brien, Paul, Poulin, Stevens, Madam Speaker.

Yes, 91; No, 44; Absent, 16; Excused, 0.

91 having voted in the affirmative and 44 voted in the negative, with 16 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

An Act to Expand the Family Medical Leave Laws (S.P. 196) (L.D. 624) (S. "A" S-371 to C. "A" S-235)

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

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

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. If you remember, this is the bill that brings down the number of employees required to fall under the federal Medical Leave Act from 25 to 15. The federal bill only requires businesses with 50. We had 25 and now we lowered it to 15. I won't go through the whole debate. We know what the debate was, but this also has the amendment that strips off the labor bureau's responsibility to put these posters out for the businesses. The good Representative, Representative Townsend, said that this is a way to kill the bill by putting a fiscal note on it. I don't see it that way. I see it as the state's responsibility. How many times do we pass laws up here to put fiscal things on people back home, whether they are businesses or individuals or whatever and then we don't do our share and pay our share of the responsibility? That is what it is folks. We are willing to pass the buck on to the other people, but we don't want to step up to the plate and pay our share. I urge you to vote against Enactment. Mr. Speaker, I request the yeas and nays.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. This is another good bill, which has already passed both bodies. It is only in front of you today because of the issue with the labor poster. It is a good old notion of Yankee thrift to use it up and wear it out. I think it would be an extraordinary waste of state funds to discard the existing posters and print and brand new ones. Why don't we just use up the ones we have and print a new one later when they are gone? Thank you.

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. This bill creates a regulatory nightmare for another 6,000 small businesses in the State of Maine. By lowering that threshold, we have brought another 6,000 small businesses under the requirements of the Family Medical Leave Law. I would urge you to reject the bill.

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

Representative HATCH: Mr. Speaker, Men and Women of the House. I rise today to let you know that those posters for the labor Department will probably be reprinted about September. We have a wage increase going in in August and September. They can include many things on a poster. These figures are always supplied to every bill. They do not and you can quote me, just do one poster for all the labor changes. They use one poster and they do all the changes, but they put a fiscal note on every bill. In regards to those 6,000 businesses, that is only 9 percent of the businesses in the State of Maine who will be affected by this lowering of the 25 to 15. It is a good law. We need it. Our kids need it. Our families need it. I encourage you to vote for it. Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. If this is such a good law, how come we are not going to bother to notify the employees that they can access it or the employers that are supposed to have to obey it?

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

Representative MAILHOT: Mr. Speaker, Ladies and Gentlemen of the House. I will be quick about this. Whether you have 50 employees, 25 employees or 15 employees, when an employee needs medical leave for family purposes it doesn't really matter how many employees are employed by that employer. An employee is an employee whether he works for a large company or a small company. Please vote in favor of this bill. It is a good bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Mr. Speaker, Men and Women of the House. I assume later today that we are going to be voting on the BIW bill. I don't suspect it is going to run into any problem passing. It seems rather ironic to me that in the same day we are going to give one business a tax break of \$60 million and the very same day we are going to saddle an additional 9 percent of the businesses in the state with new burdens.

The SPEAKER PRO TEM: 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. 357

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

NAY - Barth, Belanger DJ, Bodwell, Bragdon, Bruno, Bumps, Cameron, Campbell, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Murphy, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Winsor.

ABSENT - Berry DP, Buck, Goodwin, Joyner, Kerr, Madore, McElroy, O'Brien, Poulin, Stevens, Underwood, Madam Speaker.

Yes, 88; No, 51; Absent, 12; Excused, 0.

88 having voted in the affirmative and 51 voted in the negative, with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Application of the Sales Tax on Hay and Animal Bedding (S.P. 445) (L.D. 1419) (S. "A" S-378 to C. "A" S-261)

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

On motion of Representative LOVETT of Scarborough, 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 PRO TEM: 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. 358

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

NAY - NONE.

ABSENT - Berry DP, Buck, Goodwin, Joyner, Kerr, Madore, McElroy, O'Brien, Poulin, Stevens, Madam Speaker.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Resolve, to Plan for Services for Children with Mental Health Needs (S.P. 579) (L.D. 1744) (S. "A" S-401 to C. "A" S-334)

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

On motion of Representative LOVETT of Scarborough, 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 PRO TEM: The Chair recognizes the Representative from Portland, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House. I won't belabor this. What we are trying to do with this study is to establish what currently doesn't exist and that is an adequate mental health system for children. It is very worthy. It is a very, very pressing need right now. We are spending millions of dollars on out-of-state placements for children with mental health needs. We need a real system that works and we hope that you will support us. Thank you.

The SPEAKER PRO TEM: 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. 359

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

NAY - NONE.

ABSENT - Berry DP, Cianchette, Gagnon, Goodwin, Joyner, Madore, McElroy, O'Brien, Poulin, Stevens, Madam Speaker.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, the Bill was finally passed, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

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

TABLED - May 29, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

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

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

TABLED - May 29, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Final Passage.

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

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

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-578) was adopted.

The same Representative presented House Amendment "A" (H-754) to Committee Amendment "A" (H-578) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Colleagues of the House. When the site law was amended by the 117th Legislature in 1995, the Storm Water Management Rules were applied only to new developments. The Natural Resources Committee, earlier in this session, in a 12 to 1 vote, voted to amend the rules to require that the Department of Environmental Protection report next January to the Legislature on proposed measures to reduce the contribution of pollution from existing sources, not just new sources, but existing sources. House Amendment "A" requires that in developing these measures that the department will consult with members of small businesses and a broad cross section of potentially affected stakeholders as well as other relevant agencies and legislators. It is intended that these agencies will include agencies such as LURC, Departments of Agriculture, Conservation, Inland Fisheries and Wildlife and Marine Resources. It is also intended that this will involve the same diverse group of stakeholders that were involved with the storm water rule process, which includes those stakeholders representing small business. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I was on the committee that dealt with this situation. It has probably been the most frustrating piece of legislation that I have dealt with, at least being a new legislator in this session. This legislation, of course, is based upon what took place in the 117th. The rules that we deal with here will take effect, whether they are passed or whether they are not passed. There are some problems that I think people should know about with this particular piece of legislation. These rules will affect probably about 6 percent of the area in Maine with

most of it in central and southern Maine. These will be lakes and drainage systems, which the DEP has assigned that are most at risk.

One of the things that made it frustrating for me is that some of the lakes, in my opinion, really don't need this kind of legislation. They really don't have a problem. The assignment of at risk was done by the DEP based upon what they thought would be future development of some intensity in these areas, which is nothing too scientific. Some of these lakes, and there are three in my district, which contain acidic soils and they are like a sieve. They are sand and gravel. The water runs through them like a sieve. Consequently, phosphorus doesn't build up in those lakes. It seems to me that it is too bad to assess people a fairly large sum of money to invest in some development or some business on those lakes.

The question boils down to, what can we do about it? It affects a narrow margin of people. This current legislation will do absolutely nothing about stopping the current pollution to those lakes. It will zero in on businesses or housing developments from here on out that have the potential for doing that. It just seems to me that there must be some way if we are going to stop the pollution of the lakes to ease people into not doing, perhaps, that is already occurring. We know there is pollution from farming operations and maybe forestry operations from existing housing and existing gravel roads and there are septic systems probably that are not working. All of these contribute to the phosphorus pollution of the water. Of course the other thing is phosphorus falls out of the air when it rains. It comes down with the rain. I am going to leave it up to you how you vote on this particular issue. To me, it is right now a no win situation. We are going to revisit this in 1998 and perhaps we can do something about it. We still have to deal with the legislation that was passed by the 117th Legislature. Thank you.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. In the past, we, as a state, have dealt with the easy sources of pollution. Eliminating point sources of pollution, such as straight pipe discharges to our rivers and coastal waters and has had inestimable results. The 117th Legislature, before us, had the foresight to begin to address the more difficult issue, that of non-point source pollution. These rules that we are considering right now are a result of that legislation. We have heard from many people from the public on these rules including many people from the business community.

Everybody agreed that there is a need for protecting our state's waters specifically our lakes. The nutrient levels in most lakes is in a delicate balance. Some lakes, such as China Lake, near the Capital here have succumb to the effects of development in their watersheds. Now, these lakes, including China Lake experience algae blooms. It will be a long time, if ever, before we can reverse the nutrient balance in these lakes. During the 1970s and 1980s, nearly \$4.8 million was spent in the State of Maine to attempt to restore only 15 lakes that have turned green. To a great extent much of this money has been wasted as most of these lakes are still green. Lake restoration efforts such as this are very expensive and rarely successful. It is much simpler and less costly to prevent lake deterioration than it is to remediate a lake that has deteriorated.

As you have heard and you may hear again, that these rules are aimed at the business community and there is a sliding scale in these rules that applies various standards depending on the intensity of new development and the sensitivity of the

receiving water body. The stricter standards, which only apply in a few cases will be applied to intense developments in water sheds that are identified as most at risk. You have received a handout, presumably, that show those watersheds. They are fairly limited across the State of Maine. You also received early on in the week a list of 243 lakes. These are the only lakes out of the approximately 5,000 in the State of Maine that are identified as most at risk. These lakes include things that are public water supplies. They include lakes that are presently impaired and experiencing algae blooms or they have been considered to be at risk by the Department of Environmental Protection.

We have a chance to act in time to preserve many of our lakes from the threat of water quality degradation, in part, by adopting these storm water rules, which we have before us today. These rules have already gone through an intense public hearing process and have been adopted by the Board of Environmental Protection. This is their last step. These rules, you must keep in mind, as the good Representative from Gray pointed out, they are required to implement the Storm Water Management Law that was enacted by the 117th Legislature. This law addressed new development sources of pollution. There were concerns, however, raised by some members of the committee, as well as some of those testifying that first, the rules were being unfairly applied to new development only and not enough was being done to address existing sources of pollution or existing development. There was also a concern that the most at risk lakes tended to be in the southern part of the state, corresponding to areas with a lot of existing development.

In order to address these concerns, we, as a committee, worked in the great spirit of compromise and cooperation to address these concerns. In order to arrive at the 12 to 1 committee report, which we have before us, an agreement was reached. Our committee to do two things. We agreed to delay the implementation of these rules until after this summer's upcoming construction season. We did this by removing the emergency preamble and second, this is the crux of the amendment that we looked at, we have agreed to report out legislation in our Second Regular Session of this Legislature to apply the Storm Water Management Rules, potentially, statewide and to some extent to existing sources and modify the law as necessary. I urge you to support our 12 to 1 committee report and adopt these rules that are required to meet existing law. I also ask you to support our committee as we work on modifying legislation next year. Thank you.

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

Representative MERES: Mr. Speaker, Men and Women of the House. I guess I am in an unusual situation here because I was on the Majority Report. I don't support Amendment "C" and I will tell you why. Back in the last Legislature we dealt with this whole piece at the very end of the second session right before it was time to go out and campaign. The stakeholders had worked on this legislation for about a year and a half it seemed. They came in with all kinds of predetermined opinions with very little or no opportunity to have much discussion on it. I know people will probably challenge that, but I was there. I was one of the few people that got up and spoke on it on the floor of the House. I consider it the bill from hell. I stated it then and I will state it again, at that time I felt somebody had to say the Emperor had no cloths because the bill didn't do anything.

That process didn't work then and it is not going to work now. I don't believe that we should have another stakeholders

group. I don't believe in it at all. I really feel that this is something in the original amendment that we had allowed for a really healthy opportunity for public comment. It was a bill that you could have had a lot more discussion on. This is happening again in an election year. It is the same thing that goes around again and again. I do not support this legislation with that amendment. Thank you. I am sorry.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I realize that most people in this chamber would like to do whatever they can to encourage businesses to move to Maine and to have more jobs in the State of Maine. I am not questioning anyone not wanting businesses in this state, but this bill would be a large disincentive for businesses to move to this state. If we look at the unintended consequences of this bill, it would put an additional \$10,000 to \$20,000 cost to start a new business. That would definitely discourage new businesses. You must ask yourself if you think the risk presented by phosphorus and rain pollution, the slight risk of a little extra phosphorus from rain would add to the lakes is worth a \$10,000 to \$20,000 cost to new businesses. I don't think it is. I urge you to vote against the bill and I ask that when the vote is taken, it be taken by the yeas and nays.

Representative MACK of Standish requested a roll call on the motion to adopt House Amendment "A" (H-754) to Committee Amendment "A" (H-578).

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

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I would like to clarify one thing and not for the Representative from Norridgewock because I know she understands this and I understand her position. The original Committee Amendment did authorize the Joint Standing Committee on Natural Resources to report out legislation next session regarding application of storm water management laws statewide and to existing sources. The House Amendment that I am offering was offered because I met with a group of people that had these concerns and I was trying to alleviate the concerns of what I understood to be a group of individuals who have some of the concerns being expressed today. This simply asks the Department of Environmental Protection to come back to us with some recommendations after meeting again with the stakeholder groups and other agencies to get their input. That is what this amendment does. The Committee Amendment already allowed the committee to report out legislation.

I hear a lot about the effect on business. I just want to read one thing I have here from the Maine Economic Growth Council Report talking about the economic benefit of lakes. A recent study by the University of Maine estimates that the economic activity associated with great ponds leads to over \$1.2 billion in annual income for Maine residents reporting over 50,000 jobs. I would like to read on, "Even though algae blooms are more of an aesthetic problem than a threat to swimmers' health they can have serious economic consequences. Algae blooms can decrease shorefront property values, shift the towns tax burden from shorefront property to upland property and severely decrease local revenues with respect to tourist and lake recreational businesses. Preventing them in the first place is far more cost effective than any remedial action." I would ask that you consider this as you vote for these rules. This is about continuing to ensure that the lakes of Maine remain clean. The

ones that are not clean become clean again so that we can continue to be the place that we have become. The tourist industry is a very big business in this state and property values that we know the local municipalities are supported by the property taxes. To continue the level of services we have, we have to keep property values up and if the lakes become green and have algae blooms that is not going to happen. I would just ask you to consider this as you consider voting for this amendment. I would ask for your support. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. Everybody knows the value of our lakes. A great natural resource. I spent a great deal of time on my lakes in my area. I went to college and studied zoology and lakes biology. Phosphorus was a very interesting topic. Discussing where it came from and what to do about it and how it affected the lake and everything else. One of the very clear things was that phosphorus came from laves leaves. It actually came from a lot of areas that have forest floors and soils that had phosphorus in it. It got into the lake and built up. It had an algae bloom and the algae would die off and the phosphorus would settle down in the bottom of the lake and every time you got your lake turned over, it would come back up and you would get your algae bloom.

I was in the Natural Resources Committee in the 117th when this bill came out. In the end of the session it was a very, very large bill as all the committee members could remember. We had a short amount of time to get it out. I had trepidation's about it then and I still do now. Representative Meres and I voted against it then as we felt as though the return that we would get for helping the lakes would be a huge cost to the small businesses. Actually we were asking them to take most, if not all, of the load on this phosphorus problem. Yes, we do depend on our lakes. Yes, they are good for tourism. We can't depend on the tourist industry. We have to have businesses that make things with good paying jobs. A lot of these are small businesses. I look at this bill and I don't mean to be sarcastic about it, but I look at it like the CarTest for the lakes. It seems to be getting the cart before the horse. We had a CarTest Program and everybody didn't like it. All the pollution was coming from somewhere else we felt. We were asked to take a huge part of the burden when we weren't really the cause of the problem. That is what we are asking our small businesses to do now. Take the burden for this problem instead of going at it in a comprehensive way instead of piecemeal and getting the cart before the horse. We should be doing the non-point places where this process is coming from first, the big ones and adding this with it, if you will. Coming with a comprehensive program. Okay, this is going to be expensive, but at least it is going to tackle the problem.

We don't want to put our people out of work. It is not going to do us any good to do a little bit of the problem and cause such a tremendous financial burden on the small business so people don't have jobs. I will tell you that when people don't have jobs to put food on the table, they are not concerned about the environment. You can look around the world and look at third world countries who are trying to get the economic benefits that we have and they really trash their environment. I would hope that you would vote against this proposal. Think about having the department come back with some comprehensive rules to get at the problem. Don't just pick out the easy targets, the small businesses. You heard earlier today that we are talking about giving a big industry a tax break. We are piling

this stuff, time after time, on the small business. Nobody wants to vote against the environment. It couldn't be anybody in this House that doesn't like the environment and clean lakes. This is not the way to approach this. I think we ought to do a comprehensive with it, not piecemeal.

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

Representative ETNIER: Mr. Speaker, Ladies and Gentlemen of the House. The watersheds that are in question here and I greatly appreciate Representative Foster's map, I think it makes it very clear for all of us what is being discussed here today. We have heard really only about lakes in the verbal discussion today. There is also seven small estuaries, tidal rivers and bays that are part of this discussion as well that should not be overlooked, including the Ogunquit River, the Scarborough Estuary System, the New Meadows River, the Medomac River, the St. George River and a couple of others. All these lakes and certainly the estuaries everything drains down into the bays and coves of this state as the map pretty clearly indicates. We are speaking to businesses here today. That is a good thing. We are speaking of unintended consequences here today. I am speaking to you on behalf of all the recreational and sports fishing interests in this state. It is a very valuable industry in the state. I am also speaking to you on behalf of all the commercial shellfish, elver, scallop, ground fish, lobster and Aquaculture industry.

If you want to talk about businesses, let's talk about those for a minute and the unintended consequences of non-point source pollution coming down from these lakes, rivers and streams and in these estuaries and the effect of those industries. Consider that when you vote on this. I applaud the committee for reaching a 12 to 1 report on this. I applaud the compromise they have achieved and I strongly urge you to support this amendment. Thank you.

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

Representative CARLETON: Mr. Speaker, May I pose a question to the Chair?

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

Representative CARLETON: Thank you Mr. Speaker. Are we discussing the amendment that has been proposed by the Representative from Portland or are we considering Final Passage?

The SPEAKER PRO TEM: The matter before the House is adoption of House Amendment "A."

Representative CARLETON: Mr. Speaker, Men and Women of the House. I will save my other remarks when we consider passage of the bill. I like the idea of the department going back and talking to other stakeholders. However, the fact that this has to take place illustrates one of the problems with this whole bill, which is if this bill, which enacts rules pursuant to a statute that we have enacted, if these rules were to apply equally to everybody whose activity contributed to the phosphorus and the algae blooms in these lakes there would be a harrowing cry like you would not believe. What has happened, I think, is that realizing this and also realizing the mandate of the statute which was passed in the 117th to come up with rules, the Legislature and the committee considered where it could go to pass these rules. Obviously, to apply it to farmers there would be a huge harrowing cry especially when you start talking about the costs involved to try to apply it to people who are already there. There would be this huge cry so it got applied to new development. People who would make new developments three or five years

down the road probably don't even know who they are at this point. It is an easy target, if you will, to start the application of this new law and these new rules.

As somebody has previously said, it only applies to about 6 percent. I am not sure how you calculate that, but I haven't heard anybody who disputes that figure. If it applies to only a small portion of the problem, then you have to ask if it is going to solve the problem. I guess you could say that we have to start somewhere, but my question is, do we start by shutting off, cutting down, making horrendously expensive new economic growth. This will undoubtedly have the effect in the areas that are affected with an estimated \$5,000 or \$20,000 or \$30,000 up front cost of shutting down new businesses and new developments that may help our economy. Everybody wants clean lakes. My question is, are we taking the right approach? Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House. It seems a lot of references have been made this morning concerning unintended circumstances and also the problem here is that we are getting involved in more rules and regulations and it seems that we have so many rules and regulations that you go down to the library and we have been doing this for a number of years and we are making it impossible for people to conduct and run a business. We also pick on the people that aren't here yet. I think the reference was made to non-existing opposition because it is easy to pass laws when you are dealing with non-existent people that will be coming up in the future. I think, ladies and gentlemen, we are then restricting the ability of generating jobs and new areas of development. I would be opposing this kind of legislation. I thank you.

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

Representative BISULCA: Mr. Speaker, Men and Women of the House. I am glad the Speaker and the Representative from Wells brought us back on track. We are speaking about Committee Amendment "A" to the bill. I find it a little incredulous that people or some folks would compare normal scientific inquiry to CarTest and things of that sort. This is stuff we do all the time. It is something that is part of doing business. If there is a problem and there has been several admissions that there is a problem, then to conduct normal scientific inquiry if the concern is to see or determine if there is a problem. If the issue is scientific, you do it for that purpose. If the issue is fairness, then you do it for that purpose. What this amendment does is it begins the scientific inquiry into the extent of the problem. We have talked about non-representation. People that aren't here yet. Unfortunately people who are not here yet do not come to public hearings. Also absent from public hearings are people, probably, who should have been there. I will say this about the committee Chair of the Natural Resources Committee, he has broken his back in trying to ensure that all parties who had concerns about, I know I may be drifting slightly from the amendment, who have had concerns about any bill or heard and the committee spent many hours, point by point, addressing those concerns. If someone wasn't there to articulate their concerns, I am sorry about that. There is a problem and when lakes begin to putrefy it is not an easy thing to correct. The amendment simply instructs the Department of Environmental Protection to look at the problem, tell us what you think the impacts are, tell us what you think should be done

and then we, the members of the Legislature will decide what is to be done and what is fair. That is all this bill does.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I find this debate very interesting. I was on the Natural Resources Committee in the last session. This item did come before our committee in the final days. It had been worked on by a large group including the Maine Chamber of Business and Alliance who supported this measure. This amendment that we are discussing, presently, gives the people that felt left out another chance to speak up. I don't necessarily agree with that, but as Representative Bisulca said, the Chair of the Natural Resources Committee has gone way out of his way to try to appease somebody to feel that they are part of this. I think he is to be commended for that effort. I will support this amendment in that respect. Small business, the Representative from Winslow mentioned, I guess we are targeting new business. Doesn't it make sense that when a new business comes in and sets up that they set it up in a proper manner. They are going to pave their parking lot and it is going to cause the storm water to run off in a certain place and it may be good or it may be bad. Why not set it up right the first time and move forward. We have grand fathered shore land zoning, buildings and shore land zones? We don't expect anybody to go in and tear those down unless like the issue we discussed yesterday was it was a violation of that. I think the Natural Resources Committee has done a good job with this bill. The DEP is coming back, the bill that we are voting on after this amendment is a responsible bill from a responsible effort over many years. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. A matter of clarification. It is my mistake. I thought we were debating the main bill and not the amendment. My analogy to the CarTest was appropriate, I feel, because we were asking a small group of people to solve a big problem that they didn't really create. I apologize for the mistake on debate, but not on the comments attached to it.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House. Very briefly, I will support House Amendment "A," not knowing how much good it will do in light of what is likely to be intense opposition from the other folks who have to be notified. I think the effort is worth the effort. I will save my remarks on the bill itself for later. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-754) to Committee Amendment "A" (H-578). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 360

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger IG, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot,

Marvin, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Wright.

NAY - Belanger DJ, Joy, Kasprzak, Lane, Layton, Meres, Underwood, Wheeler EM, Winsor.

ABSENT - Berry DP, Brooks, Labrecque, Madore, McElroy, O'Brien, Poulin, Savage, Saxl JW, Stevens, Madam Speaker.

Yes, 131; No, 9; Absent, 11; Excused, 0.

131 having voted in the affirmative and 9 voted in the negative, with 11 being absent, House Amendment "A" (H-754) to Committee Amendment "A" (H-578) was adopted.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to adopt Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-754).

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

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

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House. I voted for the amendment because I think it is a good idea to take a comprehensive look at this problem, but I am still opposed to the bill in its present form because we are targeting one small group to answer a big problem. The cart is before the horse. We should not put this one the small businesses and come back and do the whole thing in one lump sum and take a look at it. I urge you to vote against the pending motion. Thank you.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House. I also will be voting against the pending motion. I think it is important to understand where we are. What we are voting for is whether or not to implement the rules that have been promulgated by the DEP pursuant to the statute, which was enacted in the 117th Legislature. I don't know much about it, but I understand from talking with several of the committee members that the rules that the DEP has come up with is something that they did not have very much choice about given the mandate of the statute. Understand all of that. In my mind, if there is a problem, it is a problem with the statute that ought to be addressed. I presume that it will be addressed next time. I also understand that if this body votes down implementation of these particular rules that the DEP could implement them anyway. You might ask, why would I vote against this and my answer is, as a protest. As a means of sending a message that this matter needs to be studied some more and the burden should not fall on just the very small portion of our population. I hope that those of you who agree with me will join in that vote. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. It is true that the storm water statute is part of the site law and it is current law. We are talking about the rules that will implement the law. I would suggest the advantage in voting for this, not only was it a 12 to 1 report and not only does the Committee Amendment deal with some of the issues raised by the public that testified before our committee and I think makes

the rules better rules, but they also contained this requirement that the DEP involve the stakeholders in coming back to the committee next session. If you have problems with the current site law for the reasons that have been articulated, I would suggest this is a benefit and not a detriment to you, although I understand and appreciate the comments from the good Representative from Wells.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. I just wanted to address two issues quickly. First, the implication that this is going to affect small business to a great degree. The fact is that the rules allow a great deal of flexibility in choosing what best management practices are chosen to address the levels of pollution removal that are required. Perhaps this goes back to a dioxin issue where we want to allow the most flexibility in technology. It may be a very simple correction on a site to simply use a buffer area to direct the storm water into a buffer area at a practically minimal cost. It may be as little as \$500. It is true that the cost may go up the \$30,000 per site, but that is typically a three acre impervious area. We are talking a significant parking lot or a significant project that would have significant impact. The range of costs is quite varied.

The second point I want to make is that phosphorus that is contributed to our lakes and our waters is an additive process. The pollution that has gone into our lakes from forestry and agricultural activities is in those lakes. The lakes are in a delicate balance in that it may just take the pollution from one more project, one more development to put the lakes over the edge and to cause algae blooms and degrade the water quality and reduce the property values in those lakes. There is an important element here to not let slip the opportunity to address new developments. It is also important to look at existing sources and to some degree that is being done at the Department of Environmental Protection through existing programs whereby best management practices are encouraged for agriculture, forestry and other activities. It is important not to lose site of that incremental element that could really degrade our waters. Thank you.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I just want to second the comments made by Representative Berry relative to new businesses coming in the area. I don't know why we should feel it is okay for them to contribute to the deterioration of our lakes. I would also second the comments made by Representative Cowger that it is not always a \$30,000 effort. I live on a lake that was pristine clear when I moved there 30 some years ago. We now have an algae bloom every summer. It is time that we do something. Every day that goes by that we do not address this problem, our lakes are deteriorating further. I urge your support of this bill.

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

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House. I would like to talk to you for a minute because I had a problem with Amendment "C." I in no way want you to get the impression that I do not want this to pass. Amendment "C" bothered me simply because I felt that we weren't able to get anywhere. We came across with a bad bill last time. I want, in every way, to amend that mistake and go forward. I think it is extremely important that we deal with the

issues on hand. I was a little afraid that we would wind up in a bind and we wouldn't have the resolve that we needed to go forward with a lot of pressure. Putting that aside, I want you to look at the real factors here and realize that we do have immense problems with water quality. I think it is important to go forward and to do the best we can because there are some very good things that are being considered within the amendment. If you are concerned about the fact that we are dealing with rules and the rules are reflecting problems because we have a flawed bill from the past. This gives us an opportunity to make those changes that we need to make. I really hope though that when we go forward with this that we all have the resolve we need during a time right before elections and we are not pressured by special interests, which happened last time. Anyway, I really encourage you to support this. I want you to make sure that you realize that I am committed to clean water in the most pristine way or process a possible. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to some of the comments made by the good Representative from Manchester concerning the source of polluting some of these lakes. When she indicated do we want new businesses that are perhaps going to pollute? Of course we don't. Nobody wants that. The problem with this bill is even if it is successful, it is only going to solve 6 percent of the problem. If we are really sincere about cleaning up these lakes and all of us are on both sides of the aisle, believe it or not, we should really address the problem and the real problem is the residences around those lakes. If this rule was really going to be effective, we would address that issue. We are not, therefore, I urge you to vote against the motion. Thank you.

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

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House. I am suffering a little bit from end of session-itis, so bear with me here. I gather that if this passes that the rule will not go into effect until we get the results of the inquiry back. If I am right on that, please let me know. Secondly, I have two ponds and a lake listed here in the Bucksport area. Will Bucksport be part and parcel of searching the solution to the problem out? Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. Just in response to Representative Bigl's question. If we do enact these rules, they will go into effect 90 days after adjournment of the Legislature.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House. I just want to call your attention to this map again and simply tell you that these rules are going to apply to those shaded areas on that map, right, wrong or otherwise. I spent a lot of time thinking about this, not only talking about it with others, but thinking about it. I would like to have clean lakes as well as anybody else, but as I said before, this has been a most frustrating experience for me dealing with this particular piece of legislation. It just seems to me that it is unfair to single out one group of people to solve a problem when actually this legislation is not going to do anything for the current levels of pollution in our lakes. I ask you to consider that. Thank you.

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

Representative BUMPS: Mr. Speaker, Men and Women of the House. As we consider the issue before us, I find myself in the biggest quandary I have faced since coming to Augusta. Most of you know that I represent the district and in that district represent the lake that probably caused most of the discussion which we are having here today. I have lived my entire life in the Town of China. I have lived within a half a mile of the lake for my entire life. I apologize to those of you who heard me say parts of this yesterday, but many of you didn't. When I was younger we used to be able to see 20 to 25 feet down in the lake. Then when I was in high school you could probably see two feet down in the lake. Every year, I too, like Representative Fuller has seen the algae bloom and how the bottom of the lake turns to the top and all you can see is green. On the real windy days, it is even greener. This is discouraging. This is saddening. I really don't know what to do. I have thought a lot about this issue. I have thought a lot about how I would vote. I am still not exactly sure. I think what it is going to come down to is some reluctant support for the bill that is before us.

The reason I am reluctant is because what we are about to pass doesn't address the problem. What we are about to pass puts forward some legislation that affects a group that doesn't have the constituency to come to Augusta and lobby for it. I will tell you that what caused the problem in China wasn't new businesses. I could count on one hand the number of new businesses that have gone up within a five mile radius of the lake, all 25 miles around it, in the last 20 years. It is not new business. What caused this problem was residential development, erosion of the shoreline and erosion of the embankment, agricultural causes that have been in place for longer than most of us in this building have been alive. I suggest to you that this proposal before us may be putting the cart before the horse, but then I am faced with this 12 to 1 committee report. All of the people from my district who have come here to testify and many more who called me to lobby in support of this and so, I guess I am going to have to take on faith the testimony that I have heard from the people from the committee and this 12 to 1 report and vote in favor of this measure in hopes that in the second session that we are going to come out with something that really addresses the problem. My purpose in rising, I guess, is to suggest that what we are doing probably isn't the best approach, but maybe it is a step in the right direction. I can't, in good faith, sit here and vote against something that could contribute to a continued greening of bodies of water in this state. Reluctantly, I suppose I ask you to move on to adopt this amendment and to support the bill.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. In some areas we have come too far. We have some lakes, which attest to that currently. We would have to ban fertilizer use. We would have to ban septic. We would have to ban highway run off. We would have to outlaw subdivisions. That is what we would have to do. That isn't going to happen. That is not a practical solution. Water is a precious and fragile commodity. We all know that. We have, currently, safeguards and protections that supposedly are supposed to give us pure water, but in some cases, that is not the case. The problem persists. I didn't have a problem with Amendment "A." I think that that would be a step in the right direction, but I can't support the current proposal. Thank you.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. I just want to clear up a couple of things here. First of all, this does not just affect, as the Representative from China his concerns are well placed, but the fact is it affects subdivisions as well. There is a significant problem there. It puzzles me to think that when it comes to a simple first step and that this what this is, every journey begins with the first step. We are not solving all these problems here today, but it is my understanding that in the next half of this session, 1998, we will be addressing the agricultural runoff. The existing structures on the lake. All those other very important sources of runoff into our watersheds. The question is, you know really, how can preserving our lakes and our Maine heritage, how can that be considered bad for business? To me, that is incomprehensible. Maybe it is because I too, like the good Representative from Manchester, grew up here. In 1937, I wasn't around, but I have seen pictures of 2 foot salmon and 3 foot salmon that came out of Cobbossee Lake. In 1967, the last salmon was caught in Cobbossee Lake. In 1967, our beautiful lake in Manchester was not on this list of lakes that are at risk. In 1997, it is one of the most at risk lakes in the State of Maine. I would suggest that if we don't begin the journey and start on this first step, in the year 2097, Cobbossee won't be on here because it will become a field. That is the point. You have to start somewhere. When you start with the developments that haven't occurred yet, at least you are addressing a part of the problem. Let's pass this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Colleagues of the House. As a member of the Natural Resources Committee in the 117th and also in the 118th, I share a lot of the frustrations of Representative Meres. I think all of us on the committee felt last session when we got this bill very late, but we had to deal with it. I want to tell you that our Site Location Development Act is one of our premier environmental laws. It has been used as a model in other states. We had an extensive overhaul last session. If you take a look at all of the changes we made, I barely supported these changes and the only reason I did was because of this storm water piece. The business community had a lot of beneficial changes in the law including expedited permit review and less owners application process. We went from the old law being five lots on 20 acres and up to 15 lots on 30 acres. We changed the structures. We changed that from 3 acres to 7 acres. There were a lot of changes that benefited the business community and others that may not be the best for the environment, but it was a compromise bill. As Representative Meres said, it was a huge stakeholder group that had worked on this. Over 100 people had worked on it for over a year. I knew this debate would happen when we dealt with this bill. I said that we are going to get these storm water rules and they are going to come back and this is the first time we are dealing with this as a Legislature. We changed the law last time as those of you remember. We could review major substantive rules and that is why we are here today.

It is difficult to go through all the science and all the arguments we heard in the committee to try to bring everyone up to steam on all the details of the amendment. I believe, as someone has already said, it is a good first step in looking at new development. It addresses a key part of the problem and I think with the amendment that we all agreed to that we tacked onto this that will get us looking at existing sources and I think

that hopefully we can come up with some ideas along those lines too. I think Representative Bumps had mentioned that if we don't do things, the cost of reclaiming a lake is very costly. I think all of us have spoken that we want clean water. We have to look to the long term. This is a slow process. The losing of water quality takes years. Again, that is what this amendment and bill will do. I just urge everyone, again, not knowing all the history, there were a lot of changes. I think the business community got a lot in this change to the law. This is a key part of it that I think we all should support. Thank you very much.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-754). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 361

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brooks, Bruno, Bull, Bumps, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, LaVerdiere, Lemaire, Madore, Mailhot, McKee, Meres, Morgan, Muse, Nass, O'Neal, O'Neil, Perkins, Pieh, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Bigl, Bodwell, Bragdon, Buck, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Murphy, Nickerson, Ott, Peavey, Pendleton, Perry, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Belanger IG, Berry DP, Brennan, Bunker, Dunlap, Kerr, Kontos, McElroy, Mitchell JE, O'Brien, Paul, Poulin, Stevens.

Yes, 78; No, 60; Absent, 13; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, with 13 being absent, Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-754) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-754) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws (H.P. 1126) (L.D. 1582) (C. "A" H-643) which was tabled by Representative SAXL of Portland pending passage to be enacted.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. This is a unanimous 13 to 0 report of the Natural Resources Committee. This bill includes some important

clarifications and corrections to make the Storm Water Management Law and the Erosion and Sedimentation Control Law work better together. I would ask for your support. Thank you.

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. I sat very quietly during the last debate although I wanted to say something about the subject. I, too, have a, it is not my permanent residence, but it is a camp on a lake that has been spotlighted, I guess, for several years in the State of Maine. Sabastacook Lake in Newport is probably or was probably one of the most polluted lakes in the state. Sabastacook Lake has made a remarkable turn around since I bought the camp that I own in 1979 when in late May the lake would turn green and then become a variety of colors, some of them being very disagreeable. I don't think we can attribute the problems of Sabastacook Lake totally to development. I don't think we can blame them on small businesses or highways or any of those other problems. I think the major problem of the source of pollution to that lake was from agriculture, farming. There are many potato growers in that valley that use fertilizer. Of course the manure and the pollutants that run off into the watershed and consequently into the lake were the primary source of pollution to that lake. I think this bill is targeting a very small segment, particularly a segment of our business community to try to cure the problems that are not really created by that segment of our population. To enact this bill, I think, would be unfairly targeting, I think I heard the estimate of about 6 percent of the land in the State of Maine would be responsible for cleaning up the problems of the other 94 percent. Therefore, I ask that we turn this bill down and I ask for a roll call.

Representative TREADWELL of Carmel requested a roll call on passage to be enacted.

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

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I think there may be a little bit of confusion here in that this bill before us here has 14 different sections in it. Many of which are mostly technical changes to the laws. There are a couple of sections in here that pertain to the storm water rules that we just talked about. I will briefly tell you about a couple of those. One is that there is this list of most at risk water bodies and watersheds. One of the sections in this bill is the rulemaking to update this list of lakes and at risk water bodies is a routine and technical rule. It is not something that is going to come back to the Legislature to change. By enacting this rule, you are going to allow that flexibility. You are going to allow lakes to be taken off this list without having to go through a substantial legislative process.

Secondly, another important element is the compensation fee program. I see this as a real bonus for small businesses. In that if there is a site where they find very difficult to apply the storm water rules that we just passed, it gives them an option and, again, it gives them an option to pay a fee into a fund to help correct existing sources somewhere else in the watershed, such as badly eroding camp roads. This compensation fee program provides flexibility for new development to comply with existing laws. Other than that, I really see this bill before us as administrative changes and technical amendments. I urge your support of the pending motion.

The SPEAKER PRO TEM: 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. 362

YEA - Ahearn, Bagley, Baker CL, Baker JL, Belanger IG, Berry RL, Bigl, Bodwell, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Carleton, Chartrand, Chizmar, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Morgan, Muse, Nass, Nickerson, O'Neal, O'Neil, Paul, Pendleton, Perkins, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Winsor, Wright.

NAY - Barth, Belanger DJ, Bragdon, Buck, Campbell, Chick, Clukey, Cross, Gerry, Gieringer, Goodwin, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Mack, Marvin, Murphy, Ott, Peavey, Perry, Pinkham WD, Stedman, Treadwell, True, Tuttle, Underwood, Vedral, Wheeler EM.

ABSENT - Berry DP, Bolduc, Bunker, Kerr, McElroy, Mitchell JE, O'Brien, Poulin, Stevens, Vigue, Madam Speaker.

Yes, 108; No, 32; Absent, 11; Excused, 0.

108 having voted in the affirmative and 32 voted in the negative, with 11 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.

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.

JOINT ORDER - Relative to Recalling L.D. 848 from the Governor's Desk (H.P. 1346)

TABLED - May 29, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage. (Roll Call Requested)

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

HOUSE DIVIDED REPORT - Majority (16) "Ought to Pass" as amended by Committee Amendment "A" (H-746) - Minority (10) "Ought to Pass" as amended by Committee Amendment "B" (H-747) - Committee on **Natural Resources** and Committee on **Appropriations and Financial Affairs** 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)

TABLED - May 30, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of Representative ROWE of Portland to accept the Majority **"Ought to Pass"** as amended by Committee Amendment "A" (H-746) Report.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I rise to explain the bill for those of you that haven't looked at it. As the Speaker Pro Tem said, a joint committee report, Report "A," which is the report before you. It replaces the printed bill and it establishes the Lakes Heritage Trust Fund in the Executive Department to be administered by the Land and Water Resources Council. It also authorizes the Land and Water Resources Council to create and administer a comprehensive watershed program to ensure the development and implementation of locally supported watershed management plans. The amended bill in Report "A" establishes the Priority Watershed Protection Grants Program to be administered by the Department of Environmental Protection. It specifies that the Grants Program become effective only if a bond issue, including \$500,000 for mitigation of storm water pollution is approved by the voters of the state. That \$500,000 is included in the \$13 million bond issue, which I am sure all of you know about.

There are two reports. There is a Report "A" and Report "B." The major difference is that Report "B" would limit the use of the bond proceeds only to finance capital improvements or to purchase tangible assets with useful lives greater than 10 years. Report "A" would allow a broader use, but still a restricted use of the bond proceeds. The reason I would suggest that you vote for Report "A" is that it would enable the communities and the lake associations to conduct important activities including technical assistance, water quality testing, watershed pollution assessment, education of landowners and residents around at risk lakes, as well as planning and design work associated with the implementation and the best management practices to control non-point source pollution. It would also enable the use of funds for capital projects such as shore-line stabilization and stream erosion control.

As I said, Report "B" would restrict activities only to capital projects and the activities that are necessary to protect Maine lakes that I just described would not be permitted under Report "B" with the exception of the capital projects. For those reasons, I would strongly encourage you to vote for the pending motion, which is acceptance of Report "A." Thank you.

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

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

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge your support for LD 1217 to protect the state's lakes, rivers and coastal wetlands through a comprehensive watershed protection program. As the Representative of Manchester, Belgrade, Mount Vernon and Readfield, I believe I represent the most beautiful lake district in the state. That is right here in central Maine. These many lakes really provide the backbone for the economy in my district. I have been really pleased to hear in the earlier debate about the storm water rules and the support on the other side of the aisle, particularly for a comprehensive program to protect our watersheds. That is exactly what this bill is for. It is to provide a comprehensive program. We all know how valuable our lakes,

rivers and coastal wetlands are and that people come to Maine because of these wonderful natural resources of ours. Efforts have been made in recent years to deal with the deterioration of some of our lakes including expensive efforts aimed at trying to restore lakes that have suffered significant degradation. I was really pleased to hear that Sabastacook Lake has returned to a better state than it was some years ago. I would also note that Annabesacook Lake was restored with an investment of large sums of money. However, when you are dealing with large lakes, such as Cobbosseecontee Lake some of those efforts that work on smaller lakes do not work on large bodies of water.

In spite of the efforts that have occurred, the water quality of Maine's lake is projected to decline during the next 20 years largely due to the pollution caused by nutrient runoff associated with commercial and residential development. This so called non-point source pollution has become a very serious problem. According to the Department of Environmental Protection, the water quality of more than 160 lakes will grow significantly worse over the next 25 years if current patterns of non-point source pollution continue. Approximately 40 lakes each summer already suffer from serious algae blooms in the summer due to phosphorus pollution carried in storm water runoff. We all know what a terrible economic impact is created when the quality of a lake suffers serious decline. The impact on tourism and real estate values can be crippling as was the case with China Lake. Last week's report from the Maine Development Foundation on measuring Maine's economic performance addressed the issue of water quality. Representative Rowe has already quoted from that report. I would also add another comment from that report that lake front properties provide the predominant property tax base for many Maine towns. I would ask, what is the critical tax issue that most of us heard about on the campaign trail? It was property taxes. We need to protect our property values along our lakes.

The Water Research Institute of the University of Maine released a major report in April of this year entitled, *Great Ponds Play an Integral Role in Maine's Economy*. The report includes the following: the economic activity associated with lakes leads to over \$1.2 billion in annual income for Maine residents and supports over 50,000 people. The non-residents share of sales provides nearly \$200 million a year in income and over 8500 jobs. In terms of the total number of jobs, non-resident expenditures support an approximate equivalent to Bath Iron Works. The report also simulated what the economic impact would be if non-point source pollution was reduced in 190 lakes to an extent that those lakes experienced a significant improvement in water clarity. The University of Maine researchers concluded that this improvement in lake water quality would result in increased economic value of \$2 billion. Recreational use of the lake would be expected to increase by 1.6 million user days, which is a 13 percent increase. The value of lake front properties would increase substantially and increase expenditures by non-residents would translate into more than 825 jobs.

LD 1217 is designed to keep the number of green lakes from increasing and to curb the amount of damaging non-point source pollution to our rivers and coastal wetlands. Many of our rivers have been cleaned up considerably over the past few decades as the Clean Water Act and other environmental regulations have put restrictions on pollution from paper mills and other manufacturers. No longer do our rivers serve as open sewers. It was noted by an earlier speaker that they compared the rivers in Europe and third world countries I would point that those rivers do serve as open-water sewers. We do not want

that to happen to our rivers. This does not mean that our lakes, rivers and coastal wetlands have been protected. On the contrary, considerable additional effort is needed to protect water quality in our state. LD 1217 authorizes the DEP to conduct a comprehensive watershed protection program. It is designed to protect Maine's lakes and rivers, coastal estuaries and other surface waters from non-point source pollution. I would stress that this is for a comprehensive program. The program will address both existing and emerging pollution sources which can cause water bodies to experience significant degradation including a decline in cold water fisheries, which is why we are having a bass tournament on Cobbosseecontee Lake two weeks from today and not a fishing tournament for cold water fish. Degradation causes harm to marine ecosystems and economic impacts due to these pollution endorsed impacts. The bill establishes the priority Watershed Grants Program at the Department of Environmental Protection that would provide focused attention and resources to high priority watersheds at risk from development. Funds would be provided on a competitive cost share basis to communities and organizations around the state who need assistance in carrying out an integrated watershed protection plan to help protect surface water quality in some of the state's highest priority watersheds.

The DEP would give preference to projects in those areas which face the greatest threat from rapid watershed development. That obviously includes residential development. Projects would be selected based on scientific assessments of where the need for action is greatest. The state would get tremendous value out of the funds that invests in this program as demonstrated by the excellent work that has been accomplished with sparse funding by a broad range of lake associations which currently put their heart, soul and sweat equity into the preservation of our lakes. I have seen the impact of the Cobbossee Watershed District on reversing the deterioration of the lake I live on. A start only. Also the efforts by a local association to protect the Belgrade Lakes already at risk. Maine's lakes, rivers and coastal wetlands are at risk due to serious non-point source pollution and these are the surface waters that make this state so great. The situation could change for the worse over the next 20 years if we don't take right actions today.

LD 1217 would establish a comprehensive program aimed at preventing a decline in our waters, which would have a serious impact on our economy, environment and quality of life. I can't stress enough the importance of protecting these water bodies before it is too late. If we fail to act now, we will be leaving our children and grandchildren a terrible heritage. I urge your support for LD 1217 with Committee Amendment "A."

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

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

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

Representative JOY: Mr. Speaker, Men and Women of the House. In Section 7 on this bill I noticed it says the council may create, implement and administer a comprehensive watershed protection program. Where is the provision in here for committee oversight? I realize that the council has to make a report back to the Legislature on an annual basis, but there is nothing here for committee oversight. Question number two, I will give you a little bit of a reason why I want to ask this question. The lakes in our area are already doing

comprehensive testing to try to ensure that the watersheds are protected and also to block out non-point pollution. I personally have been involved in that particular process in years past and know who is doing the work in our area right now. This is obviously a very severe problem in southern Maine. Why are we passing statewide legislation that is going to impose even more strict requirements on what we are already doing to try to protect our lakes in northern Maine? I think that probably the lakes associations have let the ball drop here and could be doing this. Again, why a bill that encompasses all of Maine to solve a problem that exists in southern Maine?

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

Representative ROWE: Mr. Speaker, Men and Women of the House. In response to the good Representative from Crystal, Representative Joy, I think some of those may have been your making a point. The first one was about the Legislature's involvement in reviewing the programs. There is a section, Section B2 of the Committee Amendment that says by December 1999, the Department of Environmental Protection shall submit a report back to the Committee on Natural Resources. As part of that report there will be an evaluation of the Priority Watershed Protection Grants Program. That would be a status of what is happening with respect to this program. It would allow the Legislature an opportunity to make an evaluation at that point. Thank you.

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. I appreciate an opportunity this morning to talk about the differences between the two reports. First I want to say that as someone who lives on a lake, I think that those of us who occupy the land around a lake have a very real and close understanding of our collective responsibilities of the water quality. The question before us right now is to accept either the Majority Report or reject the Majority Report and then go on to accept the Minority Report. I signed on the Minority Report. The only practical difference between the two reports is the use of bond funds.

Men and women of the House, the people who wrote the Constitution of the State of Maine made it very specific and difficult for the state to borrow money or bonds. They did it for very real reasons, I believe. I sincerely believe and the minority signers of this report believe that bonded money should be used. The bond proceeds should only be used to finance capital improvements or to purchase tangible assets for the useful life of greater than 10 years. What we are saying here is that we don't think it is wise, prudent, good government policy to borrow money for something that we are going to be paying for when its useful life is gone. The good Representative from Crystal said very eloquently I think, that everybody who lives on a lake, at least on my lake, I think 90 percent of the people who own property are members of the lake association. We pay dues. We pay dues. We do self-testing. We go out and we do the work to monitor our water quality. We are serious about it. I don't even own a motor boat. I will tell you what I do every morning. I go out and row in my lake. I haven't been able to because I have been here either too late in the evening or too early in the morning. The fact of the matter is we pay, not only a very significant tax bill to our communities, but we also pay a very significant burden on the restrictions of the property that we

own to maintain the quality of the water, which we enjoy. Which all of you enjoy.

To that light, I want to believe that whenever a project is approved on one of my lakes, it is a project that has a long term significant affect. I don't want my children paying taxes for a project, which the useful life has gone away. That is really the only question here. You want to bond for something that is a test, a study, something whose useful life is only a few years or do you want to bond for something tangible, some real asset? That is the difference between the two reports and I strongly urge you to reject the Majority Report and accept the Minority Report. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. The legislation that you have before you is certainly one of the two most important pieces of environmental legislation that you will see in the 118th Legislature. I am very interested in the remarks that my good colleague Representative Bumps made about China Lake. I am concerned that, to me, it seems that if a good friend of yours has cancer that you are not interested in all of the ways that can contribute to cancer. This is about a comprehensive health insurance policy for all the lakes of Maine, including the lakes in my good colleague, Representative Joy's district as well. This piece of legislation will allow the 130 lake associations across the State of Maine to engage in partnerships with the Maine Department of Environmental Protection to ensure that their lakes live as long as they possibly can. Lakes do not live forever. We do know, however, that we can extend the life through some healthy practices. This comprehensive health insurance policy will allow us to begin to do that.

I have been very impressed as a member of the Natural Resources Committee this year to learn about the Department of Environmental Protection's new carrot philosophy. I have been on planning boards and I remember the old punitive approach, the large fines. Instead, we are trying to work with people. We are trying to work with those grassroots organizations that care about those lakes. In respect to my good colleague, Representative Winsor, I think that this is a greater perspective. The shore land perspective looks only at that area that is right around the lake and those of us who have the good fortune to live on those lakes have greatly benefited from the Shore Land Zoning Act of the early 1970s. You and I know that it is a bigger problem than that.

This piece of legislation will attempt to look at the greater problem and it will serve all of Maine. We are all in the middle of a lakes district. Although my good friend and colleague, Representative Fuller and I like to describe central Maine as being the lakes district of our state. I look at the map and I say that every single one of us lives in a lakes district. We all have a piece of this legislation. Let's go down as a Legislature that enacted two very important pieces of environmental legislation. I urge you to strongly support this.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I wish this bill had come out before the other one we voted on earlier, the storm water runoff. I wish all of this had been done first. I agree with Representative Fuller. This is what I am looking for. I don't live on a lake, but I belong to a lake environmental association and I pay dues because they use that money to educate shore line owners and do testing on the lake. I support that. I also am very fiscally

responsible and I take my duties up here pertaining to that very seriously. I agree with Representative Winsor's comments on putting bond issues up. That is the only difference between the two reports. The Minority Report does all the things you want it to do except it is more fiscally prudent. I urge you to vote against the pending motion and go on to the Minority Report, which will protect our lakes and do all the things we want done and do it in a fiscally prudent manner. Thank you.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. It has been pointed out by both Representative Winsor and Representative Waterhouse the difference between the two reports is the language regarding how the money can be used. Representative Winsor has suggested that he feels that bonding should only be used for tangible assets, which have a long useful life. We did discuss this in committee and the majority of our committee concluded that there was a precedence for bonding for both grants and for assets, which are not necessarily capital assets. For instance, FAME's Adaptive Equipment Loan Program, which allows people with handicaps to purchase equipment which allows them to go to work and become productive members of society. Also, I would suggest to you that we have bonded in the past for the removal of tires in problem areas which prevented a great public danger. We have bonded for landfill closure to reimburse communities for closing their landfills. There is a precedent here. Furthermore, I would suggest that clean lakes, rivers and coastal wetland, which are the backbone of the economy of the area around them, both in terms of tourism and commercial fisheries, as Representative Etnier has pointed out, are, in fact, a tangible asset to the State of Maine. We bring people to this state as residents and as tourists to enjoy the quality of life here. Our quality of life is based on healthy and clean lakes, rivers and coastal wetlands. I want to urge you to support the bill. Thank you.

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

Representative BULL: Mr. Speaker, Men and Women of the House. Much has been said already so I will keep this very brief. I am struck that the great thing about this bill is that we heard in the discussion about the two previous bills from this committee, Natural Resources, that those bills only addressed a small part of the situation. Here we have, ladies and gentlemen, a bill that is going to attempt to address the entire issue of non-point source pollution here in Maine. To look at the sources and to figure out ways to deal with both the existing and the future projects.

Secondly, what I really liked about this and I compliment the Representative from Manchester, Representative Fuller, for bringing this to us. It really is a forward thinking bill. It is very extensive. What I really liked about this is that this is really a bottom up approach to this. This is not stuff coming down from state agencies being directed at these parts of the state. This is an intensive amount of effort put into this to involve local communities, local groups and local individuals to work together with the state to clean up these rivers and lakes in our state and to make us a stronger economy. I urge you to please accept the Majority "Ought to Pass" Report. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Minority Report on this issue. I just want to explain to you why I am. I believe very

strongly that bond issues should be used for capital improvements. The Minority Report essentially says that. It essentially says let's spend the money to fix something that is broken rather than perhaps giving a grant out and spending money on people who may run around looking at things to determine whether something needs to be fixed. We already know that there are things that need to be fixed and I am going to give you an example. The best one I know of is our own Highway Department, which every fall digs out the ditches and grade the shoulders of the roads. That is good preparation of polluted water to flow into lakes and streams and then into whatever. That is one example of where we could spend the money and do good. That is one reason I am on the Minority Report. I would ask you to support that report. Thank you.

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. I really appreciate the opportunity to talk about this issue one more time. I want to refocus our attention on the difference between the two reports. The question that you have before you is to accept or reject Report "A," which is the Majority Report. That report allows the proceeds of a bond sale to be used actually to service the entire grants program. Remember, that is not the only thing about this bill. There are other parts to it and Representative Rowe, I think, describes them very well to you. The grants program, in my mind, is something that should be used to actually affect change. Studying it too, you can argue it tends to be changed. The fact of the matter is we have studied and studied and we can spend to study more. I think those things are of the nature that are ongoing expenses that we should budget for and that we should pay for out of our current revenues.

What we need to do is to get on with it and focus our limited resources in areas that we agree need repairing. It might be doing rip wrap. It might be repairing a boat access to a lake so that in the spring when it is muddy and the rains come, the fluid doesn't run into the lake. We have had a lot of talk about pollution and pollution control and what we have done, of course, is redefine pollution as any foreign substance that might go into the lake, not necessarily unhealthful unification, which is what they talk about as the greening of a lake, the filling up of a lake is a natural process. Regardless of what we do, it is going to happen. We just speed it up by adding fertilizer to the lake. That is the point of this non-point pollution. I think it is to identify those sources. It might be a leaky septic tank. What I perceive this bill, as I read it, is a lake association putting together a plan, applying to the department to administer this fund for the solution of the thing. It might be repairing septic tanks that are failing. It might be setting up or repairing a dam so that it doesn't leak and cause other problems. That is really what I want. I want us to stop studying these things and get to it.

I would like very limited money to be spent in that area. Bonding is used for things. In the case of the handicapped people, the bond is used to capitalize a loan fund so people with disabilities can buy equipment at a low interest rate and pay it back. That is what fills my guidelines. That money is used over and over again to fulfill a purpose. If some people came forth and set up a low interest loan fund for this money to repair septic systems or do other things around the lake, I think it would be a very useful and appropriate purpose for bonding. I don't think studying and planning, studies that have to be ongoing and continuing fall into that category. With that, I appreciate your attention and I thank you very much.

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

Representative MORGAN: Mr. Speaker, Men and Women of the House. I would just like to recommend that the members here could possibly read through the summer months, Mitchner's novel, *Chesapeake*. It will give you a great understanding of our national watershed and the Delaware water gap. I just won't belabor it. With all the talk, I really had to get up and say something.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House. This is an ideal way of approaching a problem that we all have, which is to clean up our lakes. This is a comprehensive approach. This is not like the previous legislation, identify or restrict a business or a certain area that does not exist and cannot defend themselves. I will be supporting this and I would urge my colleagues to do the same.

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

ROLL CALL NO. 363

YEA - Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Chartrand, Chizmar, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etulier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lovett, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Lane, Layton, Lemont, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Marvin, Mayo, McAlevy, Murphy, Nass, Nickerson, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Berry DP, Bunker, McElroy, Meres, O'Brien, Poulin, Stevens.

Yes, 84; No, 60; Absent, 7; Excused, 0.

84 having voted in the affirmative and 60 voted in the negative, with 7 being absent, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-746) was read by the Clerk and adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-746) and sent up for concurrence.

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

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

ORDERS

On motion of Representative JOYNER of Hollis, the following Joint Resolution: (H.P. 1349) (Cosponsored by Senator LIBBY of York and Representatives: BAGLEY of Machias, BERRY of Livermore, BODWELL of Brunswick, CARLETON of Wells, DUTREMBLE of Biddeford, FRECHETTE of Biddeford, JONES of Bar Harbor, JOYCE of Biddeford, KANE of Saco, McALEVEY of Waterboro, McKEE of Wayne, MERES of Norridgewock, MURPHY of Kennebunk, NASS of Acton, O'NEIL of Saco, RICHARD of Madison, SHIAH of Bowdoinham, TRUE of Fryeburg, VOLENIK of Brooklin, WATERHOUSE of Bridgton, Senator: LaFOUNTAIN of York)

JOINT RESOLUTION COMMEMORATING THE 50th ANNIVERSARY OF THE FOREST FIRES OF 1947

WHEREAS, in October of 1947, the State experienced the worst forest fire disaster in its history; and

WHEREAS, due to a prolonged drought, fires feeding on woods, fields and dry soil raged over nearly 200,000 acres, 3/4 of it forested, leveling 9 communities and severely damaging 4 others; and

WHEREAS, 15 people died, and homes, businesses and community buildings were destroyed, resulting in property losses estimated at \$30,000,000; and

WHEREAS, 20,000 firefighters fought the fires with courage and selflessness, and state and national relief efforts were mounted to assist the firefighters and those citizens who lost homes, livestock and even loved ones; and

WHEREAS, although the lives of many victims were changed forever as a result of this disaster, the resilient people of this State rebuilt their communities and lives; and

WHEREAS, recognizing the need for improved mobilization to meet such a catastrophe, the Maine Forest Service was instrumental in organizing the Northeast Forest Fire Protection Compact, which now includes the 6 New England states, New York, 3 Canadian Provinces and the United States Forestry Service; and

WHEREAS, the need for vigilance against forest fires and the need for education of the general public as to the nature and threat of wildfires is an ongoing challenge; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the First Special Session on behalf of the people we represent, pause, during this 50th anniversary year of the State's worst natural disaster, to remember the forest fires of the autumn of 1947 and to honor and give recognition to the men and women who fought the fires, came to the aid of their neighbors and with courage, pride and determination rebuilt their communities and lives; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Forest Service, the Maine Fire Chiefs' Association, the Maine Federation of Firefighters, the Maine Professional Firefighters' Association and officials of the communities that suffered major losses in the forest fires of 1947.

Was read.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I can't resist. I apologize. I know we are running late, but I would like to make a few remarks on the Joint Resolution regarding the great fires 50 years ago. I am the Fire Chief of Livermore and I am a Town Warden for the State of Maine. I get a big fat paycheck every year for that, but I do it because it runs in the family. Fifty years ago, my grandfather who was a former Representative of this body started the Livermore Fire Department and it was due directly to these fires. There was a good part of Livermore Falls and East Livermore area that there were nearly 100 camps that burned down in that summer that led to Livermore starting their own fire department.

It has always been an honor for me with the people that I work with in the Forest Service and the fire departments. I just want to thank them. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House. I just wanted to add a little to what Representative Berry said. That fire was a huge fire. It came down through one of my towns, Brownfield and Denmark, where my sister lives now. The old timers when they get together they talk about it and I listen and they said all the communities came together to try to put that fire out. At night time you could look over and the whole sky would be lit up by the fire. When that went through Denmark, it destroyed all the homes in Denmark. They had quonset huts that the military put up there. There was one of those things were everybody got together and I really appreciate Representative Joyner for putting this in.

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

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I didn't stand up because about 50 years ago my island actually burned in the great fire. I just wanted to let you know that a paper in Paris, France, mentioned the next day that peasants had burned the community of Bar Harbor. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I would just like to say that I used to do a lot of writing for the Department of Conservation and I did some writing when the 25th anniversary came up. I was around for the 47 forest fires all over New England. Actually, this 47 forest fires here in Maine burned about 205,000 acres. There were approximately 19 lives that were lost. The biggest property loss was in Bar Harbor because of the big estates over there. The largest part of the 47 fires was down in southern Maine from the New Hampshire border all the way over through Biddeford and that was where the most acres burned. It was a very serious situation. Believe it or not, we will have dry conditions again, maybe not this year or next year, but it will come again. We need to be in a situation of readiness whenever the situation comes up again. It also is mentioned here or about in your calendar about the Northeastern Forest Fire Protection Compact, which includes the six New England states, New York, three Canadian provinces and the US Forest Service. This came into being after the 47 forest fires. It is a compact whereby we do get assistance from other states and provinces and we also give them assistance. The Governor did elect me to serve as a director on the Northeastern Forest Fire Protection Compact for the next few years. I was very proud of that. We are better off today because the 47 forest fires. We are in a better situation as far as readiness goes.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Dutremble.

Representative DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House. I remember 1947. We fought fires from Waterboro to Alfred to Kennebunk to Cape Porpoise where we moved many residents up that way. It was in my backyard in Biddeford. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I apologize for rising a second time on this matter, but I made a serious mistake in my first statement and I wanted to clear that up on the record. I stated that I enjoyed working with all the firemen. That is incorrect. The firemen are a thing of the past. It is the firefighters now and I am pleased to work with all the firefighters, the men and women of the fire service. Thank you.

Subsequently, the Joint Resolution was adopted and sent up for concurrence.

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

BILL HELD

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) (H. "A" H-452 to C. "A" H-328)

- In Senate, Resolve and accompanying papers indefinitely postponed.

- In House, House receded and concurred.

HELD at the Request of Representative LEMKE of Westbrook.

On motion of Representative LEMKE of Westbrook, the House reconsidered its action whereby it Receded and Concurred.

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

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

SENATE PAPERS

Concurrent Matter

An Act to Increase Health Insurance Benefits for Retired Educators (H.P. 132) (L.D. 174) (C. "A" H-154) which was passed to be enacted in the House on April 17, 1997.

Came from the Senate with the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax (EMERGENCY) (S.P. 189) (L.D. 607) (C. "A" S-260) which was passed to be enacted in the House on May 27, 1997.

Came from the Senate with the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to Recede and Concur.

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; H. "A" H-741)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding Temporary Assistance for Needy Families and Welfare Reform (S.P. 671) (L.D. 1896)

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 was necessary.

Representative BRAGDON of Bangor 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 PRO TEM: 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. 364

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

NAY - NONE.

ABSENT - Berry DP, Buck, Bunker, Cianchette, Kerr, McElroy, Mitchell JE, O'Brien, Plowman, Poulin, Stevens, Madam Speaker.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 voted in favor of the same and 0 against, with 12 being absent, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Laws Relating to Backyard Burning (H.P. 703) (L.D. 967) (S. "B" S-408 to C. "A" H-392)

An Act to Authorize Transfer of Property Taxes to the Passamaquoddy Tribe (S.P. 588) (L.D. 1758) (Governor's Bill) (C. "A" S-344)

An Act to Create the Maine Governmental Facilities Authority (S.P. 589) (L.D. 1759) (Governor's Bill) (C. "A" S-297; H. "A" H-737; S. "A" S-336)

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.

The House recessed until 2:15 p.m

(After Recess)

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Communication: (H.C. 304)

THE SENATE OF MAINE

3 State House Station

Augusta, Maine 04333

May 30, 1997

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Joint Order - relative to the Joint Select Committee to Oversee Maine Yankee Atomic Power Company (H.P. 1345).

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

Senator Carey of Kennebec

Senator Cleveland of Androscoggin

Senator Harriman of Cumberland.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 305)

THE SENATE OF MAINE

3 State House Station

Augusta, Maine 04333

May 31, 1997

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill "An Act to Regulate the Use of Personal Watercraft" (S.P. 137) (L.D. 416).

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

Senator Treat of Kennebec

Senator Nutting of Androscoggin

Senator Pendleton of Cumberland.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Reference is made to Bill "An Act to Regulate the Use of Personal Watercraft" (S.P. 137) (L.D. 416)

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 DUNLAP of Old Town

Representative GOODWIN of Pembroke

Representative UNDERWOOD of Oxford

ENACTORS

An Act to Open a Discount State Liquor Store in Calais and Conduct a Study Concerning the Opening of a Store in Fort Kent (H.P. 277) (L.D. 341) (C. "A" H-46; H. "A" H-122; H. "B" H-636)

An Act to Encourage the Use of Motor Vehicles That Use Alternative Sources of Fuel for the Purpose of Reducing Air Pollution (H.P. 300) (L.D. 364) (S. "A" S-337 and S. "C" S-414 to C. "A" H-680)

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 Extend Collective Bargaining Rights to Employees of Large Industrial Agricultural Operations (H.P. 1177) (L.D. 1654) (H. "B" H-740 to C. "A" H-550)

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

On motion of Representative NICKERSON of Turner, 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. 365

YEA - Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW,

Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

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

ABSENT - Ahearne, Berry DP, Bunker, Campbell, Frechette, Kasprzak, Marvin, McElroy, Nass, Ott, Plowman, Poulin, Stevens, Winsor.

Yes, 79; No, 58; Absent, 14; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 14 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Change the Name of the Bureau of Taxation and to Allow Other Agencies of the State to Benefit from Its Services (S.P. 623) (L.D. 1826) (Governor's Bill) (C. "A" S-341)

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

On motion of Representative TRIPP of Topsham, was set aside.

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

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

The same Representative presented House Amendment "C" (H-755) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-341) and House Amendment "C" (H-755) in non-concurrence and sent up for concurrence.

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

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

An Act to Ensure Funding for Snowmobile Law Enforcement Activities (S.P. 193) (L.D. 611)(C. "A" S-270, S. "A" S-306) which tabled by Representative SAXL of Portland pending further consideration.

On motion of Representative KERR of Old Orchard Beach, the House voted to Recede.

The same Representative presented House Amendment "B" (H-756) to Committee Amendment "A" (S-270), which was read by the Clerk.

Representative CLARK of Millinocket moved that House Amendment "B" (H-756) to Committee Amendment "A" (S-270) be indefinitely postponed.

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 urge you not to support the Indefinite Postponement of this amendment. What this amendment does is it authorizes an annual transfer from the carrying balance in

the Inland Fish and Wildlife budget to the General Fund as undedicated revenue to carry out the trails for snowmobiles. What this is a one to one transfer that was a unanimous committee report, I believe. The amendment was ripped off in the other chamber by accident. I would urge you not to support the Indefinite Postponement this amendment.

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

Representative CLARK: Madam Speaker, Men and Women of the House. Here we go again. Every time we are trying to ask for money from the Appropriations Committee, we asked for \$250,000 for the Warden Service, they cut that out. All we are trying is to set up a dedicated account for the snowmobile trails. They cut that out. Everything that we are trying to have they are trying to take away from carrying account, which is the legislative Inland Fish and Wildlife committee carrying account. Right now, over the last budget, Inland Fish and Wildlife was in a debt of \$900,000. They took that away from the carrying account. Pretty quick that carrying account will be zero and we will be left with nothing. I urge you to Indefinitely Postpone House Amendment "B." Thank you.

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

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. I hope you will vote against the pending motion of Indefinite Postponement. This amendment came forward because of a technical error in the original bill. This was a nearly unanimous committee report out of Inland Fisheries and Wildlife. This comes back from the 117th Legislature when we increased the non-resident snowmobile registration fees. The department was supposed to dedicate this money to law enforcement activities on the snowmobile trails. The department used that money for other sources. All we are trying to do with this bill and with this amendment is to make sure that the Warden Service gets the money that both the 117th Legislature and the 118th Legislature has requested that be dedicated towards this fund. I hope that you will vote no on the Indefinite Postponement. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "B" (H-756) to Committee Amendment "A" (S-270).

A vote of the House was taken. 29 voted in favor of the same and 94 against, the motion to indefinitely postpone House Amendment "B" (H-756) to Committee Amendment "A" (S-270) did not prevail.

Subsequently, House Amendment "B" (H-756) to Committee Amendment "A" (S-270) was adopted.

Committee Amendment "A" (S-270) as amended by House Amendment "B" (H-756) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-270) as amended by House Amendment "B" (H-756) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

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) (H. "A" H-452 to C. "A" H-328) which was tabled by Representative LEMKE of Westbrook pending the motion of Representative MITCHELL of Vassalboro to Recede and Concur.

With unanimous consent of the House, the Representative MITCHELL of Vassalboro withdrew her motion to Recede and Concur.

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

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1351)

An Act to Provide Equal Political Rights for Employees (H.P. 740) (L.D. 1004) (C. "A" H-429)

- In House, Passed to be Enacted on May 20, 1997.

- In Senate, Passed to be Enacted on May 20, 1997.

On motion of Representative HATCH of Skowhegan, the House reconsidered its action whereby the Bill was passed to be enacted.

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 the Bill was passed to be engrossed.

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-429) was adopted.

The same Representative presented House Amendment "A" (H-749) to Committee Amendment "A" (H-429) which was read by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Thank you Madam Speaker. Could the Representative from Skowhegan explain the amendment?

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to the Representative from Skowhegan, Representative Hatch. The Chair recognizes that Representative.

Representative HATCH: Madam Speaker, Men and Women of the House. In response to the good Representative from Wells' question, I was approached yesterday and said that there was a little problem with the document as it was. It was down on the Governor's desk and would I be able to sponsor an amendment, which I did. I received this amendment very late last night and lost it on my desk. I just found it. The changes were of the nature that there were some conflict in some of the respects and they didn't think it would pass constitutional muster. They did some technical changes and revamped the amendment. Representative Tuttle has been well informed on this. I am sure that he would be more than willing to answer all of your marvelous questions.

House Amendment "A" (H-749) to Committee Amendment "A" (H-429) was adopted.

Committee Amendment "A" (H-429) as amended by House Amendment "A" (H-749) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-429) as amended by House Amendment "A" (H-749) thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 673)

**JOINT RESOLUTION NAMING JUNE 1997 AS
CHILDREN'S HEALTH AWARENESS MONTH**

WHEREAS, 38% of the children of this State in grades 9 to 12 smoke and 50% of the children report having used alcohol in the past month and 28% of the children report having used marijuana in the past month; and

WHEREAS, 1/3 of individuals who begin smoking as children will die of smoking-related illnesses and over 36,000 children of this State do not have health insurance coverage and this State has the highest rate of uninsured children in New England and 18% of the children live in families with incomes at or below the poverty line; and

WHEREAS, the infant mortality rate in this State is 6.1 per 1,000 live births and 11.1% of women do not receive prenatal care in the first trimester of pregnancy and the rate of low birth weight babies in the State is 5.7% and 8.3% of total live births are to single teenage mothers and 16% of 2-year-olds are not appropriately immunized; and

WHEREAS, uninsured children are more likely to require avoidable hospitalization and from 1990 to 1995 the percentage of the State's children requiring referral to child protective services rose from 3.0% to 4.2% and 8% of high school students report they have seriously considered committing suicide in the past year; and

WHEREAS, in Maine from 1985 to 1994 the percentage of low birth weight babies rose from 5.1% to 5.7%, the rate of teen deaths by accident, homicide or suicide rose from 51 per 100,000 to 54 per 100,000, the juvenile violent crime arrest rate rose from 81 per 100,000 to 126 per 100,000, the percent of children in poverty rose from 15% to 17% and the percentage of children in single-parent households rose from 18% to 25%; and

WHEREAS, 74% of the voters agree that "our political leaders are not doing enough to help solve the problems facing children today"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in this First Special Session, take this opportunity to declare that June 1997 is Children's Health Awareness month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governor, the Attorney General, the Maine Department of Human Services, the Children's Defense Fund, the Maine Children's Alliance and Save the Children/U.S.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House. I just wanted to take this opportunity to ask you to join me in supporting this important resolution declaring June 1997 as Health Awareness Month. I believe in this session we have all demonstrated our commitment to children, both in what we have achieved and what we keep trying to achieve. We have put them on the forefront and I hope that you will join me in supporting this resolution. Thank you.

Came from the Senate read and adopted.

Was read and adopted in concurrence.

TABLED AND TODAY ASSIGNED

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

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)

TABLED - May 30, 1997 by Representative SAXL of Portland.

PENDING - Passage to be Enacted.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. To quote Representative Clark's comment earlier, here we go again. This bill increases the cost for small loggers to operate. The amendment requires an owner of a business, the employer, to carry workers' comp on himself. We already have exemptions on people who are independent contractors, but this is an effort to get those people who are not independent contractor status. It is not saying anything about the employees. Anybody who hires somebody has to have workers' comp on their employees. What this bill does is go further and requires the employer to carry workers' comp. An additional expense. It is one more nail in the coffin for small businessmen. Mr. Speaker, I move Indefinite Postponement of this bill.

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

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

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

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

Representative PENDLETON: Mr. Speaker, Ladies and Gentlemen of the House. This bill came before the Labor Committee because a number of contractors for cutting logs found that they were being cut out of the ability to bid on contracts to harvest logs in different areas because of individuals that were coming in and acting as subcontractors and these subcontractors they found were not carrying workers' compensation on their employees. Therefore, they were able to operate at a much lower cost than the established contractors. This bill was put together with the help of former Commissioner Vail, working for the Maine Forest Products Council and the Professional Loggers Association because of the fact that they felt that in some areas they weren't able to compete because people were working in the woods and not protecting themselves or their employees for workers' comp and therefore, putting the people they were doing work for at jeopardy if an injury occurred. For that reason, this bill was developed and I happen to believe that it is a good bill. It protects the individuals working in our woods industry. Thank you very much.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House. I hope you will support Indefinite Postponement. This doesn't do what people really think it does. I will tell you what it is going to do. I was planning on hiring my two men this summer. If this bill passes, I will work alone because I don't mind paying workers' comp on my men, but this little amendment here, which becomes the bill says and I quote, "Anybody engaging in harvesting of wood that severs and removes standing trees from a forest comes under this." That

means that if I get off my bulldozer and cut two or three trees while my men are down there a quarter of a mile away, I have got to have workers' comp. Pure and simple, that is what it says right here.

Quite a few years ago I had a visitor, a young lady with a small child that came to my house. This was back when my twins were little girls. They had a kitten that they were quite fond of. This young kid took the kitten by the throat and was squeezing her. She began to get limp and her eyes bulged out. I said something to the visitor's mother. She said, "She is just loving that kitten." I rescued the kitten, but I can't rescue people like me and we are just a small minority without your help. In other words, we are loving people to death, like myself. I sometimes wonder. I will be 75 in a little while and I sometimes wonder how I have lived this long without somebody taking me by the hand from the time I was born.

Another thing, you people on the coast represent fishermen. Stern men don't even come under this workers' comp law. They are classed as self-employed. Why should we be any different? Once again, it doesn't do what people think it does. It is very poorly drafted. It is full of holes. If you don't follow my light, there won't be a political repercussions because there is only a handful of us left here in this state, a mere handful. I guess I am begging the House to leave this old man alone. Let me cut wood another year and maybe, just maybe, I might hire one or two young fellows and teach them how to work and get along in this world. They won't be on the streets smoking marijuana and then gradually getting up the nose candy. I might possibly make a couple of young people useful citizens. God forbid. I am having a bad day. If I lose this, I will feel a heck of a lot worse.

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

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

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

Representative CAMERON: Mr. Speaker, Men and Women of the House. To anyone who cares to answer, based on what Representative Dexter said, I cut my own firewood and cut wood off my own land to sell to pay taxes and that kind of thing. Would that mean I would have to have workers' comp on myself?

The SPEAKER PRO TEM: The Representative from Rumford, Representative Cameron 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: Thank you Mr. Speaker. No, you would not.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. Unless I am mistaken the state law requires anybody who hires workers to pay workers' comp anyway. I don't know about the previous statement by Representative Pendleton. You hire somebody to work for you and you have to pay workers' comp. What this is getting at is the employer who decides not to cover himself. This issue has been going on for a number of years. What has happened for the small people is that workers' comp and all the other costs of doing businesses have cost them jobs and they have gone into self-employment and employed themselves. A lot of them become independent contractors. The state has been talking about, down the road, trying to get all of self-employed people to

carry workers' comp. I can understand the larger outfits to carry all the insurance and everything else from having employees being a little bit nervous about somebody who has a little bit less overhead. I don't think we should be in the business of so called creating a level playing field so somebody's bidding chances are a little bit better. We all cut costs in a certain way to get our bids. I certainly do. I put a bid out there and hope I get the job. This is an effort to go after another source of people who work and it is going to drive people out of work. I urge you to vote for Indefinite Postponement.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. It has been said that this issue has been going on for a long time. It has been. I worked with both contractors who don't have workers' comp and those who do. On the jobs that are bid, I don't see a great deal of difference in the prices that are bid, whether workers' comp is or is not involved. The thing that is disturbing the most is I have a number of people who buy firewood on the yards where this wood is hauled out from other contractors. These are the people that are supplying most of the firewood that some of you buy. Most of those people are not on the high end of the economic scale. If they have to buy this insurance, two things may happen. The price of your firewood is going to go up or there won't be any firewood delivered. It will be one of the two. That concerns me probably as much as anything. It is the livelihood of these people. These people are very independent and if they got hurt they probably wouldn't ask anybody to help them but themselves. I ask you to consider that when you vote on this issue.

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

Representative BELANGER: Mr. Speaker, Men and Women of the House. I, too, have the same concern about a private landowner. I would just like to read the summary of the Committee Amendment that replaces the bill. "This amendment replaces the bill and the amendment requires all persons engaged in harvesting wood products to carry workers' compensation insurance for themselves in addition to their employees. The only exception is for an individual who contracts directly with the landowner to harvest the wood and perform all the wood harvesting alone." I think that leaves a lot of questions. I am concerned that this is going to require landowners to carry workers' compensation. I would ask you to vote for Indefinite Postponement.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. Yes, this does leave a lot of unanswered questions. That is the problem with this and that is why I am going to vote for Indefinite Postponement at this time. Workers' comp rates, right now, for logging, is \$45 per hundred. That means for a person who earns wages for every \$100 that person earns, \$45 has to be paid for workers' comp. There is really no choice if this were to pass. The little guy would have to go. What this would mean is that if there are 3,500 logging firms in the State of Maine and there are maybe 2,000 logging firms that hire one, two, three, four or five individuals, I think you are going to find that a lot of these loggers are going to be operating by themselves. It will increase the unemployment in the rural area of Maine by quite a lot.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House. I don't know if there is any confusion about this. This bill was brought about because a lot of loggers in my part of the country are having problems competing with other loggers. The reason is that some loggers pay workers' comp which is probably around \$25 to \$40 per hundred. They are competing against others that are not paying any workers' comp at all. There is a difference here in the cost of doing business. I understand that to be a problem before it was brought up.

There is another thing too. Workers' comp is worthless until you need it when you drop a tree on yourself or a limb. Then you wished you had had workers' comp. Right now, under this bill, if you are working alone and you are contracting with a landowner, you don't have to carry workers' comp. If you employ somebody, whether it is your brother, your sister, your aunt, your uncle or whatever, an employee, you have to be covered. I don't think that is all bad to be frank with you. I think it is a good idea to have workers' comp. Thank you.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I would also urge a vote for Indefinite Postponement of this bill. I am definitely not a forester, but I have lived in Standish on a small 16 acre lot with a quarter mile dirt driveway. One of the things I do for recreation is we take care of our trees. We cut down the dead ones. We take out the windblown ones. We cut our own firewood. I don't cut a lot of wood. Maybe five cords a year. Maybe a couple cords I sell off to neighbors and a few other people who need firewood and the rest I burn. I have my two neighbors up the road help me, Dave and his son. We pay them a little bit for coming down and helping out with the use of their tractor and their wood splitter. If we had to pay workers' comp, not only for them, but for myself, I couldn't afford to cut my five cord of wood. I couldn't afford to go spend a day, a Saturday, removing a tree if I had to have workers' comp because I have other people helping me hauling it out. This is an absolutely ridiculous bill. I urge Indefinite Postponement. It is costly to the workers, the small landowner and also to the consumer who will have to pay more for wood products and firewood.

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

Representative JABAR: Mr. Speaker, Men and Women of the House. The statute clearly indicates that this does not apply to home use or personal use. Section 12-A on the bottom of Page 2 and the beginning of Page 3 clearly says that this is intended for commercial purposes and not for personal purposes.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I really apologize. I know it is getting late and we want to move on. I feel very, very strongly about this. I understand Representative Samson feels strong about what he is talking about too. I think we are both concerned about the same thing. We are coming from different directions. All I can tell you is that in my area and the people I know, all I see for years and years now is them losing their jobs because of the cost of running a business. The little guy, the guy who has one or two or three people. They are losing their jobs and they are going out there and they are trying to self-employ

themselves. A lot of them don't have the tools, the money or the capital to do that. We are not talking about a guy that is going out and hiring people and not having workers' comp, that is against the law. We are talking about making the employer carry workers' comp on himself. That might be just enough expense to drive him out of business. If he does have anybody working for him, those people are going to be on unemployment. We do so many things up here to try to protect people, but we have to look at whether we are protecting people into poverty. Thank you.

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

Representative STANLEY: Mr. Speaker, Men and Women of the House. I know for a fact that I have a letter that was passed out yesterday that the Maine Professional Loggers Association supports this and two or three of my loggers associations in my district support this. I urge you to defeat this motion. Thank you.

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

ROLL CALL NO. 366

YEA - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bouffard, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clukey, Colwell, Cowger, Cross, Dexter, Donnelly, Driscoll, Dutremble, Etnier, Fisher, Fisk, Foster, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Povich, Powers, Richard, Savage, Shannon, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Thompson, Tobin, Treadwell, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Bagley, Baker CL, Berry RL, Bolduc, Brennan, Bull, Clark, Davidson, Desmond, Dunlap, Farnsworth, Fuller, Gagnon, Green, Hatch, Jabar, Jones KW, Kane, Kontos, Lane, LaVerdiere, Lemaire, Mailhot, McKee, Muse, O'Neal, O'Neil, Paul, Pendleton, Plowman, Quint, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Stanley, Tessier, Townsend, Tripp, True, Usher, Volenik, Watson, Winn, Wright.

ABSENT - Berry DP, Bunker, Frechette, Kasprzak, Kerr, Lemke, McElroy, Poulin, Stevens, Madam Speaker.

Yes, 92; No, 49; Absent, 10; Excused, 0.

92 having voted in the affirmative and 49 voted in the negative, with 10 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

CONSENT CALENDAR

First Day

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

(S.P. 641) (L.D. 1863) Bill "An Act to Encourage Major Investments in Shipbuilding Facilities and to Encourage the Preservation of Jobs" Committee on **Taxation** reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-422)

On motion of Representative JOY of Crystal, was removed from the First Day Consent Calendar.

The Committee Report was read by the Clerk.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I didn't really want to let this go by without saying at least my 2 cents worth. I will be voting against this pending motion, just to the fact that I have a real problem with giving a tax break to a company that has \$700 million in the bank and a \$300 million profit last year, and has a CEO that makes \$11 million, when down in the southern part of the state, we have the Kittery Naval Yard, which every time we turn around is being threatened to be closed and with the next base closure that's coming up, I'm sure they're going to be right there on the top. I've always thought that tax relief was for those in need, not those in greed. I just feel compelled that I needed to stand up and be heard on my opinion on this. Thank you.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House. Bath Iron Works, when it was wholly a State of Maine company, was able to compete. Since the technically "not hostile" take-over by the out of state giant General Dynamics, Bath Iron Works is suddenly broke, unable to compete. What happened to Yankee ingenuity, now that Bath Iron Works is really an out of state entity? Is General Dynamics holding BIW hostage, dangling it before our eyes under the hangman's noose, just to get more corporate welfare? Whether or not we spend \$3 million a year, General Dynamics will reduce employment at Bath Iron Works from 7,500 to 5,000 and then 3,500 and probably even less and not only will we have spent \$3 million a year on corporate welfare, but we will spend millions on retraining, on unemployment, on food stamps, and on real welfare for displaced Bath Iron Works workers.

I have a better idea. Take that three million dollars and invest it each year to grow jobs in small Maine businesses. In 20 years, we might have 20,000 new jobs instead of 3,000 fewer jobs. And you know what? General Dynamics will probably still be here. Bath Iron Works will probably still be here, if we call their bluff. I resent the statement in yesterday's paper that Bath Iron Works might not find this give away acceptable because it asks them to be in small ways accountable. Who are these welfare executives to go behind closed doors with the Taxation Committee, with no public scrutiny, to bargain, demand, or threaten for what they want? I, for one, won't go alone. Dwight Eisenhower is rolling in his grave right now. Remember his last great message, "Beware of the power of the military industrial complex." My fellow legislators, you're being duped. They are laughing at us, in General Dynamic's corporate headquarters. What a bunch of easy target, thumbkins, we are, oh so easy to, shall I dare say it? Blackmail.

You know, a good phrase to use, when asked to hand out corporate welfare is, "Just say no." General Dynamics earns and spends \$4 billion per year. That is more than twice the budget of the State of Maine, yet they want us to give them more. General Dynamics recently purchased Bath Iron Works. Did they buy this company because it is a profitable company, or because it has the potential to be a profitable company, or did they buy it simply to collect corporate welfare from United States Government, the State of Maine, and the Cities of Bath and Portland?

General Dynamics is asking for \$194 million over 20 years from the City of Bath, and the State of Maine. That's \$9.7 million per year. General Dynamics, you have that money available right now, within your own profit structures. You don't need us after all. Here's how you do it, even without touching your \$700 million cash on hand, your chief executive, James Maller, earns \$11.3 million per year, you know the man, you just gave him a million dollar salary increase last year. Just take the expansion costs from his salary, tell him you're downsizing his salary, and if he doesn't like it, you will out source his job, or better yet, eliminate it. The same thing you're planning to do with half of Bath Iron Works' employees. If you take that \$9.7 million a year from his salary, you still leave him with 1.6 million a year to live on, with a little bit of skimping, he will probably survive. After all, that's still 65 times what his lowest wage employee is paid. Here's what he can still purchase with his \$1.6 million. He can buy a new BMW, every year. A new Ford Explorer, every year. A new vacation home somewhere around the world, every year. Two new snowmobiles, a big screen TV, a new yacht, every year. Enough food to feed a hundred people a year, \$100,000 worth of jewelry, every year, just for fun, and to be showy and to give away. Fifty thousand dollars a year in campaign donations, for services rendered, a secondhand airplane, from Uncle Henry's, utilities, taxes, and insurance on ten houses. Yearly salaries for two butlers, eight maids, two chauffeurs, four gardeners, four caretakers, and a live-in masseuse, the best health care coverage that lots of money can buy and he'll still have money left over to go on oodles of vacations all over the world. This man is rich and you, ladies and gentlemen, are just a green button away from making him even richer. If the federal defense budget can not keep Bath Iron Works and General Dynamics afloat, and if Bath Iron Works is incapable of developing a non-military side to its production, it has clearly shown that it is incapable of this, then who are we to pour money down the sewer of defense spending? If the federal government wants these ships, and this purely military shipyard, then it should pay for them. I suspect that in a generation or less, Bath Iron Works will be gone, as will a majority of the military bases around this country. Ask Bill Cohen in confidence for the answer, if he'll tell it to you straight. What will remain will be the bloated bank accounts of the executives of these recipients of corporate welfare. Just say no. If our Maine tax dollars are to be shifted from education or law enforcement, or children's health care, to subsidize business, then shouldn't it be business that has multiplier effect, not just now but into the future? And here I'm thinking of export businesses, renewable industries, agriculture, small family farms, and small Maine businesses, this is our future. Why are we subsidizing a company that will admittedly take the money and cut jobs? If we were to help a business, it must absolutely guarantee that it will expand, not eliminate jobs. We can't compete with other states in the realm of state subsidies for defense industries. California, Texas, and of course, Mississippi, will always win.

Let's compete in areas we can be proud of. State of art potato and apple farms, value added wood at wood products, renewable resources from the sea, renewable energy to export across our borders, industry that helps humans and doesn't kill them. Ladies and gentlemen, the choice is yours. For my part, I will just say no.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I am tempted to repute a few of the points the

previous speaker, the good Representative from Brooklin, however, I think I'll let it pass and go on to a more positive approach.

As I start this afternoon, I would like to personally thank, on behalf of the Bath Iron Works, the citizens of Bath, the good Representative from Topsham, Representative Tripp, and the members of the Taxation Committee for the long hours that they put in working this bill. Yes, they were under some time constraints. Yes, it was not an easy bill to work with, but they did, they worked it more than 30 hours on this particular project and they were able to report out a bill with a 13 to 0, "Ought to Pass" Report.

What we are talking about here today, is a modernization project about preserving jobs. This bill is also about preserving the heritage of shipbuilding jobs at BIW, for the next generation of Maine shipbuilders. BIW has been building ships, or the forerunner of BIW, since the 1880's. It has been, and it still is, basically, a local Maine company. BIW is a subsidiary of a multi-national corporation, but it is a Maine company, employing Maine people, working with Maine vendors. Earlier this afternoon, I distributed, and it did not have a title on it, I've received a number of notes about what a land leveled modernization project is, and what are vendors doing with it. That list, which runs four pages both sides, is a current list of some of the vendors of BIW and where they come from. These are all Maine companies. They're in Auburn, they're in Westwood, which is in Aroostook County, they're in Presque Isle, Kezar Falls, Westbrook, Scarborough, Waterville, Oakland, Bangor, and Northport. There are companies all over the State of Maine who are vendors who supply goods and services to Bath Iron Works.

Bath Iron Works has been at a competitive disadvantage, ladies and gentlemen, for a number of years. Bath Iron Works competes with Ingalls Shipbuilding in Mississippi. Ingalls, and many of you have seen the mock-ups and the photographs, Ingalls is 608 acre shipyard built by the State of Mississippi, with a \$130 million bond. Ingalls leases the entire facility at a cost of \$130,000 per year. That lease amount is less than BIW currently pays on its lease at the Portland facility. Ingalls can buy that shipyard in the year 2004, for the grand sum of \$101 if it wishes to get out of its lease and own what was built for them by the people of the State of Mississippi.

What does this legislation do? This legislation provides a three million dollar annual tax credit to BIW. The total credit, no matter how you want to read the bill with the step-up and the step-down clauses, it will never exceed \$60 million over the 20 year period. We have heard a great deal in corridor discussion and we've started to hear some today, in the discussion about employment. BIW's employment will not drop to the 3,500 figure that we have heard, if BIW is able to modernize and if BIW is successful in obtaining contracts. It could drop to 3,500, it could drop below 3,500, the shipyard as we know it today could disappear, if it is not able to modernize and to be able to have the technology available to do the job that must be done.

The total cost of the project that we are talking about this afternoon is \$597 million. BIW, a subsidiary of General Dynamics, will put in all of the up front money to construct the modernization. With other costs included BIW and General Dynamics will invest \$403 million of the 597. The state will have the 60 and as we've heard before and you've read in the papers many times, I suspect, the City of Bath, through a TIF, will be contributing \$81 million and BIW will be eligible for somewhere in the neighborhood of \$53 million out of the BETA program.

I've been asked two questions, repeatedly, on this particular project in the last week or ten days. One question, and it has come a couple of times, once a few minutes ago from my seatmate, the good Representative from Penobscot, asking me whether I would support this bill, if it was dealing with a shipyard, or a manufacturing facility, in Penobscot, or Castine, or Blue Hill, or Brooklin? My answer would be yes, because from my perspective and my philosophy as a legislator, I see this as an economic development tool. I see this as a jobs tool and be it in the City of Bath, or the Town of Brooklin, or the Town of Castine, I think it is something that we should, and have to, be doing.

The second question that I have been asked, of the discussion I have had, deals with paper companies and we do have seven, I believe, paper production plants in the State of Maine. I would suspect, the fact is, I think I would bet, any of the people currently in this room, that if we were talking about a paper manufacturing facility that had been built in the State of Georgia, by state funds and Georgia has a number of such facilities, we would today, and this had been done a few years ago, and it was a matter of survival for one of our paper manufacturing facilities, today, ladies and gentlemen, we would be talking about the same thing, only it would be paper and not ships. Ladies and gentlemen of the House, I know many of you have doubts about this project, many of you have agonized over this in the last few days as the Taxation Committee has, since the 21st of the month. Ladies and gentlemen, this is about jobs, this is the future of the largest private employer in the State of Maine. I urge you to accept the unanimous Committee Report. Thank you.

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

Representative BODWELL: Mr. Speaker, Ladies and Gentlemen of the House. I couldn't agree more with the good Representative from Bath. I would also like to thank the Taxation Committee for the unanimous Report that they have given us and the hard work that they put into this very difficult issue. I believe it is crucial that we keep our largest employer intact, the loss of BIW would be devastating to Maine's economy.

The mid-coast area, as we all know, may soon be suffering the loss of Maine Yankee, that would take away hundreds of good paying jobs in the mid-coast area, we can not also afford to loose the jobs that we currently have at Bath Iron Works. These are good jobs, jobs that when I served on the Business and Economic Development Committee, we kept hearing we need in Maine, livable wage jobs with benefits.

BIW is an important anchor to the economy here in the State of Maine, and I again urge everyone to support the pending motion. Thank you.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House. Bath Iron Works is very important to my area of the state. I only live about 30 miles north of route 1 from Bath, and I know that in my town and my district, they are the ones that keep our towns afloat, they really are. We have a lot of people who work there and we sure do appreciate having those jobs available.

At the hearings, I began to wonder how important this really was, but at the hearing it really came out, not only did we hear from BIW and their management, but we heard from employees, and we heard from a number of vendors and companies around the state. I think you have on your desk, this handout that

Representative Mayo distributed, it's hundreds of companies that also make a good part of their living from Bath Iron Works. So it's not only the employees we are concerned about, but it's a whole economic development here in the State of Maine. It became very clear, after listening to testimony, studying reports that Bath Iron Works, if they are to stay in the shipbuilding business need to have a state of the art facility and when I say state of the art, we're talking about the land-level facility that they can build their ships on instead of the sloped ways that they have now. It's been proven to us, we've seen the costs, it cost so tremendously much more to build where they are now and to finish that product in the water, then to build on level land, that their competition is doing in Mississippi.

It is true, then, that I have a lot of people in areas that I am concerned about, but I as a legislator have had to take on a real job in doing what I think is best for the State of Maine, and we have put a lot of thought into this, and when I say we, I'm talking about the other 12 members of the Taxation Committee. I've been in the legislature now for seven years and I have not ever worked more deeply on a bill than I have on this one. But I am really proud to have worked with the other members of this committee, every member has had to make some hard decisions. We have worked the bill and worked it, and we finally all came together that we could be satisfied. It is one thing that I am very proud to be part of. Yes, there were concerns, a lot of concerns. But I think that we have really worked those out, and I think that we have to stop and think, General Dynamics, as we have heard some things here on the floor already today, about their finances, and oh they can do this, but we must remember Bath Iron Works was in some financial straits before General Dynamics bought them. General Dynamics invested \$300 million to buy this operation. By doing that, when they bought it for \$300 million, they were able to pay off all the debts that Bath Iron Works had and that is a big financial plus for the State of Maine. We must remember that. Bath Iron Works was carrying a lot of lost carrybacks on their taxes each year and they weren't paying that many taxes to the State of Maine. Now that their debts are gone, that is one reason you see a tremendous increase on the financial pages of our state finances this year in the corporate line. Corporate income tax is up. In fact, I believe that Bath Iron Works accounts for 10 percent of that line, so, yes, it is a big help that General Dynamics was willing to make an investment in the State of Maine. Not only did they buy Bath Iron Works for \$300 million, they're willing to invest \$307 million over the next 20 years to improve this site. But with the overhead they have in this company, and if you're a business person you know you have got to get your costs down in order to make competitive bids, this is what they are looking at, in order to compete with Ingalls in their bidding in the future, they have got to have a level land where they can build their ships and this is real important for us to keep the shipbuilders' business here in the State of Maine.

We on the Taxation Committee, a lot of people have said to us, how are you holding them accountable. Yes, I think we have and I'm not going to go into all the things that we have done in the bill, but we have made them accountable along the way. For example, somebody said that we could have given them a \$60 million bond. That is true, we could have. They could have gotten \$60 million up front, it could have been over with and we'd been paying for it for 20 years out and we would have been taking a chance, because something could have happened five years down the road and they might not be there and our \$60 million would have been gone, plus we would have been paying interest on that. We're holding \$3 million for them, To withhold

\$3 million on their withholding taxes each year, that allows us to only put out \$3 million per year and at the same time, they have to meet certain criteria each year as we go along. Not only in their investments that they were making. For example, in the first five years, they have to invest \$150 million. If they haven't made that investment at the end of five years, then we can bring back the \$3 million per year that we have been paying to them. We've also put some language in there for incentives and disincentives, for the employment level that they are at. It has been true, we have been concerned about the numbers of employees that they would have. After listening and seeing how this business really operates, we feel that it is important to be able to maintain and hold this business here in the State of Maine. If their employment does go up, we do accelerate the payment to them, that is an incentive for them to increase the number of employees above what they anticipate right now. If it goes below the 5,000 level, then there is a disincentive. The total, no matter what, will only be \$60 million over 20 years. Ladies and gentlemen, I don't think for the largest employer here in the State of Maine, which right now is 7,300 people, I don't think we could make a better investment for the economy of our state and for the employers and all the businesses in this state that have business with Bath Iron Works. I don't think we could do a better investment with our money then to support this bill. I urge you to do so. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House. I don't think there is anyone in this room that hasn't understood, if they've been here three years or the one year, what a strong labor person I am. How concerned I am in this State of Maine about good jobs, fringe benefits, long time and long lived jobs. Now let me tell you a little bit about how I feel about this. Are there risks? You better believe it. Can we afford not to take them? I don't think so. Now before I get parochial on this issue, as a member of the Appropriations Committee and as a member of this body, I have supported and have said it out loud, that I would support the container port in Portland, I would support the cargo port in Searsport, and there's been no bones made, and it's got nothing to do with, although I think it would be nice for them, that I thought it was needed, not only for the economy, but for work and for jobs in those areas.

I want to talk a little bit about the beginning of this process. In Bath there was a unanimous vote of the City Council, to support that \$80 million TIF. Now in the long run, that's going to hurt and there is a substantial risk for that city. The workers are supportive of this, in collaboration with the company. Now frankly, the company can take care of themselves. If they walk out of this state now, they'll still be billionaires, they won't have any problem, but we'll be left with this. I want to quote from one of the contracts from the Bath Iron Works, if I can see it, I'm wearing bifocals that aren't mine, I'm having trouble going up and down. We recognize that significant changes to our present manner of producing ships are required for us to become globally competitive and ensure jobs for our people at BIW. Together we must seek out new technology in order to change and improve our processes, tool equipment and methods. Under commitment, we are committed to seek out new technology and processes that redesign improvements to enhance employee skills thereby preserving jobs. Now during the three to five year period, when this construction is going on, I would like to remind the House, the construction workers get paid and construction workers have payroll taxes and the three million that we are losing out of payroll taxes, which doesn't

make me happy, since that's what we had on the table this year, we also would be losing \$18 million if they weren't here. Now you've got a choice. You could lose three million now, or you can lose the whole kit and caboodle. Now I can remember, and forgive me on the other side, but during the Senatorial campaign, the good Senator from the second district, State of Maine, Senator Susan Collins, when Trent Lock came to the State of Maine and they talked about Mississippi versus Maine, and what did the good Senator say, "We'll work together, it won't be a problem." Well he's out for the jugular now, more than the jugular, he would like to just obliterate us. Now we've got a choice here, we move in to the point where we say, once these contracts are over, there's no more contracts. The expansion and modernization and new technology necessary to build a ship for the future, if we want them in the State of Maine, for a Maine shipyard, for Maine workers, that's what we are talking about here. We don't want to put those people out of work. My good, good, friend, Representative Volenik, who I love dearly, and who I disagree with inimitably, on this particular issue, but I agree on some of the points he made, but I'm not sure I want to talk about the corporate headquarters. I'm not sure I'm concerned about it. If he left there, he'd probably get a raise and go somewhere else. We could argue about what the CEOs are getting all over the country, and none of us would be happy. What we are really talking about here, do we want these jobs in the State of Maine? Do we want the shipyard here? Do we want to expand and modernize, and do we want to compete? The competition is fierce. You're watching these shipyards closing all over the country. I urge your support. Thank you.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House. I'm going to try to abide by the admonition of the late Representative, late in being here, from South Portland, Sam DiPietro, and try to say something different, or add something different to the conversation we're having. While I'm at it, I'd like to thank the management at BIW, Kevin Gildant, the Members of Local 6, because they accorded me a privilege, which I will always be thankful for. Several days ago, early in the morning, starting out, they allowed me to walk the yard, and see it all, not the usual tourist tour, so to speak. I have to say that that was one of the more moving experiences that I have had in a long time, in part, because professionally I'm a historian, but much more important because of where I come from. As a historian, I was struck by the fact that some of the original buildings are still there, it's sort of like the mill in my town and it's built around it and beyond it, but much of the core is there. One of the things that's still standing is the old foundry that was established by Tom Hyde. Now Tom Hyde was a hero of the Civil War. Joshua Chamberlain wasn't the only one. Tom Hyde in his early 20s rose to the rank of general and along the way he led the 7th Maine. In fact, he led the decisive attack on April the 2nd, 1865, which broke the Confederate Lines at Petersburg and when one Battery was bothering his advance that Battery was taken with a saber and there was an older gentleman with a white beard that he noticed had been directing the Battery and left moments before he took it, and he asked, what Battery is this? This is Pogs North Carolinian, and who was that old man? And the answer was Robert E. Lee. So in many ways, Tom Hyde was a part of our history in the Civil War, but for our purposes, what is important is that when he came back to Maine, he set up the foundry and first produced windjammers, and then he moved on to make the transition from wooden ships to iron. He was an innovator, and basically

he's the man who founded what today is BIW. He was willing to take risks. He was an innovator, and all his life he was a Mainer, and if you walk that yard, it's like walking through history. You walk through the first part, which is very much the 19th century, and then you move into the early 20th century, 1916, then you move into the expansion, it's like a giant hanger, if you will, 1970s, 80s, and finally you reach that area on the water near the marsh where the new facility will be built. You can see it all, particularly if you go out on a dolphin, you can see the whole thing, and where it will be. So, it's almost like you walk through the stages of the history of this facility and you see the past, but you almost see the future that can be. Bath Iron Works is important to me, as a historian, because I think it is an integral part of Maine history. Maine would exist without BIW, but it would not be Maine. There would be a part of the tradition, heart and soul of the working class of Maine, that would go if BIW were not there. I believe it is absolutely fundamental that it be there.

I must say that when I spoke with Mr. Cameron, one of the things he said, he didn't give me the usual pep talk about how we have to have it. You know all of this. We talked about the waves, because even more important than the foundry, is to see those waves and to think of the ships that have gone down to the seas, and will. We had a little discussion and we said that we have to keep them. Whatever facility is felt, those waves must be kept. We keep things like great paintings or works of art, which, frankly, are often of the elite. Those ways are the artifacts, if you will, of the working class, management and workers of Maine and they should be forever maintained. Times change and although I will always prefer the waves, times change. And just as Tommy Hyde was able to make the transition from wood to iron, we have to make the necessary technological changes to remain competitive. So much for the history. You knew you were going to get that from me.

What I also thought about as I walked through that yard and as I rode back and all the days since, I thought of my father, who worked the mills of the Androscoggin. He went to fight for his country in the Pacific in World War II. He was a working man all of his life and for four years of his life he was a Navy man. Whatever values I have absorbed when I was listening, I got them, in large measure, from him. When I walked the yard a couple mornings earlier, it was like I was with him. You could see him everywhere. You could see him with the working men and women building the best ships in the world with the best craftsmanship. When you saw the welders who made the seams just perfect, you feel them. It was like the work of my father. He didn't have an education when he went in, but he had an ability, mechanical ability. He taught gunnery. Even on the battle wagons and everything else. He was a perfectionist. Obviously something went awry along the line, but nevertheless.

When I went out on the dolphin and looked at the new expanse, I think you have all seen it or will have a chance to see it, you look at that blue expanse on the Kennebec. That is the road that goes to the sea. That is what my father always said. I have to say, going through there with people like Tom, Ray, Burt, Charlie and others from Local #6, I say a lot of him. You know what reassured me? When I went to Mahogany Row and I talked to Alan Cameron, who is a Marine Engineer from Glasco. When he talked about the yard, he showed a real passion and love for the work he does. I am willing to make the risk that he will follow through in management well.

On my better days around here, I try to be bipartisan so I will once again mention one of my heroes, who was a Republican, Theodore Roosevelt. Roosevelt was the first President of the

United States to bring labor to the table on equal footing with management, not because he was pro-labor, you can read his speeches and find that out, but because he understood that in the 20th Century, labor and management needed each other and had to work together. That is reality. It is not ideological purity, but reality. It is the reality of the world where working people live every day. In the 21st Century, I might as well say, is going to be a very dangerous period. It will be more dangerous, probably, than the cold war where the power of each side balanced off, but you know it is a different world and we are going to need to have vessels that go in harms way. That, too, is reality. If we are going to have them, they should be made in Maine.

Maine has an investment in a healthy BIW and that is reality, too. In the final analysis, this is about jobs, jobs, jobs. The jobs at BIW that BIW generates now and the jobs that BIW will create in the future. I will admit that I was critical of LD 1863 when it was first presented. I was not comfortable with voting what appeared to be something of a blank check for General Dynamics to effect work reduction when the figure was 3,500. The bill before us today is not that bill. It protects jobs. It has protections for Maine. We have never invested so much in BIW, but now we do it, in effect, as partners and that is important. The Taxation Committee is to be congratulated for their work, under great pressure day in and day out, I think they should be congratulated for their labor and the best way we can do that is to vote yes on this bill, which probably is the most important bill you will vote for this year. I urge you to vote for LD 1863, because I believe it is a vote for the working men and women of Maine. I believe the risk is necessary to take for Maine's future.

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

Representative GAGNON: Mr. Speaker, Men and Women of the House. In listening to the various comments that have been made today, and these are exactly the comments that were made during the Taxation Committee deliberations and various parts of our debate, corporate welfare is a very interesting subject. There is a lot being written about it these days by scholars, economists and legal people. One of the things that is a fact of life, there is corporate welfare out there. We didn't create it. It is the nature of what we are in today. It is kind of like to say we are not going to have corporate welfare in the State of Maine, is like the manufacturer on the corner saying, I don't want computers. I am not computer literate. I don't want to have computers in my business. It is the nature of things today. It is a reality. In reading some of these reports and some of these surveys and reviews, the jury is still out on these incentive programs, whether or not they do work.

One of the things that we have discovered, however, is that in order for them to work, there has to be accountability. They have to be tight. These are business agreements. A lot of people here, their vote will be influenced based on their heart by what BIW is all about. Going into this thing, I thought this was a business deal, in the very beginning. This is a business deal that we either have to accept or reject. It is a business deal for Bath Iron Works to either accept or reject. Going into this with a positive attitude, we needed to create something that we all could feel good about. In my mind, we had to have accountability. I think we have done that in the committee. This deal requires that there be a certification process for the applicant, in this case, Bath Iron Works. During that certification process and as part of that certification process, that certification process has to occur every year to make sure they are meeting the requirements of the deal. What is very good

about this deal is it is a pay as you go deal. Roughly, \$3 million a year, depending on the incentives and the package. At any time that the applicant does not meet the requirements, the deal stops. It is over.

There are other requirements. It requires a significant investment for that land level shipyard that we all heard so much about. If it is not built and \$150 million was not invested, then all the money that the State of Maine has paid this corporation, must be returned. That is what has been referred to as claw back. That is what it is being called these days. There are job requirements in this bill. Not as many jobs as there are today, but, again, that is a reality of what is happening with shipbuilding in this country. It is the best deal we could get. We got the numbers and we did improve that portion of the arrangement also. The total number of jobs, 5,000, over a period of five years, rather than 3,500. We built incentives. If they exceed those standards, then they will be able to receive a little bit more money in any one given year. If they fall below those standards, then they are going to lose a little bit money in those years. Despite what happens with these incentives and disincentives, the deal stops after either 30 ships or the \$60 million.

If the applicant sells to a company that is no longer certifiable under this deal, all the money that the State of Maine has paid out would have to be returned to the State of Maine. We are investing in shipbuilding, not in a museum and not in a restaurant. We are investing in shipbuilding in the State of Maine. The Taxation Committee has worked very hard. I was one of those people that was very cynical of this in the very beginning. I had trouble voting for it in the end because I just needed more time to think about it. I needed to walk around the grounds and talk to a few more people. I was not upset with people who were negotiating the deal. I was partly concerned about the process of how we came to this point. It is a process we have. I think we did the best job that we could for the 13 members on the committee.

This is not the first time that we have had this type of program. I am from the City of Waterville and people have asked me what is the difference between this and the Hathaway deal. The one big difference is the amount of money, obviously. One similarity is that you took a situation, each situation is unique, and we crafted a package that was unique to that situation. If we are setting any precedent here, I hope that is a the precedent that we do set. We will take each case individually. We will run that industry, company or whatever it is though the ringer to make sure that people in this body and the other body and the Chief Executive are satisfied because that is how you do business with the people of Maine. We will create the best deal for that unique situation that we can. We can't take a cookie cutter approach by having another program or TIF or all these various programs that one size fits all. These are unique situations, unique circumstances and that is why it is before this body. That is why we get the big money, to look at each one of these situations.

I hope that is the precedent that we set. It will not be easy for the next applicant. There will be a next applicant. We will run them through the same process and they will have the same difficulty and we will have the same difficulty deciding this issue. This is a good bill, at this point. There are no fewer than 13 changes in the original bill that came before the Taxation Committee. I commend, as others have, my fellow members of the Taxation Committee. I think we have a good deal here now. Thank you very much.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. In debates that I have participated in, ordinarily when someone makes a point, someone should stand up and make a counterpoint. My good friend, the Representative from Brooklin, Representative Volenik, made the point that the CEO of General Dynamics makes this huge sum of money that he can buy all kinds of wide screen televisions, BMWs, etc., etc. That may be true, but he has responsibilities of all kinds of divisions of General Dynamics. Here in Maine, this expansion project, one of the things it does and I don't have to bore you with all of the other statistics of how we have guarded the jobs, percentages and so on and so forth. The one thing that caught my eye, and being as I don't have a college education degree, when something hits me in the face here and says that a project will ensure \$4.1 billion in payroll through the next 20 years, I wonder how many Volkswagens or small screen TVs that the workers at Bath Iron Works will be able to buy with \$4.1 billion in the next 20 years?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative PEAVEY: Mr. Speaker, Men and Women of the House. I, too, would like to thank the Taxation Committee for their very thorough work on this bill. I urge you to support the unanimous "Ought to Pass" report that came out of their committee work. Bath Iron Works is the largest private employer in the State of Maine. This bill is truly about keeping good jobs in our state. We all understand that there are 7,300 people working at the Bath Iron Works and we understand the importance of those jobs, but I think it is also very important for us to think about the \$23 million worth of business that the Bath Iron Works do with the 1,100 vendors that are Maine state jobs. Other Representatives have spoken of this and you have a handout on your desk. These are businesses like a wholesale hardware company, which employs 40 people. There is a safety supply vendor in Bangor that features products made in the USA. Some of their products are work boots made in Maine. There is a southern Maine distribution of industrial gases like propane, oxygen, carbon dioxide and acetylene, which are all used in shipbuilding. They do \$1 million worth of business with Bath Iron Works a year. This is an enormous amount of jobs radiating out throughout our whole state.

I also did some research on the people that work at the Bath Iron Works. I found it interesting to note that there are approximately 750 single parent families that have full health insurance benefits through the Iron Works. Bath Iron Works employees on site donate 1,700 pints of blood a year. The employees raise and donate a half a million dollars annually to United Way, which affects every county in our state. Actually, they are the largest contributing United Way block in Aroostook County alone. The corporate contribution to United Way is \$100,000 a year. I think it is very important to consider all those aspects when we are looking at this. I think it is very safe to say that the Bath Iron Works and its economic well-being affects all of our counties. I hope you will support this report.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I won't belabor this point too much. I thought that since this is the largest employer in my district, that I owed it to them and to myself and the people back home to get up and speak on this. As someone pointed out earlier, this is one of the most important pieces of legislation that we will consider this

session. So important that it probably troubled me more than any piece of legislation that has come down the pike this season. I must say that, at this point, I am very much at ease with where this bill is going and what this bill tries to do. I was talking to someone out in the hall 2 minutes ago before I came back in here. I asked him how he was feeling about the bill and how he was going to vote. He said, I am troubled by the process. I am not as troubled about the substance of the bill, but I am troubled by the process. I am troubled about the 11th hour approach to this that came late in the game. That was something that troubled me at first, too. I think the important thing that we have to consider, as a Legislature, and I don't need to tell anybody here how wild this process is and how sometimes, a lot of the times, it is difficult to understand how we do business here. There is really no blue print that we go about crafting whether it is a 300 page bill or a one page bill in this body.

Representative Saxl from Portland brought a bill before the Banking and Insurance Committee a few weeks ago that is, I think, the biggest piece of legislation to pass this body this session. It affects everyone in your district. It went under the hammer here with no discussion and the Governor signed it into law yesterday. It was fast. It was quick, but at the end of the day I asked myself as I signed onto a unanimous Majority "Ought to Pass" Report, were all the questions answered? I will just point out one member of the committee because I had the opportunity to serve with him as a member of the Taxation Committee. I sat in that Taxation Committee a number of times throughout the last week and met with both sides on this issue, but if you sat down in that committee and watched what people like Representative Rowe and the committee chairman put this bill through, I would assure you that it doesn't matter if this bill was put through a public hearing or a work session in four hours or four weeks. The serious questions were asked and the serious questions were answered.

We know a lot of things about this company. We certainly know what the CEO makes. We certainly know what they have in reserves. We certainly know what kind of power that that company has on the national level. I would sit here, and stand before you, and say that that is a great thing. It is a great thing to have General Dynamics be a part of our state. When I sat back and I said, if this were someone coming from Crystal or if this was someone coming from Holden or Eliot, how would I feel about this bill? How quickly I have asked myself over the last week would I can this bill? I guess after thinking about that, you have to take these things on an individual basis. I would put this company against any company in the world because it is a team. It is not a company, it is a team. I sit on the board of United Way with members of management and workers at Bath Iron Works. That is a team down there. The only thing that is missing on this bench right now is not the city council, labor management or the feds who award these contracts, it is us.

I think that the bigger question here is, are we going to live up to our goals that we have set over the last couple of years of developing a teamwork approach to economic development, which is exactly what this is. It is a teamwork approach. At the end of the day, we should be proud that we don't tell a company that comes to us and asks for help, as troubling as it may be and as late in the game as it may be, that we would say, sorry, come see us next year. We would step it up and we would work the late nights and do what Chairman Tripp and Representatives of this committee have done for the last weeks, as well as the people from Bath Iron Works who have brought this bill forward and stay up all hours of the night and make sure it is right for

the entire state and not just the midcoast area. I wholeheartedly support this bill and encourage you to do the same. I think we are taking a major step forward for economic development of the entire state. Thank you.

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

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of this motion. I am one of the Taxation Committee that agonized the longest and I was actually the last one to sign onto this report. When it first came before us, I had many, many concerns, too many to bore you with today, but most of them have been addressed. I would publicly like to thank the Taxation Committee for helping me along through this process.

What this legislation would do, if successful, we would create a state of the art facility for the construction of shipbuilding. General Dynamics has already committed \$300 million to this project. They anticipate another \$307 million will be spent. The good Representative from Lewiston spoke very well when she addressed the issue that this will create construction jobs, as well as good high paying jobs for the employees of Bath Iron Works. My greatest concern is that General Dynamics could take this money and go elsewhere and invest it elsewhere. We have heard a lot about Mississippi today. Mississippi moved in the 1960s to create economic development. They funded, almost fully, Ingalls Shipyard down there. What we are asking the State of Maine to do is help level the playing field and give Bath Iron Works the same opportunities to bid competitively in the competitive market with Mississippi. This proposal, I am very satisfied with. It is very tight. It is very well thought out. It has many milestones as we go along over the 20 year period. It is not front loaded. They have to meet certain objectives to receive the money.

I feel very strongly that that ensures the public trust. We have talked about the better program and the TIF program. These are programs this Legislature passed. We have no input on that. God bless Bath Iron Works. We created the program and they can put their hand into it and see what they can take out. My major concern through this whole process being the Representative from Kittery and looking out my kitchen window every morning, except for these last few weeks, seeing the Portsmouth Naval Shipyard, was the protection of the 3,800 jobs there, having been someone who got laid off there, I am strongly committed to a lot of my colleagues that still work there.

General Dynamics owns Electric Boat. General Dynamics owns Bath Iron Works. Electric Boat competes directly with the Portsmouth Naval Shipyard for the overhaul and repair of nuclear submarines. That is a concern of mine. There is language in this legislation that addresses that. I am very satisfied and very comfortable that none of this tax break, the help that the State of Maine is giving to Bath Iron Works, could be funneled through EB and could conceivably create a situation where the Portsmouth Naval Shipyard would not be able to bid competitively with Electric Boat. This language also protects all 1,100 small businesses that do business with Bath Iron Works. The good Representative from Nobleboro spoke very well on the contribution that General Dynamics has already made to this state. They have already, in less than 18 months, put Bath Iron Works in the position of profit, which has created the situation where they are now paying 10 percent of the corporate income taxes to the State of Maine. I think, already, they have made a contribution to the fact that we have already talked about in past legislation that takes this surplus revenue and puts it in the tax

relief fund, which will go to benefit every citizen in the State of Maine through tax relief.

My greatest concern and I know I have said that several times, but I guess I have a lot of them, that is, if we do nothing, we will have nothing. Thank you.

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

Representative PINKHAM: Mr. Speaker, Men and Women of the House. I really hadn't intended to speak on this. Don't you just love it when folks say that. I have had a few calls on this and a few questions. I didn't really have a problem with it from the start. I think the best way to explain it is, it is not just about BIW, it is about the whole State of Maine. Everyone is going to get something out of this. I think this is probably one of the wisest things that this Legislature could ever do, is to vote for this. Above and beyond that, if Representative Buck is for it, if has got to be good. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Mr. Speaker, Men and Women of the House. I did intend to speak on this issue. I wanted to hear what people had to say yesterday. If you recall, many of you were here for the joint caucus so that we could ask questions and tell you the process that we went through and why we came to these conclusions. I am not going to go through all the details as other speakers have because you have already heard why we think this is crafted the best we can for the people of the State of Maine.

I want to tell you a little bit about our committee. Our committee got this 10 days ago for a hearing. If you recall in your committees when you get a major bill and you have 10 days to work on it, it is not a very easy process. Before we even started, we were not going to pass this bill out of our committee until we were completely satisfied that we have done the best we can and got the most for our money. The committee voted the first time around, the vote was 9 to 4. That wasn't a very great vote if you were going to try to send something to this House of Representatives and convince people that you have done everything that you could possible. We met again. This time we came out with a 12 to 1. Most committees would be really happy with a 12 to 1 and bring it to this body, thinking it could get through. We still had some work to do. We met again, and we gave, we took and we talked about our own philosophies. We put some of them behind us and some of us we feel very strongly about tax policy with a number of issues. We convinced ourselves that we had crafted one of the best pieces of legislation that we could under the circumstances. We came out with a 13 to 0 vote.

It was over 20 hours worth of work. The people on the Taxation Committee are to be commended, not just the leaders, the people, the other members of this committee. They have spent all of this time, agonized over whether or not they should really put this kind of effort into this bill or whether we should carry it over, whether we should make Bath Iron Works blink, as some people said. If you want to have that responsibility, that is fine. We will find that out later today. I don't think that is necessary. I think you have to have the confidence in every committee of this Legislature that you will bring out the best legislation possible. That is what we have done. I ask you to support the Majority Report on this issue and let's get on with it.

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

Representative BULL: Mr. Speaker, Men and Women of the House. As I have talked to many people already, I am really

conflicted on this issue. I am hearing two different things. One from my heart and one from my head. My heart does not support this idea. I think the idea of corporate welfare is wrong. I think the idea of supporting a multi-billion dollar, multi-national corporation, as far as I can tell, has not shown any great respect for this state. It is very tough for me to do. We are talking about a multi-million dollar 20 year tax break for this corporation. I also do understand that this is the largest private employer in the State of Maine. I have many of these employees living in my district in Freeport and Pownal. Unfortunately, what we have here, I am afraid, is a no win situation. We have a shotgun to our head and if we do not approve this, I think there will be dramatic economic problems.

I have some major problems with this very process and the way that this has gone about. Please, these comments are not directed at the Taxation Committee. I have the utmost respect for the Chair, Representative Tripp and the members of that committee. They have taken an incredibly complex issue and they have worked it very, very hard. I respect them and I thank them very much for that. This is an incredibly bitter pill to swallow. For me, this is not a good, easy issue. I have been ripped apart inside trying to figure out what the heck to do here. They have tried to make this pill more palatable to swallow. I have truly appreciated their efforts. My two biggest issues that I have is that \$3 million a year, that is a lot of money, especially when you look at this year and we had only \$4 million on the Appropriations Table for funding all the bills that have come out of this body. I wonder, where is the money going to come from? Is it going to be interfering with existing programs? Is it going to be taking money away from education or health care? I don't have to tell anybody in this body that times are tough and we don't have very much money.

Surprisingly enough, this is actually a fairly good time economically. I would hate to think what is going to happen when times get tighter. Do we have the money to do this? I am not sure. I do have a problem with the lateness of this into the session. I find it very hard to believe that General Dynamics did not have this planned last year. I really believe that this is a deliberate attempt on their part to bring this in in the last minute and try to steamroll it through this body thinking that we would roll over and play dead. I really feel that General Dynamics has shown very naked, aggressive arrogance and greed in this process. Again, I get back to the fact that BIW, and I think it is very important to separate BIW from General Dynamics, BIW does provide 7,300 high quality, well paying jobs here in Maine. Again, the conflict is to balance those competing demands out. This is very disturbing to me. I really don't see that we have much choice but to approve this. I do believe that if we do not provide this tax break that BIW will be put at a competitive disadvantage. They already have a very hard time competing with Ingalls in Mississippi to get ships or contracts already. If we do not provide them this money to go forth and do this expansion, will they be able to stay competitive and will they stay in business?

One thing that is very disturbing is that I do not want to be giving this money to BIW to see them simply close up shop. I do understand that there are the incremental monies there for job loss. Again, I appreciate the Taxation Committee for doing that. It is still a very, very tough issue for me to be able to support something like this. My heart sees this as very wrong and it as setting a very bad precedent. Thank you for your time.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. No one questions the importance of Bath Iron Works. What is at issue is is this the best use of the money? Is this the best use of \$3 million? Are there other programs that it could be spent on or better yet, in my mind, could this money be used for an across the board tax cut. No one is arguing that this tax cut will help Bath Iron Works and that it will help them grow. I wonder, if it works for Bath Iron Works, won't this work for any other business in the State of Maine? Earlier, we repealed a 20 percent income tax cap. I am wondering if a 20 percent cut in the income tax at Bath Iron Works wouldn't do more for them than this proposal before us? After I look at it all, I do support this.

As I was saying, if anyone didn't hear it before, I was saying that if it good for BIW, no one is arguing that the tax cut will help them grow, why won't it work for any other business in the State of Maine? Why wouldn't \$3 and an across the board tax cut help any business grow?. Earlier in the year we killed a 20 percent income tax cut. A 20 percent cut in taxes would help any business, especially BIW. A 20 percent cut in taxes might help them even more than what is in front of us. After I look at it, I do support the committee report, because this is not a subsidy. It is not corporate welfare in the fact that we are giving them money. This is us taking less of what they have earned. In the long run, BIW is extremely important to Maine for both job creation and the creation of wealth in this state and for our entire national defense. I urge you to support the committee amendment.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I stand somewhat lonely here, except for Representative Volenik, but I would like to share my thoughts with you. Maybe it is because I am not an economist. Maybe it is because I am a teacher and maybe it is because I only make about \$30,000 at the age of 55. Maybe it is because I am a mother of four children who have often come to me for various financial requests and had to make some difficult decisions. Let me just share this and you can think what you want.

This session has been really hard for me. Sitting back home, I could always guess lawmakers and why they did something or why they did not. I often wondered how we drifted down that federal slippery slope into the trillion dollar quagmire of deficit that we are trying to get ourselves out of. Now I am in that position myself and I know it is very difficult. I was here Thursday night as we were sweeping up the few crumbs off the Appropriations Table floor wondering why this or that that my constituents had really wanted, or if you had really wanted, and it wasn't going to be funded. I started to walk out the door and there stood a lonely figure that I recognized and I asked her, What are you waiting for? I was waiting for the homeless. They got left out too.

Folks, I am telling you the BIW and General Dynamics is holding up a pauper. This is the fifth largest corporation in America. It only owes \$38 million in debts. I have four children and one of them makes two or three times more than I do. I know if he came to me at 11 pm at night one night and said, mom, can you loan me \$5,000, I really need it in my business. I don't know, how I am ever going to do this? I say, but son, gosh, I recall you have \$20,000 in the bank and you are asking me for this. Ya, but mom, I want to keep that because I have some plans for that. I commend the Taxation Committee for what they had to do. They worked hard to find the right thing to do. I asked questions and by this point, they are just rhetorical

questions, but I am going to ask them so that they are read into the record. Number one, is it prudent to vote on this issue before we have had time to talk to our constituents, to talk over this precedent setting legislation that will affect 10 legislatures in the future? Number two, does BIW have a vision for the long term? Certainly Aegis Destroyers, which are equipped with nuclear war heads are not the answer. In 1990, BIW employed 12,000 people. In 1997, they employ 7,300 people. Number three, are these "good jobs?" Are these good jobs somehow more important than the very common several hundred thousands of mere jobs that people are doing on a daily basis throughout the State of Maine? Number four, do we really want to immolate the State of Mississippi that supports at great expense, Ingalls, but who has a notorious record, long standing of education being at the bottom of the heap?

I listened in the last three days to people who told me, hold your nose and vote for it. Well, my feeling is that if you have to hold your nose, sit out the vote. Take a walk, but don't press green. There are three quotations that come to mind that I have heard over and over. My mother and father used to always say, when in doubt, don't. Number two, this came from a person I have read over and over, Norman Vincent Peale, I like it and I have said it to my family. There is never a right way to do a wrong thing. Tonight, I am going to remember that there is no pillow so soft as a good conscience. I urge you to defeat this motion.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. It goes without saying that Bath Iron Works builds great ships and I think our committee did a great job. They did the best they could. I don't happen to agree with the outcome, but I do respect them. I would like to remind us all that we are talking about government as if it is a business and we are going into this partnership. I need to remind us and myself often too, but government, we don't have anything to give. All we can do is shift things. If we are giving money to this company, we don't have to take it from someone else. We have to take it in the form of taxes. I think we should always remember that. It is very similar to the thing that we had two or three years ago with Hathaway Shirt. A lot of people think it is a good thing to do, but I can't see how we are entering partnerships. What we are doing is taking somebody's money and giving it to someone else. If we are talking about rights, for example the gay rights issue, I think it was the right thing we did, but we can't forget that when you give someone rights, the government doesn't have those. They just take choice from someone else. In that case, we did the right thing. In this case, I think this is not the right thing to do.

I would like to talk about the largest employer in Maine. We have heard that several times. This is the largest employer. I submit that it is not. The taxpayers are the largest employer if we are going to keep doing this. For example, the government, all the way from school teachers all the way up to the Governor, the government is the largest employer. We say this is the largest private employer. It is not going to be so private after this. You can't have it both ways. Once you start doing this with any big company, and maybe it is good thing to do, you are not as private anymore. You have to start thinking about equability. For example, the people in Penobscot Maine don't make anywhere near the kind of money these people do. We are talking about salaries and benefits. How many of you went on the bus tours? After every business, I asked to the workers,

do you have insurance, medical insurance and retirement? Almost always it was no.

We are talking about people here at Bath Iron Works making big dollars, plus benefits. That is fine. I am glad they do. If we are going to enter into a partnership with taxpayers' money from Penobscot, Maine, that aren't making this kind of money, we have got to start talking about equability here. We asked the other day at the caucus, why don't they just take a buck or so off their salaries, because they are still making way more than most people in Maine. I never did get the answer. Three times people said something, but I didn't understand it. Why don't they just do it? Why don't, in this so called partnership, we get some shares of General Dynamics in the State of Maine? If it is really a business deal, why do we have to go on probabilities of things that are going to happen. You don't enter business deals like that. I don't. Somebody mentioned hold your nose. Before I came over here, a good friend of mine who was in this body a few years before me, I said to him, why did you vote for that. He said, I didn't believe in it, I held my nose and voted. I thought to myself, I hope I don't do that. Look, let me say this in fairness. If I lived down there and I had hundreds of people in my district, I probably wouldn't be so pure either.

Let me admit, I believe it is in the parochial interest of a Representative in that area to protect those people, but it is in the interest of all of us in the rest of Maine to try to sort this. In the holding nose, I just got to say this. I really respect Representative Bull, I know he is agonizing over this. I could listen to someone speaking from the heart for a long time. I appreciate that. In the *Portland Press Herald*, they didn't use the term holding nose, but just like I have heard out through the halls, last night and today, boy, on principle it bothers me, but I am going to vote for it. Here it is in the *Portland Press Herald*, they said something about you couldn't make a debate over principle, however, that is academic here, we need the jobs. I added that part. Principle is academic, but if we don't stand on principle, who is going to?

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House. I probably have to give you my small business speech here. In this case it is not a small business. We are looking at a very, very large business. What I would like to speak to is the spin off. Anybody who has taken a basic economic course in college knows what the value of spin off jobs or money is. This is of tremendous value. My good friend, Representative Perkins, mentioned Penobscot County. In Penobscot County alone we have 12 different companies coming out of Penobscot County and they do anywhere from \$10,000 to \$1 million worth of business with BIW. This, ladies and gentlemen, affects every one of our areas. The spin off is unbelievable. It is not the 7,250 or 7,300 jobs that we have directly involved at BIW. It is the spin off that I would dare say might amount to 20,000 or 25,000 jobs. I have some in my area. One does approximately \$250,000 with Bath. This is a small part. There must be 40 companies that do a \$1 million. Most come from Cumberland or Androscoggin County and the reason being is that is the one that surrounds more of the Bath Iron Works. Ladies and gentlemen, this affects all our lives. This affects our jobs. It is not something that is located only at Bath. These are located all over the state and the spin off is going to be of a tremendous value to each and every one of us. I, at first, was not very, very sold on this idea. Right now, after looking at it and listening to the Taxation Committee, it has done an excellent job, I will be supporting this 100 percent and I think

we all should because it is going to affect all of our lives. I thank you.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I was a little late getting here and I missed a couple of people speaking. The reason was that I had three of these little pink slips that we have and I noticed quite a few on people's desks. All of you know the district where I live on the border of Maine and New Hampshire. It is just about as far, not quite as far if you were going north, away from Bath as you can get. The four slips I had, every single one of them said, support LD 1863. I was intrigued. I merely went out to call them. It was quite interesting to me. I was pleased because I had planned to vote for this anyway. I was pleased at what they had to say. You know, we don't build ships up there. I don't know how we would get them to the ocean to float them or anything of that nature. I didn't realize that BIW bought from little small places like that which is in my district.

I would like to go from there to try to get you to better understand what a corporation is and I would like for you to think of it as a pie and because it has businesses, you are going to have slices of that pie. Some of those slices are smaller than others. The person who makes all of that go is the CEO. I know he gets an enormous amount of money, but he is responsible for a lot of what we could say, in economics, is money, when we talk about the dividends and the money that the stockholders get, ladies and gentlemen, those of you that fear that, how could we run our companies or corporations without selling stock? If you are in the stock market, even a little bit, you want a CEO who knows his business so you get a dividend for that money. Otherwise, you better sell it and put it in the bank and get 2.2 percent. The idea is, certainly in our lives, is try to invest our money wisely.

My father, during the war, worked in South Portland building Liberty Ships. He was proud all of his life whenever he heard of a ship that was made in South Portland. I have been proud of what the workers do at BIW. I imagine that is the reason why that this large corporation was interested. We are investing and I would rather think that we are investing in people. I don't care and many of you have been in Maine probably longer than I have, but whenever we can help, whether it be BIW or something of the smaller nature, we rise to the occasion. This morning we had a resolve and when we didn't know whether Maine was going to burn up entirely, everybody and I mean everybody, in 1947 I was in Chicago in the Navy. Four of us from Maine were watching TV and we thought Maine was burning up. We went to our commanding officer and they allowed us to come home. As you know, I have traveled a lot. I have been many hundreds of thousands of miles away and they say Maine, two things, lobsters and you build good ships there. That is how important it is.

I have no way of knowing and we have been doing corporate welfare back in the 40s or early 50s in Representative Spear's district. GE, that is a fairly good sized corporation. They wanted free taxes and things of that nature, which they were given. I think they are still running two or three shifts. Is it a gamble? Sure it is, but I think it is a good gamble and I certainly hope that you will support this. Again, I, too, would like to thank the committee. It was a short time. I have no idea why it is just coming and it is here and we must react. I hope we react favorably. Thank you.

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

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday during our joint caucus I had the opportunity to tell you a little bit about defense contracting, actually those who were here endured a mini course on defense contracting. I won't do that again today. Today, I think we are talking about jobs. Fifteen hundred jobs in the Auburn and Lewiston area. Jobs everywhere. As a matter of fact, I had a call from somebody in Dexter earlier today that is concerned about his position. I think what I would like to tell you, just in a minute, is for many, many times that I have been in the shipyard, Litton Industries, down at Pascagoula, while there I observed a very fine work effort displayed and demonstrated by the men and women of Mississippi and Alabama, which make up most of the work force there. I have seen talented, professional engineers, chemists, plumbers, welders, electricians all at work there. I have seen the shipbuilders of Mississippi and Alabama build good ships. They are a skilled team. They are dedicated. They are determined and they are very talented at what they do. They are formidable competitors to the work that is done at Bath Iron Works.

I can extend the same accolade to the men and women of Bath Iron Works, who have dedicated literally their hearts and souls, as well as their talent and skills to the construction of ships for the United States Navy, where your sons and daughters and mine may very well one day sail. These ships are the work of artisans. They stand in a class by themselves. They are distinctive and they are Maine built. However, they will not continue to be Maine built if we don't seize the opportunity given to us by this committee. The Taxation Committee has wrestled with this issue and they provided us with a solution. A way to level the playing field and to permit Bath Iron Works to remain competitive with the challenges from Mississippi and Alabama, very formidable challenges there. If we turn away from this opportunity, I would predict that it won't be too many years when we will see Bath Iron Works characteristically follow the bath of Quincey Shipyard, Todd Shipyard, Lockeid Shipyard and on and on and on I could go. I am not going to miss the opportunity. I am going to vote for the committees recommendation. I hope that the majority of our colleagues in this House do likewise. Thank you Mr. Speaker.

Representative SAXL of Portland requested a roll call on the motion to accept the Committee Report.

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

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

Representative RINES: Mr. Speaker, Men and Women of the House. I, too, rise today in support of the Majority "Ought to Pass" Report. As many of you know, I have been an employee at BIW as a welder for the past 16 years. There is a big sign over the entrance of BIW that reads, "Through these gates pass the best shipbuilders in the world." Few people have ever disputed that statement, probably because it is true. For me, the part about working at BIW that I have always liked the best has been the opportunity to work side by side with skilled and dedicated citizens of Maine who make up the workforce at BIW. There are workers who come from every corner of this state. In that sense, working at BIW has been a lot like my experience here in the Maine Legislature. I want you to know that I am proud of both associations. I was honored to join the other nine Senators and Representatives who sponsored this LD, as I consider this bill to be crucial to the future economic well-being of our state. We cannot afford to throw away thousands of good paying jobs.

I want to take the opportunity to thank the Joint Standing Committee on Taxation. All of us know the long hours that they spent working on this issue. They took a good bill and they made it better. I commend them for their work and encourage everyone to vote for their "Ought to Pass" report. Thank you Mr. Speaker.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House. I am rising to oppose this motion. I think, even though we have been hearing about for a week or more, there are still too many unanswered questions for many in both bodies of this House. There are questions that I think they have to think over over a period of time and as others have said, talk about more within their own constituencies before they decide to commit this \$60 million. I have no doubt that the upgrade that we are talking about is needed there to preserve some of the jobs they have for a longer period of time. It would prolong the survival of that yard, at least to the 20 year time we are talking about. We are contributing to that already. However the vote goes today, let's all be clear in this chamber. The business equipment tax rebate will be contributing \$53 million to that modernization, if it went forward with or without the \$60 million. That \$53 million doesn't come easy to this government. We have struggled to get the business equipment tax rebate program started in the last session. We struggled to get \$34 million of it into the budget for this biennium. We will struggle every year from now on to make sure that program is adequately funded exactly for the purpose of capitol investment projects like this company is undertaking.

We are partners. We are part of that team. The question is, how much more should we give and when should we give it and what revenue sources should we be using to get that money? I am reminded of a story that I have heard the chief executive tell a few times involving a red truck driver in Lewiston, I think it is. Mr. Chief Executive, remember, it is our money you are spending. That is it. It is his money and her money and a lot of people's money that we will be spending with this \$60 million and I am not sure that those who don't work at Bath Iron Works and those who aren't working for vendors want to spend this money any further than we have already committed with the better program and the money that the City of Bath has so generously committed. This extra \$60 million will impact the other areas of the budget significantly. If we were to spend it at all, I would be in favor of it coming from a bonding source where people had a choice about it. It will be borrowed with a specific purpose or in another way adding to the tax revenues somehow. Having another tax specifically for this just so voters can see exactly that when we spend money here, as Representative Perkins says, it comes from somewhere else.

If we pass this as it is today, we are taking it from programs without even telling people about that, including the \$1 million that is in this biennium that after I speak, I would be curious to have an answer where exactly the \$1 million that is budgeted in this bill will come from in the next budget that we passed already. I am not sure what source that \$1 million will come from. It will come from some account that some people in this room fought pretty hard to have funded already. We are back to the question of, how much is enough? I think this debate has been ruled from the beginning with a figure of \$3 million per year that was set by General Dynamics and has been pretty much non-negotiable at least with the end product of \$60 million at the end. The timing of it has been pretty much set by them too. The rules have been theirs from the beginning. That puts this

government in a pretty difficult position in my mind. Who decided that this \$3 million is enough? I don't think it is going to affect the viability of General Dynamics whether it is \$2 million or \$3 million or whatever the amount is. It is just that that company has decided for the best interest of its stockholders that the profit they need from this subsidiary is going to work out if they get \$3 million a year and no less. I applaud them. That is their job as they have made clear in a number of presentations. The job of General Dynamics and their executives is to protect the interest of their stockholders. I have no qualms with that.

In fact, I would like to support them with the tax programs that we already have going here. I do believe that that \$3 million a year added on is not necessarily appropriate and that we have to make that decision, not General Dynamics. It is a high risk investment. I think that is why they want the extra support on this. Shipbuilding today, as we have heard, especially defense shipbuilding, is in a very fragile state. In 20 years there probably won't be as many yards going. I don't know if, in 25 years, this yard will still be going, with or without this program. It is a risky investment and I can understand why a company like General Dynamics doesn't want to commit any more money than they are saying to it. They would like us to participate in that risk. That is where I have another problem with the program.

This is a high risk for us too, because we are investing in an industry that clearly is in trouble, instead of looking way down the road for Maine, at the industries that we need to support. What are the industries that are going to be the best for Maine in the 25 or 30 years? Should we be investing in them somewhat more than we are today instead of putting more money than we really have into an industry that admittedly is in trouble and is asking for more help than we can possibly afford. What about its effect on property taxes? The money that we are committing out of general fund revenues out of this is going to affect property taxes in any number of communities around the state. We all came here saying we would defend that. We would avoid spending excess money to impact the property taxes of our constituents. If we pass this today, somehow we are taking away from their property tax revenues and we are not replacing it. We are not passing a new tax to take its place. We are not bonding it. We are just taking it in a quickly made decision that I think a lot of them will resent, especially if in 20 years, it turns out that the jobs are going to be reduced. I guess that is already a given. They may be reduced a lot more than we would be willing to put up with.

The costs of this, therefore, to me, are high enough at the level of our current programs. I would urge you to think hard about committing this extra. I have heard a lot of discomfort and doubt expressed by proponents and opponents today. It is difficult, especially for any of you who are in districts with high numbers of employees. I can understand the qualms. As some Representatives have said, the rest of the constituents in Maine expect you to do what you think is best for the entire state and to make the hard decisions sometimes, that may not be politically expedient, but we will look to the long term, not just the short term expectations of one company or some active constituents. Please think about the long term effect and do what you think is best. Thank you.

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

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

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. To anyone who may answer this question, is this considered a contract, and are we tied to this for the 20 years?

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

Representative SAXL: Mr. Speaker, Men and Women of the House. There is no contract language in this legislation. The committee voted to adopt agreement language in the purpose and intent section of this bill.

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

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House. I am just going to talk to myself. I have been dealt a hand and that is the hand I have got to play out now. All the history of this legislation, all the history of the State of Maine and all the activities that have occurred to put Maine in the condition that it is in now, it is not very good in some areas. We are 34th in poverty. We spend 44 percent of our total pending every year in the human resources area. I have to deal with that. That is the hand I have to play with. I also have to play with a hand that is even tougher, that is now versus tomorrow. I have a grandnephew who has a lot of physical and mental problems. I have to deal with dealing him now and in the future of me. It is not easy. My mind is spinning around right now. I have to deal with that. With that all in mind, the way I did my thinking was to back up and look down at the State of Maine and to think about the things that we really need. Do we really need education? Do we need to take care of our environment? Do we have folks that we have to take care of? There is only one thing that I know that gives us all that. That is a solid economic base. I don't know of anything else. I look down at South America. I look at the third world countries. I look at all of those folks who do not have a solid economic base and they don't have anything. How do we get that solid economic base? It just doesn't happen as a miracle. As I have thought back over what has happened in Maine since I have been here, there has been a lot of collaboration, between the taxpayers, labor, government, businesses and church communities all somehow getting together. All somehow saying that this is best for the State of Maine. That is what I am doing here today.

I am trying to work it out in my mind. I haven't made up my mind. I have been trying to decide for the future of Maine. What is the best way to go? I have had some input, like Representative True, I have had some folks from my place call me. I live in Bucksport and I have another town called Orrington and they said, go for it. We just passed a bill to help our PURC, a company in Orrington. We have two bills that we used. We have the better program and the TIF program that we have just used in Bucksport. We have used them for only one thing. That is for a solid economic base. It is not easy to do that. It is not easy to sit there and mistrust a company you don't know anything about. It is not easy to do that. In my mind, I have to look at what happens today versus what happens tomorrow. I have seen some pretty good things happening. You all received the State of Maine, as presented to the Moody's Investor Service, in April of 1997, you all received copies of that. We are not number one in the nation, but things are looking up. We need a solid economic base. Based upon that, I am going to vote for this. I am going to vote for it with some kind of hesitation, but not very much, because I think it is good for us. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I want to speak for 80 seconds only. I know everyone is tired. Someone on the other side of the aisle, it seems like several hours ago, started talking about economic conditions and the thought occurred to me that I am convinced now that we will approve this proposal that is before us. I think we ought to think about the consequences of why this has happened. I think we all can learn a lesson from this. Someone mentioned a little bit earlier about not knowing very much about economics and, to me, this is just common sense anyway, but what role is the state going to play in terms of when the next company comes to us next year asking for the same thing? I am convinced that at some point that is going to happen.

I think one of the reasons it happens is because of the poor economic conditions of this state and, we, as a state government, can control some of that. We all realize we can't control all of it, but to the extent that we can, perhaps, this is a wake up call. You have all heard me on the floor in the last few years talk about these things. I am absolutely convinced that if we reduce the cost of government, the size of government, if we stop concerning ourselves about the crumbs on the Appropriations Table and how much we each should get for each one of our own districts, I think it would make a big difference. We have got to stop spending and we have got to lower taxes. It is as simple as that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. Maine Yankee in Wiscasset is closing. It is going to take a lot of jobs down with it. It is going to cause economic hardship. I would not suggest to you that this is for a good time for the state to be investing in nuclear power plants. The last fish packing company in Rockland has closed this month. It is not because they had lack of resource, not because of lack of good workers or because of lack of management. It is because of changing times. There is just no great demand for sardines anymore. Products come and products go. Industries come and industries go. We have heard reference to the passing of shipyards throughout the country. Those shipyards haven't folded because of incompetent management. They didn't fold because of poor workers, they folded because of a decrease in demand for war ships. The demand is going to continue to decline. This is not a good time for us to be investing great financial resources in a declining industry. As much as we hate to admit it, the shipbuilding industry is dependent entirely upon war ships and without wars, thank God, we don't need them. There is my first point. It is financially, extremely unwise to be investing in a declining industry.

Second, I don't like the way it was done. I feel as if I had been bullied and intimidated. It is easy with a man making \$11 million a year to intimidate me. Either contribute or we will consider slowing down even more, dismissing more of your workers, creating more unemployment. To me, that is blackmail. I don't like it. I will not be part of it.

Third, I think it is morally wrong. This is not free enterprise. This is, very blatantly, a partnership between government and big business. I make no bones about it. To me, it is morally wrong. It is not Republican philosophy. It is not Democratic philosophy. It is something more akin to a national socialism, which is extremely dangerous. I think it is very unwise for us to become more deeply meshed in defense spending. Look at what we are doing. We are competing. We are giving up more

of our tax dollars for the opportunity to spend more of our federal dollars and say we are creating a strong economy. We are not creating a strong economy. It is ironic for me to cross the Bath Bridge, which needs to be replaced. We cannot afford to replace the Bath Bridge. Right beside it is the Bath shipyard with some of the most skilled metal workers in the country doing just that kind of work. It is absurd that we cannot replace our bridges, but we can replace our war ships. I have no difficulty whatsoever in voting against this.

I have taken great pride in Bath Iron Works. My family and friends have worked there. I hate to see it close. I hate to see it reduced, but I do not want to see it subsidized and see those profits follow so many of our dollars out of state. I hope you will vote against it. Thank you Mr. Speaker.

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. With compliment to my colleagues with constituents in Knox County, I, too, like them, started out absolutely astonished and dismayed that a wealthy company would ask a poor state, like Maine, to invest in their expansion. Through watching the hard work of the Taxation Committee, understanding that even before this proposal reached us, it had gone through quite a lot of development and change in working with the administration. I have come to believe that it is a good investment for Maine. It is a good investment for Maine because even if General Dynamics leaves, we will have a state of the art shipbuilding facility that perhaps can be adapted to other uses and will belong to us. I just want to say, for the record, that if I felt that this was not a good investment, I would not be voting for it. However, I am voting for it because I do believe it is a good investment. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. As this debate draws to a close, I felt compelled as the lead sponsor of this matter to say just a few words. I came to support this measure after, like many of my colleagues, a lot of anguish and heartfelt searching. I was brought back to a law class I had in labor law, in which Buzz Fitzgerald was then CEO of Bath Iron Works and a guy named Stoney Dion was the head of Local #6, the major labor union there. He came to teach my labor law class about labor and management relations. These two gentlemen had sat down and done something that no two people in labor and management had been able to accomplish ever before. They created a real plan where labor and management shared in the risks and shared in the profits of Bath Iron Works. They did this at great risk to both of these men. In the end, what the result was 7,300 good paying jobs with great benefits, which served the people of the State of Maine incredibly well.

As I thought about that class, I thought about my sister's college roommate, whose dad and brothers and cousins all worked at the Bath Iron Works. I remember when I was at her wedding and her father, Jack, was talking to me in loving terms about the yard, Bath Iron Works and what it meant to him and his family and a sense of tradition and about his pride in being what they call the best shipbuilders in the world. My neighbor, Representative Skoglund and I, have been talking and squabbling about this issue for at least the last two weeks. As he and my friend, the Representative from Brooklin, are my very favorite debaters in this body because they always bring in an interesting and innovative perspective, Representative Skoglund, himself, said to me, there was one quote that you might think

about in this debate. It was President Wilson who said, "Sometimes you have to stand above your principles." This is a very difficult issue for a lot of us because we are so concerned about each penny that we spend because we do treasure the taxpayers dollars as if they were dollars that were coming out of our pockets and, of course, they are. Sometimes we have to dig deep and think about each and every one of these jobs as the tradition of Bath Iron Works in the State of Maine.

Many folks have talked about General Dynamics and their immense size. It is the fifth largest military contractor in the country. I would like to talk about their investment in Bath, Maine. When they acquired Bath Iron Works they paid \$300 million for the yard and they retired \$369 million in debt. In this project, they are intending to put another, depending on how you look at the dollars, between \$307 million and \$400 million in investment. That is a pretty serious investment for the State of Maine and will come back to us in many different ways. I think it is important for folks to know and remember that if Bath Iron Works and General Dynamics decide not to make this investment that the State of Maine is not obligated to continue making its investment either. That, in fact, this agreement is reviewed to make sure there is compliance each and every year. I am pleased by the developments in the Taxation Committee and the incentive to create jobs and the disincentive to go below 5,000 jobs. I hope that this will not go the way that we have been faced with recently with other closings. This is still a viable, vibrant and vital part of our economy. There are 7,300 jobs today and contracts to 20 years from now with the LPD 17 and other initials and acronyms I couldn't even begin to approach and tell you about. I think that Bath Iron Works has been an important part of Maine's tradition and I hope that it will be for a long, long time to come.

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

Representative FARNSWORTH: Mr. Speaker, May I pose a series of questions through the Chair?

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House. I am curious, since the Ingalls Shipyard was built in the 60s, which is in the neighborhood of over 30 years ago, why this technology was not adopted at the plant earlier? I realize this is like water over the dam, but, by the same token, it is a curiosity to me. The second issue also is with the declining defense contracts that we are facing, is there any indication that there really is going to be some sort of diversification in order to try to help broaden the base of the business that it has done there or are we going to continue to struggle with a shrinking workload that is still very dependent upon a competitive market that we have out there?

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

Representative ROWE: Mr. Speaker, Men and Women of the House. In response to the questions, I am not sure I know the answer to the first one. The technology you are referring to, I think is a land level shipbuilding facility. That is what they have always had. It is a substantial investment that is necessary to convert. They are filling in 15 acres in the river to do this. Never having had this capitol before and being able to accomplish the projects in the past with the facility that they had. That is a simple answer. It is not a very good one. With respect

to your second question, I think the issue of the commercial shipbuilding is something that BIW hopes will become a reality with this new facility after they make this investment. They would be equipped to engage in commercial shipbuilding. It is my understanding and I have been told, in other words, the necessary equipment would be there. The market is uncertain as to whether they could be competitive in a commercial shipbuilding market and that certainly not the numbers that we see, the employment numbers, are not based on going into the commercial market. They are based on the Navy contracts. Thank you.

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

ROLL CALL NO. 367

YEA - Ahearne, Bagley, Baker JL, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Morgan, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Vigue, Waterhouse, Watson, Wheeler EM, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker CL, Bragdon, Brennan, Chartrand, Farnsworth, Gagne, Goodwin, Jones KW, Joy, Joyce, Lane, Layton, MacDougall, McKee, Mitchell JE, Murphy, Perkins, Pinkham WD, Skoglund, Stedman, Vedral, Volenik, Wheeler GJ, Winn.

ABSENT - Barth, Berry DP, Bodwell, Bunker, Dexter, Frechette, Kasprzak, McElroy, Meres, Plowman, Poulin, Stevens, Usher.

Yes, 114; No, 24; Absent, 13; Excused, 0.

114 having voted in the affirmative and 24 voted in the negative, with 13 being absent, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (S-422) was read by the Clerk.

Representative JOY of Crystal presented House Amendment "A" (H-752) to Committee Amendment "A" (S-422), which was read by the Clerk.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I've heard lots of rhetoric about the good, the bad, and the indifferent, with regard to this proposal. Being an old math teacher, I couldn't help but try to figure out just exactly what we are talking about here, and I understand that there are 7,300 workers working at BIW, and they all have very good paying jobs. I don't know if anybody else had taken the time to figure this math out, but at \$8 a week for employees, for one year would generate \$3.036 million dollars in revenue. I think that we talk about the partnership between business, management, and labor, I think that would have been an excellent point to start, then we would not be here on this late

date, in the House of Representatives, trying to decide what we are going to do on this bill.

I'd like to explain just a little bit about what my amendment does, and I issue this amendment in an attempt of fairness. This amendment grants a tax credit for businesses who employ at least 50 people and invest at least a hundred thousand dollars in their manufacturing facility to increase jobs. Relative to the required investment, the tax credit provided under the amendment is proportionately the same as that provided to Bath Iron Works in the original bill. The threshold employment level at which the tax credit is suspended is proportionately the same relative to the starting employment level as the threshold for Bath Iron Works, it's again in the original bill. The amendment does not provide for any grant of state lands other than that provided in the original bill. Ladies and gentlemen, Bath Iron Works is a big employer in the State of Maine. It's a very important employer in the State of Maine. But the State of Maine has always been known as a state that thrives on the back of small businesses. That's the intent and the spirit in which I offer this amendment. If we're going to do this for our largest private employer, then there should be no reason why we can't do it for our smaller private employers. I urge you to support my amendment and Mr. Speaker, when the vote is taken I request the yeas and nays.

Representative JOY of Crystal requested a roll call on the motion to adopt House Amendment "A" (H-752) to Committee Amendment "A" (S-422).

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

Representative MAYO of Bath moved that House Amendment "A" (H-752) to Committee Amendment "A" (S-422) be indefinitely postponed.

Representative JOY of Crystal requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-752) to Committee Amendment "A" (S-422).

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

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I just want to ask you to vote for the pending motion, the indefinite postponement motion.

I have just taken a look at this amendment, this sets some broad tax policy which I disagree with, first of all. Secondly, it was not reviewed by the Taxation Committee or anyone else.

What we're doing today with the bill that we have, the bill itself is a major move. It's something that goes beyond the current tax law that we have in this state. This would be also a major move and would be a very broad move and because we haven't looked at this, and because I'm not sure I could support it anyway, but we certainly have not had any public hearing on this, nor has the Committee dealt with this. So for all those reasons, I would ask you to support the pending motion to indefinitely postpone. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. I didn't listen to all the debate that we've had for the last two hours, I listened to some of it. I listened to some of it in here. I listened to some of it in the different locations around the State House, where we have an opportunity to listen. Everybody that I talked to, said the same thing. I don't like this. I hate this. This is horrible tax policy, but we've got to do it. I came in here when it was time to vote, and I

sat here and I struggled with it like all the rest of you did, and in the very last moment I voted for it. It's beyond me to understand how anybody in good conscience, five minutes later, I said to my seatmate, "I know I'm going to regret this vote." But, I didn't know it was going to start five minutes later. I knew I was going to regret it a year from now, and I knew I was going to regret it two years from now, when the line stretches from here to Manchester on businesses that want help. But, I didn't know that five minutes later, when Representative Joy said, "If it's good for one, it's a multi-million dollar successful world wide international company, it's for the little guy," and I'm already sorry for my vote. It escapes me how anybody can say that this is good for this one company and it's not good for everybody else. The people who reside in this state and are the backbone of the economy of this state and don't have as good a jobs, quite frankly, as we just saved. They need more help. They don't have a multi-million dollar mega company behind them and immediately, without any discussion, I hear let's kill this. I'm amazed, quite frankly. I'm disappointed. I'd encourage you not to support the present motion.

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

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

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

Representative BOUFFARD: Can somebody tell me those 1,100 vendors at Bath Iron Works, if they are small business or large business?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: In answer to the question of the good Representative from Lewiston, my understanding is, they represent companies from one and two employees, there is an educational institution, on that list, and they represent some rather large employer around the state.

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

Representative CROSS: Mr. Speaker, Men and Women of the House. I would like to bring to the House's attention, it's been stated that the reason to not address, or vote for this particular amendment was because we haven't had a hearing, or we haven't had a workshop. I ask you to think about that. How many of the bills that we've passed in the pass week, we didn't have a workshop, or we didn't have a hearing? Thank you very much.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I think that at this late hour, we certainly needed some humor in this situation and I am touched by the humor of the statement that this amendment had no public hearing, just the same as the good Representative from Dover-Foxcroft, Representative Cross, said. As a freshman legislator, I know there was nearly a ton of paper across my desk and this year it doesn't seem to be any different. Many of which, by the way, are amendments that have never had a public hearing and I think that that's a very interesting situation. Well I'm glad that we do have that humor added to this late date in our session. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. Perhaps I should not have stood earlier, somebody asked me to. I understand the concern you have and I didn't mean to belittle this amendment in any way. The public hearing, we didn't have is on the rest of the bill. This amendment, basically, mirrors the original bill, plus it expands it. The expansion is what we didn't have the hearing on. I chaired a task force, you may or may not know, in the 117th Legislature, that was called the Tax Increment Financing Task Force. Out of that came legislation that was enacted that put into statutes something called the Employment Tax Increment Financing Act, which I think you know about, and that allows an employer that creates a certain number of jobs, 15 new jobs over 24 month period to retain a certain percentage of the employee withholding taxes. We have that in statutes. This bill, we're voting on today, is something different and unique. It's tailored for a specific employer, we understand that, when I hit my button, I'm not jumping for joy. I was conflicted about this, but after having sat through all those hours of hearings and gone round and round, I feel it's the right thing to do for the state.

What this amendment does, it broadens the program and it makes this program available to all. Now, that may be a good idea and we may all support it. I'm not sure I do, because the other program that we currently have in statute looks at the creation of net new jobs, and it qualifies those jobs as to quality. I haven't had time to read this amendment and I'm not belittling the amendment, or the fact that it didn't have a public hearing, at least the part that's not included in the original bill, hasn't had a public hearing, nor has the Taxation Committee examined it or deliberated with it. I simply wanted to express a concern that I had about this, and I believe it's shared, I believe I speak for the other members of the Committee, or most of them, when I would express those concerns. For those reasons again I'd ask you to support the pending motion.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-752) to Committee Amendment "A" (S-422). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 368

YEA - Ahearne, Bagley, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Carleton, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagnon, Gamache, Green, Hatch, Honey, Jabar, Jones SL, Kane, Kerr, Kontos, Labrecque, Lemaire, Lemke, Lemont, Mailhot, Mayo, Mitchell JE, Morgan, Muse, O'Neil, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Powers, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Watson, Winglass, Wright, Madam Speaker.

NAY - Baker CL, Belanger DJ, Belanger IG, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Chartrand, Clukey, Cross, Fisk, Foster, Gagne, Gerry, Gieringer, Goodwin, Gooley, Jones KW, Jones SA, Joy, Joyce, Joyner, Kneeland, Lane, LaVerdiere, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAleve, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Perkins, Pinkham WD, Plowman, Povich, Quint, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winn, Winsor.

ABSENT - Barth, Berry DP, Bodwell, Bunker, Dexter, Dutremble, Frechette, Kasprzak, McElroy, McKee, Meres, Poulin, Skoglund, Usher.

Yes, 76; No, 61; Absent, 14; Excused, 0.

76 having voted in the affirmative and 61 voted in the negative, with 14 being absent, House Amendment "A" (H-752) to Committee Amendment "A" (S-422) was indefinitely postponed.

Representative MURPHY of Kennebunk requested a roll call on the motion to adopt Committee Amendment "A" (S-422).

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (S-422). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 369

YEA - Ahearne, Bagley, Baker JL, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Fisk, Foster, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, Mayo, McAleve, Morgan, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Underwood, Vigue, Waterhouse, Watson, Wheeler EM, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker CL, Bragdon, Brennan, Farnsworth, Gagne, Goodwin, Jones KW, Joy, Joyce, Joyner, Lane, Layton, MacDougall, McKee, Mitchell JE, Murphy, Perkins, Pinkham WD, Skoglund, Stedman, Treadwell, Vedral, Volenik, Wheeler GJ, Winn.

ABSENT - Barth, Berry DP, Bodwell, Bunker, Dexter, Dutremble, Frechette, Kasprzak, McElroy, Meres, Poulin, Samson, Usher.

Yes, 113; No, 25; Absent, 13; Excused, 0.

113 having voted in the affirmative and 25 voted in the negative, with 13 being absent, Committee Amendment "A" (S-422) was adopted.

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

Representative JOY of Crystal requested a roll call on passage to be engrossed.

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

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

ROLL CALL NO. 370

YEA - Ahearne, Bagley, Baker JL, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Fisk, Foster, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley,

Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Morgan, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neill, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Underwood, Vigue, Waterhouse, Watson, Wheeler EM, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker CL, Bragdon, Brennan, Chartrand, Farnsworth, Gagne, Goodwin, Jones KW, Joy, Joyce, Joyner, Lane, Layton, MacDougall, McKee, Mitchell JE, Murphy, Perkins, Pinkham WD, Skoglund, Stedman, Treadwell, Vedral, Volenik, Wheeler GJ, Winn.

ABSENT - Barth, Berry DP, Bodwell, Bunker, Dexter, Dutremble, Frechette, Kasprzak, McElroy, Meres, Plowman, Poulin, Usher.

Yes, 112; No, 26; Absent, 13; Excused, 0.

112 having voted in the affirmative and 26 voted in the negative, with 13 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-422) in concurrence.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Maine Bail Code" (S.P. 509) (L.D. 1571) has had the same under consideration, and asks leave to report:

That the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B" (S-315).

That the Senate recede from its action whereby Committee Amendment "B" (S-315) was adopted and indefinitely postpone the same. Read and adopt Committee of Conference Amendment "A" (S-423) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (S-423) in non-concurrence.

That the House recede and concur with the Senate.

Signed:

Senators: MURRAY of Penobscot

MITCHELL of Penobscot

O'GARA of Cumberland

Representatives: POVICH of Ellsworth

FRECHETTE of Biddeford

McALEVEY of Waterboro

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-423).

The Committee of Conference Report was read by the Clerk and accepted.

The House voted to Recede and Concur. Ordered sent forthwith.

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Liquor Laws (H.P. 204) (L.D. 257) 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-428)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-428) as amended by Senate Amendment "A" (S-416) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Ensure the Availability of Expertise on Dam Safety (H.P. 591) (L.D. 782) which was passed to be enacted in the House on April 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-172)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-172) as amended by Senate Amendment "B" (S-425) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Maine Mobility Fund Task Force (EMERGENCY) (S.P. 429) (L.D. 1377) 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" (S-206) as amended by House Amendments "A" (H-493) and "B" (H-597) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-206) as amended by Senate Amendment "B" (S-420) and House Amendment "A" (H-493) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act Regarding the Division of Safety and Environmental Services in the Bureau of General Services (S.P. 518) (L.D. 1602) 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" (S-288)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by Senate Amendment "A" (S-424) thereto in non-concurrence.

The House voted to Recede and Concur.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Joint Order (H.P. 1345) Establishing the Joint Select Committee to Oversee Maine Yankee has had the same under consideration, and asks leave to report:

That the House recede from passage; read and adopt Conference Committee Amendment "A" (H-757) and pass the Joint Order as amended by Conference Committee Amendment "A" (H-757) in non-concurrence.

That the Senate recede and concur with the House.

Signed

Representatives: RINES of Wiscasset
JONES of Bar Harbor
HONEY of Boothbay

Senators: CAREY of Kennebec
CLEVELAND of Androscoggin
HARRIMAN of Cumberland

The Committee of Conference Report was read.

On motion of Representative RINES of Wiscasset the Committee of Conference Report was accepted.

The House voted to Recede.

Conference Committee Amendment "A" (H-757) was read by the Clerk and adopted.

The Joint Order was passed as amended by Conference Committee Amendment "A" (H-757) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Promote Wildlife Rehabilitation Centers" (H.P. 551) (L.D. 742) has had the same under consideration, and asks leave to report:

That the House recede; indefinitely postpone Committee Amendment "A"; read and adopt Conference Committee Amendment "A" (H-758) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-758) in non-concurrence.

That the Senate recede and concur with the House.

Signed

Representatives: STEVENS of Orono
AHEARNE of Madawaska
LEMONT of Kittery

Senators: RUHLIN of Penobscot
DAGGETT of Kennebec
BENNETT of Oxford

The Committee of Conference Report was read.

On motion of Representative AHEARNE of Madawaska the Committee of Conference Report was accepted.

The House voted to Recede.

Committee Amendment "A" (H-535) was indefinitely postponed.

Conference Committee Amendment "A" (H-758) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" (H-758) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

ENACTORS

An Act to Improve Transportation in Maine (S.P. 584) (L.D. 1747) (H. "B" H-730 to C. "A" S-330)

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. Ordered sent forthwith.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Linwood F. Williams, of Union, who was the beloved husband of Pauline. He was a United States Marine Corps

Veteran of World War II and the Korean and Vietnam Wars and worked at the Maine State Prison for 20 years. Mr. Williams was a member of the Veterans of Foreign Wars, the Masons and the Marine Corps League and was the brother of Representative Christine Savage of Union. He had 4 children, 3 stepchildren and 13 grandchildren. He will be greatly missed by his loving family and many friends; (HLS 653) by Representative POWERS of Rockport. (Cosponsors: Senator PINGREE of Knox, Representative CHARTRAND of Rockland, Representative PIEH of Bremen, Representative VOLENIK of Brooklin, Representative SKOGLUND of St. George, Senator LONGLEY of Waldo)

On objection of Representative POWERS of Rockport, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Powers.

Representative POWERS: Mr. Speaker, Men and Women of the House. I know we have all done whatever we needed to do in order to be here to complete these final days. I just wanted to draw your attention to what it is Representative Savage has done to be here today. Her brother had returned from wintering for his first year of retirement in Florida just last weekend. He died in the early hours of this morning. Representative Savage is expecting other members of her family to be arriving from both California and Florida. She felt that her duty was to be here with us today and I thought that it was this that we could do to honor that diligence that we all have and she certainly has expressed for us all today. Thank you very much.

Subsequently, the special sentiment was adopted and sent up for concurrence.

The House recessed until 7:30 p.m.

(After Recess)

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

ENACTORS 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 and H. "C" H-744 to C. "A" S-281)

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

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-281) was adopted.

The same Representative presented House Amendment "D" (H-760) to Committee Amendment "A" (S-281) which was read by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Madam Speaker, Men and Women of the House. To Representative Green, what does this amendment entail?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Madam Speaker, Men and Women of the House. I wish to thank Representative Clark for asking that question so that I can speak to this amendment. As I was reading through the bills that have passed through, over, under and around our desks in the last couple of days, I noticed a glaring omission in LD 1604. That omission had to do with a wonderful idea. It granted free fishing to people on the Saturday and Sunday of Father's Day weekend. I thought, oh, that is nice. Then I kept looking and waiting for the next part, but it wasn't there. Ladies and gentlemen, I have to explain that I have two children. I spend a great deal of time raising them on my own. They are grown now and they are out doing very good things, but when they were younger our major activity, particularly in the spring and summer, was camping and fishing. I may not look like a fisherwoman, but I guarantee when it was appropriate, I was down there with worm guts under my fingernails, falling in the stream and having a wonderful time. I think that all generations should have that opportunity. I thought if it is free on Father's Day, then it should be free on Mother's Day. That is my amendment Representative Clark and I urge you all to support it. Thank you very much.

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

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. I would like to talk to you a little bit about these free fishing days. The Committee on Inland Fisheries and Wildlife has designated two weekends per year. One which will be in the summer and one that will be in the winter for free fishing days for fathers or mothers to take their kids fishing. The committee unanimously decided to include and to make it statutory that Father's Day weekend would be the weekend that we would provide these two free fishing days in the summer. I understand the Representative's concern with Mother's Day, but we only have four days available to us by statute. The committee, I believe, was unanimous on this decision. Madam Speaker, I would move that this amendment would be indefinitely postponed.

Representative UNDERWOOD of Oxford moved that House Amendment "D" (H-760) to Committee Amendment "A" (S-281) be indefinitely postponed.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. Some further clarification on that, this was brought to our attention also after the fact that we had written the whole thing out. Then we realized that we have to do it this year because we wanted to try to generate some interest, certainly, in fishing for this season. Everyone knows our license sales are down. We have been talking about that now for a couple of years. Mother's Day has already gone by and that is one of the major reasons why Father's Day seemed to make sense. Also, it falls on some pretty prime fishing in the middle of June. Fishing is a little slow in early May and that is another reason to prefer that. It had nothing to do with preferring fathers

over mothers. If you want to have Mother's Day free fishing, that is fine with me, but that was our basic rationale. It would be during President's Day weekend in the winter for ice fishing and Father's Day for the prime fishing in the summer. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. This will be a little bit like being opposed to motherhood and apple pie. I know. There is nothing here that says that mothers can't fish on Father's Day and quite frankly if this happens on Mother's Day and the fathers go fishing, there is going to be a big problem. The reason I stood up is I went before the Legislative Council, the way we are all asked to do this and we have a program over in western Maine called, Get Hooked on Fishing, not on Drugs. It is a program throughout our whole area to get kids involved in an activity other than drugs. We asked to have a day that that parent, male or female, could take their child fishing to help with the program. We were told it was too late. We can't do that. We need to do it in another session. I will have a hard time voting for this for that reason. I could have put an amendment in to do this. It is late and we are trying to get out of here. I chose not to do that. I would encourage you not to vote for this one. Thank you.

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

Representative HATCH: Madam Speaker, Men and Women of the House. You know that sometimes we get so tired that we need to do something that makes us feel good. Not only does this make me feel good having been raised by a father who thought it was fine to teach a girl to hunt and fish. I think it is a wonderful idea. I would encourage you all, if they do have a day on Father's Day or that weekend to change it to Mother's Day. What an innovative idea. Think of all the things fathers could buy for the mothers to go fishing with and then they could have the use of it the rest of the year. Think about it guys. I think this is a wonderful idea. I applaud Representative Green for thinking of it.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I would just like to clear up a point made by the great Representative from Old Town, Representative Dunlap, that actually fishing is better in May than it is in June. Thank you.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. What a refreshing idea. Maybe us men can take our sons or daughters out fishing on Mother's Day instead of going to a restaurant.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. If it has to be one weekend, we have Mother's Day. We have Father's Day and low and behold we just adopted this session, Children's Day. Why can't it be on Children's Day? Thank you.

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

Representative BELANGER: Madam Speaker, Men and Women of the House. For the record, in northern Maine in the month of May, it is illegal to ice fish and it is too cold to fish in the brooks.

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. We all got this amendment just a few minutes ago. We haven't had much time to think about it even though it is a very simple amendment. I don't believe in discrimination. I think it is a great idea. If the fish population can stand it, let's give the mothers a break.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. The main reason that we decided to have Father's Day versus Mother's Day is because it was brought up was the timing of it. Somebody said the fishing is good in May. It may be down in South Portland, but I am telling you that it isn't up in the Moosehead Lake region because the ice isn't out yet. You can't fish on the ice after April 1st. We got problems up there so we tried to take that into consideration. If you have another date girls that you would like to go fishing, let us know and I am sure we will try to get it in a bill.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Just to clear up a little point here. Every May since I was five years old, I have been going to Kossuth Township fishing the second week of May. The ice has always been out and fishing is great. I always eat at Representative Bunker's restaurant too.

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

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

The SPEAKER: The Representative may pose his question.

Representative FISHER: Madam Speaker, Men and Women of the House. First of all, if this amendment goes through am I going to be required to go with my wife on Mother's Day? Second of all, has this had a public hearing?

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. I can't answer the first question, but yes, it did have a public hearing. In response to Representative Wheeler's comment about fishing in May, if you follow the example of the former Police Chief of Medway anything is easy to fish with, with explosives and a net.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "D" (H-760) to Committee Amendment "A" (S-281).

A vote of the House was taken. 44 voted in favor of the same and 72 against, the motion to indefinitely postpone House Amendment "D" (H-760) to Committee Amendment "A" (S-281) did not prevail.

Representative UNDERWOOD of Oxford moved that the Bill be tabled pending adoption of House Amendment "D" (H-760) to Committee Amendment "A" (S-281) and later today assigned.

Representative THOMPSON of Naples requested a division on the motion to table.

The Chair ordered a division on the motion to table.

A vote of the House was taken. 19 voted in favor of the same and 93 against, the motion to table did not prevail.

Subsequently, House Amendment "D" (H-760) to Committee Amendment "A" (S-281) was adopted.

Committee Amendment "A" (S-281) as amended by House Amendment "D" (H-760) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendment "A" (H-619), House Amendment "C" (H-744) and House Amendment "D" (H-760) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

Representative PLOWMAN of Hampden moved that the House adjourn until 9:00 a.m., Monday, June 2, 1997.

The Chair ordered a division on the motion to adjourn.

A vote of the House was taken. 36 voted in favor of the same and 86 against, the motion to adjourn did not prevail.

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

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements (BOND ISSUE) (S.P. 88) (L.D. 268) 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" (S-213))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-213) as amended by Senate Amendment "A" (S-421) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Coordinated Information Referral System and a Single Intake System for the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Public Safety (H.P. 664) (L.D. 917) which was finally passed in the House on May 29, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-685))

Came from the Senate with the Bill and accompanying papers committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations (H.P. 39) (L.D. 64) 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-380))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-380) as amended by Senate Amendment "A" (S-395) thereto in non-concurrence.

The House voted to Recede and Concur.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve to Establish the Task Force on Youth and Families (EMERGENCY) (H.P. 596) (L.D. 787) (C. "A" H-173) which was finally passed in the House on April 28, 1997.

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 Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes (S.P. 428) (L.D. 1376) (C. "A" S-210) which was passed to be enacted in the House on May 29, 1997.

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

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) on which the Bill and accompanying papers were indefinitely postponed in the House on May 30, 1997.

Came from the Senate with that Body having insisted on its former action whereby the Minority **"Ought to Pass"** as amended Report of the Committee on **Legal and Veterans Affairs** was read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-348) and asked for a Committee of Conference in non-concurrence.

The House voted to Recede and Concur.

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

ENACTORS

An Act to Amend the Liquor Laws (H.P. 204) (L.D. 257) (S. "A" S-416 to C. "A" H-428)

Resolve, to Establish a Maine Mobility Fund Task Force (S.P. 429) (L.D. 1377) (H. "A" H-493 and S. "B" S-420 to C. "A" S-206)

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

An Act to Encourage Major Investments in Shipbuilding Facilities and to Encourage the Preservation of Jobs (S.P. 641) (L.D. 1863) (C. "A" S-422)

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

On motion of Representative BODWELL of Brunswick, 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. 371

YEA - Ahearne, Bagley, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Fisher, Foster, Fuller, Gagnon, Gamache, Gerry, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Underwood, Vigue, Waterhouse, Watson, Wheeler EM, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker CL, Bragdon, Brennan, Chartrand, Farnsworth, Gagne, Goodwin, Jones KW, Joy, Joyce, Joyner, Kasprzak, Lane, Layton, MacDougall, McKee, Murphy, Pinkham WD, Skoglund, Stedman, Treadwell, Vedral, Volenik, Wheeler GJ, Winn.

ABSENT - Barth, Buck, Bunker, Dexter, Dutremble, Fisk, Frechette, Gieringer, Lemke, McElroy, Perkins, Poulin, Sanborn, Tuttle, Usher.

Yes, 111; No, 25; Absent, 15; Excused, 0.

111 having voted in the affirmative and 25 voted in the negative, with 15 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

Bill "An Act to Establish the Local Option Lodging Tax" (H.P. 1243) (L.D. 1763) on which the Majority **"Ought to Pass"** as amended Report of the Committee on **Taxation** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-727) as amended by House Amendment "A" (H-738) thereto in the House on May 30, 1997.

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, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care (EMERGENCY) (S.P. 558) (L.D. 1684) (H. "A" H-708 to C. "A" S-256) which was finally passed in the House on May 29, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-256) as amended by Senate Amendment "A" (S-406) thereto in non-concurrence.

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. 12) (L.D. 10) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-411)

On motion of Representative THOMPSON of Naples, was removed from the First Day Consent Calendar.

The Committee Report was read and accepted. The Bill was read once. Committee Amendment "A" (S-411) 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-411) and in concurrence.

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

SENATE PAPERS

The following Communication: (H.C. 306)

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

May 31, 1997

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the 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).

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

Senator Goldthwait of Hancock

Senator Cleveland of Androscoggin

Senator Bennett of Oxford.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Reference is made to 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)

In reference to the action of the House on Saturday, May 31, 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 LEMKE of Westbrook

Representative AHEARNE of Madawaska

Representative CHICK of Lebanon

Non-Concurrent Matter

An Act to Establish the Maine Economic Improvement Fund (S.P. 637) (L.D. 1854) (H. "B" H-720 to C. "A" S-326) which was passed to be enacted in the House on May 30, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-326) and Senate Amendment "B" (S-417) in non-concurrence.

The House voted to Recede and Concur.

Representative MACK of Standish moved that the House reconsidered its action whereby it Receded and Concurred.

The Chair ordered a division on the motion to reconsider.

A vote of the House was taken. 28 voted in favor of the same and 75 against, the motion to reconsider did not prevail.

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

ENACTORS

Emergency Measure

An Act to Ensure Funding for Snowmobile Law Enforcement Activities (S.P. 193) (L.D. 611) (H. "B" H-756 to C. "A" S-270)

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

On motion of Representative UNDERWOOD of Oxford, tabled pending passage to be enacted and specially assigned for Sunday, June 1, 1997.

An Act to Provide Equal Political Rights for Employees (H.P. 740) (L.D. 1004) (H. "A" H-749 to C. "A" H-429)

An Act to Amend the Maine Bail Code (S.P. 509) (L.D. 1571) (Com. of Conf. "A" S-423)

An Act Regarding the Division of Safety and Environmental Services in the Bureau of General Services (S.P. 518) (L.D. 1602) (S. "A" S-424 to C. "A" S-288)

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (H.P. 1038) (L.D. 1455) (H. "A" H-754 to C. "A" H-578)

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game" (H.P. 1307) (L.D. 1855) has had the same under consideration, and asks leave to report:

That the House recede and commit the Bill and accompanying papers to the Committee on Taxation.

That the Senate recede and concur with the House.

Signed

Representatives: GREEN of Monmouth

GAGNON of Waterville

CIANCHETTE of South Portland

LEGISLATIVE RECORD- HOUSE, May 31, 1997

Senators: RUHLIN of Penobscot

DAGGETT of Kennebec

The Committee of Conference Report was read.

On motion of Representative GREEN of Monmouth, the Committee of Conference Report was accepted.

The House voted to Recede.

The Bill and all accompanying papers were committed to the Committee on **Taxation** and sent up for concurrence. Ordered sent forthwith.

On motion of Representative DONNELLY of Presque Isle, the House adjourned at 10:20 p.m., until 10:00 a.m., Sunday, June 1, 1997 in honor and lasting tribute to Linwood F. Williams.