

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
SECOND REGULAR SESSION
7th Legislative Day
Monday, January 26, 1998

Representative Saxl of Portland assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Honorable Douglas J. Ahearne of Madawaska.
Pledge of Allegiance.
Doctor of the day, A. Jan Berlin, M.D., South Freeport.
The Journal of Wednesday, January 21, 1998 was read and approved.

SENATE PAPERS

Bill "An Act Relating to the Qualifications of the Director of the Bureau of Human Resources"

(S.P. 787) (L.D. 2114)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide Property Tax Relief and to Ensure Equitable School Funding"

(H.P. 1457) (L.D. 2048)

which was **REFERRED** to the Committees on **TAXATION** and **EDUCATION AND CULTURAL AFFAIRS** in the House on January 20, 1998.

Came from the Senate **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act Concerning the Maine State Housing Authority's Share of the Transfer Tax"

(H.P. 1465) (L.D. 2056)

which was **REFERRED** to the Committee on **TAXATION** in the House on January 15, 1998.

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative TRIPP of Topsham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Joint Order **RELATIVE TO HEALTH INSURANCE COVERAGE FOR PROSTATE CANCER SCREENING**

(S.P. 762)

which was **READ** and **FAILED PASSAGE** in the House on January 20, 1998.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Joint Order was **PASSED** in **NON-CONCURRENCE**.

Representative SAXL of Bangor moved that the House **RECEDE AND CONCUR**.

On further motion of the same Representative, **TABLED** pending her motion to **RECEDE AND CONCUR** and specially assigned for Wednesday, January 28, 1998.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent up for Concurrence:

Resolve, to Encourage High-performance Work Organizations and Quality Jobs in Rural Maine

(H.P. 1540) (L.D. 2167)

Presented by Representative ROWE of Portland.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, GAGNE of Buckfield, JONES of Greenville, KNEELAND of Easton, MURPHY of Kennebunk, SIROIS of Caribou.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative VIGUE of Winslow, **TABLED** pending **REFERENCE** and later today assigned.

BANKING AND INSURANCE

Bill "An Act to Require Health Insurance Coverage for In Vitro Fertilization Procedures"

(H.P. 1539) (L.D. 2166)

Presented by Representative SAXL of Bangor.

Cosponsored by Senator SMALL of Sagadahoc and Representatives: DUNLAP of Old Town, FARNSWORTH of Portland, GREEN of Monmouth, KONTOS of Windham, MITCHELL of Vassalboro, Senator: MURRAY of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Require the State to Be Responsible for the Costs of School Employee Record Checks and Fingerprinting"

(H.P. 1536) (L.D. 2163)

Presented by Representative LEMAIRE of Lewiston.

Cosponsored by Representatives: BERRY of Livermore, BRENNAN of Portland, FULLER of Manchester, GREEN of Monmouth, KONTOS of Windham, O'NEAL of Limestone, Senator: RAND of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

JUDICIARY

Bill "An Act to Encourage Adoptions and Reduce the Number of Children in Foster Care in the State" (EMERGENCY)

(H.P. 1541) (L.D. 2168)

Presented by Representative BRAGDON of Bangor.

Cosponsored by Representatives: KANE of Saco, MADORE of Augusta, QUINT of Portland, Senator: PARADIS of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Establish an Advisory Commission on Women Veterans"

(H.P. 1532) (L.D. 2159)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: BELANGER of Wallagrass, BIGL of Bucksport, CHIZMAR of Lisbon, GAMACHE of Lewiston, LABRECQUE of Gorham, TESSIER of Fairfield, TRUE of Fryeburg, Senator: CAREY of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Promote the Expansion of Pari-mutuel Simulcast Wagering"

(H.P. 1538) (L.D. 2165)

Presented by Representative VIGUE of Winslow.

Cosponsored by Senator CAREY of Kennebec and Representatives: CLARK of Millinocket, POULIN of Oakland, TRUE of Fryeburg, TUTTLE of Sanford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Reduce Costs and Increase Efficiency of the Regulation and Promotion of Harness Racing"

(H.P. 1542) (L.D. 2169)

Presented by Representative KERR of Old Orchard Beach.

Cosponsored by Representative MACK of Standish, Senator: MICHAUD of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

TAXATION

Bill "An Act to Create a Maritime Empowerment Zone"

(H.P. 1531) (L.D. 2158)

Presented by Representative SAXL of Portland.

Cosponsored by Senator AMERO of Cumberland and Representatives: ETNIER of Harpswell, MAYO of Bath, Senators: LAWRENCE of York, PINGREE of Knox.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

TRANSPORTATION

Resolve, to Enhance the Economy and Tourism Industry in Hancock County and Western Washington County by Requiring the Implementation of the Biennial Transportation Improvement Program Regarding Shared Use of the Calais Branch Rail Line

(H.P. 1537) (L.D. 2164)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Senator RUHLIN of Penobscot and Representatives: BUNKER of Kossuth Township, CAMPBELL of Holden, DRISCOLL of Calais, FISHER of Brewer, GOODWIN of Pembroke.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

UTILITIES AND ENERGY

Bill "An Act to Encourage Customer Choice and Competitive Rates for Natural Gas"

(H.P. 1533) (L.D. 2160)

Presented by Representative KONTOS of Windham.

Cosponsored by Senator PENDLETON of Cumberland and Representative TAYLOR of Cumberland, Senators: CAREY of Kennebec, FERGUSON of Oxford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**Reported Pursuant to Resolve
Commission to Examine Rate Setting and the
Financing of Maine's Long-term Care Facilities**

Representative FULLER for the **Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities** pursuant to Resolve 1997, chapter 81, section 7 asks leave to report that the accompanying Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY)

(H.P. 1534) (L.D. 2161)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

**Reported Pursuant to Resolve
Commission to Determine the Adequacy of Services
to Persons with Mental Retardation**

Representative BERRY for the **Commission to Determine the Adequacy of Services to Persons with Mental Retardation** pursuant to Resolve 1997, chapter 79 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

(H.P. 1543) (L.D. 2170)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

**Reported Pursuant to Resolve
Task Force on State and Federal Tax Filing**

Representative COWGER for the **Task Force on State and Federal Tax Filing** pursuant to Resolve 1997, chapter 66 asks leave to report that the accompanying Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing

(H.P. 1544) (L.D. 2171)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the family and friends of Kevin Zebrowski and the numerous professionals involved in their relentless search for Kevin. Kevin, the son of Kenneth and Maureen Zebrowski, was a December 1997 graduate of the University of Maine at Farmington and was employed as a ski instructor at the Carrabassett Valley Academy. He has been missing since New Year's Eve. We extend our heartfelt compassion to his parents and other family members during this difficult time of uncertainty;

(HLS 1048)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator BENOIT of Franklin.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. It is unfortunate that I stand before you today to bring to your attention a happening in Franklin County, which has left many people puzzled, sad and seeking closure. Kevin Zebrowski is a resident of Farmington. He is a December graduate of the University of Maine at Farmington and he was recently hired at a ski instructor at Carrabassett Valley Academy. He has been missing since New Year's Eve when he went to a party in the Sugarloaf area and he turned up missing. An extensive search has turned up nothing. The parents living in the Farmington area are continuing their efforts to locate their son. A service will be held at the University of Maine at Farmington in Nordica Auditorium at 5:00 this afternoon. Obviously everyone is seeking closure to this happening. It is a very sad happening. I wanted to bring it to your attention here today. Thank you Mr. Speaker.

READ and PASSED and sent up for concurrence.

In Memory of:

C. Wallace Woodworth, of Benton, husband of the late Sylvia E. Wyman Woodworth, a graduate of the University of Maine College of Agriculture and a longtime dairy farmer. Mr. Woodworth was a member of the 97th Maine State Legislature, where he served on the University of Maine Legislative Committee and the Towns and Counties Committee. He was a supervisor of the Kennebec County Soil Conservation District, charter member and director of the Kennebec County Farm Bureau and director of the Maine Farm Bureau and the Maine Breeding Co-op. He was a member of the Extension Association, the chair of the Benton Republican Committee and a charter member of the Kennebec County Men's Republican Club. Mr. Woodworth was also a life member of the Clinton Lions Club;

(HLS 1033)

Presented by Representative BUMPS of China.

Cosponsored by Senator CAREY of Kennebec.

On **OBJECTION** of Representative BUMPS of China, was **REMOVED** from the Special Sentiment Calendar.

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

Representative BUMPS: Mr. Speaker, Men and Women of the House. I am both honored and saddened to stand before you today to pay tribute to the life-long Maine resident, former legislator, dairy farmer, devoted husband and father, as well as public servant. Wallace Woodworth was 91 years old when he passed away almost one month ago. He was born in 1906 in South Paris and graduated from the University of Maine College

of Agriculture in 1926. In 1930, he married his wife of 67 years, Sylvia Wyman.

I first met Mr. Woodworth in 1996 and the memory of that meeting will always bring a smile to me, my family and friends who shared that evening with him. Shortly after announcing my candidacy for the Legislature, I arranged receptions in each of the towns in my district to meet with interested residents. These events were successful each, I suppose, in their own way. Although attendance was considerably higher in each of the other towns, I will always remember the Benton reception because of Mr. Woodworth. The night was snowy and we anticipated few visitors. Indeed Mr. Woodworth was our only guest who I had not previously met. A mutual friend had offered him a ride because of the road conditions, but at 89, he was perfectly happy to brave the wintery roads and drive himself.

Mr. Woodworth was a member of the 97th Legislature and he sat among small group of my family and friends that evening and shared his stories of legislative service in this chamber and on his committees. He captured our full attention as he remembered tale after tale with vivid clarity and great humor. The evening lasted as if hundreds had turned out and to this day we continue to speak of Mr. Woodworth and his stories.

As I thought about what I would say this morning, I took a minute to look at the legislative record and to recall some of the floor speeches that Mr. Woodworth had given here in this chamber. It is interesting to note that the same wit and humor that we noted that night in Benton, followed him here to Augusta during his legislative service. I thought it might be interesting to recall just a couple of those words that he spoke on the floor. On May 19, 1955, Mr. Woodworth was addressing the House regarding reimbursement to jurors. He said, "Mr. Speaker, Ladies and Gentlemen of the House. Yesterday, though a quick move, this bill was Indefinitely Postponed. Many of my friends have asked me to take action on the matter, fully understanding that I am up against orators and people who know all the tricks of the game. I would hesitate, except for the fact that I have been a farmer for 30 years. Therefore, have learned not to give up, but if I have to go down, I will do so with my boots on and my gun smoking. My father once told me it was a pretty poor man that would not fight for his convictions and I have tried to live up to that rule."

Similarly, at the time of adjournment, back in May of 1955, Mr. Woodworth addressed the House and this one certainly displays his humor. He said, "Mr. Speaker, I think you people have about as much chance of finding out how I voted," they were speaking about a vote that was taken just days before, "as finding out about some old maid's love affairs. If any of you have never tried that, it is an experience that I have. While I am on my feet, seriously, I came down here being able to get around the state and part of the country in farm circles, but felt very much out of place in a group like this. I did not know what to do with my hands and my feet bothered me and several other things, especially two or three of the good looking women here had me on the go, but they never knew it. You have been a swell bunch of people to me. Very recently, I kind of found out where I stood and if the good Lord never had any other good bunch of children, he sure has got one here."

In addition to the accomplishments and activities already listed, Mr. Woodworth was a proud member of the Alpha Gamma Rowe Fraternity and a past director of the Kennebec Planning Committee. Mr. Woodworth was a dedicated public servant and will be sadly missed by his family, his neighbors and the citizens of the State of Maine. Thank you.

READ and ADOPTED and sent up for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative KERR from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Open a Discount State Liquor Store in Calais"

(H.P. 277) (L.D. 341)

Reporting that it be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Report was **READ**.

On motion of Representative DRISCOLL of Calais the Bill was **SUBSTITUTED** for the report.

The Bill was **READ ONCE** and assigned for **SECOND READING** Wednesday, January 28, 1998.

Representative KERR from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators"

(H.P. 132) (L.D. 174)

Reporting that it be **REFERRED** to the Committee on **LABOR**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Sent up for concurrence.

Representative KERR from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on "An Act to Amend the Prevailing Wage Laws"

(H.P. 1037) (L.D. 1454)

Reporting that it be **REFERRED** to the Committee on **LABOR**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1365) (L.D. 1915) Bill "An Act to Amend the Law Governing the Filing of Municipal Campaign Reports" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

At this point, the Speaker Pro Tem recognized the Representative from Mechanic Falls, Representative Underwood and he was added to the quorum call of the Second Regular Session of the 118th Legislature.

At this point, the Speaker Pro Tem announced that the Quorum of the Second Regular Session of the 118th Legislature was complete.

TABLED AND TODAY ASSIGNED

Bill "An Act Relating to the State Valuation of the Town of Wiscasset" (EMERGENCY)

(S.P. 758) (L.D. 2065)

- In Senate, **REFERRED** to the Committee on **TAXATION**.

(Committee on **TAXATION** suggested)

TABLED - January 21, 1998 by Representative TRIPP of Topsham.

PENDING - REFERENCE in concurrence.

On motion of Representative TRIPP of Topsham, **TABLED** pending **REFERENCE** and specially assigned for Wednesday, January 28, 1998.

Expression of Legislative Sentiment in memory of Jack Smith, of Ellsworth

(HLS 1037)

TABLED - January 21, 1998 by Representative POVICH of Ellsworth.

PENDING - ADOPTION.

Subsequently, was **ADOPTED** and sent up for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

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

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Authorize the Maine State Museum to Purchase Historic Maine Artifacts (EMERGENCY)

(H.P. 1535) (L.D. 2162)

which was **PASSED TO BE ENGROSSED** in the House on January 21, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-447)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**. Ordered sent forthwith.

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

Resolve, to Encourage High-performance Work Organizations and Quality Jobs in Rural Maine

(H.P. 1540) (L.D. 2167)

Presented by Representative ROWE of Portland.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, GAGNE of Buckfield, JONES of Greenville, KNEELAND of Easton, MURPHY of Kennebunk, SIROIS of Caribou.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

which was **TABLED** by Representative VIGUE of Winslow pending **REFERENCE**.

Subsequently, was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent up for concurrence.

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

ENACTORS
Emergency Measure

Resolve, to Authorize the Maine State Museum to Purchase Historic Maine Artifacts

(H.P. 1535) (L.D. 2162)
(S. "A" S-447)

Representative CAMPBELL of Holden requested a roll call on **FINALLY PASSED.**

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

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

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

Representative **MARVIN:** Mr. Speaker, Ladies and Gentlemen of the House. As a former member of the Maine Arts Commission and kind of a history buff, I think this is a great idea to buy this. However, I am going to be voting against it because I don't think we should be buying it with state money. There are many ways the museum could be purchasing and should be purchasing this item. They could be asking a patron of theirs to buy it and loan it back. They could ask a patron to buy it and will it to them. They could ask a patron to outright buy it. The point is that I think that government should be the last stop, not the first stop. I really have a feeling that the reason we are being asked to purchase this is that we have this surplus and I just don't believe that that is how we should be spending our surplus. Our surplus should be for tax relief. This painting is not going to be disappearing off the face of the earth if we do not buy it by Wednesday. There is a lot of other opportunities. This painting has been for sale for a long time and we haven't chosen to buy it and I don't think that we need to buy it this week. In my household if we don't have the money to buy something we want to buy, we don't buy it yet. We save the money and then we go back and buy it and I would suggest that perhaps the museum should use the same plan. Thank you.

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

Representative **DONNELLY:** Mr. Speaker, Men and Women of the House. When the issue was first brought to Legislative Council, we had very little time to think about it, but we thought it was something that merited discussion and debate to be brought forward, especially with the narrow window. I had some concerns, initially, about the amount of time that we were given. If the pieces that were being looked for were so important, why was the time so small? Why did people wait for the last minute? We asked these questions and we got some explanation. We thought at that point, at least myself, that it merited enough or warranted further discussion. We put that forward and it came up last week and it was talked about briefly as to why and it started to get into particular pieces. There was a little danger in bumping up prices and bidding on that. That stopped.

Representative Ginn Marvin mentions that there was a piece that was for sale for a long time. We actually may end up paying more for it now than previously had been thought because, obviously, people know the state has an interest in it. As auctions go, a decent auctioneer is going to play on that. The concerns I have about spending this money at this time isn't that some of these pieces aren't valuable. It isn't that we ought not seriously consider about setting money aside for these things.

We know that now they are looking at setting up a foundation in case this happens again in the future.

Some points have been brought up in the discussions that really struck home with me and I thought I would share them with you, because perhaps they would strike you in a similar way and perhaps differently. One of which was as I was perplexed at the Senate Amendment of how this agency could go to an auction with a pledge of \$162,000 of taxpayer money and not have an emergency clause attached to it? How could that possibly work? I know if I were bidding at an auction I would be furious if the rules of the auction were changed for state government not to have to obey the rules. The question was asked, how will this work then? How could they possibly pay 90 days after we get out of session when everybody else has the terms of the agreement when they come in. They have a certain amount they have to put down. They have to have full payment in a certain amount of time or they lose their bid. They said there was a private person willing to loan them the money. Think about that for a minute as I move onto the second point that really struck me.

The second point that really struck me was somebody asked me how quickly the flag restoration program that we put \$25,000 into last year was going. I went down to the Hall of Flags and I walked around. This is probably a little unfair to the museum folks because I haven't had a chance to talk to them since this conversation in the hallway a few minutes ago, but I don't see any flags missing that are currently in restoration, nor do they look a heck of a lot better than they did last year before the money was given to the Appropriations Committee for that purpose. Last budget cycle, you start to think in biennial terms, time flies by faster, that money came really hard. We weren't talking \$200 million surplus. We had very small funds to work with. That obviously was a priority. If the battle flags restoration is a priority, why wasn't that either being done or why wasn't that continuing? We ought to fix what we have was what the one person made.

Those are the two things that kind of struck me. If we have somebody, a philanthropist who is willing to loan the money to buy these pieces and I don't know what the terms are of the loan, why not have them buy it and loan the paintings, which is what normally happens. Traditionally, most of the museum are from private donors who go and purchase an item and loan it to the museum, will it to the museum or do something to keep that intact for the State of Maine at item. Of course, the concerns of what is going on here in the brief future is we have much of Maine that is devastated. I am fortunate to be from the one county that was not declared a disaster area until the Vice President came. All other 15 counties is the perception that we send out there that the first spending we do be for this item or these items and not for taking care of the concerns of the folks who were devastated, damaged and put out by the ice storm, which was an act of nature and you honestly couldn't say that you couldn't see further into the future more than a week to plan for. When that happened, I had people saying, why didn't the utilities plan for it? Why didn't people plan for it? How could you possibly plan for that?

The auction has been advertised and out there for a while. Just some food for thought of how I got to where I am, even though I am a cosponsor on the bill and a history minor in college. I don't come to this conclusion lightly. This isn't the right way to go about it. 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. First, I would just like to say that I am

troubled by the amount of time that we have to spend discussing a relatively minor amount of money in the grand scheme of Maine's \$3.5 billion budget. We spent the entire morning on Thursday in my committee discussing it. I wanted to respond first to the issue regarding the colors. It represents to me a larger issue. That is that the Representative from Presque Isle has pointed out that he did not have a conversation with anyone from the museum and merely made his decision based on an observation as he walked through the Hall of Flags. I will hope that you will make your decision based on more substantial information and take the time to get information that you need before casting your vote. There are 300 flags to be restored. A small portion of them are resting downstairs.

Secondly, I wanted to point out that each of us, every session, has groups of school children visit us here in Augusta. They always visit the State House. They sometimes stop at Fort Western and sometimes at the State House. I guarantee you that virtually every trip made by school children includes a visit to the Maine State Museum. It is the highlight of their trip. It is a very wonderful museum of which we should all be proud in which we make great pains to show to our school children. For us to be questioning their choices about what exactly ought to be displayed there, I think is inappropriate. I personally have some concerns about the financial situation. There is no question. They ought to have had an endowment long before now. There is no question that they ought to have been approaching the owners of this painting a long time ago. That doesn't help us when the auction is two days away. Yes, there were mistakes. I think that it would be a really, very sad state of affairs for us to pass up a really wonderful, once in a lifetime opportunity because we are angry, because there are other issues bothering us.

There is no question but what we do have money. The only issue is how we choose to spend it. I don't have any hesitation in going home to my constituents to say that we preserved a really, critically significant piece of our historical heritage. I hope that you will join us all in voting yes.

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

Representative LANE: Mr. Speaker, Men and Women of the House. When we heard from the gentlemen from the museum last week, I think we were all excited about these rare finds. I know I was. I think that there wasn't a whole lot of questions because of that. I went home and I realized that to most people living in rural communities far away from the state capitol \$162,000 is not a minute amount. It is not a small amount. Right now there has been a lot of questions out there as to exactly what is the state doing to help the people who have suffered from the storm damage. I would suggest to you that the museum is a wonderful museum and will continue to be a wonderful museum with or without these rare pieces. Believe me, in another circumstance, I would love to see us obtain these rare artifacts. Right now, timing is everything. This is not good timing, ladies and gentlemen. It is not good timing for my constituency to be considering purchasing things with \$162,000. Money is money and that is a lot of money for the average person. I would suggest that we look to the future and make sure the museum has a better method of appropriating money in the future. Not only that, but I would suggest that there were probably patrons of the art out there that are more than willing to purchase these for the state and look in that direction rather than rushing palmal into this thing without really thinking about the perception out there. I am voting no. 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 ran for the Legislature because I firmly believe in a smaller and more efficient government. When any proposed piece of legislation comes to my desk, I ask myself two questions. One, is it necessary? Two, is it nice? If it isn't the first one, as most of you know, I vote against it. The proposal that we have before us, much to the surprise of some of my colleagues over here, I believe is absolutely necessary. I think that we have an obligation to preserve for the future generations the artifacts, which made Maine the great state it is today. I believe that we have an obligation to preserve for future generations those historical items, which tell the story of our unique, hard working industry and industrious Maine natives. I must remind you that when I talk about the Maine State Museum, I am not talking about some place where blue blooded Republicans and avant guard left wing liberal Democrats meet to view and ponder some odd shaped piece of art. What I am talking about is a museum, which is a repository of artifacts of working men and women of this state. The Maine State Museum captures the entrepreneurial spirit of working Maine men and women and it honors those people. Speaking of being entrepreneurial, the staff of the Maine State Museum leverages the small amount of money, which we give it each year so that the donations that we receive far exceed the amount of money that the state contributes itself. I would think that if other state agencies were able to leverage the small amount of money that we give the museum, we would be here today talking about lowering taxes everywhere in the state. Thank you.

ROLL CALL NO. 398

YEA - Ahearne, Bagley, Baker, Belanger DJ, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Bryant, Buck, Bull, Bumps, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Madore, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright.

NAY - Barth, Belanger IG, Bragdon, Bruno, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lovett, MacDougall, Mack, Marvin, McAlevey, Meres, Murphy, Nass, Nickerson, Ott, Perkins, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Bodwell, Brooks, Chizmar, Fisk, Green, Jones KW, Joy, Muse, Poulin, Samson, Wheeler EM, Madam Speaker.

Yes, 89; No, 50; Absent, 12; Excused, 0.

89 voted in favor of the same and 50 against, with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

Bill "An Act Concerning the Maine State Housing Authority's Share of the Transfer Tax"

(H.P. 1465) (L.D. 2056)

LEGISLATIVE RECORD - HOUSE, January 26, 1998

which was **TABLED** by Representative TRIPP of Topsham pending **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

The House recessed until 3:00 p.m.

(After Recess)

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

On motion of Representative CHICK of Lebanon, the House adjourned at 3:40 p.m., until 3:00 p.m., Wednesday, January 28, 1998 in honor and lasting tribute to C. Wallace Woodworth, of Benton.