

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
30th Legislative Day
Wednesday, March 11, 1998

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

Prayer by Deacon Howard Chick, Lebanon and North Berwick Baptist Church.

National Anthem by Heritage Singers Choir, Brewer.
Pledge of Allegiance.

Doctor of the day, James Douglas, D.O., Jonesport.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 412)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 9, 1998

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

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1430 An Act to Regulate Professional Loggers

L.D. 1465 An Act to Limit Liquidation Harvesting

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

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 413)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 9, 1998

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

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1958 An Act to Reimburse Kennebec County for the Costs of County Jail Construction

L.D. 2000 An Act to Appropriate Funds for Mental Retardation Day Services for Nonclass Members

L.D. 2057 An Act to Enhance Home-based Services for Maine's Elderly

L.D. 2206 An Act to Assist Municipalities with Ice Storm-related Cleanup and Reduce Unemployment

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

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. George J. Kerr

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 414)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 9, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 2166 An Act to Require Health Insurance Coverage for In Vitro Fertilization Procedures

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Jane W. Saxl

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 415)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 9, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 804 Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles

L.D. 2084 An Act to Protect Children from Sex Offenders

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

Sincerely,

S/Sen. Robert E. Murray, Jr.

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 416)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 9, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1983 An Act Regarding the State Subsidy for Kindergarten Programs

L.D. 2106 An Act to Provide Degree-granting Authority to the SALT Center for Documentary Field Studies

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

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. Shirley K. Richard

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 417)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 9, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 153 An Act to Provide Social Services to Children in Need of Services and State Supervision

L.D. 1750 An Act Concerning the Rights of Children with Special Needs

L.D. 2141 An Act to Enhance the Membership of the Maine HIV Advisory Committee

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

Sincerely,

S/Sen. Judy Paradis

Senate Chair

S/Rep. J. Elizabeth Mitchell

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 418)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 9, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1479 An Act to Decriminalize Various Fish and Game Violations and Enhance Collectibility of Associated Penalties

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

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. Norman R. Paul

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 419)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 9, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 582 An Act to Amend the Procedures for Medical Malpractice Screenings

L.D. 1384 An Act to Reform Procedure in Multiparty Lawsuits

L.D. 1583 An Act to Establish the Uniform Anatomical Gift Act

L.D. 1784 An Act to Expedite the Operation of Prelitigation Screening Panels under the Maine Health Security Act

L.D. 1978 An Act to Extend Legal Counsel in Child Protection Cases

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

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Richard H. Thompson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 420)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR**

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 2186 An Act to Create the Maine Temporary Disability Benefits Law

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

Sincerely,
S/Sen. Mary R. Cathcart
Senate Chair
S/Rep. Pamela H. Hatch
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 421)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1799 An Act to Privatize Liquor Sales
L.D. 1828 An Act to Preserve Financial Integrity of the Bureau of Alcoholic Beverages and Lottery Operations
L.D. 1932 An Act to Promote Competition in the State's Liquor Industry

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

Sincerely,
S/Sen. Beverly C. Daggett
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 422)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 2026 An Act Concerning Lobster Policy Management Council Referenda

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

Sincerely,
S/Sen. Jill M. Goldthwait
Senate Chair
S/Rep. David Etnier
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 423)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1764 An Act to Establish an Office of Regulatory Reform within the Executive Branch
L.D. 1976 An Act to Allow the York County Commissioners to Send Out Tax Bills to Towns Twice a Year

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

Sincerely,
S/Sen. John M. Nutting
Senate Chair
S/Rep. Douglas J. Ahearne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 424)

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

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1927 An Act to Amend the Laws Regarding Tax Exemptions for Pollution Control Equipment
L.D. 2009 An Act to Prohibit the Taxing of Retirees' Pensions

L.D. 2010 An Act Regarding the State Valuation of the Town of Orono
L.D. 2070 An Act to Allow a Tax Refund for Used Business Equipment Purchased and Used in Maine
L.D. 2158 An Act to Create a Maritime Empowerment Zone

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 425)

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

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1947 An Act to Improve Traffic Safety
L.D. 2188 Resolve, to Name the Bridge on Route 236 the Jeffrey Curley Bridge

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

Sincerely,
S/Sen. William B. O'Gara
Senate Chair
S/Rep. Joseph D. Driscoll
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 426)

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

March 9, 1998
Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 2160 An Act to Encourage Customer Choice and Competitive Rates for Natural Gas

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

Sincerely,
S/Sen. Richard J. Carey
Senate Chair

S/Rep. Kyle W. Jones
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 427)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

February 25, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable Elizabeth H. Mitchell, Speaker
Maine House of Representatives
State House

Augusta, ME 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Resolves 1997, chapter 82, the Commission to Study the Certificate of Need Laws is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council, the Joint Standing Committee on Health and Human Services and to the Law and Legislative Reference Library.

Sincerely,

S/Rep. Michael W. Quint, Chair

Commission to Study the Certificate of Need Laws

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.P. 852)

118TH MAINE LEGISLATURE

March 6, 1998

Senator Peggy Pendleton
Representative Shirley Richard
Chairpersons

Joint Standing Committee on Education and Cultural Affairs
118th Legislature

Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Kent Lyons of Calais for appointment as the student member of the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, M.R.S.A., §12705, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Herbert E. Clark, of Millinocket, for 16 years of service as a representative to the Maine State Legislature during the 110th

through the 117th legislative sessions. We extend our appreciation for his years of dedicated public service;

(HLS 1240)

Presented by Representative CLARK of Millinocket. Cosponsored by Senator MICHAUD of Penobscot, Representative BUNKER of Kossuth Township, Speaker MITCHELL of Vassalboro, Representative AHEARNE of Madawaska, Representative O'NEAL of Limestone, Representative STANLEY of Medway, Representative JOY of Crystal, Representative WHEELER of Bridgewater, Representative USHER of Westbrook, Representative TUTTLE of Sanford, President LAWRENCE of York.

On **OBJECTION** of Representative CLARK of Millinocket, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative CLARK: Madam Speaker, Men and Women of the House. It gives me great honor today to put in this sentiment for a special person who is one of the best Representatives in dealing with constituents. He is always there for his constituents. I remember when he first ran in 1978 and lost. He was very disappointed, but from 1980 to 1986 he served in this body being seated where I am seated today. It just gives me great honor and pleasure to recognize Mr. Herbert Clark. Thank you.

PASSED and sent up for concurrence.

REPORTS OF COMMITTEE

Ought To Pass Pursuant to Public Law

Representative BUNKER from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Animal Welfare Laws"

(H.P. 1640) (L.D. 2273)

Reporting **Ought to Pass** pursuant to Public Law 1997, chapter 456, section 21.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Thursday, March 12, 1998.

Divided Reports

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-494)** on Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State

(S.P. 800) (L.D. 2157)

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

GAGNE of Buckfield
TUTTLE of Sanford
TRUE of Fryeburg
BELANGER of Wallagrass
TESSIER of Fairfield

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

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
BIGL of Bucksport
GAMACHE of Lewiston
FISHER of Brewer

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-858)** on Bill "An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police"

(H.P. 1304) (L.D. 1847)

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec

Representatives:

HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway
PENDLETON of Scarborough
LAYTON of Cherryfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-859)** on same Bill.

Signed:

Representatives:

JOYCE of Biddeford
TREADWELL of Carmel

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative JOYCE: Madam Speaker, Men and Women of the House. If you will notice in the calendar, both the Majority and Minority Reports are Ought to Pass. The only difference between the two reports is how the \$2.6 million cost is funded. The Majority Report proposes to pay for it out of the General Fund. The Minority Report proposes to have the individual state troopers fund their own unfunded liability of this change.

I have been on the labor committee for four years now and we have had dozens of changes for bills to make changes to retirement benefits. In the past, what we have always said on the Labor Committee is that we will make any change that you want to your retirement benefits, but you will have to pay the unfunded liability that it will cause. I feel that this should be treated the same way as all those other bills have been treated in the 117th and the first year of the 118th. Madam Speaker, I request a roll call.

Representative JOYCE of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. Although this bill does deal with retirement, it is more of an issue of fairness. As you have been seeing the bullets coming across your desk for the last few weeks, hopefully you are up to speed with what has happened. I would just like to take a second to give you a very quick snapshot.

The process we use to hire state troopers is a year long process. It is a difficult process and it is designed to be that way because becoming a Maine State Trooper is a special position in law enforcement. It is coveted by many other agencies in this state and other states because the selection process is hard. You have got to really have a unsullied life before you get to that point. In 1984, this training troop started that process in January. They were solicited under a set of conditions of employment for salaries and benefits. One of those benefits was a 20 year retirement. That year the Legislature changed the retirement to 25, in the middle of that process. They were scheduled to start their academy August 27th. When they had their last interview with the commissioner, the commissioner said that they have changed the start date. You are not going to start August 27, you are going to start September 2. We have pushed it back a week because what is going to happen is you are now going to go into a 25 year retirement and please sign this document acknowledging that fact and you are agreeing to it. What these people found themselves in was a year long process that they finally reached the top level, the last step before they went to the academy. I believe that they were coerced into signing that paper because, in all reality, if they had not signed that acknowledgment or that agreement, they would not have been allowed to start the academy.

This is an issue of fairness. I know we discuss many issues dealing with retirement, but this was the very first gimmick that we perpetrated upon our employees. That is why we have the bill in front of us now. If they were to fund their share, it would be over \$100,000 each. This affects 21 individuals who are still working for us. They certainly can't afford to do that. I ask you to look at this in the terms of fairness. It is now time that we look out for the people who are looking out for us. Thank you.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. The only point I would like to make about this bill is that we have another LD, LD 2135, that will shortly be coming up to us that would standardize the law enforcement and correctional officers retirement to a 25 year service, age 55 retirement plan. That is coming out of committee with a Majority Ought to Pass Report. It has been interesting to me sitting on the Labor Committee this session or in the 118th, that we have so many different retirement plans. It is almost frustrating, as a matter of fact, when all of these small splintered groups come in and they are being treated unfairly because their retirement plan isn't as good as some other groups. LD 2135 is a move at correcting that problem. It would put this training group also under this 25, 55 retirement plan. I think that is probably the better way to go in handling this problem.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. As you can see, it is unanimous in the committee that this bill Ought to Pass. The only difference is the funding mechanism. If you go with the Minority Report, you are

saying these officers should get it, but they should pay approximately \$20,000 a year for the next six years to get this benefit. Does anybody realistically think that anyone can do that? These officers were treated wrong at the time of their hiring. This is just asking you to correct that. Thank you.

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

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. This bill has nothing to do with anything we have done in the past or any other bill that is coming before us. It is a unique stand alone issue and one that all of us should be able to relate to, whether you are a trooper, bath iron worker, paper company or any other business or company, when you apply for a job that has been advertised with certain benefits and quit your old job or put in your notice and then just before you are ready to go on the payroll, they say that they are going to change the rules. You can either go out the door or take the job under the changed rules. As you have heard, if we went with Amendment "B," we might as well kill this bill because some of these officers would never be able to afford that. I hope you will take care of this unfairness and vote to pass this bill. Thank you.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I too rise to support Committee Amendment "A" on this bill. I agree with Representative McAlevey. It is a question of fairness. These people were hired with one understanding of what they would receive for benefits and it was changed midstream. It is a very unique situation. It is one that I think that we should, in all fairness, address and vote to support the Majority Report. Thank you.

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

Representative HATCH: Madam Speaker, Men and Women of the House. Sorry about this nanny voice. I hope you will excuse it. I hope to be back in form in a couple of days. In regards to this bill, I personally have knowledge of the long training program, the testing that these State Police have to go through. There was a definite fraud perpetrated on these troops who trained, came up to the line. The original start date was August 27. They moved it so they would come under the new law. There is something wrong with that. I had a question this morning from a member in regards to the total amount. I want you to know, I am not an actuary. That is one of the few things that I probably wouldn't want to be. I want you to know that this is a big amount. There is no way that these people could afford it. The corrections bill that we have coming up dealing with retirement would not help these people. They already have a 55 year plan. They were the ones that were exempted when we changed the law to 62 for all the other corrections people. It will have no affect on these people whatsoever. We do have, currently, state troopers out there who have joined the force at 40 years old. Stop and think about it. The new plan that we are putting out will help them. They will be able to retire a little sooner. As far as these ones, this is the best thing that we can do for them. I ask for your support.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. As you know, I rarely speak twice on any issue, but I want to bring it to your attention the fact that these individuals who went through this training academy, had their retirement changed when they had no hand in that. I think it was an unfortunate situation. They were trapped. They had no other way to go, but to continue on through the training because they had set themselves to that goal. I think they should be

commended for choosing a career of protecting us and serving the public and the state. Today is their day in this chamber to correct that wrong that was perpetrated against them. I have no doubt that all of the people in this chamber then changed the law in good faith. If you throw that pebble into a pond of water and those waves lap against many shores, in this case it affected these 21 individuals. Today is their day. Today is our opportunity, not only to put this on the record, but to set the record straight and undo a grievance thing that happened and make these people whole again. It is unique only to this group. As far as I know, there are no other employees that had this happen to them. It is a unique situation. Yes, there may be other bills in the pipeline, but this bill deals with the 38th training troop. It is their day today and it is our day to straighten this mess out. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Madam Speaker, Men and Women of the House. One is, had they already started the training? I am confused on that. People say changing rules in midstream. I just wonder exactly at what point were the rules changed? I understand the benefits were advertised, but as far as their actual training goes. The other question is, does the Minority Report actually demand each trooper pay \$20,000 a year for the first six years?

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

Representative JOYCE: Madam Speaker, Men and Women of the House. In regards to the Minority Report, it wouldn't force them to do anything. If they did want to take advantage of this change in the retirement benefits, then they would be responsible to pay the unfunded liability. It may be a large sum of money. What we found over the years is that most of these people who ask for changes can't afford the changes that they ask for. It does give them the option. A number was thrown out like \$20,000 a year for six years. I believe they have the rest of their career to pay for that. They can work out a payment plan if they want with their retirement system.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. In response to the good Representative's first question about had they started their training? No they hadn't. Their training was to start at the end of August. That was the day they had come in to be sworn in and they would officially become state employees. Their process of hiring lasted all of that year. They were notified to start the academy at one date and then at the last moment they were told not to start the academy until September, which was roughly about a week, week and a half later. By pushing it back one week when they stood up to take their oath to pledge themselves to uphold the laws of this state and the country, they then became employees. At the very last minute, that rug of benefits and retirement was pulled out from underneath them. I submit that none of these individuals were in a position to say no they couldn't agree. That would have ended their selection process. I hope that answers your question.

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

Representative SAMSON: Madam Speaker, Men and Women of the House. To take the response a little further, the

academy started the day after the new law took affect. The truth is the 38th training troop were essentially cheated out of the retirement that they were supposedly recruited under.

The SPEAKER: 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. 439

YEA - Ahearn, Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, 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, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Joyce, Kasprzak, Perkins, Treadwell, Underwood.

ABSENT - Bodwell, Honey, Joy, Ott, Plowman, Thompson, Watson.

Yes, 139; No, 5; Absent, 7; Excused, 0.

139 having voted in the affirmative and 5 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-858)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 12, 1998.

CONSENT CALENDAR

First Day

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

(H.P. 965) (L.D. 1328) Bill "An Act to Enact the Uniform Transfer on Death Security Registration Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-860)**

(H.P. 992) (L.D. 1372) Bill "An Act to Unify the Court System" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-861)**

(H.P. 1366) (L.D. 1916) Bill "An Act to Provide for the Termination of Spousal Support upon the Death of the Payor" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-862)**

(H.P. 1424) (L.D. 1988) Bill "An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-863)**

(H.P. 1467) (L.D. 2058) Bill "An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations" (EMERGENCY) Committee on

JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-864)

(H.P. 1496) (L.D. 2095) Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Remediation and Waste Management" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-866)**

(S.P. 778) (L.D. 2105) Bill "An Act to Reduce Groundwater Contamination from Leaking Oil Storage Tanks" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-488)**

(H.P. 1510) (L.D. 2132) Bill "An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-865)**

(H.P. 1534) (L.D. 2161) Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-857)**

(S.P. 811) (L.D. 2190) Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-489)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 775) (L.D. 2102) Bill "An Act to Update the Guide Dog Access Law" (C. "A" S-487)

(H.P. 1370) (L.D. 1920) Bill "An Act to Promote Competitiveness Regarding the Sale of Recreational Vehicles by Allowing Better Discounts" (C. "A" H-853)

(H.P. 1480) (L.D. 2079) Bill "An Act to Amend the Definition of Design Professional" (C. "A" H-855)

(H.P. 1498) (L.D. 2097) Bill "An Act to Simplify Corporate Filings" (C. "A" H-854)

(H.P. 1517) (L.D. 2139) Bill "An Act to Equalize and Clarify the Tax on Hard Cider" (C. "A" H-856)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

BILLS IN THE SECOND READING

Senate

Bill "An Act to Continue Work-based Learning for Maine's Youth"

(S.P. 774) (L.D. 2101)

Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy"

(S.P. 816) (L.D. 2200)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED** in concurrence.

UNFINISHED BUSINESS

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

An Act to Create the Consumer Health Care Division within the Bureau of Insurance

(H.P. 1305) (L.D. 1848)

(C. "A" H-820)

TABLED - March 10, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative KONTOS of Windham, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Thursday, March 12, 1998.

TABLED AND TODAY ASSIGNED

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

JOINT RESOLUTION - MEMORIALIZING THE FEDERAL ENERGY REGULATORY COMMISSION TO USE EXISTING UTILITY RIGHTS-OF-WAY IN SITING A NATURAL GAS PIPELINE WHEN TECHNOLOGICALLY FEASIBLE

(H.P. 1638)

TABLED - March 10, 1998 by Representative STEDMAN of Hartland.

PENDING - ADOPTION.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **BERRY**: Madam Speaker, Men and Women of the House. I would like to ask the sponsor of this order, what is the reason for this Joint Resolution?

The **SPEAKER**: The Representative from Belmont, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Madam Speaker, Men and Women of the House. I put this Joint Order in because of the proposed pipeline coming through the State of Maine. There have been some issues in some communities along the proposed pipeline route, particularly south of Augusta, in places such as Yarmouth and Cumberland, Pownal and up around this area as well through Litchfield, Farmingdale, Gardiner, Chelsea and Pittston area where the proposal is putting the pipeline of existing utility right of ways. It is within the FERC guidelines to use existing utility right of ways whenever possible. We are simply just asking FERC to please exercise their own policy in citing this pipeline and whenever chronologically feasible to use existing utility right of ways. Thank you.

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

Representative **BERRY**: Madam Speaker, Men and Women of the House. I would like to thank the Representative for his answer and I support his Resolution. Thank you.

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

BILL HELD

Bill "An Act to Amend the Prevailing Wage Laws"

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

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-804)** on February 25, 1998.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-804) AS AMENDED BY SENATE AMENDMENT "A" (S-475)** thereto in **NON-CONCURRENCE** on March 9, 1998.

- In House, House **RECEDED AND CONCURRED.**

HELD at the Request of Representative DONNELLY of Presque Isle.

On motion of Representative DONNELLY of Presque Isle, the House **RECONSIDERED** its action whereby the House **RECEDED AND CONCURRED.**

On further motion of the same Representative, the House voted to **RECEDE.**

The same Representative moved that **Senate Amendment "A" (S-475)** to **Committee Amendment "B" (H-804)** be **INDEFINITELY POSTPONED.**

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-475)** to **Committee Amendment "B" (H-804).**

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

Representative CARLETON: Madam Speaker, Men and Women of the House. Senate Amendment "A" takes off a fiscal note, which was put on this bill by the nonpartisan staff. Basically it is one position within the Department of Labor. It costs about \$37,000. I have a real problem with this, which is completely aside from the merits of the bill itself. If we start down the road of taking off fiscal notes put on by our nonpartisan staff because we like or dislike a bill, we are going to start down a slippery slope. Other people will do it and we will be here until next November. I would be opposed to the action taken by the other body in stripping off a fiscal note, whether or not I supported the bill. I think and I request that you all think long and hard before you establish a precedent of taking off fiscal notes and pretending that there is going to be no cost when our staff says there is going to be a cost. I hope that we do not get into this situation because we may all regret it in the end.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. I draw your attention to the issue before us, which is Senate Amendment (S-475). You should have seen it on your desk this morning so you can see as a point of correction made to the remarks made by the previous speaker, the amendment from the other body does not remove the fiscal note. Instead, it removes the general fund appropriation, which is, in fact, relevant and related to the debate that you heard on this issue when we last had it in this body. For that reason, I respectfully disagree with the interpretation of the good Representative from Wells and suggest that the fiscal note was not, in fact, removed. The appropriation was. The fiscal note will still be there. The bill will proceed in its normal path. For that reason, I urge you to vote against the pending motion.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I truly understand that having not supported the bill all the way through, that my standing up and holding this bill may be suspect. Let me lay your fear aside. I lost fair and square. The votes were there to support this bill.

What we are looking at is where we have come from in the past and the traditions of this place that regardless of which party has been in control, regardless of which viewpoint has been in control, we have hired umpires to work in the fiscal offices. They do the investigation and set a dollar amount attached to things that cost money. I have been downstairs, I will admit it right here on the floor of the House, and argued with them and told them I didn't believe their numbers and I thought their numbers were wrong. I brought in numbers from other places. Sometimes they will change those numbers and sometimes they will not. They are consummate professionals. I don't think anyone who serves on that Appropriations Committee would say anything short of that.

The tradition of what happens with these bills normally is they will go with the fiscal note that has been drafted by the umpires. The folks that don't pick a side. The folks that are just concerned about the actual cost. These bills will come through the process and these amendments come up and they are put on as Committee Amendments, not because the committee wanted it to cost \$38,000, not because the majority actually wanted to put the bill in jeopardy because it will cost \$38,000, but because that is what the umpires, the people who are nonpartisan and not entirely disinterested, that is not appropriate. They are not part of the process on the policy. They are there and they do a good job professionally. We have a Senator who I do hold in high regard. We are not to talk of the other body, but the Senate Amendment that was attached takes the dollar amount away. I am not going to tell you then that when it goes to Appropriations Committee on the table. While it is on the table, the committee, when they have the department in front of them and they push that the department may not say that this is right. We may be able to do it with existing resources. To do it on the floor and without any process, to me, perverts the process that does work. I may not like it and I may have been the victim of a fiscal note before on what I thought was a great idea. It doesn't mean that you throw the baby out with the bath water. Frankly, with a \$306 million surplus, a \$38,000 fiscal note probably isn't going to be the death of this bill.

It is important to maintain, beyond the merits of the bill, is the merits of the process that we operate under. Anybody who has worked with the fiscal office understands that those people are fair and nonpartisan in the truest sense. Today what we are being asked to do is to vote if we think the folks in that office are being fair or not. The bill has been passed. The bill will go forward. It will wind up on the table either way. Let's not pervert the process. Let's not take it away from where it should be. I am leaving in a couple of weeks. Some of you will be happy. My wife is one person. What we leave behind for the future generations of legislators is important. The legacy that we leave behind on how we proceed will mean a lot. I ask you to think of that as you vote on this motion. This will not kill the bill. What this will do is preserve a good process from people who are fair. Thank you.

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

Representative KERR: Madam Speaker, Men and Women of the House. I understand what the good Representative is suggesting about this particular fiscal note. I don't think this process is any different from what we have done in the past. We recently, with the long-term care issue, told the department to self-fund the General Fund side. That is all we are asking. As I read this amendment, it is very clear and it says this amendment removes the General Fund appropriation of the \$38,140 in fiscal year '98 and '99, which is necessary for the Department of Labor to properly administer and expand requirements of the prevailing wage law. This bill will still go through the chambers and end up

on the Appropriations Table. This is only the General Fund portion. We are telling the department to self-fund and nothing more than that. I would urge you to go along with this fiscal note. It is still going to follow the same process. This bill, without this fiscal note, would come to us. We, on the committee, would probably make the same recommendation. I don't think we are deviating from our current process. Thank you.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. What we have to remember on this particular bill is that there were two of them. One was the prevailing wage bill, which brought in fringe benefits. The second was a prevailing wage bill that made the Maine Turnpike have to comply to it. I was against both bills, however, now we have a situation by the Senate removing the General Fund appropriations for a new committee. On the first bill, the one that provided for the bringing in of fringe benefits. The Department of Labor, Labor Standards representatives stood before the committee and said that he could not perform these duties without additional staff, therefore, the General Fund appropriations. As to the Maine Turnpike being brought in under the prevailing wage, he said there was no need for additional staff because the position that he would have to pay for with these General Fund appropriations would be doing the calculations and doing all the work. The other side of it was just a matter of sending out notices to the particular companies that would be bidding on the turnpike at the prevailing wage rate. No more than what they would be doing for other companies. Therefore, the issue before us is if the department, who I spoke with yesterday, the commissioner and the Bureau of Labor Standards director, both felt that this money was needed to continue this project if we are going to go forward because they are having trouble now calculating the prevailing wage because they are short staffed. They are doing it within their existing resources, but this is an addition to what their resources can handle. Thank you very much.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. I think we should look at where this fiscal note came from. This fiscal note comes from the administration saying they need an extra position. I would contend that by putting a simple line item on the forms that they already send out and have the computer network already set up to take care of it, why do they need another position? If you remember when we had this original debate, I passed out a this piece of paper that had the two different forms, the federal and the state. If they were totally simplifying and follow what the federal form does, they would probably be able to cut a position because there are much fewer items that they would have to itemize and much fewer things they would have to do. Simplify the forms. Modernize your system and take care of the problem. As far as bringing the turnpike in, I contend that bringing the turnpike in would create much more paperwork than a simple line item on a form. Please support this bill. Thank you.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I will be very brief. Taking good notes of the remarks of the Majority Leader, I still think that what we are getting in to as perhaps we have heard from the previous speaker is debate on the amount of money that it is going to take to do a particular program or to pass a particular bill. If you want to get into that issue, then we may see more discussion here prior to the vote. You are going down the slippery slope. Believe

me. We are going to be corrupting the process by which we estimate how much these bills will cost. I urge you not to do this.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I just want to lay out to correct a misstatement that was made. The administration does not put this fiscal note out. It is the umpires that we employ that many people in this room have gone and spoken to that understand how incredibly fair and honest those folks are. They go to the administration and get their opinions. Yes, they do. They are not going to pull numbers out of the air like we are doing here today, but they also challenge the numbers and the presumptions understanding that when the administration doesn't like something. They like to tag a big fiscal note on it. Sometimes, I know nobody in this room would believe it, bureaucracies try to take advantage and grow. A bill that may have some wings and fly on its own. To stand here and say that we have, because we believe in the issue or because we don't like the administration or you don't like the Minority Leader that we are going to discount the folks who have been here for years doing the job and doing it well.

The only reason this really caught my eye was I was a former member of the Appropriations Committee and learned first hand how incredibly good those folks are at their job. I was working with them day in and day out. I am disappointed that some people don't think that is an important part of this process going forward as it is. Look at how much debate we are having about a \$38,000 fiscal note. Without umpires who will fairly judge, we will willy nilly attach a dollar amount if we like the bill or not on the floor of the House and the Senate. We will say that the Department of Human Services can go out and hire 100 new caseworkers because they have the largest budget in state government. They ought to be able to do it within existing resources. We will say the university and technical colleges ought to be able to do a year of tuition for free because we already give them a lot of money. We will say the technical college ought to have more slots because there is a need. We will do that mostly when we don't have the money. What we will do is we will kill programs that work. What we will do is we will make state government more hated because we will tell people something can be provided that can't be because we can't afford it. The slippery slope Representative Carleton mentioned is sheer ice. We will hit bottom quickly.

In the big scheme of things on how the press covers things, this is not sexy and it is not important, but on how you go, those of you who can run again and come back here again and go through a budget and go through tax bills and go through different bills, it is important to maintain some degree of disconnect with the people that attach the fiscal notes. It is important to maintain that umpire status that isn't overruled because we don't like it. I hope you will join in Indefinitely Postponing this. I am sure the Senate will Recede and Concur and the bill will have life. If it does not, we will get it back. This does not kill the bill. What we are talking about and I want to say it as carefully and concisely as I can, is a fair process that you will operate under from here on out. Precedent means a lot. We have a lot of attorneys in the room that work under precedent each day. If it is set by a court or it is set in another court, that precedent is where you build on from here. What kind of foundation do you want to build for your future service? Thank you.

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

Representative KERR: Madam Speaker, Men and Women of the House. I don't want to belabor this issue, but I think that it is

important that by taking this vote today, you are not suggesting that we are not admitting that this is a fiscal note that has been put on by the nonpartisan staff of this Legislature. What we are saying to the Department of Labor is yes, we all agree that there is a cost to the General Fund of \$38,140. Since you are already doing this work, you are going to absorb that cost. That is no different than what we have done in the past and most recently with the long-term care bill. I don't think that we are muddying the waters of making that slope a little bit slippery. This bill will follow the same process. If passed through both chambers, this bill will lie on the Appropriations Table because there also is another fiscal note on this bill. All we are saying now, today, is that the Department of Labor will absorb this cost of \$38,140. We are not degrading the Fiscal and Program Office by any means. We are accepting their numbers. We are just telling the commissioner and the Department of Labor that you are doing this work. You are now going to absorb this cost. Thank you Madam Speaker.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. I want to apologize if I didn't make myself clear last time. I am not saying that the administration put the fiscal note on. What I am saying is that knowing that there would be a fiscal note, they put the position on. I would urge that we defeat this motion. Madam Speaker, I request a roll call.

Representative WRIGHT of Berwick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-475) to Committee Amendment "B" (H-804)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "A" (S-475) to Committee Amendment "B" (H-804).. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 440

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

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

ABSENT - Bodwell, Brooks, Honey, Joy, Morgan, Ott, True.

Yes, 63; No, 81; Absent, 7; Excused, 0.

63 having voted in the affirmative and 81 voted in the negative, with 7 being absent, the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-475) to Committee Amendment "B" (H-804) FAILED**.

Subsequently, the House voted to **CONCUR**.

On motion of Representative McKEE of Wayne, the House adjourned at 11:17 a.m., until 9:00 a.m., Thursday, March 12, 1998.