

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume III

Second Regular Session

March 19, 1998 - March 31, 1998

Second Special Session

April 1, 1998 - April 8, 1998

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ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND SPECIAL SESSION
1st Legislative Day
Wednesday, April 1, 1998

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Eighteenth Legislature in extra session, the members of the House of Representatives were assembled in their hall at 9:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Honorable Joseph E. Clark, Millinocket.
Pledge of Allegiance.

A message was received from the Senate, borne by Senator Rand of Cumberland of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

A roll call was taken. 136 out of 151 members answered to their names and accordingly a quorum was found to be present. Those absent were:

BOLDUC of Auburn
DUTREMBLE of Biddeford
GREEN of Monmouth
JONES of Bar Harbor
JOYNER of Hollis
LANE of Enfield
MADORE of Augusta
McKEE of Wayne
O'NEIL of Saco
PERRY of Bangor
PLOWMAN of Hampden
STEVENS of Orono
THOMPSON of Naples
UNDERWOOD of Mechanic Falls
WINN of Glenburn

**STATE OF MAINE
PROCLAMATION
(H.C. 472)**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve many legislative matters pending at the time of the adjournment of the Second Regular Session of the 118th Legislature of the State of Maine; and

WHEREAS, the public health, safety and welfare requires that the Legislature resolve these pending matters as soon as possible, including, but not limited to, pending legislative bills concerning critically needed prison facilities and bond authorizations for highway, bridge and other transportation related expenditures, as well as pollution control and emergency communication related expenditures:

NOW THEREFORE, I, **ANGUS S. KING, JR.**, Governor of the State of Maine, by the virtue of the constitutional power vested in me as Governor pursuant to Article V, Part 1, section 13 of the Constitution of Maine, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Wednesday, April 1, 1998 at 9:00 o'clock in the morning, in order to receive communications and resolve pending legislative matters carried over from the Second Regular Session of the 118th Legislature.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed
GIVEN under my hand at Augusta this thirty-first day of March in the Year of our Lord One Thousand Nine Hundred and Ninety Eight.

S/ANGUS S. KING, JR.
Governor

S/DAN A. GWADOSKY
Secretary of State

Was **READ** and **ORDERED PLACED ON FILE**.

On Motion of Representative KONTOS of Windham, the following House Order: (H.O. 45)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was **READ** and **PASSED** and the Chair appointed the following Members:

Representative KERR of Old Orchard Beach
Representative LEMKE of Westbrook
Representative POULIN of Oakland
Representative VIGUE of Winslow
Representative CHARTRAND of Rockland
Representative MITCHELL of Portland
Representative CARLETON of Wells
Representative DONNELLY of Presque Isle
Representative McELROY of Unity
Representative MERES of Norridgewock

On Motion of Representative SAXL of Portland, the following House Order: (H.O. 46)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was **READ** and **PASSED** and Representative KONTOS of Windham was appointed to convey the message.

Subsequently, Representative KERR of Old Orchard Beach reported that the Committee had delivered the message with which it was charged.

Subsequently, Representative KONTOS of Windham reported that she had delivered the message with which she was charged.

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment"

(H.P. 1657) (L.D. 2286)

House **INSISTED** on its former action whereby Bill was **PASSED TO BE ENGROSSED** in the House on March 25, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-644) in NON-CONCURRENCE.**

On motion of Representative BUNKER of Kossuth Township, the House voted to **ADHERE.**

Non-Concurrent Matter

JOINT ORDER - Relative to establishing the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators

H.P. 1653

READ and PASSED in the House on March 20, 1998.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-661) in NON-CONCURRENCE.**

On motion of Representative THOMPSON of Naples, the House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

(H.P. 735) (L.D. 999)

PASSED TO BE ENGROSSED in the House on March 30, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-645) in NON-CONCURRENCE.**

Representative HATCH of Skowhegan moved that the House **RECEDE AND CONCUR.**

Representative WINGLASS of Auburn **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

Representative HATCH: Madam Speaker, Men and Women of the House. I think a brief explanation might be in order. All this is a fiscal note on the bill. It was not attached before it went to the Senate. I just thought you ought to know that.

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

ROLL CALL NO. 572

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bodwell, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jabar, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Madore, Mailhot, Mayo, McAlevey, McElroy, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Bigl, Bragdon, Buck, Campbell, Carleton, Cianchette, Donnelly, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Layton, Lovett, MacDougall, Mack, Marvin, Nass,

Nickerson, Pendleton, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Waterhouse, Winsor.

ABSENT - Bolduc, Dutremble, Green, Jones KW, Joyner, Lane, Lemont, McKee, Ott, Perry, Plowman, Underwood, Winn.

Yes, 109; No, 29; Absent, 13; Excused, 0.

109 having voted in the affirmative and 29 voted in the negative, with 13 being absent, the House voted to **RECEDE AND CONCUR.**

At this point, the Speaker recognized the Representative from Augusta, Representative MADORE, the Representative from Saco, Representative O'NEIL, the Representative from Naples, Representative THOMPSON and the Representative from Orono, Representative STEVENS, and they were added to the quorum call of the Second Special Session of the 118th Legislature.

Non-Concurrent Matter

Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

(H.P. 875) (L.D. 1192)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1005) in the House on March 27, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1005) AS AMENDED BY SENATE AMENDMENT "A" (S-639)** thereto in **NON-CONCURRENCE.**

Representative HATCH of Skowhegan moved that the House **RECEDE AND CONCUR.**

On motion of Representative DONNELLY of Presque Isle, the House voted to **RECEDE.**

Senate Amendment "A" (S-639) to Committee Amendment "A" (H-1005) was read by the Clerk.

Representative DONNELLY of Presque Isle moved that **Senate Amendment "A" (S-639) to Committee Amendment "A" (H-1005) be INDEFINITELY POSTPONED.**

Representative SAXL of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-639) to Committee Amendment "A" (H-1005).**

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 Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. This amendment that came from the other body, all it does is cap it at 3 percent, so I'm not quite sure why we would want to Indefinitely Postpone this. It would make it more palatable to a lot of people and I feel that it's justified. I would like to ask that you vote against this Indefinite Postponement.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone Senate Amendment "A" (S-639) to Committee Amendment "A" (H-1005). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 573

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Kane, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey,

McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

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

ABSENT - Bolduc, Dutremble, Green, Jones KW, Joyner, Perry, Shannon, Underwood, Winn.

Yes, 65; No, 77; Absent, 9; Excused, 0.

65 having voted in the affirmative and 77 voted in the negative, with 9 being absent, the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-639) to Committee Amendment "A" (H-1005) FAILED.**

Senate Amendment "A" (S-639) to Committee Amendment "A" (H-1005) was adopted.

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

At this point, the Speaker recognized the Representative from Hampden, Representative PLOWMAN, the Representative from Enfield, Representative LANE and the Representative from Wayne, Representative McKEE and they were added to the quorum call of the Second Special Session of the 118th Legislature.

Non-Concurrent Matter

Bill "An Act to Change the State's Fiscal Year from July 1st to October 1st"

(S.P. 627) (L.D. 1829)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** was **READ** and **ACCEPTED** in the House on March 31, 1998.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-492)** in **NON-CONCURRENCE.**

On motion of Representative KERR of Old Orchard Beach, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dan Callahan, upon his retirement from the Maine Turnpike Authority. Mr. Callahan was appointed to the Authority in 1992 by Governor John McKernan and was elected Vice-Chair of the Authority in 1994. We extend our best wishes to him on this retirement;

(HLS 1360)

Presented by Representative WHEELER of Eliot.

Cosponsored by Representative SNOWE-MELLO of Poland, Senator BENNETT of Oxford.

On **OBJECTION** of Representative WHEELER of Eliot, was **REMOVED** from the Special Sentiment Calendar.

Was **READ.**

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I rise today to honor Dan Callahan upon his retirement from the Maine Turnpike Authority. Mr. Callahan was appointed to the Authority in 1992 by Governor John McKernan. He was later elected Vice-Chairman of the Authority in 1994. His experience in the construction field and knowledge of the business helped the turnpike progress in a positive and efficient way. His input will be missed. I will be able to continue enjoying and use his knowledge as I have as a small child. I am lucky because Mr. Callahan is my uncle. Please join me in extending best wishes to him on his retirement. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. I must rise today also to join in congratulations on his retirement. Dan has been a very active and a very good addition to the Maine Turnpike Authority. As you know, he was a State Representative for my district. What is a neat thing too, is that Dan Callahan is Representative Wheeler's uncle. We are very, very proud of Dan. He is really quite something. He was a State Representative. He has been extremely active in the community. Everyone in Poland, Minot and the Mechanic Falls area are very, very proud of Dan. Unfortunately, Dan has pneumonia and is not feeling well and was not able to be here today. I am very honored to be able to stand here today and honor this man. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Madam Speaker, Men and Women of the House. I served with Representative Dan Callahan on the Transportation Committee. Being a new member on the Transportation Committee back then, we weren't aware of all the happenings going on in the state. Dan was very, very helpful because he had a background in construction and highway building and bridge building. I wish him good luck in his retirement.

Was **PASSED** and sent up for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund

(S.P. 282) (L.D. 890)

Signed:

Senators:

MICHAUD of Penobscot
CLEVELAND of Androscoggin

Representatives:

TOWNSEND of Portland
KERR of Old Orchard Beach
BERRY of Livermore
STEVENS of Orono
LEMAIRE of Lewiston
POULIN of Oakland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-614)** on same RESOLUTION.

Signed:

Senator:

BENNETT of Oxford

Representatives:

KNEELAND of Easton

OTT of York

MARVIN of Cape Elizabeth

WINSOR of Norway

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

Representative KERR of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. This Resolution establishes a general fund reserve account. It would be done through the Constitution. Most of you are familiar with the rainy day fund. That is our so-called savings account that we use for specific statutory measures. I think we are also familiar with the fact that that rainy day fund is often invaded with language that we say is not withstanding current law, that we can go into that fund for various purposes. So it really, in reality, does not become a saving account which we can look to in time of need. This measure would provide a constitutional reserve account that would truly make funds available in four general categories. First, it would cover revenue shortfalls that we had projected and, in fact, had not achieved in any fiscal year. Thereby giving us funds, I think, to continue current expenditures for that particular fiscal year without having to do so called gimmicks to close the budget. It also would provide a mechanism for paying bonding indebtedness and it would also provide a mechanism for prepaying unfunded liabilities within the State Retirement System. It also has a provision that would allow for major construction projects that exceed \$1 billion. The fund itself would be funded with the amount of money that would not exceed 10 percent of the total general fund revenues received in the immediate preceding year, when actual general fund revenues at the end of any fiscal year exceed the total revenue estimates 75 percent of that excess would be placed in that fund. It truly would be a reserve account that we could use for rainy days. As a matter of fact, if we had had this account in place we probably could have fixed the connector tunnel, the State Office Building and this capitol building without the debate that we had over how we were going to fund those projects. I urge you to fund this measure.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative OTT of York **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 574

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere,

Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wright, Madam Speaker.

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

ABSENT - Bolduc, Driscoll, Dutremble, Green, Jones KW, Joyner, McElroy, Perry, Underwood, Vigue, Winn.

Yes, 72; No, 68; Absent, 11; Excused, 0.

72 having voted in the affirmative and 68 voted in the negative, with 11 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-480)** on Bill "An Act to Provide Funds for the Year 2000 Project" (EMERGENCY) (S.P. 734) (L.D. 2012)

Signed:

Senators:

MICHAUD of Penobscot

CLEVELAND of Androscoggin

BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach

POULIN of Oakland

TOWNSEND of Portland

STEVENS of Orono

BERRY of Livermore

LEMAIRE of Lewiston

OTT of York

KNEELAND of Easton

WINSOR of Norway

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

Signed:

Representative:

MARVIN of Cape Elizabeth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480) AS AMENDED BY SENATE AMENDMENT "A" (S-566)** thereto.

READ.

Representative KERR of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. There's no question at all in my mind that we do need to prepare for the year 2000. We've known about that for quite some time. There are computer systems

along with business. We need to be prepared so that when we get to 00 our computer system doesn't read that 1900 as opposed to the year 2000. Departments have been told for many years that they needed to prepare within existing resources and some went right ahead and did that. However, some did nothing and now as we are getting down to the wire, they want more money. So, once again, we're going to punish the people who did what they were told to do by giving extra money to departments who didn't do what they were supposed to do. Now when we questioned Janet Waldren, who is the Governor's Commissioner of Administration and Financial Affairs, how the \$3 million fiscal note was going to be used. Her answer, and I quote was, "she had not a clue." So we are going to spend \$3 million of the taxpayers money. We're going to just hand it over and say, go ahead spend it any way you like. I don't know about you, but I just really feel very comfortable saying that that's okay to do that. While I certainly agree we need to do something about the year 2000 conversion. I want to see a plan before I fork over \$3 million of the taxpayers money.

Representative MARVIN of Cape Elizabeth **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

Representative MacDOUGALL of North Berwick **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: 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. 575

YEA - Ahearne, Bagley, Belanger IG, Berry RL, Bigl, Bodwell, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gooley, Hatch, Honey, Jabar, Jones SL, Kane, Kasprzak, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Pieh, Pinkham RG, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker, Barth, Belanger DJ, Berry DP, Bragdon, Buck, Foster, Gieringer, Goodwin, Jones SA, Joy, Joyce, Labrecque, Lane, Layton, Lindahl, Marvin, McAlevey, Murphy, Nass, Nickerson, O'Brien, Pendleton, Perkins, Pinkham WD, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse.

ABSENT - Bolduc, Dutremble, Green, Jones KW, Joyner, McElroy, Perry, Underwood, Winn.

Yes, 110; No, 32; Absent, 9; Excused, 0.

110 having voted in the affirmative and 32 voted in the negative, with 9 being absent, the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-480)** was **READ** by the Clerk.

Senate Amendment "A" (S-566) to **Committee Amendment "A" (S-480)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-480) as Amended by **Senate Amendment "A" (S-566)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Thank you Madam Speaker. To anybody who can answer. I haven't looked at the amendment, but a previous speaker had made note of a fiscal note of I think \$3 million and from my understanding there's a little over a million dollars on the Appropriations Table, so could somebody tell me how this is going to get funded?

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

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. On the previous vote, I voted against this measure, but with this Senate Amendment it's a much more palatable bill because a million dollars of the \$3 million is put towards the legislative computer system. We are in dyer needs of upgrading our computer system here and we do have a plan to do so. I understand that many departments in the Executive Branch don't and that's why I agree with the Representative from Cape Elizabeth. The Legislature does have a plan and is prepared to deal with this problem and I do urge that you support passage of this bill as it now stands.

Representative VEDRAL of Buxton **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 576

YEA - Ahearne, Bagley, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, 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, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Hatch, Honey, Jabar, Jones KW, Jones SL, Joyce, Kane, Kasprzak, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Neal, O'Neil, Ott, Paul, Peavey, Perry, Pieh, Pinkham RG, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Baker, Barth, Goodwin, Jones SA, Joy, Labrecque, Layton, Lindahl, Marvin, Nass, O'Brien, Pendleton, Perkins, Pinkham WD, Stedman, Taylor, Treadwell, Waterhouse.

ABSENT - Bolduc, Dutremble, Green, Joyner, McElroy, Underwood.

Yes, 127; No, 18; Absent, 6; Excused, 0.

127 having voted in the affirmative and 18 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-480) as Amended by Senate Amendment "A" (S-566)** thereto in concurrence.

At this point, the Speaker recognized the Representative from Bangor, Representative PERRY, the Representative from Bar Harbor, Representative JONES and the Representative from Glenburn, Representative WINN and they were added to the quorum call of the Second Special Session of the 118th Legislature.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-640)** on Bill "An Act to Encourage Accountability and Return on Investment for Maine Taxpayers from Economic Development Initiatives"

(S.P. 837) (L.D. 2243)

Signed:
Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

TRIPP of Topsham
TUTTLE of Sanford
GAGNON of Waterville
SPEAR of Nobleboro
LEMONT of Kittery
ROWE of Portland
GREEN of Monmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-641)** on same Bill.

Signed:
Representatives:

MORGAN of South Portland
BUCK of Yarmouth
CIANCHETTE of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-640)**.

READ.

On motion of Representative TRIPP of Topsham the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-640)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-640)** in concurrence.

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

(S.P. 856) (L.D. 2269) Bill "An Act to Reduce Mercury Use and Emissions" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-643)**

On motion of Representative BERRY of Belmont, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-643)** was **READ** by the Clerk.

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

Representative BERRY: Madam Speaker, Men and Women of the House. This is so exciting. Two days in row to be able to talk about chemistry. First of all, I do support this bill. I want people to understand that. I was a sponsor of this bill. I did not like some of the parts of this bill, but I do say we have progressed forward in our system tremendously. This bill is written in metric. Isn't that exciting. Finally, we've done it and it was one of the requests I had. I did have a concern and I still have a concern to a limited amount about the composition of the bill itself, because we talk about mercury here. First of all, let's understand one thing and make it very clear. It does exist as a member of the periodic table. You cannot exempt mercury from our system. Some place, some time the orderly arrangement of the electrons, neutrons and protons cause it to happen. We have no control over that. It is part of our environment and always will be part of our environment. We need to understand that. We cannot legislate a slot in the periodic table and eliminate it. It will not work.

My other concern here is that the element itself, in talking about mercury, within this bill we talk about mercury, but the confusion that comes to my mind is are we talking about elemental mercury or are we talking about compounded mercury? We put amounts here and the 45 grams that sits here. That 45 grams, and just to point out to people, that only represents 3.3 milliliters of mercury. That is a pretty small amount of material to start with. That's because, of course, mercury has such a high density, but when we're concerned for these amounts of material is this an elemental form, or is this a compounded form of that substance. There is a big difference. Compounded is much deadlier in most of its compounds then it is actually as an element. So that would be a concern that I would have and hope that an understanding would come about with respect to whether this material is being treated as an elemental form or as a compounded form of that substance.

The other part of the bill, I would pose a question through the Chair, if I may.

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

Representative BERRY: It deals with the report on mercury added products. There is a section of that, Section 3, that deals with the imposition of a fee on the sale of mercury added products. Mercury added products is in a very, very large number of materials, from your thermostats, thermometers and many places where it is actually hidden away, like inside of the mercury lamps. So my question is, if we're going to impose a fee here, what is the structure of that fee? Thank you.

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. To the good Representative from Belmont, Representative Berry, I appreciate your words on this bill. This is

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a reporting section, so this is something that we are sending the Land and Water Resources Council to go and do a study and come back to us, so just so everybody does not get confused there's nothing in this bill as it stands right now to impose fees on mercury containing products. This is simply a study that the Land and Water Resources Council will do to see if it is practical to do some sort of fee system to further get mercury products out of the way stream, so that is why that part is in there. Thank you ladies and gentlemen.

Committee Amendment "A" (S-643) was ADOPTED.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-643)** in concurrence.

ENACTORS
Emergency Measure

An Act to Establish a Uniform Special Retirement Plan for State Law Enforcement Personnel, Maine State Prison Personnel, Emergency Personnel, Other Employee Groups That, Prior to September 1, 1984, Had Special Retirement Plans and Certain Emergency Personnel and to Revise the Restoration to Service Requirements

(H.P. 1513) (L.D. 2135)
(C. "A" H-1118)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-974) - Committee on JUDICIARY on Bill "An Act to Provide for Commitment of Sexually Violent Predators"

(H.P. 1277) (L.D. 1807)

TABLED - March 30, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Representative THOMPSON of Naples moved the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. We're indefinitely postponing this bill because we have taken care of this matter by creating a Joint Select Committee by Joint Order of both bodies.

The Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent up for concurrence.

An Act to Authorize a General Fund Bond Issue in the Amount of \$20 Million to Stimulate the Maine Economy through Research and Development (BOND ISSUE)

(S.P. 819) (L.D. 2205)

(C. "A" S-523)

TABLED - March 30, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 577

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

NAY - Goodwin, Jones SA, Joy, Kasprzak, Labrecque, Lane, Layton, Mack, Nass, Pinkham WD, Stedman, Treadwell, Waterhouse.

ABSENT - Bolduc, Bragdon, Bunker, Dutremble, Green, Joyner, McElroy, Pinkham RG, Poulin, Underwood.

Yes, 128; No, 13; Absent, 10; Excused, 0.

128 having voted in the affirmative and 13 voted in the negative, with 10 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$36,985,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, Airports, State Ferry Vessels and Terminals, Transit Facilities and Equipment and Rail and Marine Facilities (BOND ISSUE)

(S.P. 611) (L.D. 1812)

(C. "A" S-510)

TABLED - March 30, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 578

YEA - Ahearne, Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, 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, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Layton, Mack, Stedman.

ABSENT - Bolduc, Bragdon, Dutremble, Green, Joyner, McElroy, Poulin, Underwood.

Yes, 140; No, 3; Absent, 8; Excused, 0.

140 having voted in the affirmative and 3 voted in the negative, with 8 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE ORDER - PROPOUNDING A QUESTION TO THE JUSTICES OF THE SUPREME JUDICIAL COURT

(H.O. 43)

TABLED - March 30, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE**.

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE** and later today assigned.

Bill "An Act to Establish Ethical Standards for the Office of Governor"

(S.P. 786) (L.D. 2113)

- In House, Majority (12) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** on March 25, 1998.

- In Senate, Senate **ADHERED** to its former action whereby the Minority (1) **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586)** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586)** in **NON-CONCURRENCE**.

TABLED - March 30, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

JOINT RESOLUTION ENCOURAGING THE DEVELOPMENT OF A SUSTAINABLE FORESTRY INITIATIVE
(S.P. 866)

- In Senate, **ADOPTED**.

TABLED - March 31, 1998 (Till Later Today) by Representative CARLETON of Wells.

PENDING - **ADOPTION**. (Roll Call Ordered)

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

Representative **WATERHOUSE**: Madam Speaker, Ladies and Gentlemen of the House. There was interesting language in that issue, but that wasn't my main objective to it. I'm going to tell you briefly what it is and hope that you will vote against this Joint Resolution.

In the 117th, we had a joint committee that went around the State of Maine on the compact. I was on the Natural Resource Committee at that time and one of the large paper company land owners was testifying before the committee and said he really needed this bill to do a proper job. My question to him after he testified was, are you now or have you been in the past practicing sustainable forestry? He got very defensive, stood right up straight and said we've been practicing sustainable forestry for 150 years. My question to him is why do you need this bill? Is it a public relations bill?

Everybody in this House knows how I stand on property rights. I think you know how I stand on the ban clear-cutting and the compact. If you don't, you can ask me later. I met some of those company people outside during a break on those committee hearings and they expounded to me that they are doing the right things, but they are not getting their message across to the people. My comment to them at that time was, well, I'm not willing to sacrifice the small land owners property rights because you have a PR problem.

We had a referendum on the issue. The people for whatever reasons and there was both sides of the issue. Some wanted stricter and some didn't want any and the compact lost. Now we're back up here. We had a number of bills and the people on the other side of the issue that wanted a lot more stringent enforcement of forestry practices debated long and hard. I didn't agree with their stand on the issues, but I respect them for their fight and their commitment. I view this resolve as salt in the wound and I don't want to impune anybody, whoever put this resolve forward, but I don't want to put my name to it and I don't want to be a PR relations person for the large land owners. Thank you.

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

Representative **BUNKER**: Madam Speaker, Men and Women of the House. To answer some of the points that the good Representative has posed to this body. This is a Resolution. This document is non-binding in any way shape or form. This document is a principle stated document, which in essence, challenges the 15 large paper companies, land owners in the State of Maine, to develop their own systems and to voluntarily report them back to this body in any format that they wish. There was big request out there from the large paper owners saying we're doing a good job, let us prove it. This Resolution basically says, go do it. We're not going to tell you how to do it. See if you can do the voluntary compliance you have been bragging about. This keeps their feet to the fire and it makes them report back, if they wish, to the next Legislature to

tell us how well they think they are doing their job and to put their money where their mouth is.

Now to couple with that, as you all know, in the other bill we just put under the hammer again this morning is the collection of data and the responsibility of our Maine Forest Service to report back to us in the state of the forest. So when you take those two movements, this one here and the other one that we're asking the Forest Service to do, we're going to know who's naughty and nice here. We're going to know who's doing their job and who isn't and to be very clear to the good Representative, this Resolution only applies to the large land owners that are involved in the SFI initiative. This has nothing to do with small land owners. This has nothing to do with anybody, but the large corporate forest companies in the State of Maine that a majority of this body wanted to be very regulatory and prescriptive against. This allows them to do it on their own, come back to us and I'd also note that the additions to the end of this Resolution is they came to the table with 3rd party and also with the committees put together to look at how these SFI's are put together in the State of Maine and I think that's a good faith effort. The bells going to toll on who they appoint on those committees to see if they are credible and can carry water of this Legislature when they report back. So the pressure is on them to do their job that they have been claiming that they are going to do on their own. They voluntarily offered this up. This is not something we generated in this body. It's something they brought forward and in all fairness to them, we ought to let them prove their case and if they don't we can take the necessary changes next time. Thank you.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. With LD 2286 and this Resolve, we certainly have a lot in forestry and forestry riding on these two pieces of legislation. This SFI, the Scientific Forestry Initiative Resolve, is an honest effort by industry to develop a 3rd party review, instead of a mandatory audit. All industry is asking for is one year to demonstrate that they can produce a credible program that addresses public concerns about harvesting on the large ownerships. If industry can't report back to the Agriculture, Conservation and Forestry Committee next March, next year, with an acceptable program, the Legislature will probably move toward an audit program. Industry doesn't want that and will commit to developing the Scientific Forestry Initiative in a credible way.

The green brochure, which was recently passed out, which everybody received has a toll free phone number on it and the fact that industry is asking the public to call when they see problems out in the woods is pretty convincing evidence that they are serious about making changes happen. So with that in mind, and the fact that LD 2286 is back over in the other body now, these are the two initiatives that we really need to have to move forestry forward, so I would hope that you would vote for the adoption of this Resolution. 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: Thank you Madam Speaker. One of proponents of this, would you please explain, from your perspective, what would be the results if this fails, this initiative that's in front of us?

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 Farmington, Representative Gooley.

Representative GOOLEY: If this Resolution fails, we have a lot riding on LD 2286, because that's an initiative that is something between land owners and the Maine Forest Service and I would say this initiative, it will show that industry does mean business. If we shouldn't adopt it here today, industry is still going to go forward, but I think that we here in this body need to give a show of support for what industry is doing because they're under fire right now and it would send the wrong message if we didn't adopt it here today. Thank you.

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

Representative SHIAH: Madam Speaker, Ladies and Gentlemen of the House. Just a few comments on this Resolution. First of all, it's the same old forestry initiative. Here's an industry effort to do, I think, generally good things and I actually know the current coordinator, he's a constituent of mine. I have a lot of faith in his capabilities. The Resolution before us today asks us to put our stamp of approval on what they're doing with very little input. We don't have a lot of say as to there are two, five member committees that will be set up. I just want to highlight a couple of things. The first line says, whereas the Maine Legislature seeks to establish a process that provides for public reporting of forest management and this, again, is an industry backed thing where it would be more private reporting. I'm concerned about that and the second line it says, whereas there is no adequate or credible manner which the public can be informed concerning the long-term implications of large land owners. Again, I think, if we want to get that credible reporting mechanism I think something like a mandatory audit is the way to go. We debated that recently and did not adopt that.

A couple other quick points here on the next line it talks about the initiative in the state to build programs to build public confidence. I think the good Representative from Bridgton pointed out that again, if the industry wants to do this on their own, that's fine. I just have concerns about us saying, go ahead, study what you want, set your own standards. Report back to us. They can do that on their own and that's fine. I hope they do that and really get some credible third party analysis that are out there now, such as there's a couple in Maine that have been used, called smartwood and things along those lines, proven credible third party sources.

I'm glad we did change the word protect the forests from wildlife, but some of us wonder if that was a slip of the pen. The final one is in number five, an applicable lands to employ in the way of scientifically, environmentally and economically sound practices in their growth, harvest and use of the forest. You know economically sound practices is such a wide open term that I'm concerned about where that might lead, so again, this is one that I'm not going to be supporting. I certainly do hope they can do what they want as the large land owners, I know this is a national effort to do the SFI initiative, but I think for us to put our stamp of approval on it, there's just too many question marks in my mind so I would urge you not to pass it. Thank you.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. When I first saw this Resolve I had to ask a few people who had been around here awhile before me what it was. I'd never seen anything like this. If we would receive something like this from an industry or an organization that was under fire, would we begin to receive them from other industries and organizations as well? To me, it seems rather like a student filling out his own report card based on what he assumed his

subjects would be and expecting us to believe them. Someone mentioned voluntary compliance, it is voluntary compliance with their own wishes. SFI is something that has been going on for some time and to the industry's credit they do seem to be making some progress in the right direction, but this certainly is no substitution for an audit in which there is public input. I would suggest that if the industry would like to convey to the public what they want to do that they not go this route, because only 151 people are going to read this today and I dare say half of you have had a chance to read it and probably a few of you will mention this to anyone. I would suggest that perhaps that the industry take out full page ads in every newspaper in the State and inform the people what they plan to do. If we want to win public credibility, let's educate the public as the industry suggests and perhaps the full page ad would do that. Certainly the proof is in the pudding and it's not on a piece of paper. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. You may recall in the past two weeks we've talked we've talked quite a bit about forestry and I've chosen intentionally not to say anything. I know with some of you my remarks are always tainted by the fact that I work for the industry and I've sat here and I've listened to the industry being maligned, criticized, torn apart, accused of all kinds of things and now I'm frankly amazed that the same people who have torn us apart for the past three or four weeks now are saying, we don't want to do this. I cannot imagine what possible harm this Resolution can cause. On the one hand you say that we can't be trusted, that we don't tell the truth, that we're destroying the woods. We're cutting twice as much as can grow and on the other hand you say, we don't want you to check on what's happening. We don't want you to come back and tell us what's happening. That defies logic to me. I cannot see what possible harm this Resolution can cause. It's one year. Some of us will hopefully be back here. There's nothing in this that requires us to accept the information. I know that there are people in this room that won't believe the information regardless of what it says unless it agrees with your opinion. But to stand up here and say today that this Resolution can't possibly bring any good information. It just baffles me. We have a choice a year from now to accept or reject the information. Not we in the industry, but we in this room. We can malign the information. We can tear it apart. We can criticize the way it was done, but if we don't do it, we won't even be able to do that. If we don't encourage them to go ahead and do this you're saying, yes, do it yourself, but don't do it with a Resolution. If they do it themselves, which is what they've been doing, the information will be rejected anyway because it's tainted. It's done to cover up, I mean all the things I've heard in the past month. It defies logic to me to begin with why an industry as big as this industry, an industry as costly as this industry would destroy the very foundation that it's built on.

The company that I happen to work for spent \$640 million to buy the facility that I work in. It's not a good practice, a good business practice to go out and destroy what that business is based on. This company, and we've heard it's all for the stockholders, and it's all about money and if that's true it even defies logic even more why we'd destroy the foundation that the business is built on. Without that future forestry growth, we cannot survive. None of us have to be rocket scientist to understand that. If we go out and cut all of the trees that we own, faster than they are regrowing in 10 or 15 years we won't have anything to run our company on. The wood fiber is not

replaceable with something else. You can't use a synthetic. Yes, there are some grades that we produce that have cotton in them and some other synthetics, but we cannot produce the entire product based on that. We have to have that continuous flow of fiber. So all of the things we hear about destroying the woods continue to defy logic in my mind. I cannot imagine how this resolution can do any harm. I heard the good Representative from Bridgton say that we have an image problem and I will be the first to admit that and we're to blame for some of that, but we're not to blame for all of it. To step up to the plate and voluntary compliance and bring the report back to this body and, by the way, it's watched by a lot more than 151 people. I can't imagine how that could possibly cause any problem. I'd ask you to please support the effort and if a year from now I'm wrong, I'm sure you'll be glad to tell me. Please support the Resolution. Thank you.

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

Representative DEXTER: Madam Speaker, Men and Women of the House. The previous speaker said most of what I intended to say, but I've only got up once on this subject, because there's so many other experts you don't need me to get up on this. I read the editorials written by somebody who is ignorant. At least ignorant of the subject matter. I've been real patient. When I got up before I said something about building consensus and trust to end this bickering that seems to go on forever. Until we do establish some trust and build up a consensus, we're always going to have this. If they don't perform as the previous speaker said. We'll be here. I never saw so many experts on a subject as I have on forestry. Once again, it was 63 years ago last fall, I went into the woods. Now I can still learn something, I'll admit, but you're not going to tell me a heck of a lot. I hope you will pass this Resolution.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I will be short. I'm surprised that this is getting so much attention. It's a Resolve. All my life I have tried to get people, young people especially, to do something that I knew already that perhaps they couldn't do. You know failure is not so bad. It's not trying that's the problem.

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

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. You know I've said this before, this is probably the only state in the union that has so much private land dedicated to the production of trees that we have here. It is the back bone of this state, the back bone of it's economy is based on that fact and here we are arguing about it. This industry has been here for years and years and years. If anything we should be building a monument to what private ownership has done in this state for its people. There's nothing out there right now that I can see, and I've flown over this state and I've walked through it and ridden through the forests of this state that tells me that we're going to run out of trees and the industry is going to fold and everybody's going to loose their job. That's simply not going to happen. Now I don't know of anybody who invests a lot of money in any kind of plant, regardless of what it is that goes out and destroys the source of its raw material. It just doesn't happen in a capitalistic society. It might in a society that's run by government, but not in a capitalistic society. So this industry really has to have a chance to prove itself here and we have a chance to do it now. They should have the opportunity to do and particularly to come back to this body. They're under the gun, there's no question about it. They lack

credibility, there's no question about it, but I think they are honestly trying to do something about it so I wish you would vote for this Resolution.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I sat on this committee while we discussed very briefly this Resolve brought forth by the paper industry. I must say I have some concerns. I'm concerned that they have gone about as far as they can go, the old song from Oklahoma. Perhaps they have gone a little too far. That's my concern. I'm concerned that this voluntary audit program will become a mandatory audit program and this big paper industry mandatory program will be extended to small land owners. I've heard a lot of conflicting and confusing facts that come before the committee. We hear that it's all big industry's fault and then we heard, no, no, no, it's the little land owner that's butchering our woods, which says to me somewhere out there down the road this kind of audit is going to be extended to the small land owner. One of the biggest concerns I had with the compact was language that said by a certain time, using tax incentives and disincentives all land owners and that was all land owners would be encouraged to participate in the voluntary audit program. You don't have to be around here too long to know that tax incentives and disincentives mean that if you don't join voluntarily, you're not going to be able to afford your land anymore. Now I'm probably going to support this Resolve, although if I didn't sit on the committee, I wouldn't, because paper industry came with hat in hand, literally looking like they were begging for an opportunity to extend public good will. I would concur with the previous speaker to my left. I just shake my head, people think I have palsy, but I don't. I just sit here and I shake my head. What are we doing to businesses? What are we doing to industry? What are we doing to the State of Maine?

A lot of outside money has come in to try to shut down forest industry. Predicated upon what's happening out west, and that's questionable. Remember the spotted owl, a subspecies. It wasn't even a species and they shut down forest industry, but at least that was on public land owned by the taxpayer. What we have here is privately owned industry being beaten down and beaten down and beaten down. How much more are they going to take? Have they gone about as far as they can go? Forest industry is a background of Maine economy. You can't go too far before someone you know is connected and earns their living in some capacity connected with the forest industry, even if they sell toilet paper. Like I said I will be supporting this Resolve, but I'm very concerned and I think it's about time that we the legislators made a Resolve commending the forest industry for putting up with the garbage that's been hurled at them over the last year. As far as public accountability, we will never satisfy a certain element who has nothing more in mind except to shut down the forestry industry in Maine. Thank you.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. This Resolve put forth by paper industry people, they're giving you a list of the things that they want to do. It's a list of requirements that over the discussion of the forestry programs has been brought up. It's a set up, to be sure and everybody will complain on the other side that nobody's watching them. They couldn't agree upon before on whether or not it would do, but now they say, here's what we'll do. Give us a chance to do it. We will do this. We will report to you. Whether you believe it, or whether you don't, that's the next step, but that should be next year. They're trying to do what is right. I want to

give them that chance and I ask you to support the Resolve. Thank you very much.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I rise today to speak in opposition to this piece of legislation and probably for the reason that my parents have always told me the devil is in the detail. On the surface this is a very logical thing to do. The paper industry has come forward and they have asked for our support. Although my husband and family have worked with the paper industry for years, they don't own me, they never have. The part of this particular Resolve that really bothers me is in number five. In here they talk about minimize the aesthetic impact of harvesting. That, my friends, is talking about view sheds, and during the whole debate on the forestry compact, one of the things that was the most erroneous to a lot of private land owners that were not industry related was the fact that they could be impacted negatively because of a problem with something that could be seen from a mountain top. That could be your land. That impacted very, very seriously on the individual rights of the private land owners, the small land owners here. In that same Resolve, they talk about also trying to foster the cooperation of non-industrial forest land owners and loggers and other forest industries, which it sounds really well, but that non-industry forest owner might be me and I might have to be impacted by something that sounds very trivial in here, but could have a really long range impact. Any of us that were involved in and the Natural Resource Committee was involved because we went along on all the hearings dealing with the Compact. This was one of the issues that was most contested by the majority of the small and private land owners that were not industrial every where that we went. For that reason, for that small detail, and the long range impact that this might have in the future, I am asking you to vote no.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. Regards to the last speaker, I thought I would get up and maybe say my views on what's said there. It was said that in this Resolve there is minimized the aesthetic impact of harvesting and that is something that foresters and forestry has been doing for many, many years now, especially with clear-cuts and that is to lay out clear-cuts so that they blend in with the surrounding scenery so that if you are driving down the road you don't necessarily see a big clear-cut. They are laid out in a certain way so that the aesthetic impact is minimized so the esthetics are maintained. That's they way I take that. On the other part, where it says cooperation with a non-industrial forest land owners and loggers in other forest industries. The way I take that is that the industry has been cooperating with non-industrial forest owners because even myself, they take my wood that comes from my forest. They've been doing it for years and years and years. So they have been cooperating with non-industrial forest land owners and loggers and it's really a two way street and having the industry around is a real positive thing for landowners because we sell wood to the companies and that, in turn, makes monies that are found throughout the Maine economy so I see that as a positive statement. Thank you.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. Just to clarify something that a couple of the previous speakers eluded to. I sit on the Agricultural, Forestry, Conservation Committee and not once during those meetings did

I hear any testimony to the effect that small land owners were in some way butchering the forest. The cut growth rate for small land owners was, in fact, one to one, an excellent record. So just to set the record straight, we're not talking about small land owners here. We're talking about large land owners. This is a private audit program that's being suggested because we were, and those of us who supported the tenets of the Governor's Council on Sustainability. We were really trying to get the large land owners to look at these and to see if we could move forward with them. After all, it was those goals that are in this initiative that came from the Northern Lands Council that were submitted to the Governor's Council on Sustainability that were worked with for a year. So what's represented here has already been followed through with the Governor's Council on Sustainability, but because we were ineffective there, this private audit system is what we are left with. I accept their promise, but I don't think it is necessary to vote for or against this challenge. The challenge is simply there.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. We all know that the paper companies are God's gift to the people and wildlife of the State of Maine so this Resolve is unnecessary.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I didn't intend to speak on this issue, but a lot of things have been said, both good things and bad things about the industry, our economy, and our forest. We all agree that the industry has a perception problem and agree that education is important. It was mentioned earlier the fact that we should be taking out full page ads to educate the public, but I disagree with that conception of education. Many of us this fall were asked to participate in some forestry tours, both in the western part of the state and the eastern part of the state and the northern part of the state. I was fortunate enough to participate in one of those tours. There were two buses for us in Bangor collecting people from downeast, the Bangor region, central Maine, northern Maine and we all got into the bus and rode north, all two of the public members with two members from industry and one journalist. As we arrived at the Ashland site, there were some buses with local interested people, people from communities, people involved in local businesses, which relied on the forest to sustain their own living and had a wonderful tour. We learned about what occurs on the forest floors one year after harvest. Where on the tote roads you brush away the leaves and you see one square foot area, many, many, many one inch tall spruce trees. It was also pointed out through the forest where you see the uninventoried forest and then we were told about the basal area. We were taken into the mature forest where the big canopy prevented the small trees, which looked like they were maybe two three year old trees, but actually 40 year old spruce trees that had not risen above the earth more than one foot. There's a lot of education that needs to occur, but we can't do it by simply by putting ads in paper. We need to get the people into the forest. I came away from that tour believing that the only way we're going to educate people about the good things that are going on in our forest, I say again our forest, even though we don't own them, we are invited to participate in the events that occur in that forest including the beauty of the trees in our environment. The only way we're going to educate people is not to get them to the forest, because people just don't take the time to do that. We need to take that forest floor, load it into tractor trailer terrariums and take it to the southern part of the

state and show them how our forests are being managed. I also don't agree with some of the elements of this Resolve, but I commend the industry for trying to educate the people on how well they are doing. They want to be accountable, but they don't want to be over regulated and mandated too. So I will be supporting this Resolve. I, like the good Representative from Enfield, agree that it's really not necessary, but I will support the industry and support this Resolve and I recommend that you do also. Thank you.

The SPEAKER: A roll call having previously been ordered. The pending question before the House is Adoption of the Joint Resolution. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 579

YEA - Ahearn, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brooks, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Plowman, Poulin, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tripp, True, Tuttle, Usher, Vedral, Vigue, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Madam Speaker.

NAY - Baker, Brennan, Bryant, Bull, Chartrand, Etnier, Gagne, Gerry, Goodwin, Jones KW, Joy, Joyce, Kasprzak, Lane, Layton, Lovett, Mack, Meres, Mitchell JE, Pinkham WD, Quint, Shiah, Skoglund, Tobin, Townsend, Treadwell, Volenik, Waterhouse, Wright.

ABSENT - Dutremble, Joyner, McElroy, McKee, Underwood, Winn.

Yes, 116; No, 29; Absent, 6; Excused, 0.

116 having voted in the affirmative and 29 voted in the negative, with 6 being absent, the Joint Resolution was **ADOPTED** in concurrence.

At this point, the Speaker recognized the Representative from Monmouth, Representative GREEN and the Representative from Auburn, Representative BOLDUC and they were added to the quorum call of the Second Special Session of the 118th Legislature.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-607)** - Minority (4) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

(S.P. 857) (L.D. 2270)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-607)**.

TABLED - March 31, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on his motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Whenever there's an attempt to amend the Constitution of Maine, I believe that we must exercise great prudence. We must ask ourselves, is there a problem that requires us to amend the Constitution? As the saying goes, if it ain't broke, don't fix it. It is my opinion that there is nothing wrong with the current procedure in regards to people's veto and, therefore, this bill is not necessary. There are several hurdles a person must go through, or a group must through, to place a people's veto on the ballot. The challenger must file an application for a referendum petition within 10 days after the adjournment of the legislative session in which the questioned law was passed. Petitions must be signed by a number of people, that is at least 10 percent of the number of people who voted in the most recent gubernatorial election and petitions must be filed with the Secretary of State before the 90 day after the adjournment of the legislative session in which the questioned law was passed. To obtain 51,131 valid signatures of registered Maine voters in 90 days is a remarkable feat. With such rigid parameters, I cannot foresee an avalanche of petitions being circulated to place a people's veto on the ballot. We are amending a section of the Constitution that allows direct democracy by the citizens of Maine and we should proceed with great caution. I'm not suggesting that the Committee of State and Local Government took this bill lightly. We, in fact, had lengthy and very good discussions. However, due to the timing of this bill and the sensitivity of this bill, I believe it deserves our complete and full attention in the next Legislature. I ask you to vote and accept the Minority **Ought Not to Pass** Report.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. I would encourage you not to accept the Minority Report. I agree with almost everything that the previous speaker said, except one thing is broken. Regardless of which side of the issue that you were on in the last election that we had, I don't think anybody can dispute that the voter turnout, while higher than predicted is lower than the numbers that Maine is so very proud of. We typically have a higher voter turnout than any other state in the nation. Our last election didn't show that. Some will say it was the issue. Some will say it was the weather. Regardless of what the reason was, when we have an issue that's important to the State of Maine we should have a lot of people involved. We should certainly have more than half of the people involved and we didn't even approach half this time. Our only issue and our only reason for putting this in was to have the elections held when more people typically turn out at the polls, one reason.

The second reason is not to burden the towns with having elections that are unnecessary. To force all the 400 communities in Maine to have an election on one issue, seems to us to be unnecessary. None of us are denying as you might be lead to believe that the people should have the right to the people's veto. They absolutely have that right and I would never participate in anything to do with the Constitution that would deny that. But having said that, if we're going to have the people

participate and we're going to have people attempt the people's veto, then we'd better have the people involved and when we have a low voter turnout, I don't call that having the people involved. I am a strong believer that voting is not only a right, it is a responsibility and it's a responsibility of the voters to make the effort to go to the polls. So we can say that they weren't responsible and they didn't go to the polls, but that doesn't really make any difference. The fact of the matter is on regular elections, they go to the polls in droves and all we're asking is when there's an issue that comes up like this, it's important across the state. Any issue that the people's veto is involved, then the people should be involved and we want to provide as easy an opportunity for as many people as possible to be involved. So I do agree with everything the previous speaker said about the importance of this and how much effort goes into getting the signatures and we shouldn't stand in their way, and I agree. I agree 100 percent, but I do think that we should have it at a time when as many people as possible can have their say on what happens. I would encourage you to follow the example set earlier on this issue in the other Body and reject the Minority **Ought Not to Pass** so we can go on and pass the other report. Thank you very much.

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

Representative BULL: Madam Speaker, Men and Women of the House. I want to echo some of the comments made by the good Representative from Rumford, Representative Cameron, on this issue and I urge you to vote against the Minority Report. I feel very strong that there is something broken with the current system. I do not consider 30 percent turnout for a special election to be appropriate in deciding very important state issues, especially when Maine has a long and proud tradition of having one of the, if not the higher, voter turnouts in general elections. I think it's indicative upon us here in the state to ensure that as many people have the opportunity and, in fact, exercise that right to vote on these important issues. Unfortunately, having an election in the beginning of February flies in the face of that attempt. Another issue though that I think is important to be raised is the burden that this places. That having special elections on times other than during the general election is the burden upon local municipalities and on the state. I called the two towns in my district, Freeport and Pownal, to find out what their feelings were on this issue and both of them overwhelming said, please change it. They do not appreciate the burden of having to hold a special election and having to go through all the work and the process, getting the ballots, hiring the workers, getting people lined up. They said it would be much, much easier for them logistically to simply have this during the general election. Furthermore, there is the issue of cost. In the Town of Freeport, the town clerk there said that for this past special election in February, it cost the Town of Freeport close to \$1,800. I do not think it's appropriate that we should be expecting towns to have to pay this when there is an alternative solution, which is to have it during the general election come November. There's also the issue of the state costs. I was not able to find in the budget, but my discussions yesterday with the Secretary of the State, Dan Gwadosky, it is my understanding that the state share of this past election in November was about 100 grand. So we have money being expending by both towns and the state to have elections in the middle of the winter when we could simply have it during the regular general election and save everybody's money in this effort. So ladies and gentlemen, I ask you to please vote against the pending motion so we can go on to accept the Majority **Ought to Pass** Report. Thank you.

Representative TAYLOR of Cumberland **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **LEMKE**: Madam Speaker, Ladies and Gentlemen of the House. I do want to rectify one thing right off and it goes to the point that was made by the good Representative proceeding me. The actual report of the committee was 8 to 5, for obviously inexplicable reasons, my name was not listed on the Minority Report so it was an 8 to 5 report.

This bill is an example, I guess I'd give the analogy if you're out for a walk on a fine day and you look off in the distance and you see an awfully good looking house. You want to get to it and see what it looks like. As you approach it, you find out that the roof is falling in. You get a little bit closer, you see the windows are knocked out and by the time you arrive, everything is gone, cellar and all. Although I think the intentions are good or well meaning of this particular legislative change, which is a change to the Constitution, I think in many ways what you have here is like that house when you look at it closer. Madam Speaker, may I pose a question through the Chair to any supporter of the bill.

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

Representative **LEMKE**: I would just like to clarify, when would the election be held on the people's veto under this bill?

The **SPEAKER**: The Representative from Westbrook, Representative Lemke has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Madam Speaker, Men and Women of the House. In response to the good Representative from Westbrook comments, reading Committee Amendment "A," says this amendment provides that an election on a people's veto must be held at a November statewide election, rather than allowing an election to occur at any statewide or general election. It goes on to say, this is the summary of the Committee Amendment, if fewer than 60 days remain between the date of the Governor's proclamation of referral to the voters and the immediate next November election, the election must be held during the following November election.

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

Representative **LEMKE**: Madam Speaker, Ladies and Gentlemen of the House. Therein lies the problem folks. In an effort to solve a perceived problem, another problem has been immediately created, because that means that the election would have to be put off until November, potentially up to a full year and that violates, ladies and gentlemen, that violates the intent of this piece of the Constitution which was incorporated in 1909 and that was that once a people's veto had gotten the required petitions showing a significant concern by the people of the State of Maine of a vote of this Legislature that there be a timely election on that issue and the whole idea or concept of a timely election is not something new to this progressive legislation at the beginning of the 20th century. It goes back in our history, it was a key issue that we had with the American Revolution, that we were not allowed by the British government to conduct regular government and timely elections and, in fact, it goes back to the parliamentary history, which I will not indulge in at this point. It is a very long standing principle constitutionally of our heritage. If you accept this change of this amendment, you are definitely violating the intent of why it is in the Constitution.

Now frankly there are a lot of assumptions and presumptions and suppositions and theoretical formations surrounding this

particular proposal. One of them, which has been addressed by my friend at the end of this infamous aisle, or row, I should say, is the whole issue of how many people vote and voter turnout. Actually the turnout in the last people's veto, as you all know, was high, in fact, it was significantly high, it was some 10 or more percentage points higher than what was projected by the Secretary of State. It was about 30 percent turnout.

I'd like to give you one other example from history, when we're talking about turnout, because it's all based on the assumption that turnout is affected and therefore effects the integrity of what is done. Early in our history we had a similar type of procedure to the people's veto when instead of going to State Legislatures, or going on the national level, special conventions were held throughout the United States to deal with an issue of great magnitude. In fact, I would argue of the greatest magnitude in the history of this country and that was to vote for adoption of the Constitution of the United States. Elections were held in every one of the states and all of the eligible voters at that time had every opportunity to participate and elect delegates to that convention and do you know, ladies and gentlemen, what the percentage was state by state of those who participated? Ten percent of the eligible voters participated in the formation of the Constitution of the United States of America, but those were individuals who cared to vote, who cared enough about their country and I would pose that none of us think that they did a particularly bad job, even though the turnout might have been low in 1787 and 1788. Since 1909, when the people's veto was incorporated there have been a total of 21 people's vetoes, 11 of which have been successful. So by my poor math, that means about one every decade and understand we are not talking about the direct initiative of which there have been plethora. We are talking about the people's veto, one a decade approved. I believe that if you are going to change the Constitution, as I look across the hall I see the good Representative Saxl who always reminded me when I presented changes to the State Constitution. "Bill," she said, "Don't mess with the sacred Constitution. You don't tinker with something that important." There has to be a compelling reason if you're going to make such a fundamental change. I submit to you that that fundamental or compelling reason does not exist today.

I've also heard the phrase, if it ain't broke, don't fix it. I have heard no evidence whatsoever on the floor that it is particularly broken. I have heard talk about, well, it may cost money. I've heard about the burden on the clerks, but with all due deference to the clerks, that is the burden of democracy and what we should be considering is that the people be heard. That is primary. Finally, there is a perception and there is no way we're going to avoid that perception that if we enact this change to the Constitution now, in the wake of the last people's veto, there is a correlation and as someone who was not particularly pleased myself with the result of that vote, I'm not about to say, I lost, therefore, change the Constitution. I would say, get out the vote, like we always say. That's ultimately what is important. Ladies and gentlemen, don't throw out the Constitutional baby with the political bath water. Support the Minority Ought to Pass Report because that is the way of democracy.

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

Representative **STEDMAN**: Madam Speaker, Ladies and Gentlemen of the House. I'm going to support the Minority Report, also. I feel that when the referendum question comes up through the people's veto, that could have political implications on the election for general elections. I feel that some of these issues are partisan issues and could definitely effect the outcome of the general elections. I feel that there's probably a

good reason why these were not coincided with general elections in the original writing of the bill. On that, I would encourage you to support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative BAGLEY: Madam Speaker, Men and Women of the House. I rise to support the Majority Report. I speak for the town clerks who can't be here today to speak on this. I've served as a town clerk for many, many years and I know special elections always have a very low turnout, but the cost is high and when you hold an election in February, sometimes even early in the middle of the year, you can't get the workers. The cost is high to the towns. You can't find the workers and you don't have the turnout so I ask you to support the Majority Report. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. If you're going to vote for this change in the Constitution, I would urge you not to base your vote on voter turnout. Our representative form of government, or democracy, is hard work and people have to realize that it's not enough just to be registered to vote or just to go to the polls. They have to work. They have to study the issues and if we keep doing everything for them, they're not going to bother to do that. They're just going to go, if they do go at all, and vote according to the way somebody tells them to vote. If we really want to improve voter participation, why not do as other countries do, or some other countries do, and have mandatory voting and you get fined if you don't vote. That will get the percentage up. Then we'll be like Australia, for one, where as you go into the polls you're handed a card from your party as to how to vote, because they have preferential voting. I don't think we want to go down that road, but I think Maine people across the state are starting to realize that they cannot just go to the polls in November, that they have to come down here to this building. To this capitol of the State of Maine and support causes they believe in. They are beginning to realize that if they don't, some other special interest group down here will get their way, which may be detrimental to the way of the people somewhere else in this state. So I would suggest if you are going to vote for this, base it on costs to small towns, aggravation and everything else to small towns, but don't base it on trying to get more people to the polls, or then saying because there was only a 30 percent turnout, the result of the last people's veto somehow is tainted. Thank you.

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

Representative TOWNSEND: Madam Speaker, Ladies and Gentlemen of the House. In my time here I've been fairly conservative of the idea of amending the Constitution. I've rarely voted for a change to the Constitution, but there are few things in this world that are perfect and I do believe that it is possible to improve sometimes and I do think that our recent experience has indicated where the problem lies. I'm certainly going to vote for this in favor of the Majority Ought to Pass and I'm certainly going to do it on the issue of turnout. I take exception with the characterization of the voters as lazy and ill informed. I think that it is our duty to meet them halfway, to make it possible, to make it easy to participate in the political process. They are the people who elected us to serve here. I think they can be trusted and I think that we absolutely should be making it possible and easy to participate in every opportunity to vote.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Minority Ought Not to Pass Report. As you know, I am in favor and I do everything I can to help people to be able to petition the government for what they believe in. I'm a strong advocate for people to have the right to try to stop a law, like the people's veto and I am in support of the people to try to do a citizen's initiative. The law we are trying to change only effects one out of the two years that we are in session, when it's going to throw the election off. If somebody challenged the budget this year, it would be in plenty of time for it to get out in front of the voters this coming November. If the people's veto of the state budget last year, the people got enough signatures and this law was in place, we would not have been able to have the election in that November, we would have had to wait until this November. With that being in effect, we would have to come back in special session to pass bills in order to support the government and the programs that we enacted. I don't see justifying changing the Constitution for something that might happen five times in 10 years, or one time in ten years. So I encourage you to please vote for this motion of Ought Not to Pass.

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

ROLL CALL NO. 580

YEA - Ahearne, Barth, Belanger DJ, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Buck, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Foster, Gamache, Gerry, Gooley, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neal, Peavey, Pinkham WD, Plowman, Rines, Savage, Shannon, Sirois, Skoglund, Snowe-Mello, Stedman, Stevens, Taylor, Thompson, Tobin, Treadwell, Tripp, True, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

NAY - Bagley, Baker, Belanger IG, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Madore, Marvin, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neil, Ott, Paul, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Spear, Stanley, Tessier, Townsend, Tuttle, Volenik, Watson, Wright, Madam Speaker.

ABSENT - Campbell, Dutremble, Honey, Joyner, Underwood. Yes, 69; No, 77; Absent, 5; Excused, 0.

69 having voted in the affirmative and 77 voted in the negative, with 5 being absent, the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (S-607)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Resolution was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-607)** in concurrence.

TABLED AND TODAY ASSIGNED

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

Expression of Legislative Sentiment recognizing the anniversary of the Greater Portland-Archangel Sister City Project (HLS 1328)

TABLED - March 31, 1998 by Representative **FARNSWORTH** of Portland.

PENDING - PASSAGE.

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

Representative **FARNSWORTH**: Madam Speaker, Ladies and Gentlemen of the House. We had originally planned on having a delegation from Archangel here for the presentation of this particular sentiment. Unfortunately, they are someplace in transit so I would like at least have the sentiment passed.

On motion of Representative **KONTOS** of Windham, **TABLED** pending **PASSAGE** and later today assigned.

BILL HELD

An Act to Implement Recommendations of the Fire Marshal Study Group

(H.P. 1639) (L.D. 2272)
(C. "A" H-1030)

- In House, **PASSED TO BE ENACTED.**

HELD at the Request of Representative **SAXL** of Portland.

On motion of Representative **SAXL** of Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

On motion of Representative **POVICH** of Ellsworth, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

The same Representative **PRESENTED** House Amendment "A" (H-1123) which was **READ** by the Clerk.

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

Representative **POVICH**: Madam Speaker, Men and Women of the House. This amendment clarifies the appointing authority for the investigators and employees of the office of the State Fire Marshall. It is a technical amendment.

House Amendment "A" (H-1123) was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-1030) and House Amendment "A" (H-1123) in **NON-CONCURRENCE** and sent up for concurrence.

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

COMMUNICATIONS

The Following Communication: (S.C. 681)

**THE SENATE OF MAINE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 31, 1998

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill, "An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation" (H.P. 1403) (L.D. 1961).

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

Senator Susan W. Longley of Waldo
Senator John J. Cleveland of Androscoggin
Senator Bruce W. MacKinnon of York.

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

READ and **ORDERED PLACED ON FILE.**

Reference is made to Bill "An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation"

(H.P. 1403) (L.D.
1961)

In reference to the action of the House on Tuesday, March 31, 1998, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative **ETNIER** of Harpswell
Representative **POWERS** of Rockport
Representative **MAYO** of Bath

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Governor's Commission on School Facilities"

(H.P. 1622) (L.D. 2252)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088) in the House on March 26, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088) AS AMENDED BY SENATE AMENDMENTS "A" (S-634) and "B" (S-637)** thereto in **NON-CONCURRENCE.**

On motion of Representative **RICHARD** of Madison, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

By unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move **RECONSIDERATION**, the Clerk be authorized for the remainder of the session to send to the Senate, thirty minutes after the House recesses, all matters **PASSED TO BE ENGROSSED** in concurrence and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to **RECONSIDER** will be allowed.

ORDERS

On motion of Representative TRIPP of Topsham, the following Joint Order: (H.P. 1676)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out legislation relating to the taxation of certain federal entities and the business equipment tax reimbursement program, to the House.

READ.

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

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

The SPEAKER: The Representative may pose his question.

Representative MACK: Thank you Madam Speaker. I would like to know, will this LD have a public hearing and if so how much notice will there be for that public hearing?

Representative MACK of Standish **REQUESTED** a division on **PASSAGE**.

The Chair ordered a division on **PASSAGE**.

The SPEAKER: The pending question before the House is passage of the Joint Order. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 100 voted in favor of the same and 8 against, the Joint Order was **PASSED** and sent up for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act to Implement the Recommendations of the Governor's Commission on School Facilities"

(H.P. 1622) (L.D. 2252)

Which was **TABLED** by Representative RICHARD of Madison pending **FURTHER CONSIDERATION**.

On motion of Representative RICHARD of Madison, the House voted to **RECEDE**.

Senate Amendment "A" (S-634) to **Committee Amendment "A" (H-1088)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "B" (S-637) to **Committee Amendment "A" (H-1088)** was **READ** by the Clerk and **ADOPTED**.

Representative RICHARD of Madison **PRESENTED House Amendment "A" (H-1143)** to **Committee Amendment "A" (H-1088)**, which was **READ** by the Clerk.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. This is merely a technical amendment changing July to June.

House Amendment "A" (H-1143) to **Committee Amendment "A" (H-1088)** was **ADOPTED**.

Committee Amendment "A" (H-1088) as Amended by **Senate Amendment "A" (S-634)**, **Senate Amendment "B" (S-637)** and **House Amendment "A" (H-1143)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1088)** as Amended by **Senate Amendment "A" (S-634)**, **Senate Amendment "B" (S-637)** and **House Amendment "A" (H-1143)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Eight Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-535)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife Habitat Protection and Farmland Preservation and to Access \$5,000,000 in Matching Contributions From Public and Private Sources"

(S.P. 847) (L.D. 2253)

Signed:

Senators:

CLEVELAND of Androscoggin

MICHAUD of Penobscot

Representatives:

LEMAIRE of Lewiston

TOWNSEND of Portland

BERRY of Livermore

POULIN of Oakland

STEVENS of Orono

KERR of Old Orchard Beach

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

BENNETT of Oxford

Representatives:

WINSOR of Norway

KNEELAND of Easton

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-536)** on same Bill.

Signed:

Representatives:

OTT of York

MARVIN of Cape Elizabeth

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

READ.

The House voted to **INDEFINITELY POSTPONE** the Bill and all accompanying papers in concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-517)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion to Digital Broadcasting"

(S.P. 780) (L.D. 2107)

Signed:
Senators:

CLEVELAND of Androscoggin
MICHAUD of Penobscot

Representatives:

LEMAIRE of Lewiston
TOWNSEND of Portland
BERRY of Livermore
POULIN of Oakland
STEVENS of Orono
KERR of Old Orchard Beach

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

Signed:
Senator:

BENNETT of Oxford

Representatives:

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

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

The House voted to **INDEFINITELY POSTPONE** the Bill and all accompanying papers in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act"

(H.P. 1654) (L.D. 2284)

PASSED TO BE ENGROSSED in the House on March 24, 1998.

Came from the Senate with the Bill and accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative BUNKER of Kossuth Township, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Clarify the Definition of Functionally Water-dependent Use as it Pertains to the Shoreland Zone"

(H.P. 1368) (L.D. 1918)

Unanimous **UGHT TO PASS AS AMENDED** Report of the Committee on **NATURAL RESOURCES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-838)** in the House on March 6, 1998.

Came from the Senate with the **BILL SUBSTITUTED** for the Report and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-658)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer

Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act"

(H.P. 1565) (L.D. 2198)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY HOUSE AMENDMENT "B" (H-1097) thereto in the House on March 30, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AND SENATE AMENDMENT "A" (S-683)** in **NON-CONCURRENCE**.

On motion of Representative VIGUE of Winslow, the House voted to **RECEDE AND CONCUR**.

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

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

Bill "An Act to Establish Ethical Standards for the Office of Governor"

(S.P. 786) (L.D. 2113)

Which was tabled by Representative TUTTLE of Sanford pending **FURTHER CONSIDERATION**.

On motion of Representative TUTTLE of Sanford, the House voted to **ADHERE**.

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

(H.P. 735) (L.D. 999)

(S. "A" S-645)

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

Representative NASS of Acton **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I'd just like to remind you that passage of this Constitutional Amendment creates a special class for the citizen that has a benefit that 94 percent of our working force can never have.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Vedral.

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

The **SPEAKER**: The Representative may pose his question.
Representative VEDRAL: Madam Speaker, Men and Women of the House. I would like to know if this amendment would also apply to the legislative retirement system?

The **SPEAKER**: The Representative from Buxton, Representative Vedral has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. To answer the gentlemen's question from Buxton,

I believe that it covers the whole retirement system, not just the teachers and what not, but I could check on that for you.

Representative VEDRAL of Buxton asked the Chair for permission to refrain from voting.

The Chair denied the request.

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 581

YEA - Ahearne, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Lovett, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Bragdon, Buck, Campbell, Carleton, Cianchette, Cross, Donnelly, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Layton, MacDougall, Mack, Marvin, Nass, Nickerson, Ott, Pendleton, Pinkham WD, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Bodwell, Dexter, Dutremble, Fisk, Honey, Joyner, Lane, Lemont, McElroy, Perry, Poulin, Rines, Thompson, Winn.

Yes, 105; No, 32; Absent, 14; Excused, 0.

105 having voted in the affirmative and 32 voted in the negative, with 14 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

(S.P. 857) (L.D. 2270)
(C. "A" S-607)

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

On motion of Representative BULL of Freeport, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

An Act to Provide Funds to Solve Certain Problems Related to State Computers

(S.P. 734) (L.D. 2012)
(S. "A" S-566 to C. "A" S-480)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 13 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Encourage Accountability and Return on Investment for Maine Taxpayers from Economic Development Initiatives

(S.P. 837) (L.D. 2243)
(C. "A" S-640)

An Act to Reduce Mercury Use and Emissions

(S.P. 856) (L.D. 2269)
(C. "A" S-643)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Requiring the Department of Environmental Protection to Study Alternative Fuels

(H.P. 489) (L.D. 660)
(C. "A" H-1037)

Resolve, To Establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

(H.P. 1520) (L.D. 2142)

(H. "A" H-1075 and H. "B" H-1132 to C. "A" H-1001)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers

(H.P. 875) (L.D. 1192)
(S. "A" S-639 to C. "A" H-1005)

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

On motion of Representative CARLETON of Wells, was **SET ASIDE**.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. This is workers' compensation bill. There's no occasion for extended discussion, but I would like to remind you, again, that this bill applies retroactively and creates an unfunded liability in our workers' compensation system.

One matter that has not been discussed before is that this is not a cost of living increase bill. This bill increases workers' compensation benefits not based on the cost of living, but based upon the increase in the average wage in this state, which is more than the cost of living. Maine is still in the top third of the states in its benefits levels. It's above the national average even considering those other states that do have cost of living increases. I hope that you will vote no.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This cost to business, if you look at what is going to happen in the coming year, next year, the cost is going to be \$6.7 million. By itself we could survive. Businesses could take and live with this, because the cost could be allocated and it wouldn't have too much of an adverse effect, but there's a portion of this, the retroactive portion, if you multiply 6.7 times six years, you're looking upwards to \$40 million. You start charging that off, ladies and gentlemen, you have to stop and think of the charges your businesses are paying at the present time. To date, we have paid as far as in surcharges to pay off, this is part

of the Resolution and Recovery Act that we passed in the previous session. We have paid \$30 million to date, your businesses are left with \$103 million to pay until it's paid off. Presently the surcharge is 6.32 percent. Check your folks back home, ask them, you'll find out this is so and it will continue until the deficit, until the projected loss is paid off. The projected loss is \$1.2 billion. Your businesses are presently paying this, will be paying, hopefully it will be paid off within three, four, five years depending what the claims will be. The profits made by companies, by the insurance companies, should not be considered. This is not part of the workers' compensation residual market. This is a profit that they make. You would have to charge off different things and figure out why they're making a profit. I'm not touching that piece. They're in business to make a profit, if you could reach it, reach it. Maybe it'll help me in retirement. We are going up from the present rate from 2.65 and we're going to 3.15, that is in the coming year. Ladies and gentlemen, we should not be looking at increasing benefits until we have reached the national average. In the plan, the original 1992 Blue Ribbon Commission, the plan was to look at benefits when we reach the average. We have not reached the average. We're the 17th worst in the country. Ladies and gentlemen, if you want to go back and charge your businesses with this cost. I don't know where the money is going to come from, but you are looking at \$29 to \$39 million to pay the retroactive amount. Who's going to pay for it? Where is it going to come from? I think what you are looking at is an increase over and above the surcharge. We now have got 6.25 surcharge, maybe you want to tack on 10 percent more. This may be the only way to go. Think about it, ladies and gentlemen, I don't feel that we want to enact this bill.

Representative VIGUE of Winslow moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative HATCH: Madam Speaker, Ladies and Gentlemen of the House. A couple things I would like to make note of from the previous speaker is this bill was set up not to be retroactive, but to be proactive. It only includes a 3 percent increase, it's capped at that. You can't get more than a 3 percent increase in any one year. It doesn't start until January 1, 1999. It includes approximately at this time the last figure we got was about two weeks ago, I was working this bill, was 300 workers. They're the most serious disabled workers we have in the system. Some of them have been in the system since 1993. The one gentleman that brings to mind is the one that attended the hearing with two legs gone and an arm gone. This is a cost of living adjustment and to my knowledge, there hasn't been a cost of living adjustment on the workers' comp system since 1993. They're only asking that you do it for this certain group. A lot of them have no ability to go back to work whatsoever. Probably will never work again. I ask for you to defeat the pending motion and sent this forth to the other body passed. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BRUNO: My question is to anyone who may answer, does this apply to companies that self-insure?

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

Representative SAMSON: Madam Speaker, Men and Women of the House. This applies only to the most severely injured workers in the state. The current number since 1993 are 300 workers. Such as the person that the Representative from Skowhegan mentioned that is a triple amputee. He does not receive any increases in his workers' comp rate at all. This bill will only affect those that have been injured more than six years and will get a small increase capped at 3 percent based on the cost of living. That's what this bill takes into consideration.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. The answer to the question asked by the Representative from Raymond is that this bill does apply to employers who are self-insured. I would also like to correct the statement that this bill is not retroactive. It applies to people who were injured prior to the date this bill comes into effect so it is retroactive. As we discussed before, there is a pot of money for each year 1993 through 1998. The workers' comp rates are based upon assumptions about what the law is during those times and if we now change the rules, we are building in an unfunded liability, which will have to be paid with interest in the future. Thank you.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. Would the last business to leave the State of Maine please turn off the lights.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative BAGLEY: Madam Speaker, Ladies and Gentlemen of the House. I rise before you today to talk about the cost to an employee. I was an injured worker. The workers' comp laws passed in 91 and 92 allowed me to be terminated from a job that I had held for 22 years. I'm very thankful that I was not physically injured, however, many scars that are not visible will never fade. As an injured worker, I not only had health problems, but was subject to humiliation, and alienation from my coworkers. I was more fortunate than a lot of injured workers. I had an attorney and a family physician who believed in my cause and who supported me through the entire ordeal with no thought to personal gain. Most injured workers cannot afford attorneys, but are generally confronted at hearings by attorneys for both the employer and the insurance company. In addition, many injured workers cannot get necessary medical care because they have no expectations of being able to pay the cost. Many injured workers have lost their self respect, their credit ratings and some even their homes, because of these reforms. I ask you, ladies and gentlemen, is this really the way we want our fellow citizens to be treated? My case was settled some time ago, but when I vote on 1192, I will be voting not only for myself, but for all the injured workers who are being denied a fair voice in the workers' comp process. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I'm just frustrated sitting in the back row here listening to the nature of the debate about shutting the last light off when we leave the State of Maine. This bill has nothing to do with shutting the last light out. We're talking about 200 or

300 people that were so injured through all the processes they have to go through, all the hoops that the good Representative before me talked about. All the things that you have to deal with and the hurdles that you have. We're talking about the people in the State of Maine, ladies and gentlemen, that were injured to the point that they will never be able to be employed again. Think about that. When you heard the good Representative talk about a triple amputee. Now what you are saying, ladies and gentlemen, that if somebody got hurt a long time ago and they got the benefits necessary under the current law and they can't fend for themselves and they can't supply for themselves because of an injury that occurred at work. We're going to say 20 years from now, I hope you're still living in 1990 terms. That's what you're saying, you're saying these people don't have a right for quality of life or to move forward and fend for themselves and take care of themselves in somewhat of a standard that befits human environment. It's just really frustrating. It has nothing to do with business. It has nothing to do with the last light being turned out, this has to do with human dignity when you are injured to a point where you can never return to work. Please do not get confused that this is something that's going to be widespread in the comp system. It has a very limited function and I ask that you would support opposition of the Indefinite Postponement.

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

Representative PERKINS: Madam Speaker, May I pose three questions through the Chair?

The SPEAKER: The Representative may pose his questions.

Representative PERKINS: I'm still a little confused. One question is, is this only for physical injuries or does it include all sorts of nonphysical as well as physical? The other question is, on the retroactively, looking at the bill, it looks like the injury can go back to 93, but not the money, not the pay, and I get a nod from down there, so that makes the question then for the Representative from Winslow who said it would be something like \$40 million spent, but if only you look at the injury back to 93, and the money doesn't trail back to 93. I'd like to ask the Representative from Winslow where you get the figure \$43 million or something? The other is on the question of COLA, one person I believe the speaker said based on the cost of living, I assume that means the consumer price index or something similar and another person said it was based on the increase in wages. Would somebody please clear up those questions please?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. To try to answer the questions, which I didn't hear the last one, but I'll go down through the list, I was trying to jot them down. I would assume these are all physical injuries, a nonphysical injury usually you would be retrained. I do not know, I didn't go over 300 cases, but I assume they are all physical, probably amputees, but very severely injured. The retroactive part, it can't. If you look at the amendment, it says 3 percent in one year. You can't give a raise beyond 3 percent and it's from January 1, 1999. So you can't take and give somebody retroactive benefits. That was the reason that we discussed putting a cap on was that if you did 3 percent a year and went back six years, that would be 18 percent and that's a lot of money in one year. As far as the \$40 million, I doubt very seriously it's going to cost \$40 million under any circumstances. I don't think we are talking anything over \$3 million or so, if it's

that. I think they have to look at the individual cases. This is a human issue and I think we have to put a human face on it and for those of you who are not able to come to hearings on the workers' comp, I can tell you it was very frustrating throughout the hearings to listen to these few injured workers who didn't have the money to come to Augusta. One gentleman who came to Augusta had to take a collection to get there. It's pretty serious when you can't even afford to put gas in your car to come to Augusta to testify on a bill.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. There are a couple of points that I would like to make on the bill, some have been covered, but I don't think they've been covered thoroughly and some people may be misled slightly by the information that was put out. The retroactively question, the way that comes into effect is that all injuries that occurred on or after January, I believe it is, of 1993 will be covered under this law. Therefore, there's a six year time frame so, therefore, those injuries, the retroactive portion makes them eligible for a COLA this year if the bill passes so that's how the retroactively question comes in. The COLA itself is already in the law. It's a percentage of the state's average weekly wage and according to the Department of the Workers' Comp Board, the state average weekly wage will be at a point where it will trigger COLAs this year. I believe was the time frame that they gave. The cost of the bill, NCCI, who does the actuarial work for the State of Maine gave us an estimate of \$10 million for this bill. That was the price tag. That was for the private employers. There is also a fiscal note for state employees. I can't remember exactly what that is now, but it seems to me, I'm sure someone will correct me if I misstate it. I think it was \$120,000. Another thing we talk about physical impairment, what type of impairment does it take to become eligible for this workers' comp benefit? It had been, up until recently, 15 percent physical impairment would make you eligible for the workers' comp benefit. That is being lowered to 11.8 percent so anybody with an 11.8 percent physical impairment would receive the workers' comp benefit. One of the things I've heard from just about everybody that I've talked to that the companies because of the reduction in premium have been able to provide a better benefit package to their employees. If we start tinkering with the system and raise the cost of workers' comp insurance, the first thing that's going to happen is that those employee benefits for those people who are still working are probably going to be reduced. Now nobody wants to see an injured worker while they're down for somebody to be kicking on them. That's certainly nothing that I would do, but I think there is a time when we have to be realistic about the system. It is working. I don't think that we have the abuses of workers now that we had pre-1993. I think the injured workers are getting a much better shake than they were prior to that time.

Another thing that I would like to bring up is that the COLA was one of the major reasons that we had the problems prior to 1993. The prevailing COLA were the two issues that I heard again and again were what caused the crisis in the workers' comp system. I would hate to see us go back to what we had during that time when all of the workers' comp insurance was done on an assigned risk basis and we only had two companies in the State of Maine that were willing to write that insurance. We're heading in that direction. If we keep tinkering now before this program gets healthy again and gets us out of that 17 percent from the worst category, we're going to see ourselves slipping back toward those pre-1993 conditions that we were in.

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

Representative SAXL: Madam Speaker, Men and Women of the House. The other night we were privileged to have one of the finest debates on the floor of this House that I've heard all year. The good Representative from Wells, Representative Carleton, made excellent points on one side. Representatives from Old Town and from Medway made great points also. I think that we need to review and remember a few of the things that were said on the floor that night. First, who are we talking about? We're talking about 300 people. I've heard many people on the floor tonight and the previous night say, well, we're talking about working people in the State of Maine. When we talk about 300 people, we're not talking about people who can work any more. We're talking about those few people who are the most severely injured because of the work they were doing for their employer, for themselves, their families and for the people of the State of Maine. These are not people who have the option of going back to work. So that's who we're talking about. Now we've also heard a lot about, well why is this important? Well, we're talking about these people meeting their basic obligations. These working people who have been injured trying to feed their families. These are not people who are getting rich off the system. These are people who are trying to meet the basic needs of their families and themselves. Now we're talking about going back to 1991 and I used to serve on the Joint Standing Committee on Banking and Insurance and I got to work with my colleagues on forming unanimous opinions around Fresh Start and around numerous things around workers' compensation that would make all the green eye shaped people shout with glee, but few of us in this chamber shout with disgust, but we're talking about, we don't want to go back to the days when nobody wanted to offer workers' comp insurance in the State of Maine. I agree entirely, and that's why we worked hard in the past on things like Fresh Start, and that's why we've worked hard this year to make modest and moderate efforts to make sure the workers' compensation system works. Well, we heard from the Representative from Medway that the 100 people who serve our community now that sell work compensation insurance. We also learned another thing though, I believe that this will force those people to not offer insurance in the State of Maine, well he counted just quickly, but 45 of those 100 insurers already sell insurance in states besides Maine, which has the COLA provision, so obviously this is not an outrageous thing to have as a part of your workers' compensation system. The next thing we learned, was that, well, what states do this? Do other states do this or is Maine going to make themselves crazy and go out on a limb again and go back to 1991? No, we learned that almost every New England state, except for one, has this COLA provision already in law and we learned that a good number of you still have the list, I think in the '20s or '30s other states throughout this country have this provision so let's go back to why we are thinking about doing this. This is about 300 people in the State of Maine who don't get to go back to work. Who have no other options and are trying to do the best they can to meet the needs of themselves and their families. I urge you to vote against the pending motion and I urge you to go on and help the working people and those that are not so fortunate and those who can't work any more.

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

Representative MAYO: Madam Speaker, Men and Women of the House. I would like to make one correction in the previous statement of my good friend from Portland. We're talking about 300 people in the first year that the sixth year kicks in. That

number will increase every year. We went through this discussion and the good Representative Samson had this discussion four or five days ago on the same bill. It's 300 the first year and when the six year lag time kicks years and then each year thereafter more people will come into this system. Ladies and gentlemen, I would urge acceptance of the Indefinite Postponement of this Bill and all its Accompanying Papers. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I'd like to touch on something that hasn't been mentioned. I don't know if you all know, but Representative Winsor and I volunteer our time at Sunday River Ski Resort for the Maine Handicapped Skiing Program and we work with people with severe disabilities, both physical and mental. I have trouble when people say that these workers and what I've heard is 300 workers and they'll never go back to work. I really have a problem with that because I know many of these severely handicapped people. They may not have been injured on the job, but they're severely handicapped and they are working. They have hopes, in fact, we consider them not handicapped. They just do things differently. There are programs all across the country. We have the American Disabilities Act and we enlightened companies that are working with disabled people and we have programs. That's where we should be directing our efforts to get these people back to work in some capacity somewhere so that they can regain the dignity that they lost and they can then begin to contribute to their own well being and not to depend on government handouts. I would urge the Indefinite Postponement of this bill.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I would urge you to defeat the pending motion and I guess I would like to address this from a different angle. It took us a long time to get to the 300 workers because we spoke a lot the other night about the workers' comp system. We all know we want a healthy workers' comp system and I think we're doing that. I think the insurance companies have made enormous profits in the last few years and I think the costs to employers have gone down, but the benefits have decreased by 70 percent for these workers. We are not talking about people skiing on a hill, men and women of the House, we are talking about men and women who are permanently impaired. If you were in the Labor Committee, as I was, as a member two years ago and these men and women came in there, trust me, you would not even question voting on this bill. These people are not going back to work. They are not malingerers, what has happened to them is a disaster. Their lives have been ruined. They still have families. They still have children and they cannot support them on what they are getting. This is a 3 percent cap on permanently impaired workers, it doesn't kick in until after six years. The retroactively really doesn't bother me that much, we're still talking about 300 workers and let me tell you, men and women of the House, if we have more then we should be taking care of them, too, because this small dent in workers' comp is not going to hurt anyone. Particularly the workers' comp system and surely not the insurance company. I please ask you not to support the pending motion and move for Enactment. Thank you, Madam Speaker.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. This was one of my biggest issues

when I decided to run for office. All around the towns in my area I saw workers, like me, I'm a worker and I've been injured before and I'll probably get injured again because I have a very high risk job. I'm up on roofs doing a lot of risky jobs. But time and time again in all the towns in my area, people I knew, businesses were laying people off left and right and they still have not hired a lot of people back. The small businesses still are not seeing a real large break in these reductions in workers' comp. It wasn't from a lack of work, ladies and gentlemen, it was because it was too much of a hassle and too expensive to hire people. I used to refer to what was going on up here at that time. The actions that were going on helping us into the poor house. I get very upset about this because I feel strong and emotional about because I saw time and time again hard working people that worked hard all their life lose their job and sit home on a couch collecting a government check. You talk about losing self-respect, because you can't work with an injury. You watch and see somebody who has their health and strong and able and can't find work. I don't know how many times I heard people say, gee Paul, we have lots of work, but we turn it away. We'd rather try to do it ourselves, even jobs that require more people. They stretch themselves to do a two man job, three man job with one person, two persons, turning work away during good times because it was too much of a hassle and too expensive to hire anybody, because we're up here helping people to the poor house. I urge you to vote indefinite postponement on this.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. I am an injured worker. I broke my leg and crushed my knee leap day 1992. I haven't had a decent job since. See what I have for a job now. I was fortunate. I was under the other system with a very strong support of the family. I had a college degree behind me so I had some wherewithal. I have made it work for me. Not only do you have the physical injury, you have the mental injury that comes with it. That is depression, loss of self worth, but to stand here and paint our injured workers as slackers, I don't believe that is true. I don't think people in this body do. I attended some workshops for injured workers, I couldn't take it. I had to go away, because people I saw had less than a high school education. They have always lived hand to mouth and week to week. I suspect that a lot of our injured workers that are on this list were the same type of people. They don't have much going for them. They don't understand the system. The system works against them. They can't afford a lawyer, although I don't believe in the prevail standard. We are not going to break someone's piggy bank over this small amount of people. Who represents the insurance companies? Go out in the hallway and take a look. Who represents the injured workers in the State of Maine? Look around this room.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Let me first thank the good Representative McAlevey for putting things in perspective. It's important for us as we talk about these things on many other issues that we keep in perspective who we are talking about, why and although we may disagree on how, the best action is to represent all the people in the State of Maine. We should never try to tear their dignity away in a debate and for that hold Representative McAlevey, I think he made some very valid points that we all ought to contemplate. I do however, respectfully disagree, not with the points of how we ought to talk to people or about them, but let's put things back in the context of the overall

system. So we looked at the entire system for the first time in a long time in 1991. The system did not get broken by one fell swoop. It was not at the position that it was because somebody put in a huge bill to make one whopper of a change. We've had numerous bills to chip away at the reform that I believe has had as much to do with the economic recovery in the State of Maine as everything else combined. Predictability is an important factor when people are looking at making an investment in a business, in a business in a state, in a new location, creating jobs. It's also important when someone has already got a facility that has some pieces to it that may not be as safe as others, we have some old mills in Maine. We have some old equipment that's used by businesses and by people, like people in this room that create jobs that would like to replace them. If they have the financial where with all and the ability to do it, they do. Putting the comp system on the road back to where it was in 91 will not allow those improvements in the mills, in the businesses across the state to occur. Unsafe work places will not continue to improve at the same rate that they are today. It's not a threat. It's not anything other than a fact of life, if you don't have the money to fix something, you don't. It costs us more in injured workers down the road. That's the spiral that our system was in just a few years ago. The spiral was there were a lot of good ideas put in one at a time and one at a time they drove the system's costs up and up and up and up. I will say right here for the record, my concern is not for the profits of the insurance companies. I don't own any stock in them. I don't have any family members that work for them. They perform a function that perplexes me, I guess. It's important to have insurance, but I don't know that I could ever work in that field. To ask someone to bet against themselves. The plain facts are that the system was so bad in 1991 that we had to create an Employers Mutual to provide comp insurance to the employers and the employees of this state. The facts are that the changes have made this market competitive and predictable and the year after we made those changes there was not a flood of insurance companies coming back to the State of Maine to make big bucks. The experience here was that the lawmakers were going to make changes so frequently that you could never know what the correct pricing was to set. The experience with the employers that they were having double digit growth and that costs which adds no benefit to employees or employers or the State of Maine was growing so quickly that they would rather bail and take their losses than stick around with the unpredictability. That wasn't good for Maine. That wasn't good for employers. That wasn't good for employees. The situation we have today is different. Now my warnings are two fold, to sum this up. Predictability in the system is very valuable and very important. In that predictability, it allows the people of Maine who are creating jobs in Maine to continue to do so. To continue to improve the workplaces that our friends and families work in. The second item is beware of chipping away at the system a little bit at a time. This is one of those laws that you cannot just tweak. You must look at it comprehensively, because the pieces of this puzzle are very complex. Having been 23 and freshly out of college with a thirst for learning, being thrown into a billion dollar shortfall with the workers' comp crisis was dramatic and unsettling, but I learned more about comp that year than I ever hoped to. We can go into the many details and phrases and all the things we learned about the analogies and the jargon that they use in comp. The fact remains that it is a very complex system that everything is connected and one thing does effect others.

The injured workers that we're talking about are estimated to get an increase this year, because Maine's economy is doing better, because Maine's wage rates are finally going up and

there's a trigger built in because they thought even at the time for people who don't like that system that there was inherent fairness in helping people who were injured so severely that at some point when we had stability and we could predict the future of the economy a little bit better than we could at that time that there ought to be a COLA and there is one in statute. So if you are voting yes or no today, I think we should heed the words on our comments and any further debate of Representative McAlevey and also be mindful of the fact that we are chipping away at a system that will cause great discomfort, great inherent unpredictability in the system, which is not good for anybody in this state.

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

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. I just wanted to repeat something that I mentioned last time we talked about this issue and as a member of the Business and Economic Development, we spent a great deal of our time talking about issues that effected job creation in the State of Maine. I think our committee, more than any other, gained a lot of knowledge into this area. One thing again I wanted to repeat was Tom McBrierity, Commissioner of DECD told us without exception, the single worst thing we could do in the Legislature is to hammer the creation of new jobs and to bring new business into the State of Maine would be to change or effect the workers' comp system. I wish everybody would think of that when they vote. Thank you.

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

Representative STANLEY: Madam Speaker, Ladies and Gentlemen of the House. During the five years MEMIC has been in business, they're paid over 85,000 in claims of injured workers, presented by injured workers and they represent about half of the workers' comp claims that there are in the state, so if you multiple that by two you come to 170,000 comp cases claimed for injured workers presented either self-insured or to the MEMIC or to the residential pool. So if you've got 300 people out of 170,000 claims, I don't think that's such a big number. In order to be part of this, you're got to meet the threshold, it's only 25 percent of the worst case injuries that meet the threshold of 11.8 percent with the change this year by the workers' comp board. So I'll tell you for the amount of people that are being effected by this and the amount of money that we're seeing. We saw it yesterday in the bill on the insurance company in the screening panels, the amount of money that's being made by insurance companies, I think that for 300 people that we should be able to do that for these people. Thank you.

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

Representative SAMSON: Madam Speaker, Men and Women of the House. I want to correct something that the good Representative from Presque Isle said. That there is going to be a COLA increase this year, next year, whatever. That increase is only for the top rate that you can receive when you're injured. The top rate under the old law, I think is around \$900, under the new law it's half of that \$451. That may increase a little in the next year or two. Anybody that has been injured does not get any kind of an increase. The average workers' comp claim is about \$200 a week for injured workers. That stays at \$200 a week for as long as they are collecting that claim. That goes for the triple amputee or anybody else that was injured. Remember this is 300 people, it's not everybody. It's 300 people that were injured severely in this state working for their employer. Under workers' comp they cannot sue their employer for their injuries. Workers' comp is all they get. Now maybe we need to eliminate

workers' comp in this state. Maybe that's the bill I need to introduce. This bill effects 300 people that are severely injured. They'll get a cap of 3 percent increase after their injury six years down the road. If you can't do that, frankly, I'm ashamed of you.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. We have been talking about 300 people, that's 300 people that meet the threshold coming up in this year. Nobody has spoken to what they have been saying. There's been probably another 60 people that will join that each year there after. First you have 300 people, then you have 360, then you have 420, and it goes up with the multiple with this COLA being paid out on these severely disabled people. I would like to say something about the young man that came in and spoke before us with the triple injury, the loss of both legs and an arm. That young man was extremely positive and he said to me as we were talking afterwards, I'm going to find myself work. I'm going to find training and I'm going to get myself back into the labor market and that young man I think was one of the most positive people with an injury that I have ever met. I believe that he will meet his goals in life of getting back into the workforce.

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

ROLL CALL NO. 582

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

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

ABSENT - Dexter, Dutremble, Fisk, Honey, Joyner, Lemont, McElroy, Meres, Perry, Shannon, Thompson, Winn.

Yes, 60; No, 79; Absent, 12; Excused, 0.

60 having voted in the affirmative and 79 voted in the negative, with 12 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act to Improve the Delivery of Mental Health Services to Children

(H.P. 1675) (L.D. 2295)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Joint Resolution: (S.P. 871)

JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENSURE THE VIABILITY OF THE UNITED STATES SOCIAL SECURITY SYSTEM

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the United States Social Security System provides American workers with universal, contributory, wage-related, inflation-proof benefits in the event of the retirement, disability or death of a primary wage earner; and

WHEREAS, the United States Social Security System is more than a retirement program; it is a family program, as it helps so many in need. Without it, almost 54% of America's senior citizens and more than 15,000,000 beneficiaries would be living in poverty, and it is a safety net for 98% of American children under 18 years of age in the event a working parent dies; and

WHEREAS, over the course of its existence as a federal program, the United States Social Security System's trustees and administrators have carefully modified the benefit and financing structure to ensure the program's viability in light of major demographic trends and economic developments; and

WHEREAS, in his State of the Union address, President Clinton called for "saving Social Security first" and urged the United States Congress to enact bipartisan legislation to ensure the United States Social Security System's long-term solvency by 1999; and

WHEREAS, the long-term solvency of the United States Social Security System can be guaranteed for future generations with reasonable and timely adjustments to the program made by Congress; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge:

1. That the United States Congress give priority to reforming the United States Social Security System to ensure its continued financial viability;

2. That the United States Social Security System be a universal, mandatory, contributory social insurance system where risk is pooled among all workers rather than transferred to each individual worker;

3. That the United States Social Security System continue as a federal program and that states not be allowed to choose to withdraw and form their own retirement system, since this would destroy the universal, progressive nature of the current system. It would be too difficult to run 50 separate retirement systems and more difficulties would arise if a person moved from state to state, not only in lower benefits but also in burdensome bookkeeping. The cost for funding any new system would be staggering and choosing to withdraw would put low-wage and moderate-wage workers' retirement security at risk; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the

President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

ORDERS

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1677) (Cosponsored by Representatives: BAKER of Bangor, BERRY of Belmont, DESMOND of Mapleton, GAGNE of Buckfield, LORING of the Penobscot Nation, MURPHY of Kennebunk, RICHARD of Madison, Senator: TREAT of Kennebec)

JOINT RESOLUTION RECOGNIZING THE MAINE SCHOOL FOOD SERVICE ASSOCIATION AND ITS EFFORTS TOWARD MEALS FOR ACHIEVEMENT

WHEREAS, the Maine School Food Service Association is deeply committed to the nutritional health and well-being of this State's children; and

WHEREAS, since hungry children cannot learn, it is imperative that school nutrition programs be recognized as a tool to prepare children for learning; and

WHEREAS, school nutrition programs provide nutritious and economical food for growth and development, which will determine a lifetime of physical well-being for the child; and

WHEREAS, school nutrition programs are an integral part of the educational system and the financial impact on school nutrition programs has become critical; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Special Session, on behalf of the people of the State, support the endorsement of the Meals For Achievement Act as proposed by the United States Congress; we support the reduction of excessive paperwork required by the State of Maine; and we support the easing of restrictive rules pertaining to items sold in a la carte programs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education, the Department of Human Services and to each member of the Maine Congressional Delegation.

READ and **ADOPTED**.

Sent up for concurrence.

On motion of Representative SAXL of Portland, the following item was **REMOVED** from the Tabled and Unassigned matters:

HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-875) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 for Development of the East-West Highway"

(H.P. 1295) (L.D. 1840)

TABLED - March 13, 1998 by Representative SAXL of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

The House voted to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

The House recessed until 7:30 p.m.

(After Recess)

The House was called to order by the Speaker.

ENACTORS
Acts

An Act to Implement Recommendations of the Fire Marshal Study Group

(H.P. 1639) (L.D. 2272)
(C. "A" H-1030; H. "A" H-1123)

An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment

(H.P. 1657) (L.D. 2286)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

On motion of Representative McALEVEY of Waterboro, the House reconsidered its action whereby An Act to Implement Recommendations of the Fire Marshal Study Group

(H.P. 1639) (L.D. 2272)
(C. "A" H-1030; H. "A" H-1123)

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

Representative McALEVEY: Madam Speaker, Ladies and Gentlemen of the House. I just wanted to read into the record, officially, that we have a new Fire Marshal who is John Dean. I met him for the first time just a few months ago and I have every confidence in him that he and his staff will implement these recommendations and take care of business at the Office of the Fire Marshal. I think he is an individual of tremendous character and experience. He is the right man for the right job. I commend the people responsible for hiring him. Thank you.

Was **PASSED TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

(S.P. 857) (L.D. 2270)
(C. "A" S-607)

Which was **TABLED** by Representative BULL of Freeport pending **FINAL PASSAGE**.

Representative BULL of Freeport moved that the House **RECONSIDER** its action whereby the Resolution was **PASSED TO BE ENGROSSED**.

Representative NASS of Acton **REQUESTED** a roll call on the motion to **RECONSIDER PASSAGE TO BE ENGROSSED**.

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 the motion to Reconsider. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 583

YEA - Ahearne, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, 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,

Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Kane, Kasprzak, Kerr, Kneeland, Kontos, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Bagley, Joy, Labrecque, Vedral.

ABSENT - Barth, Dexter, Dutremble, Fisk, Honey, Joyner, Lane, McElroy, Perry, Plowman, Poulin, Thompson, Vigue, Volenik, Winn.

Yes, 132; No, 4; Absent, 15; Excused, 0.

132 having voted in the affirmative and 4 voted in the negative, with 15 being absent, the House **RECONSIDERED** its action whereby the Resolution was **PASSED TO BE ENGROSSED**.

On motion of Representative BULL of Freeport, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-607)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1145)** to **Committee Amendment "A" (S-607)** which was **READ** by the Clerk.

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

Representative BULL: Madam Speaker, Men and Women of the House. What this amendment does is it allows for the election from the people's veto to be offered in either a primary or a general election. The original Committee Amendment just offered it in the general election in November. This allows it in November or the primary in June. I have spoken with the chief sponsor of this legislation, the good Senator from Androscoggin, Senator Cleveland, and the members of the Majority Report in State and Local Government and they support this amendment and I hope you will too.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. This amendment still does not eliminate my concerns about amending the Constitution of Maine in relations to the people's veto. There is nothing wrong with the current process. As I stated before, there are several rigid parameters to meet in order to proceed to place a people's veto on the ballot. We should not rush to amend the Constitution to solve a problem that simply does not exist. In fact, this amendment only increases my concerns. What is the emergency? What is so urgent that we must pass this bill. We must exert great caution when we are considering amending the Constitution of Maine. I heard no outstanding reason or urgency why we must pass this bill.

Representative AHEARNE of Madawaska moved that **House Amendment "A" (H-1145)** to **Committee Amendment "A" (S-607)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1145)** to **Committee Amendment "A" (S-607)**.

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 Brewer, Representative Fisher.

Representative FISHER: Madam Speaker, Men and Women of the House. It was a good bill. It's better now and enough said.

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

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I represent seven small towns, quite rural towns. My biggest town has, I believe, a population of about 1,600 people. A special election requires them to have a certain number of folks sitting there all day when maybe on a good day 200 people will come and vote. It's expensive. It's inconvenient and this amendment really takes care of any problem or any objection that I heard in the debate this afternoon and I intend to support it. Thank you.

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

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I find it a little awkward that I am supporting the motion of the good Representative from Madawaska, since I don't agree with his rationale for it. However, I personally have a problem with this amendment in that it is talking about a primary election. Ladies and gentlemen of this body, who votes normally in a primary election and who are we disenfranchising by having this amendment. Primary elections, I believe going back, and the good Representative from Westbrook will correct me if I am wrong, going back somewhere towards the time that this state became a state, primary elections have been for the parties involved and the Independents have not been involved. What, ladies and gentlemen, is going to bring out the independent vote at that time? The reason that the bill was crafted as it was with the November elections was that at that point we have not disenfranchised the independent voter. The town clerks in this state were very concerned that we were going to be creating quite a mess by having voters getting one ballot for one thing and another ballot, and another ballot, and another ballot and it was not going to be solving our problem. I would urge Indefinite Postponement.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. First of all I'd like to thank the good Representative from Bath and I'm sure you will all thank him as well because he has cut my speech in half because he has already made one of the points that I intended to make and I think he made it quite succinctly in the issue of primary elections. The progress and legislative life of this particular bill reminds me of the thing about Briar Rabbit and the Tarbaby and the further you get into this the more you get into the Tarbaby syndrome. Again for the best of intentions, I'm sure this amendment, if anything, further complicates the whole issue and basically mitigates or annuls what was a few hours ago the stated purpose of this particular legislation. Again, come back to the basic point. You do not change the Constitution of the State of Maine unless there are clear or compelling and I would now add consistent reasons for doing that. As of this moment, none of those exist. The people's veto, for clarification, is not the direct initiative of which we have had many. It has only been utilized rarely and in those occasions has only succeeded half of the time. So it is beyond me what the compelling reason is for us to tinker with the state's Constitution and, frankly, what you have before you, I don't know, I'm kind of at a loss for words, which is not usual for me. As a teacher when we multiple choice exams we have a

place in there somewhere for either, or and this is sort of an either, or possibility. Maybe it's in November, maybe it's in June. In the final analysis, as an educator, I'd certainly encourage my students to go for none of the above and none of the above, ladies and gentlemen, is the pending motion. For just about every reason I can think of, I urge you to vote for the pending motion, which is Indefinite Postponement.

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

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

The SPEAKER: The Representative may pose his question.

Representative GAGNON: Madam Speaker, Men and Women of the House. I was wondering if this amendment would apply also to the presidential primaries that are held often at different times?

The SPEAKER: The Representative from Waterville, Representative Gagnon 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. No.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I heard Right Honorable Representative from Bremen say that's it's inconvenient to have an election. Well, we have a process for the people's veto. It's the process where the citizens can reject or object to something that we have done in this body as recently happened this year. It's only happened rarely, 20 times in this century. The people who are bringing forth the people's veto deserve prompt action on the veto, a prompt decision on what they have brought forth. Also, the people affected by the law that we have passed in Augusta deserve quick action on the implementation of the law. If, for example, gay rights has passed this year, I'm sure the supporters of the measure wanted quick action on implementation of the gay rights law and if the people voted that way, they would deserve quick implementation of it, but as it happened, the people said no to that law and they got a quick decision against that law. I'm sorry that if some people feel that the process can be inconvenient, but it's a great process, I think, it allows the people to have a say, to speak their minds on extreme cases, when many people may disagree with what we have done in Augusta. I urge you to support the pending motion and continue the process where we can have a quick resolution to our actions. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I'm really disappointed that the debate has degraded to the point it has. The issues that we are hearing about have nothing to do with the purpose that this was put in for. We're not trying to take away from the people's veto, we're not trying to interrupt the process, we're not trying to hurt anybody. The whole focus, the whole drive, the whole intent of this was to make it easier on the small towns. Now those of you who don't care about that, that's fine. That's your choice, but you've heard from people this afternoon, that it was very difficult for the small towns to put these elections together. It escapes me why, because we want to try to make it easier for the towns and the clerks to carry out the people's wishes, why that becomes all of a sudden a means to an end to take away from the people's wishes. That was never the intent. It's not the intent now and it never will be the intent by anybody, I hope.

How any of the people's vetoes over the past 20 years have turned out is totally, completely irrelevant of the driving force behind this. I've heard people say tonight and this afternoon, I have not heard any compelling reason to mess with the Constitution. I'm sorry that it comes across as messing with the Constitution. The Constitution, ladies and gentlemen, is a document created by people. It's a working document, it's a document that is not perfect. It wasn't created by the Almighty, it was created by people and over time things change. We've talked about Constitutional Amendments this year and we have voted to change them for, in my mind, unconvincing reasons, or no reason at all almost. All of a sudden, this one there has to be compelling reasons. I don't know what that means. There are 151 opinions in this House on what a compelling reason is. But I ask you not to take the issue and totally misunderstand what the purpose was. The purpose was simply to have an opportunity for the towns to vote on these issues without having to have a special election. It's not about convenience for the people, necessarily, yes we'll have more people, but it's more about the towns having to have special elections for no reason. Nobody is being denied anything by waiting till the regular election.

Now while I support the intent of the amendment, I have to admit that maybe it should have been phrased differently, rather than saying a primary election, it should have said a June election. That didn't narrow it down to the good Representative from Bath's concern about keeping Independents out. At the risk of the good Representative from Westbrook jumping all over me, I would very much like to see this tabled and let us have another shot at fixing it so it does address the concern about calling it a primary election. The June election and the November election are opportunities for anybody that wants to run a people's veto to get their signature, get them approved and get them on the ballot without the state having to spend a half a million dollars. The state and the towns together spend nearly a half a million dollars unnecessarily and have the same result. Nobody is attempting to take anybody's rights away. That's not the intent and I don't know how else to tell you that. I would appreciate it if you'd look at this bill for what it's really about. It's not convenience of the voters and all the other things, while I believe we'll have more people participate, which I think representative democracy is about, but it's about providing the opportunity for the people's veto and still not making it more difficult for these little towns that are struggling now to pay the taxes. We've heard all year about the onerous property taxes. These things all pay a role in those property taxes. I ask you for support for the bill.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I'd like to pose two situations for you that I'd like to have you consider. One, put yourself in the position of someone who has initiated a people's veto and that it came through the process and it was eligible to be put on the ballot and then you had to wait 12 to 14 months to have that process before any action could be taken on that veto.

The second thought is the one I posed to you before, how many of you would have been willing to put your name and have your consideration made of your vote, or your election with the people that were voting on either the forestry issue two years ago or on the gay rights issue this year. How many of you would have been willing to have your election based on the people that came out for those issues? Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I rise again with absolutely no intention of jumping

all over the good Representative from Rumford, but simply to put on the record and I think if you recall the words I spoke earlier, I was at some pains not to question the motives of those who supported this bill. In fact I think I mentioned just recently last time I rose, that I think there were the best intentions involved here. It's not so much a question of motives or intention. The problem with all of this is the results. However good the intentions, it is misguided and the proposal is flawed as even the good Representative from Rumford said, the way it is now constructed is flawed and so I do want that on the record and if it was interpreted as such, that certainly was not my intent, but I do have and I do continue to have a major problem with changing the Constitution of the State of Maine. Maybe I did not make it clear and I will not take up the time of the House, you can see the whole problems with extended elections when you deal with extended debate on the floor, but I did try to point out the compelling reasons and the compelling reason is to show how, somehow, the Constitution is not working if you're going to change it and for the life of me, I still have not heard how it is not working. You do have to have due respect, all of us have to have due respect, we are guardians not only in representing our immediate districts, we're guardians of the Constitution and the history of the State of Maine and it really is incumbent upon us to have a due respect for the intent when the Constitution was made and quite frankly you violate that with the amendment before you, or the original bill in its original form. Finally, and I do mean this, I do have to point out that I am empathic with the situation of small towns. I represent an urban area today, but I grew up in what was a very small town back in the ancient years of my youth which was Warren, Maine in Knox County. I try to be, and I think quite empathic to the concerns of the small towns and I understand them as presented, but in the final balance, we're not here to serve the needs of the clerks, we're not here to serve the needs of election officials. We're here to serve the needs of the people of the State of Maine and that is best done by keeping the Constitution exactly the way it is, so again I ask you to vote for Indefinite Postponement.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. Very briefly, it's my understanding based on some of the questions, based upon legislation that we have enacted this session the process will be 12 months from now on and it's my understanding of election law, the question posed about the Independents, my understanding is that Independent voters can vote in primaries, they vote on bond issues, they vote on municipal issues and it's my interpretation of the law is that they could vote on the citizen initiative.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Men and Women of the House. Just before we vote, I would like to remind you of some of the facts of this bill. First of all it's cost, I would say it's very costly to be here tonight to do the people's work, so if that's the problem, well, take that for what it's worth.

Second of all, a quarter of a million people voted in the last people's veto election and I think that represents quite a few people. How many people's vetoes? One per decade, average. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Just to clear up a comment that was just made about Independents being able to vote on primary day. It's

the Unenrolled that cannot vote and I think if you look in your districts, Unenrolled is probably the biggest party, or non party.

The SPEAKER: A roll call has been ordered. The pending question before the House is the Indefinite Postponement of House Amendment "A" (H-1145). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 584

YEA - Ahearne, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Bragdon, Bruno, Bryant, Buck, Bumps, Bunker, Campbell, Carleton, Chick, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Etnier, Foster, Gagnon, Gamache, Gerry, Gooley, Jabar, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Kerr, Kneeland, Labrecque, LaVerdiere, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham WD, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Shannon, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Brennan, Brooks, Bull, Cameron, Chartrand, Chizmar, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gieringer, Goodwin, Green, Hatch, Jones KW, Kane, Kontos, Lemaire, McKee, Mitchell JE, Muse, Pieh, Pinkham RG, Povich, Saxl JW, Saxl MV, Shiah, Tessier, Townsend, Tripp, Tuttle, Wright, Madam Speaker.

ABSENT - Barth, Bigl, Clukey, Dexter, Dutremble, Fisk, Honey, Joyner, Lane, McElroy, Meres, Perry, Plowman, Thompson, Vigue, Volenik, Winn.

Yes, 99; No, 35; Absent, 17; Excused, 0.

99 having voted in the affirmative and 35 voted in the negative, with 17 being absent, **House Amendment "A" (H-1145) to Committee Amendment "A" (S-607) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-607) was ADOPTED.**

On motion of Representative CAMERON of Rumford, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-607) was ADOPTED.**

The same Representative moved that the Resolution be **TABLED** pending **ADOPTION of Committee Amendment "A" (S-607)** and specially assigned for Thursday, April 2, 1998.

The same Representative **WITHDREW** his motion to **TABLE.**

Subsequently, **Committee Amendment "A" (S-607) was ADOPTED.**

Representative MACK of Standish **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

Less than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Representative MACK of Standish **APPEALED the RULING OF THE CHAIR.**

The same Representative **REQUESTED** a division on **SUSTAINING the RULING OF THE CHAIR.**

Representative MITCHELL of Vassalboro **REQUESTED** a roll call on **SUSTAINING the RULING OF THE CHAIR.**

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 shall the Ruling of the Speaker be sustained. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 585

YEA - Ahearne, Bagley, Baker, Belanger DJ, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Pieh, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Tobin, Townsend, Tripp, Tuttle, Underwood, Usher, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Donnelly, Lindahl, Mack, Nass, Nickerson, Stedman, Taylor, Treadwell, Vedral.

ABSENT - Barth, Belanger IG, Bigl, Clukey, Dexter, Dutremble, Fisk, Honey, Joyner, Lane, McElroy, O'Brien, Pendleton, Perry, Pinkham RG, Plowman, Thompson, True, Vigue, Volenik, Winn.

Yes, 121; No, 9; Absent, 21; Excused, 0.

121 having voted in the affirmative and 9 voted in the negative, with 21 being absent, the **RULING OF THE CHAIR was SUSTAINED.**

Subsequently, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-607)** in concurrence.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on **FINAL PASSAGE.**

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

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 586

YEA - Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Cameron, Chizmar, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Neil, Ott, Paul, Peavey, Perkins, Povich, Quint, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shiah, Sirois, Spear, Tessier, Townsend, Tripp, Tuttle, Watson, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bolduc, Bragdon, Bruno, Buck, Campbell, Carleton, Chartrand, Chick, Cianchette, Clark, Donnelly, Foster, Gerry, Gieringer, Gooley, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neal, Pinkham WD, Powers, Richard, Rines, Shannon, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Taylor, Tobin, Treadwell, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Barth, Bigl, Clukey, Dexter, Dutremble, Fisk, Honey, Joyner, Lane, McElroy, Pendleton, Perry, Pieh,

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Pinkham RG, Plowman, Poulin, Thompson, True, Vigue, Volenik, Winn.

Yes, 66; No, 64; Absent, 21; Excused, 0.

66 having voted in the affirmative and 64 voted in the negative, with 21 being absent, and accordingly the Resolution **FAILED** of **FINAL PASSAGE**.

Sent up for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative JABAR of Waterville, the House adjourned at 9:07 p.m., until 9:00 a.m., Thursday, April 2, 1998 in honor and lasting tribute to Joseph B. Ezhaya, of Waterville and Sally T. Smith, of Kennebunk.