

# 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

**Appendix**  
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ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND SPECIAL SESSION  
2nd Legislative Day  
Thursday, April 2, 1998

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

Prayer by Reverend Donald Daigle, St. Bridgett's Catholic Church, North Vassalboro.

Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 874)

ORDERED, the House concurring, that Bill, "An Act to Protect Students of Barbering, Cosmetology and Other Proprietary Schools," S.P. 727, L.D. 1969, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act to Amend the Amount of Retainage on Public Building Contracts"

(H.P. 1108) (L.D. 1551)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** in the House on March 27, 1998.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1087) in NON-CONCURRENCE**.

Representative AHEARNE of Madawaska moved that the House **ADHERE**.

On further motion of the same Representative, **TABLED** pending his motion to **ADHERE** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (S.C. 683)

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

April 1, 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 today Adhered to its previous action whereby the Minority Ought Not To Pass Report from Committee on Utilities and Energy on Bill, "An Act to Require All Regulated Public Utilities to Report to the Public Utilities Commission the Sale, Lease or Other Transfer of Assets Paid for by Ratepayers" (H.P. 1477) (L.D. 2076) was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act Concerning Legislative Review of Rules Adopted under the Maine Clean Election Act"

(H.P. 1678) (L.D. 2296)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Representatives: BELANGER of Wallagrass, CAMPBELL of Holden, CHIZMAR of Lisbon, KONTOS of Windham, LABRECQUE of Gorham, MITCHELL of Vassalboro, SAXL of Portland, TRUE of Fryeburg.

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

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

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Elsie M. McKenzie, of Freeport, former postmaster of the South Freeport Post Office and beloved wife, mother and grandmother. Mrs. McKenzie raised 3 children before she began work for the United States Postal Service in 1971. She retired as postmaster in 1983 and will be fondly remembered for her kindness by her many postal patrons, especially the children, and she will be greatly missed by her loving family and many friends;

(HLS 1368)

Presented by Representative BULL of Freeport.

Cosponsored by Senator HARRIMAN of Cumberland.

On **OBJECTION** of Representative BULL of Freeport, was **REMOVED** from the Special Sentiment Calendar.

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. Elsie McKenzie was quite a figure in the village of South Freeport where I grew up. I've always marveled at small town post offices. I think they are wonderful places where you get to meet all your neighbors and catch up on all the local gossip and what not. Elsie McKenzie was certainly a wonderful woman. I grew up in this village and I remember going to the post office. She was always there to greet you. I remember you go in there and put your hand on the counter and she'd have the stamp and she'd cancellation stamp right on your hand there. She was really quite a wonderful lady and her death was an unfortunate event and she'll be sadly missed by the Community of South Freeport where she was very much loved and respected. Thank you, Madam Speaker.

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

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**Recognizing:**

Christopher Robertson, of Bangor High School, one of six students being honored at an awards ceremony at the Blaine House for having the highest scores on the reading, writing and mathematics sections of the 1997 Maine Educational Assessment. We extend our congratulations to him on his achievement;

(HLS 1253)

Presented by Representative BAKER of Bangor. Cosponsored by Senator MURRAY of Penobscot, Representative SAXL J of Bangor, Representative PERRY of Bangor.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative BAKER: Madam Speaker, Men and Women of the House. I rise today to honor Christopher Robertson, an outstanding senior at Bangor High School. Christopher is one of six students from Maine who scored highest on the 1997 Maine Educational Assessment Test in reading, writing and math. Here in the Legislature, the funding of public education is one of our most important tasks. Each year a large proportion of our budget goes to support Maine's public schools and the teachers who make the education of our young people possible.

Christopher Robertson represents the finest that our public schools can produce. Next year he will attend the University of Maine as a student in chemical engineering. He has chosen U Maine because of its nationally recognized chemical engineering program. What accounts for the success of a young man like Chris? First of all, his family, a close knit group of five who share family activities and parents who inspire. Chris comes from a family of engineers. His grandfather was a mechanical engineer. His father an electrical engineer and his uncle a chemical engineer. Yes, engineering runs in the family. It is supportive and present parents who make the difference, who helped turn his talent and inclination into an energetic drive. After his family, we must acknowledge Christopher's teachers and the significant role they played in igniting his particular interest in math and science. I asked him to tell me about the teachers who sparked his early interest in math and science. Chris told me about a sixth grade science teacher, Mr. Ouellette, who took his students outside to fly model rockets. In this hands on way, Christopher and his classmates learned rocket science. An eighth grade teacher who used the new labs at the William S. Cohen Middle School to teach his students physics by helping them discover the secrets of electricity in a hands on way. Perhaps the secret to such learning is expressed through this motto of Mr. Irwin Clepkey, Christopher's technology teacher. He says, learning is not a spectator sport. Christopher's interest, nurtured by supportive parents and skillful teachers, he emerged in high school as what Mr. Clepkey describes as a fabulous student who enjoyed learning through hands on activities. I invite you today to join me in honoring an exceptional student, Christopher Robertson and the fine, wise parents, grandparents, extended family and teachers on whose shoulders he stands today. Thank you.

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

**In Memory of:**

Thomas M. Teague, of Fairfield, husband of Beverly Haywood Teague, a veteran of the U.S. Navy, Amphibious Force, former dairy and poultry farmer, president and treasurer of Maine Poultry Service, Inc. and co-owner of Teague Distributors, Inc. Mr. Teague was a member of the Fairfield United Methodist

Church and was active in several fraternal, political and civic organizations. He was a member of the Maine House of Representatives for 2 terms and a member of the Maine Senate for 3 terms. While in the Legislature, he was appointed to the State Board of Property Tax Review. Mr. Teague will be sadly missed by his family and friends;

(HLS 1364)

Presented by Representative TESSIER of Fairfield. Cosponsored by Representative RICHARD of Madison, Senator MILLS of Somerset.

On **OBJECTION** of Representative TESSIER of Fairfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

**Recognizing:**

the Scarborough High School Academic Decathlon team upon winning the Maine State Academic Decathlon for the 9th consecutive year. The team will make its 11th appearance at the national championship in Providence, Rhode Island. Team members include: Crystal Alcott, Colin Becker, Corey Chandler, Mark Donahue, Luke Lunt, Justin Morgan, Joe Murphy, Emily Nester, Adam Waldstein and their coaches Ellen Ross and John Santerre. We extend our congratulations and best wishes upon this outstanding achievement;

(HLS 1363)

Presented by Representative LOVETT of Scarborough. Cosponsored by Representative PENDLETON of Scarborough, Senator PENDLETON of Cumberland, Senator AMERO of Cumberland.

On **OBJECTION** of Representative LOVETT of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. For the ninth consecutive year Scarborough High School has won the Maine State Academic Decathlon. They have been the top school in this rigorous competition for 11 out the past 13 years. This in itself is an extraordinary achievement. Scarborough capped the team victory when three members earned a perfect score. Justin Morgan received the highest overall score in the State. With this victory, Scarborough will make it's 11<sup>th</sup> appearance representing Maine at the National Championship in Providence, Rhode Island in April. I'm extremely proud of this team for their overall standing in the State competition and I thank their coach, Ellen Ross, for her dedication and her hard work. What these students have achieved is remarkable and I'm happy that not only Scarborough, but the entire state, have recognized their outstanding success in academics. It is indeed a point of pride to the students and their families. I'm sorry though they could not have been here today, but they are very busy studying for their competition in Rhode Island. I wish them well in the national competition. I know that they will represent Maine well and make us all very proud of each one of them.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I, too, would like to congratulate the Scarborough Academic Decathlon team members. This has been a rather enjoyable experience with me, this year is my fourth year as a proctor during the academic decathlon weekend

and it's a real experience and I would really like to encourage more of the members of the Legislature to participate in this event, because it's great watching young people taking their tests, doing the oral reports and having the oral interviews. It's really something to watch them. The intensity on their faces while they are taking the exams and watching them do it, it's just amazing. I really had a lot of fun this year. I met one of the young boys who lived in my district during the dinner hour and he was prancing around like he was practically tap dancing and I asked the young man what his problem was and he said, I'm in the speech contest and I've got to give my speech right after lunch and I'm really nervous. About an hour later, I saw him walking along with a young girl that was in my group that I was proctoring hand and hand and he was completely at ease and I said, your test is over and he said yes. I would really like to encourage more of you people, especially those that are in Southern Maine that can get to Deering to be part of this to go and watch the performance. They have a wonderful time. There's big groups and it's so great to see them and the interaction amongst the groups. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Madam Speaker, Men and Women of the House. As part of the coaching team of the Academic Decathlon Team that did win twice, two of those eleven years and has come in second all of the other years. I, too, would like to congratulate the Scarborough Team. For all those years when we've gone to competition and we've fought very, very hard, the team from Scarborough, the coaches from Scarborough have always behaved absolutely, marvelously and it's a pleasure to compete against them and so congratulations.

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

## ENACTORS

### Acts

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)  
(C. "A" H-952; S. "A" S-683)

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.

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

(H.P. 1368) (L.D. 1918)  
(S. "A" S-658)

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

On motion of Representative DONNELLY of Presque Isle, was **SET ASIDE**.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Madam Speaker, Men and Women of the House. Would somebody on the committee, please, or someone else tell me, I know this went down to the other body and I have the amendment to it here. I would just like

to clarify. If this is enacted, would it no longer be possible to build a boathouse along the shoreland zoning in freshwater ponds and lakes?

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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. In response to the question, again, let me just say this. I think to answer the Representative's question, this is exactly verbatim, the amendment that was put on in this body. What happened in the other body was that the amendment failed of passage and subsequently a Senate floor amendment was put on, that was verbatim the same as the Committee Amendment that was attached in this body, so there's been absolutely no change of any kind in the bill since it left this body after it was Passed to be Engrossed. I hope that helps the Representative. This is the bill that clarifies that recreational boat storage buildings are not functionally water dependent uses for purposes of the mandatory shoreland zoning laws. Thank you.

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

Representative PERKINS: Madam Speaker, Men and Women of the House. I understood and I did go down to the other body and hear some of the debate and I understood one of the Senators had questioned the reason for this and was told that there was some abuse. People were getting a permit to build a boat house on the shore and then they were building mini penthouses on top and sleeping in them and so forth. I understood that one of the Senators was going to put an amendment in to target the problem. The problem is abuse of the standing law, apparently and it seems to me we are punishing every potential person here that potentially would like to build a boathouse. I know we debated this at length before and we asked the question of how a little building down on the shore could cause pollution more than a boat say, pulled up on the shore without this little protection around it and I still submit that a neat little building probably is, in my opinion, at least as aesthetic looking and probably less polluting.

Representative PERKINS of Penobscot moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his 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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I'm not going to debate this bill again. We did have, I think, almost over two hour debate on this very bill before. I would simply say when we did have a roll call vote the last time almost 100 members of this body supported this and I hope you would continue to support it and vote against the motion to indefinitely Postpone. Thank you.

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

### ROLL CALL NO. 587

YEA - Barth, Belanger DJ, Bigl, Bodwell, Buck, Cameron, Campbell, Carleton, Cross, Donnelly, Gerry, Goodwin, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Layton, MacDougall, Mack, Mayo, McAlevey, McElroy, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Stedman, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearne, Bagley, Baker, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Honey, Jabar, Jones SL, Kane, Kneeland, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Madore, Mailhot, McKee, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Paul, Peavey, Pieh, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Taylor, Thompson, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

ABSENT - Brennan, Dutremble, Gooley, Jones KW, Joyner, Kerr, Lane, Lemke, Marvin, Mitchell JE, O'Neil, Ott, Perry, Spear, Tessier, Townsend, Underwood, Winn.

Yes, 36; No, 97; Absent, 18; Excused, 0.

36 having voted in the affirmative and 97 voted in the negative, with 18 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.

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

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

Bill "An Act to Amend the Amount of Retainage on Public Building Contracts"

(H.P. 1108) (L.D. 1551)

Which was **TABLED** by Representative AHEARNE of Madawaska pending his motion to **ADHERE**.

Representative DONNELLY of Presque Isle moved that the House **RECEDE AND CONCUR**.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. I don't want to delay this matter any longer than it's already been delayed, but I will simply remind you that we debated this bill quite extensively the other day. I want to just be clear for all of those who might have doubts that this bill does not remove retainage from the current statutes. All this bill does is allow for the retainage to be applied to contractors who might not be performing to the standard that you might expect as the owner of the property. Let me give you an example. If you were building a school building, for instance, and the carpeting was installed in the school building. The contractor who laid the carpeting would make a requisition at the appropriate time, perhaps a month after the carpeting was laid, and the requisition would then be paid in full. We would not withhold this 5 percent retainage, which is currently applied to all of the contracts in state government, or that use state government funds. So what this means is that subcontractors would receive the full benefit of all the money that is due them at the time they place their requisition and wouldn't wait until the contract is substantially complete, maybe a month, two months or a year down the road. So for those of you who are concerned that this will eliminate retainage altogether, I want to dispel those rumors and say that if, you as the owner, recognize insufficient work, things that aren't done to your standard, you can implement retainage up to 5

percent immediately on that line item of the contract. I would ask that you go ahead and accept the motion which is before us this morning to Recede and Concur. This is good legislation. What it's going to do is it's going to require that good contract management be in place. When we pay requisitions, we being the state, when we use taxpayer money to pay out these requisitions, we're going to be sure that what we're paying for has been done and has been done to our satisfaction. I urge your support for the pending motion. Thank you.

Representative AHEARNE of Madawaska **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 Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. The good Representative from China using the analogy of a carpet shows exactly why we need to keep this retainage in. Having worked in the business, I know that not all the problems show up immediately, carpet especially. If you've ever put carpet in and had it shrink over a period of time, you know exactly why we need this retainage in here. If it's good enough for the private sector, it's good enough for the public sector. Let's vote no.

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

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. My good friend from Berwick is correct to be concerned about this, but I would like to remind members of the House, as we debated this the other day that zero retainage has been in place for the federal government for quite awhile now and without very many serious problems at all.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Fisk.

Representative FISK: Madam Speaker, Men and Women of the House. Not to belabor the point any more, I do think it's important you understand that this shouldn't be a concern for those who feel it is a concern. Representative Bumps indicated that one issue that the retainage is there. I'd just like to reiterate from last time we spoke on this. A couple of points that perhaps will alleviate the fears of the Representative from Berwick and a few others. This will help ensure a timely process for these subcontractors that if the completion is done and the punch list items are done then the contractor and the owner can move along such that the subcontractors knows the retainage will be released if the work is completed and approved. This has a positive incentive obviously, because the work will be performed in a timely manner and a responsive manner. The second point in the same vein, it should improve contract management, because frequently retainage is held for really no other reason than the fact that the subcontractor's work has not been inspected.

The good Representative from Berwick indicated that carpet, I think that's a good point to be made, because we're not really talking about the people who lay the carpet, we're talking about primarily the people who were first on the job. These people who clear the land, put up the studs, lay the foundations. They've done their work. They've gone back to the contractor. They've given a punch list. They go through it and everything on their list has to be completed, so what we are talking about are these subcontractors who can wait as much as a year to be paid until the carpet people, and the painting people and the window people have completed their work. The average is, I understand, 220 days before these original subcontractors get their money. All and all it should encourage these subcontractors to be prudent and if it's handled earlier instead of waiting to the end,

which brings me to another point, if they don't a lot of these subcontractors don't have a lot of incentive to come back if they know that their money is going to be held up for a long period of time. They move on to another project which means now the contractor has to work to bring these people back to make sure the project is done on a timely basis. So it's an incentive there again to have them do it. Also, in terms of trying to alleviate the fear that the retainage is not going to be held sufficiently in order to make sure the job is completed. This is done in a line by line item basis. As these people do their job their punch list is completed then they are paid, so the money is given out in a gradual basis which protects the process as well as paying these people on a timely basis. The other point, as Representative Brooks brought out, the federal government has used this zero percent retainage and has worked fine and has proved that it has increased the number and quality of contractors that bid on public projects. Another point is that it does not prohibit retainage from being withheld. That's been brought up before, and as an example, which was brought up I think originally is that if some studs are put up that are the wrong size. They need to be taken down and put up right. That retainage is there to make sure that those performance things are done properly. What we covering about is with the project manager or the clerk of the works can look at these punch lists to make sure that everything is done satisfactorily.

The other point being is that is a bond protection, a performance bond protection. A lot of times the money is withheld on these not in the context that the project won't be completed satisfactorily, because there is a performance bond that protects the project in a long run, so there are a number ways the project is protected. To me it is kind of fairness issue. I don't have any real particular personal interest in this bill, but when we had it in State and Local Government, it just seemed like the fair thing to do. A lot of these subcontractors need their money to pay their employees, to pay for materials. Five percent can be their profit margin. It just seems unfair that they would have to wait as long as they have too. I think that if we did a job that was satisfactory, our superiors were told that work was being completed satisfactorily that we shouldn't have to wait on an average of 220 days to get paid. I would like to encourage you to support the pending motion. I recognize that the last time we had a vote in this body it was very close and we had members of both sides of the aisle speak on it. It is a Majority Ought to Pass Report and I would encourage you to support the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Thank you Madam Speaker. To anyone who can answer it. I'm just trying to straighten this out in my mind. If this bill passes, could the state include a retainage clause in the contract and then pay line by line after the punch line was completed and done correctly or do you have to approach it line by line and insist that the retainage happen when you've figured out something's not working?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Falmouth, Representative Fisk.

Representative FISK: Madam Speaker, Men and Women of the House. If I understand the question properly, it is line by line, so after each contractor, what this bill would do is once this punch list has been completely satisfied and the clerk of the works and the contract management has looked at it that that

retainage will not be withheld and they can be paid from proper payment laws so it will go subcontractor by subcontractor. Hope it answered your question.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative MUSE: Madam Speaker, Men and Women of the House. I think one of the handouts that we received just moments ago does, in fact, answer that question. Under the bill retainage would be released as such, as each line item has been completed and approved by the owner. Ladies and gentlemen of the House, this is a bill that simply screams fairness to me. I think it has been stated earlier. This is the right thing to do. If you do a job for somebody, you've agreed upon a price. When you complete the job, reasonable expectation is that you're going to be paid for the work that you've performed. You don't have to wait one month, two months, one year, two years, perhaps three years. It's simply not right and this is a bill that says fair. It is a Majority Report and I would ask your support on it. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. You see from the orange sheet that I sent around, my position has changed from my previous position and the reason being, again, a question of fairness. Years ago, one individual, a contractor would often times do all the work, with maybe one or two subcontractors. Presently, the way the industry has changed, you have a general contractor, you might find 50, 50 different subcontractors involved in the project. These people will be tied up because they can't receive their money. Ladies and gentlemen, as the previous speaker said, this is a question of fairness. I think we should Recede and Concur and give our small businesses a chance to do what they have to do, earn a living. Thank you.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. I'm holding a couple of those colored analogies and you may choose to read them at face value and accept them, but it's easy to unplug the microwave and take it back to the store and get a new one if it doesn't work and you also have an implied warranty of marketability to protect you on your microwave. It's hard to pull up the concrete floor from under the wall studs and the carpeting and return it to the concrete pourer when he hasn't lived up to his commitment to quality product or materials. The second analogy really bothers me more because anyone who has dealt with school budgeting at a municipal level already knows school budgets have a retainage factor built in from 5 to 7 percent due to the uncollected tax provision, which means we are already being retained on our budgets. I think these are poor analogies and shouldn't be the basis for your vote on this issue.

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

Representative SANBORN: Madam Speaker, Men and Women of the House. In my other life, I see where retainage is so very important on a lot of school contracts, especially. My business, we go in and put the wheel chair lifts in and the person that does the foundation, which is the first step in the construction. If they have their measurements off by one inch the wheel chair lift is not going to fit in, so for this matter, I really think we have to keep the retainage. General contractor and contractors work together, if you've got a good relationship and work gets done you get your payment on time. I hope that you go along because we really do need to retain the retainage.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. I still have some deep concerns of how this bill will effect the local municipality and the school districts on their ability for leverage. This bill is substantially interferes with their current ability to stop any payments when there is not performance of a contract. Under the proposed language, the amount retains in cases of non-performance is limited to 5 percent of the total due on that specific line item as opposed to 5 percent of the total cost of the project. That means that if a school roof is going to cost \$2 million and the roofer does a lousy job, you could only hold up to a \$100,000 even though it's going to cost \$1 million to fix the roof. Under current law, municipalities and school districts can stop payment at any point when they determine that there has been non-performance. They don't make any further payments until a performance has been corrected pursuant to the requirements in the contract. That works, ladies and gentlemen, and I believe we should keep it that way and I ask you to oppose the motion to Recede and Concur.

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

Representative FARNSWORTH: Madam Speaker, Ladies and Gentlemen of the House. I'll be very quick. I think that it's really important what separates the relationships between the contractor and subcontractors and the owner and the contractor. I think one of the things that's getting muddled here is the contractor, subcontractor relationship where people are saying well, we're not getting paid. I'm convinced that that is a relationship between those two parties and not with the owner or the primary funder of this particular project. I really think it's important that the schools and municipal organizations have the ability to retain those funds. That is basically their only leverage in terms of being able to control. What happens between the contractor and subcontractor is something that goes into those contractual arrangements and that is something between those two individuals.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. I Just need to be very clear about two things. We need to understand why this bill came here in the first place. There are two very distinct reasons. The first is that the state isn't paying its bill promptly. What we're doing is we're paying out for work that we're not even sure we've done or not done to our satisfaction. That's the first reason and the second reason is the one that Representative Farnsworth has just mentioned that general contractors are not, even when they get their money, reimbursing the subcontractors. This bill addresses both of those problems and it addresses them very specifically. Our committee heard testimony that over time what has happened is that the state has been extremely slow to pay these general contractors that 5 percent which is due them. And accordingly the subcontractors are then delayed in getting their 5 percent so the guy who laid the concrete at the beginning of the project waits two and a half years, three years, four years or however long it takes for the project to be substantially complete and for the state to get around to paying out that remaining 5 percent of the retainage. These are the two problems, the first is, right now the state's paying for work we are not even sure was done to our satisfaction. In fact, we're not even sure it was done, I would submit. I think there are friends from the Bureau of General Services out in the hall who might even admit to that. That's the first problem. The second problem is all about whether or not the general contractor is paying the subcontractor. This bill will address that problem as well. So, I urge your support for the motion to Recede and Concur. Don't be confused by the fact

that retainage is being eliminated, because it's not. Retainage can be inserted into this process at any point, where the owner, that is the state or the municipality, feels that the work is not being done to the standard that was set at the beginning of the contract. I urge your support for the motion.

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. 588**

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brooks, Bruno, Bumps, Cameron, Campbell, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Dunlap, Fisher, Fisk, Foster, Fuller, Gerry, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Morgan, Murphy, Muse, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, True, Usher, Vedral, Vigue, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bryant, Bull, Bunker, Carleton, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Etnier, Farnsworth, Frechette, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, McKee, Meres, Mitchell JE, Nass, 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, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Waterhouse, Watson, Wright, Madam Speaker.

ABSENT - Brennan, Buck, Chartrand, Dutremble, Gooley, Jones KW, Joyner, Kerr, Lane, Madore, Underwood.

Yes, 70; No, 70; Absent, 11; Excused, 0.

70 having voted in the affirmative and 70 voted in the negative, with 11 being absent, the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative DONNELLY of Presque Isle, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent up for concurrence.

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

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The House recessed until 1:15 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Fifteen Members of the Committees on **INLAND FISHERIES AND WILDLIFE** and **NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-600)** on Bill "An Act to Implement the Recommendations of the Great Pond Task Force"

(S.P. 573) (L.D. 1730)

Signed:



Senators:

KILKELLY of Lincoln  
 RUHLIN of Penobscot  
 TREAT of Kennebec  
 NUTTING of Androscoggin

Representatives:

DUNLAP of Old Town  
 ROWE of Portland  
 COWGER of Hallowell  
 BRYANT of Dixfield  
 MERES of Norridgewock  
 SHIAH of Bowdoinham  
 BULL of Freeport  
 FOSTER of Gray  
 NICKERSON of Turner  
 McKEE of Wayne  
 DEXTER of Kingfield

Nine Members of the same Committees report in Report "B"  
**Ought to Pass as Amended by Committee Amendment "B"**  
**(S-601) on same Bill.**

Signed:

Senators:

HALL of Piscataquis  
 BUTLAND of Cumberland

Representatives:

PAUL of Sanford  
 CHICK of Lebanon  
 CLARK of Millinocket  
 USHER of Westbrook  
 CROSS of Dover-Foxcroft  
 TRUE of Fryeburg  
 UNDERWOOD of Mechanic Falls

One Member of the same Committees reports in Report "C"  
**Ought to Pass as Amended by Committee Amendment "C"**  
**(S-602) on the same Bill.**

Signed:

Representative:

PERKINS of Penobscot

One Member of the same Committees reports in Report "D"  
**Ought Not to Pass** on the same Bill.

Signed:

Representative:

GOODWIN of Pembroke

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-600) AS AMENDED BY SENATE AMENDMENTS "B" (S-677), "C" (S-686), and "F" (S-691) thereto.**

**READ.**

Representative PAUL of Sanford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. I am thoroughly disgusted with the shenanigans in the past few days in regards to LD 1730. There aren't enough adjectives in the Websters Dictionary to describe my feelings. My move just now was not made in a rash manner. To my knowledge, the other body spent nearly eight hours debating this. At 11:50 this morning I went to the Legislative Information Office and obtained a list of House and Senate Amendments. I discovered that there were eight House floor amendments and 12 in the other body. I believe there are two more amendments coming. A year and a half ago the State Planning Office was charged with studying great ponds. As you

all know the Great Ponds Task Force was formed. A report was submitted in bill form. Here it is one and a half years later and \$85,000 spent doing this and the bill is before us. I feel ever so strongly that we should put the brakes on this legislation and go back to square one. Give it back to the Inland Fisheries and Wildlife Committee. Let them work on it and submit a new bill in January. To do less would cause me to lose faith in the legislative process. I sincerely hope that you will support me.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I would strongly encourage you to vote against the motion to Indefinitely Postpone. I guess I couldn't be in stronger disagreement with the good Representative from Sanford and I would ask you to look at Supplement 5. Supplement 5 shows the breakout of the two committees and I'd ask you to look at that.

You'll hear from a lot of people today. I did not know that this was going to be the motion and I'm somewhat surprised and I guess disappointed. This bill has involved hundreds and hundreds of people across the state for almost two years now. You may recall, many of you, the establishment of Great Ponds Task Force, which involved 22 members that were appointed by the Governor. This group met for more than a year and a half. They had over 25 meetings, eight of these were formal public meetings and they put forward a report to this legislature and a bill implementing legislation. We got that the first session of the 118th Legislature and it was referred to the Committee on Natural Resources. The bill was carried over and this year the Committee thought it was important that we receive input from both the Natural Resources Committee and the Inland Fisheries and Wildlife Committee and so the bill was jointly referred, rereferred if you will, to both those committees. Those two committees decided to set up a subcommittee which consisted of six members of both those committees. That was done and that group got together and met several times to review the bill, to review the report of the Great Ponds Task Force, to listen to the comments from the public, to listen to the comments from the Personal Water Craft Association, to listen to the comments of hunters and people who fish and people who enjoy lakes and those who make their living from the lakes. As a result of that you had the 12 people voting making recommendations back to the two committees and you see the report today, which is the report of the two committees, which is on Supplement 5. I would ask you to look at that report carefully. You can see the report that I am on is Report "A", along with, as you can see, the majority of the members. You'll hear from a lot of these members today. Some of them haven't come back yet, I noticed. I know this bill is going to receive some debate and I hope it does. It's an important bill and we need to debate it, but I don't want to lose this opportunity. There's been so much time and effort invested and it's not just for that, it's the energy, the good work, the compromises that have come about. Some of those compromises actually took place last evening in the other body and that's why I'm not only supportive of Report "A," which was, as you know, accepted by the other body, but also was amended and I stand here in support of those 3 amendments that were put on it and I hope you would consider supporting those too. Again, I thought Report B was going to be the Report and I was going to explain the difference between the two reports. I will just briefly say a few things about the bill.

You're going to have flyers, if you don't already, you'll have them very soon on your desk that will lay out the different parts of the bill. You'll probably hear from most of the 26 members who are listed on the report and from others, so by the time the day is over, I'm sure you'll know more than you cared to know about LD

1730. Let me just say the Committee Report "A" was a compromise. It's in my opinion much weaker than the original LD 1730 that was presented to the Legislature by the Great Ponds Task Force in many respects. That original bill would have basically ban personal water craft on certain lakes and you would have had to petition, or take action to cause the ban to be dropped. This bill is very different and with the amendment that was put on in the other body, now the process starts at the local level and there are petitions by municipalities to the Commissioner for Inland Fisheries and Wildlife and the Commissioner would take those recommendations and would in turn present them to the Legislature at each legislative session and then the Legislature would make decisions with respect to restricting the use of personal water craft on certain lakes.

What I would do though is to talk about briefly the other parts of the bill. Both Reports "A" and "B," you should know require that motorboat rental and leasing agents obtain certificates from the Department of Inland Fisheries and Wildlife to lawfully rent or lease motorboats after 1/1/99. There's an exception for sporting camps and camp grounds. Both of the Reports "A" and "B" grant immunity to lake associations from personal injury, property damage or death caused by the placement of buoys by lake associations. Both reports require the Commissioner to report by next January to the Inland Fisheries and Wildlife Committee on proposals for safety training and education program for motorboat operators on inland waters. That's where the bill stopped, because Report "A" actually goes on and what it does, it does several things.

One of the most important, I would suggest is on the Senate Amendment that has been placed on the bill, or has been purposed and I would bring that to your attention, which actually puts this process in place whereby municipalities would apply through, as I said, the Department of Inland Fisheries and Wildlife for a restriction on use of personal water craft on lakes. The bill also prohibits the operation of personal water craft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of LURC. That would currently affect 242 ponds. It prohibits personal water craft from lakes that are more than two-thirds in LURC jurisdiction, or they have one half of their shoreline in conservation ownership for low impact public recreation. This prohibition would currently affect three ponds. It does prohibit motor boats with internal combustion motors on five ponds in Mount Desert Island and there's another amendment that was put in the other body that deals with that. These are ponds that are entirely within Acadia National Park and it prohibits motors greater than 10 horsepower on two other ponds. It authorizes the Maine Indian Tribal State Commission to adopt rules to regulate horsepower and use on waters less than 200 acres that are entirely within Indian territory. This authority would not take affect until it was approved by the Passamaquoddy Tribe and the Penobscot Nation as required by the Indian Claims Settlement Act. It establishes 16 years of age as the minimum age to operate a personal water craft. Those are the primary parts of the bill.

This is not something that a group of legislators sat down on and said let's see what we can do to restrict jet skis. That wasn't it at all. This was looking at the issue, listening to hundreds and hundreds of individuals across the state. I don't know about you, but I've been here six years and I've got more correspondence on LD 1730 than probably any other five single bills. I'm serious. Maybe it was because I was House Chair of one of the committees. I don't know, but these were not letters that were typed and photocopied. These were letters that were written in long hand by different individuals. I've got them on both sides,

but I know there's a real concern right now that we need to address this issue of surface water craft.

It goes to several issues, one is the health of the lakes, beauty of the lakes. The other is tourism, one of the reasons, as you know, we've had a lot of lake bills this time and it behooves us to have clean lakes so that individuals can enjoy the lakes. I like personal water craft. I've actually driven a jet ski and I enjoy it and this bill in no way prohibits that on most of the lakes. In fact, I believe, when you look at the numbers and you've probably have seen this on a handout, there are more than 5,700 lakes in the State of Maine and there's more than 2,800 great ponds in this state. If you don't know what a great pond is, it's a natural lake that's 10 acres or more. Or if it's a so called man made lake or impoundment area, I think it's 30 acres. So there are 2,800 great ponds, this bill would affect 245 of those 2,800. It would also allow, as I said, municipalities to petition the IF&W Commissioner and then that would go to the Legislature for further restrictions. That's important that we understand that, because that has to come back to the Legislature for further restrictions. Again, I'm surprised by this motion, I strongly oppose this motion and I would ask that you vote to defeat the motion so that we could go on to consider these other reports and I would really encourage you to look at Report "A" and ask you to support that.

Representative ROWE of Portland **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 Penobscot, Representative Perking.

Representative PERKINS: Madam Speaker, Colleagues of the House. As you can tell, this has been a very difficult bill for a lot of us on both committees. I guess as you can also tell by looking around that the number of people sitting here must be inversely proportionate to the number of amendments that have been put in on the bill, maybe we should learn something from that, too.

With the fear that this bill we're going to lose everything, I am going to put my support to the Majority Amendment "A," the Majority Report. I am the sole person on Report "C." To their credit down in the other body, if the majority took, some of the good ideas from Report "C," especially to do with the municipalities having input, they took that and put it on the Majority Report, that made it a heck of a lot better. I think it should be local control as much as possible, local input. Do the filtering, do the petitioning and arguing at the local level and then petition the Commissioner and then to the Legislature. That's the path it should go and I'm very pleased that that is one of the main parts of the Majority Report. Other than that, the Majority Report has a lot of things I don't like, but I just realized recently, in the last half hour, we're going lose everything. All the work that people put into this and not only that, but not only people who worked directly, but the citizens of the state deserve something out of this. Saying that, I always hope we don't do something, knee jerk reaction likewise and do more harm than good. I searched my soul on it, I don't think that's the case here. I think we're doing more good than harm and hopefully what bit of harm there might be, we can maybe undo another time.

I didn't really like banning. I'm not a banner. That should be the last resort, in my opinion, before you ban something. You educate, you try everything else. In this situation I would rather have done it on horsepower, myself, instead of picking out one type of water craft. One of the problems I saw was that we defined it in law as being this jet propelled craft that's 14 feet long or under. Well, I'm afraid that enough states ban this

creature they'll come up with something obviously 14.2 or something to get around it. That's one of the weaknesses. I don't care for that one, to tell you the truth, the 16 year old part bothers me, too.

My children, the two boys that are now still home, teenagers. They were running my excavator and bulldozer, front end loader at 9, 10, 11, 12, very responsibly. From testimony in the committee, we asked that question quite often of people, who were the people causing these so called problems or complaints. They weren't teenagers usually, they were people in 20s and 30s and maybe older. That's a part I don't like, it's in there and there's no perfect bill. Some people are going to be hurt or inconvenienced at the least by this. Some of the lakes I truly agree with. I'd like to see outboards altogether banned on some of these lakes. Katahdin Lake, I don't know if you have ever been into some of these jewels. There's some on the list though that concern me. Umsasscus being one, Chequsuncook. Umsasscus, you can drive right to it. There's a huge campground there. People come from Canada, they come from all over there, to camp and put their outboards in and that makes me a little nervous. There again, it's not a perfect bill.

The other aspect I don't like, the majority tries to take a look at the state as a whole, as it should, but while we're doing this allowing the municipalities and LURC and so forth to come in with input, we've picked out two or three spots a couple down east, Tunk Lake and Donnell Pond are in there, I believe, still and then we've picked out up around Rangeley, one lake and I just kind of feel like that's defeating the whole idea of having the common input. But anyway, I feel that's another flaw, but anyway, I did want to put that on the record that I feel there are a lot of flaws in it, but I feel we have a historic opportunity to do something real and good here. There are conflicts of interest on these lake. They're common property. They've always been common property, they're still common property, but once you get enough people wanting to do different things on this common property, somebody's got to make a move and I'm afraid if we don't support this Majority, we may lose the whole ball game here and I hope you'll defeat this motion.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. This is very difficult for me, because I believe in loyalty, integrity and the two people who headed our committee did a great job and I do understand. The motion, however, I shall oppose it, because I was quite disturbed the last couple of days seeing all of the amendments coming forth and I don't believe 10 percent of those were ever thought of, or presented to our committee and we certainly met enough times to hear about this kind of opposition. I feel strongly that the number of letters, the people who spent a great deal of time in trying to get and send this forthwith, whereby we could do something about the troubled areas and we certainly have troubled areas.

Ladies and gentlemen of the House, four years ago I presented a bill, when I first came in contact with some problems in my area from the so-called water skis, or jet skis, and by the way, I will as I go along here refer to these as personal water craft, or PWCs, because that really is the proper term. My bill was to prevent these particular personal water craft from coming down the rivers and for someone to step forth to see that they carried out the laws already in our statutes, which says that they cannot come within 250 feet of either side and that they must only go at headway speed. If you think about that, and had we done that four years ago, this would have prohibited many of these crafts to get to some of these ponds in the manner in which they get there now. However, I want to just, if I may, in the

past 50 years we have seen major changes in the nature of maritime commerce, which have had a significant impact on admiralty law. Now I say that because of the fact that some of these particular craft come under this. One of the most significant changes has been in the area of recreational boating. Historically both technology and economics largely limited the building and use of vessels strictly for recreational purposes, but because of economic reasons all of a sudden we had many changes in boating and one of these laws the term jet ski, which are personal water crafts, I believe that these can be a part of our recreation. However, I believe strongly that one of the strengths of what we may, or may not, pass this afternoon has to do with education.

In several states they have enacted laws requiring mandatory education for boaters. These mandatory educational programs have been extremely successful. They have proven to reduce boating accidents, reduce boating fatalities and most of all have reduced complaints. The examples are somewhat near us in Connecticut, Maryland and New Jersey and I have picked Connecticut, because it is the closest. In 1993, the State of Connecticut began requiring mandatory education and a gradual implementation period was used and during the initial phase in period of law, boaters under the age of 20 were required to obtain the safe boating certificate and ours is even less than that. However, all personal water craft, PWCs, operators, regardless of age, were required to obtain a certificate of personal water craft operation. Once you complete these, then the certificates that are issued, they're issued for a lifetime. That doesn't seem to me to be out of the question. In Connecticut it costs \$25.00 and the monies collected were used to produce the certificates to support boating education, boating law enforcement and boating access and of course, we need that. The first course was completed in 1992, since then there have been 22,000 people in the State of Connecticut who have gone through this educational program. This represents a great many and a large percentage of the voters. But the result of this effort, I think, bears to be heard. Connecticut has seen the number of PWCs registered in the state increase by almost 300 percent. Now I'm sure many of us in Maine wouldn't like to see that, but even with this large increase the number of accidents has remained fairly constant. The rate of accidents has declined. There has not been one fatality involving a PWC since the mandatory education program began. Another benefit is the potential to reduce complaints.

The Connecticut Department of Environmental Protection reports that complaints regarding operating these particular crafts decreased significantly since the mandatory program began. I won't take the time to read about the other two states. However, I believe that it would be an injustice, certainly to the committee process and certainly to those that we represent, for the number of people that have written concerning these water crafts and I hope that you certainly will support not indefinitely postponing this particular LD. Thank you very much.

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

Representative CLARK: Madam Speaker, Men and Women of the House. I rise today in support of the pending motion. I just want to read a little quote I've got, it reads, a major American magazine wrote, "A decade ago there were fewer than a 1,000 of them and even a couple of years ago they were something of a novelty, but today they can be seen and heard everywhere. They've won thousands of new fans and at least as many enemies. Some authorities have talked of banning them after it's claimed that a few bad apples have given the law abiding majority a bad name." Of course the article I was reading was from a recent one about water craft industry. Right. Wrong. The article was written 25 years ago. It was from a 1971 cover story

about snowmobiles in *Life Magazine*, then the leading mass circulation magazine in the country 25 years ago. Now you look at what the snowmobile industry has done for the State of Maine, especially my area, the Representative from Presque Isle's area and through Northern and Central Maine. I cannot see banning some of these jet skis. A lot of my friends have jet skis, or personal water crafts, whatever you want to call them. A lot of people in Northern, Central, Southern, all around Maine.

This summer I received a lot of mail and phone calls, like the good Representative from Portland. About 55 percent of those were from out of state, out of state, telling us how to run our state. Why should we listen to somebody out of state trying to make laws for our state of banning jet skis? That all this bill does, basically, is to ban jet skis. Yes, there are some problems about age requirements, about safety, about rentals, but those are taken care of through the industry right now as we speak. We've heard a lot of testimony in committee over the last year and a half about the noise, things of that nature, but if you own a camp, say up in my area, Millinocket Lake, Ambajejus Lake, you have more planes fly over than you do jet skis. Those make more noise than a jet ski does and they land right on Ambajejus Lake.

Some of the people against jet skis like to say that it makes too much noise, well I live up to camp during the summertime. I hardly have maybe 10 or 12 jet skis on Ambajejus Lake, which is a big lake. I have no complaints, my neighbors have no complaints. They say that jet skis right now are run by people in their teens, well let me tell you something, it's people my age from 22 on up to 30, 33 years old that use them a lot. A lot of people get on a personal water craft, they head up to Ambajejus Lake, up to the boom house and up the river, just for a casual ride. They do that maybe a Saturday or a Sunday, whenever they have free time. There's fishermen all along the bank. Yes, there are a few kids that raise havoc with jet skis, but the wardens are out watching them. We've got to make sure that this industry, like the snowmobile industry doesn't go down the tubes. Yes, they're making them faster, more powerful, seats more, so isn't the snowmobile industry. They're hand and hand with the snowmobile industry. Most personal water craft, almost all of them are made by snowmobile industries.

Over the summer they have had different outings with personal water craft, people trying out Moosehead Lake, down in Southern part of the State, Northern Maine, on safety, things of that nature. How the industry promotes safety. A lot of people went to those. I know that right now there are a lot of people having a program put together for rentals. We cannot go out and ban jet skis right now. What's going to happen to people that have bought a \$5,000 to \$6,000 machine. So I urge you to support the Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mechanic Falls, Representative Underwood.

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. I stand in support of the pending motion and I would like to begin to talk to you about something the Representative brought up just a short time ago.

I'd like to bring your attention to Supplement 5 and if you look at Supplement 5 you'll see there are four reports. The first report is what we are calling the Majority Report. I would like you to read that report and I would like someone to tell me what in that report has anything to do with the Committee on Natural Resources. This bill in its present form, these amendments in their present form, are all under the jurisdiction of the Committee on Inland Fisheries and Wildlife. Every provision in these bills, every change that is made to the law, all the costs associated with all of these amendments have to do with the Committee on Inland Fisheries and Wildlife. I ask you, number one, why this

bill ever went to Natural Resources in the first place. That would be my first question. The second question I would ask you to look at is to look at Committee Report "B," okay. Committee Report "B" is the Majority Report of the Committee on Inland Fisheries and Wildlife. Eight members of that Committee worked and voted in favor of this amendment. The reason I stand up to support this present motion is over what has happened in the last few days. We worked long and hard on this issue. The Great Ponds Task Force spent many, many hours working and trying to come up with solutions to some of the problems of our great ponds. The committees, both committees have worked long and hard. We have four reports in front of us today, ladies and gentlemen, we have, I don't know how many amendments. I've lost count at about 25. Obviously, we are not ready to vote on this issue. This issue needs more work. I would like to see this bill go down the tubes right now, rather than passing a piece of legislation that is going hurt the people of State of Maine. That's what's going to happen at this point. We need more time in order to work out some of these details. I believe if you look at Senate Amendment "A," which is what came out of the other body, you're seeing that there are four amendments placed on that bill from the Senate, last night and this morning. Some of these amendments were from members of the committee, so obviously, we did not spend the amount of time that we needed to spend on this bill.

Another problem that I have with all this legislation is that we have taken a bill that was suppose to take care of our great ponds in many different ways. Well, ladies and gentlemen, this bill has turned out to be a bill to ban jet skis, or personal water craft, or whatever you want to call them. That's what this has ended up being. Okay, we're going to pick out a single water craft and say that these water craft that are between 40 and 80 horsepower cannot be on the waters, but you can have a 40 or 80 horsepower bass boat, ski boat, pleasure boat, or anything else on these same waters. What good are we doing here? Okay, we're not protecting these lakes. If we're going to take personal water craft off, then we should take them all off. We should take all the boats off those lakes. If a 40 horsepower personal water craft is too big to be on any of these lakes that we are banning, than a 40 horsepower bass boat that has a prop three and half feet, or three feet under the water and is being propelled by a prop is going to do a heck of a lot more damage to that lake, or that pond, than a personal water craft that has no prop. So the underlying question here is why have we got to this point?

I would like to read something to you. This is a report that was done by a gentleman, Andrew W. Anderson. The information that he received was pretty much taken from Commander of the United States Coast Guard. This is a report on personal water craft. What I'm going to read to you today is the conclusion of his findings of a very lengthy and long study. "The various efforts by local governments to enact ordinances regulating personal water craft speed and operations and sometimes prohibiting their operations altogether are clearly preempted by coast guard regulations. There's also something disturbing about affluent owners of water front properties using the political connections and sophistication, which comes with such affluences to attempt to eliminate those who annoy them. The event of molded fiber glass construction remove recreational boating from the exclusive providence of the wealthy and made affordable boats available to the average American. Over the past 25 years, however, the price of the average pleasure boat has climbed to the point where buying a typical boat is the functional equivalent of buying a luxury car. The personal water craft, however, has once again lowered the price of a recreational vessel to less than that of a motorcycle, or a pickup

truck. This has enabled thousands of less wealthy Americans to enjoy water sports and recreational boating. That enjoyment, however, is threatened by local political efforts to make waters that should be open for everyone's enjoyment, to preserve for taxpayers who fit into a certain exclusive categories. Wealthy individuals, better organized and with their hands on the levers of local political control are attempting to impose the will of the affluent minority on decisions which affect the use of navigable waters by all taxpayers. The efforts of local governments to over regulate their enjoyment of both the navigable waters and non-navigable waters of the state should be seen for what it is, illegal and improper. The concerns over the safety of personal water craft operation have been both exaggerated and distorted. The problem lies with the statistical handful of operators and the solution lies in education and enforcement. Cooperation and not conflict between government and the industry can resolve the issue. Recently there have been some encouraging signs. Rather than enacting a total ban on personal water craft as urged by some, the final regulations for the Florida Keys National Marine Sanctuary found that the personal water craft industry was seriously committed to self-regulation and changing user behavior through education. The regulators refrain from establishing broad zones with restrictions on the use of personal water craft to give the industry the opportunity to significantly reduce the perceived nuisances and safety problems, as well as threats to natural resources through public education. This is the approach which all government units should consider."

There's a few things I'd like to talk about in that report. Number one, is we are talking about property owners who are having the biggest problems with these personal water crafts. We're talking about people who probably have the 40, 50, 60, 70, 80 horsepower boats on the lakes, who are annoyed by these little personal water crafts going up and down our lakes. I know that they consider them their lakes, but they are not their lakes. They are our lakes. They are owned by everyone in the State of Maine and we all should have equal access and equal use of those properties. In this report, I think the most important thing is when it talks about education and enforcement as the key to the problem with personal water craft. In the last session of the 118th Legislature, we passed a bill in this body, pretty much overwhelmingly, after it had come out of committee, after it got in trouble between the two bodies, after we went into a committee of conference. The committee of conference came back with a piece of legislation that we passed. What that bill did is put in place an educational program and enforcement. We have just started seeing the results of our efforts from the last Legislature, ladies and gentlemen. The results so far are very encouraging. Complaints on problems with personal water craft have dropped since this body enacted the legislation last year. I say, let's give it a chance. Obviously, by the amount of paper that's sitting on your desk today, we're not ready to pass any new laws on this issue. Let's let the law that we passed last year, let's give it a chance to take effect. Let's revisit this in the 119th Legislature, when we come back, when some of you come back here in January, and let's wait until we come out with a piece of legislation that at least the majority can agree too. Right now, if we take a look at what we've got, there's not a clear majority on this issue at all. I ask you to support the pending motion. Let's get this back to the Committee of Inland Fisheries and Wildlife in January and let's make some real changes that are going to make a difference. All the changes that we are looking at today are going to hurt small business and hurt people who are trying to enjoy our lakes in the State of Maine, so I ask you to support the pending motion to Indefinitely Postpone this bill.

Representative DONNELLY of Presque Isle assumed the Chair.

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

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I see this legislation that's before us as comparable to a law that would ban all Harley Davidson's from roads that are in the territory that's controlled by LURC. I don't think there's any of us here that wouldn't agree that they are noisy. We've heard that analogy made about the jet skis. They're dangerous. No doubt those two wheeled vehicles are more dangerous than an automobile. They disturb the wildlife, there's no question about that with all the noise that they make. I hope that we don't see a piece of legislation like that in the next session, although I can see that we very well may and I would urge you all to support the pending motion.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to go through the bill in any detail and I'm not going to address any of the reports, but I will talk about the motion. I've worked on this bill for the better part of the last year and all I can really tell you is that there's no much consensus out there, as you can see on your desk. There's not much consensus in this building either. The Great Ponds Task Force bill is a result of much complication. That doesn't sound like a very grammatically correct sentence, but that's really true. It's the child of complication.

I'm on the Majority Report on this bill and I'm there for a reason, which I will get into in a moment. Again, I will not bore you with the tortures that have been visited upon me by this piece of legislation. Everything that has been said in this chamber today is absolutely true, no matter which side of the issue it's on and while that sounds a little contradictory, again it goes back to the birth of this particular piece of legislation. It's very complicated. Where you stand on this issue pretty much depends on where you sit. I have been talking this over with many of my colleagues over the last few days, who have peppered me with one question after another about what this report does and what the whole bill does, what it was intended to do, what are people saying about it. I don't really know how to answer them except in one basic sentence, where I feel caught between two camps essentially and I have two fears that I'm trying to walk between. One, is on the one hand, you don't want to get caught in the trap of making pretty places for pretty people who can afford lake front property and shut out everyone else. On the other hand, you don't want Maine's 5,200 lakes to turn into rodeos. There is a significant amount of ecological damage that can be wrought by any water craft, not just a personal water craft. There's so many issues involved here. I'm not even going to bother to get into them, but we have before us a motion to Indefinitely Postpone this bill. That's a pretty juicy idea, if you've been through everything I've been through on this bill. Like everyone else on these two committees, I have three manila folders about four inches thick each of letters and I've saved them all. I have about 800 pieces of correspondence on this issue and Representative Clark is absolutely right. A great bulk of them are from out of state. I had not one letter from my own district and we have a great pond in my district with many camps on it. There's a lot of credence to that argument. I've gotten something like 350 plus phone calls, again most of them from out of state. People leaving messages asking me to return them, which I did. I'm not here today to impugn the branches of the

executive, but boy I really could do it with a lot of pies right now. This whole issue has been just so badly mishandled from the very start. It's been constructed as pie in the sky, but lost in all the den of all these arguments, one side and the other is, the fact that people have great concerns about not only the sanctity of the bodies of water, but the health of those bodies of water, which this bill originally tried to address and has been addressed in this bill and in other acts of legislation already passed and enacted. We have come a great way. I don't think we should indefinitely postpone this bill. People have looked to us for leadership on this issue, no, none of these reports are perfect. Some of them are terribly flawed. I will not go over them again. I trust my colleagues to be able to read and you've had plenty to read on this issue whether you've gotten correspondence, you've been reading the amendments. I think we should have a chance to do commerce on this issue and see if any of these amendments will stick, because people do have concerns. These are not frivolous amendments. There are amendments to add lakes. Amendments to take lakes off. Amendments to limit horsepower. These are things that we have been juggling around forever and I can tell you you will not have one answer out of this body. When I say that we need to lead on this issue, again, I don't want to bash on the agencies who oversee these things too much, but one of the original components of the bill, for example, was a complete ban on personal water craft in LURC jurisdiction, which was supported by the Commissioners of LURC. They endorsed that part of the legislation. So we get into about the 50th work session on this thing, and come to find out guess who has the authority to regulate surface water use in LURC jurisdiction, LURC. But they chose not to exercise that because they didn't want to stir up the controversy, so they threw it in our lap. Let us say no to everyone.

I agree with a lot of the concern that my colleagues have expressed about this legislation. That it could do more harm than good. That fact of the matter is that people are looking to us to do something. The reports are all different. It is not germane to advocate for one or the other of them now, but they all take a step and I think that we should take a step. We shouldn't take a monumental step. The law that is currently on the books is the law that I had a large part in writing and I stand behind that as a good piece of legislation. We have not let it work yet. However you choose to vote on this particular motion and I don't pretend to implore you one way or the other. Frankly, ladies and gentlemen, I am really, really tired of this bill and I have been bashing my head on the floor trying to find a way to find an answer. There must be a knife that can cut this Gordian knot, if there is, I have not found it. We'll probably achieve an end to some consensus and I think we should have that opportunity to do so. Everyone on every side of this issue says if we do nothing, it will be bad for the State of Maine. I don't care if you're a dealing, or user, a lakeside resident, there's much that can be done and much that should be done. To do nothing would be the greatest mistake we can make.

I'll close with the one answer that I have given to anyone whose asked me point blank on this issue, how I feel about it. I've kept my options in the air. If we are going to make mistakes, let us make them on the side of the resources. Let's protect a little and gamble away a lot, because once we lose those lakes we will not get them back, so let us move prudently, but let us move. Thank you very much.

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

Representative USHER: Mr. Speaker, Men and Women of the House. I agree that this is an important issue. This is to protect our natural resources and to be responsible protecting our natural resources. In one of the meetings that we held the

complaints were noise, noise and more noise and also breaking the law, which involves enforcement, more enforcement.

Two issues, noise and enforcement and that comes under the responsibility of Fish and Wildlife Department. In the past couple of days, this legislation has received so many amendments that it's been changed right around, but that also shows there's a great concern on this issue. We, as a Committee, Fish and Wildlife Committee, did not have it before us that many weeks, only a couple of weeks at the end of the session and that's not being responsible either. All I'm asking is delay the action on this bill, support the pending motion and the next Legislature we will address it again. I can recall when the snowmobiles first came into the state, one of the problems was noise. So I called a dealer this morning, the 98 models for the jet skis, so called jet skis, that's only Kwasakis, they're all personal water crafts. The new models that's in, they've already changed the noise part of it. They've slowed them right now, it's like the new lawn mowers that's come out. The new lawn mowers are quite and that's been a complaint of a lot of people, the old fashioned lawn mowers were very noisy. He told me that next year there's going to be fuel injection, which is environmentally safe. So, they are improving them. The industry is handling part of the problem.

The other problem that we can handle is enforcement so in the last few months we all know what has been going on in the Fish and Wildlife Department. We have a new Commissioner who hasn't been there six months. He's just getting adjusted to the job. We have a new Deputy Commissioner who is just learning his responsibilities. We have a Chief Warden, the Colonel, who has just taken over one month ago. We're putting all this responsibility on all these new people and we've added some costs in the last couple of days with these amendments. Our committee, this is the first time of all the years I've been on a committee, has a responsible budget. This has been one of the best committees that I've ever seen before Fish and Wildlife. The budget is sound and we are running a good ship. This adds new responsibilities and the money we don't have. We did not raise the fishing and hunting license and that is great. That used to be the old method, raise the licenses because we didn't have enough money. Now we're sound. This adds new responsibility, which we can't afford. Our new Chief Warden is already planning meetings with his wardens to get into the trouble areas and take care of these abusers of the law. Now I think if we handle the enforcement and the training, the dealers inform me that a video, they have to watch a 15 minute video and they get a certificate and they get rules and regulations of how to handle the so-called jet skis. I think through the training part and the improvement in the enforcement and the industry getting a handle on the noise problem that this will satisfactory to everyone. Please support the pending motion.

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

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

Representative BARTH: Mr. Speaker, Men and Women of the House. The Great Ponds Task Force was originally formed to protect, obviously, our great ponds. Ponds that belong to all of the people of Maine. What we have before us now, however, is an amended version of LD 1730, which has become nothing but a personal water craft bill. Just like forestry, we've got another hot button issue, jet skis or personal water craft. Just like clear-cutting was the hot issue with forestry. Now we dealt

with forestry and I know some people don't like the way we dealt with it, but we dealt with it in a way I thought was responsible, enforcing the laws that we have on the books, making sure what we have on the books works before we drastically change things in the future. Once again with personal water craft we're being driven by emotion and not common sense and facts. The people who object to personal water craft do so because of the few, the few bad apples, the few irresponsible drivers of those machines, who are both irresponsible and breaking the law. To change their behavior, we need education and most importantly enforcement. Just like forestry needed more foresters to do education and enforcement, so does IF&W to regulate what they can do if they have the man power. But what we have before us will be something that will add more laws, rules, regulations, bans, etc. and they won't be enforced either and will even be worse off. So I implore you not to let emotion get in the way of fact. Remember that the great ponds of Maine belong to all of the people of Maine and that includes people who recreate using personal water craft. Their tax money, as well as your tax money and the tax money from people from out of state, or away, support government enforcement and programs to protect the environment and to make sure that our great ponds remain in a healthy state. This bill does little or nothing to address the far greater problem of water quality and the ultimate death of all of our lakes through that dreaded word that I mentioned before eutrophication. I would urge you to Indefinitely Postpone this Bill and all its Accompanying Papers and let us do the enforcement. Make sure what is already in the works and then take the time in the 119th, for those of you who will be here, to address any problems that may then be apparent. Thank you.

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

Representative JONES: Mr. Speaker, Men and Women of the House. I guess I should start off by telling everybody who doesn't know at this point, I live on a great pond. It's called beautiful Moosehead Lake. I've had the unique opportunity to serve on three committees this year. Natural Resources Committee was the first one and Criminal Justice and now the Agricultural Committee. To give you some history, I was the deciding vote to hold this bill over and it was a real hard decision. The reason I decided to hold it over, I didn't know enough about the water craft problem, or education, or enforcement. I also received many letters, e-mails, phone calls about this issue and it's perhaps because I live on a great pond and I live in the beautiful Moosehead Lake region, which is surrounded by many ponds and lakes and many gems. I'm going to ask you not to support the Indefinite Postponement and the reason I'm asking you not to do this is for 18 months the Great Ponds Task Force met. For two years, off and on, two committees in the Legislature met on this issue. They worked long and hard and I know as well as I received phone calls, and letters and etc. The State of Maine has been well educated just by the news, papers, televisions and etc. and I was the one that also asked the entire Legislature to come to my beautiful town in Greenville on Inland Fisheries and Wildlife property, across from my home on Moosehead Lake and see what personal water craft were all about and do an education with industry and with Inland Fisheries and Wildlife. After that day, I was some relieved to find out that one vote that I did was correct. It wasn't an unorganized territories issue, it was a statewide issue and yes, I tried one out for the very first time and what a blast. Even in the worst of conditions, cause that day as many of you remember, wasn't the best of conditions. However, I have a responsibility not only to my constituents, but to the entire State of Maine. They have asked us to do the responsible thing and to pass proper legislation and to not vote on this at this point would be incorrect.

We have a beautiful state. If anybody would like to go to a bookstore, please pick up the *Downeast Magazine* for the month of April. On the front cover is beautiful Moosehead Lake again and a pristine beach called Lily Bay State Park, where we canoe, we swim and now we have the personal water craft. I also have two towns on my lake, I call it my lake, affectionately, our lake, one is Greenville and one is Beaver Cove. I can't begin to tell you the number of people in those two towns that pleaded with me to look at legislation, to work with the committees, to really come up with affective legislation and not wait for Southern Maine to catch up with Northern Maine. I talked to wardens all summer, fall and into this session. There's not enough wardens in the State of Maine to properly enforce the water craft issues and there certainly isn't enough even for a snowmobile business. This year alone we registered over 72,000 snowmobiles, well because they cost just about as much as a personal water craft, maybe we'll have 72,000 next year. So we obviously have a huge issue for the Inland Fisheries and Wildlife Committee to look at next year in many areas. Again, please do not vote for the Indefinite Postponement because we have a responsibility to the State of Maine. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House. I would also urge you to not vote for the motion on the floor at this time. I'm not an expert on lakes or personal water craft. I'm not much of an expert on anything, but I do know the constituents in my district enough to know that many of them, since this issue first became important to them, which is well over a year or two ago, have urged me and us as a group to do something about this. There's been different opinions about what we should do, just as there was on forestry and I agree with Representative Barth there are a lot of similarities to the issues in that people are concerned about this. I think almost everybody in Maine is and they're Maine residents and they're all year around Maine residents, they're not just people who live out of state. They want us to do something and I think if we pass on this responsibility at this time, we're going to be wrestling with this issue, or whoever is in this House will be wrestling with it for a number of years to come and I don't think we need to do that with this. We can make some step forward in this session. Just the number of amendments on the floor that some members have complained about is an indication that a lot of us in both bodies who want to do something about this. We may not agree on what to do, there may be a lot of opinions about how to attack it, but if we do nothing, which supporting this motion will encourage, we're going to wrestle with this for a long time and I think we'll be letting down our responsibility as legislators to make some movement on this issue.

The number of amendments that some people have mentioned as a reason to Indefinitely Postpone this bill surprises me, because to me that indicates an interest in taking action. We passed a budget a few days ago that had a tremendous amount number of amendments, but I don't think the fact that those amendments were sitting on our table was a reason to Indefinitely Postpone it. We needed to pass a budget. We had a lot of disagreement about what should be in it, but we knew we had to pass a budget and I look at this legislation not quite as importantly, but we need to do something with this and the fact that there's a lot of amendments gives me all the more reason to feel that way. There's a whole packet of them that were not passed in the other body, but were written and I think if you look at the report as to where the bill sits now there were only three amendments accepted by the other body. There were many offered, but very few accepted. So it's not like we have to look at everyone of these amendments and add them to the bill, the fact

that they only selected three and that they didn't really alter the Majority Report very much indicates that there was a pretty good consensus there about what direction to head in. So don't let the number of amendments scare you. Let's do that same process in this body. We can pass one of the reports and we can discuss and think about each of the amendments. We'll come out with something that hopefully will be close enough to what the other body has done that will end up with a piece of legislation we can go home and say we passed. It may need some action in the 119th, but at least we will have done something and I think the people of Maine demand that and are waiting for that and we'll make a serious mistake if we leave here having indefinitely postponed this bill. I urge you not to vote for the prevailing motion.

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

Representative BULL: Mr. Speaker, Men and Women of the House. I just want to give a very brief history and some of this has been eluded to. I just want to talk just briefly about the genesis of this bill and where it came from, because the issue was raised, why is this an Natural Resources issue. There is a handout on your desk that was given out, I think, yesterday, from the good Representative from Gray, Representative Foster, in dealing with the history of the Great Ponds Task Force, what happened. You'll see on there that this time length has been quite lengthy, over a year and a half of studies and public hearings and meetings. A number of people involved from throughout the State of Maine, a good cross-reference of the state, sporting people, environmentalists, state agencies and municipal people. They had numerous meetings, various public meetings to gather information and input on this issue. Last year, we had this bill, 1730, originally came to only the Natural Resources Committee, because involved in it, and I think this gets to the good Representative from Bethel, Representative Barth's questions about why is this not addressing the very issue of the lake's quality. Well, in fact, we have addressed that when we, last year we did have pieces in this bill dealing with lake's quality, water quality issues, but we had this bill and it was very contentious as the good Representative from Greenville mentioned. We decided that we did not have enough information, or time to deal with this effectively last year in the waning hours of the first year of this session, so we did carry it over to give us some additional time. At the beginning of this year, the Natural Resources Committee decided they would break off the water quality issues, put those into LD 80, which had a \$415,000 fiscal note on it, \$451,000 fiscal note on it, excuse me, dealing with the lake's program. That was part of the budget and has been passed so that part has been taken care of, so we have taken care of the water quality issues related to this bill. What we were left with was the jet skis issue and that's when we thought it was appropriate that, yes, this is generally jurisdiction of the Inland Fisheries and Wildlife Committee and that is why we as a Committee got together and created a subcommittee between the two committees. We met for countless hours hashing this out. The original 1730 had some very far reaching, wide encompassing recommendations that simply were not practical and were not agreed upon by the committee, so as has been said before, I urge you please do not throw out almost two years of hard work on this issue from countless people. So many people have done so much work with this that I think it's a grave disservice of us here in this body to not take action here today. Yes, there is debate. Yes, there is dissension, but ladies and gentlemen, we are never going to get to unanimous agreement on this issue. Never. It is just too controversial, to many factors involved here. You're never going to get agreement on this issue. Pigs will fly before we get a

unanimous consent on this issue, so please, I have been getting numerous phone calls and letters from people, yes, some from out of state, but I've also gotten a lot from within my district, people urging me, begging me, please do something. We have a duty here today, I believe to act upon this request and to start addressing this issue. So please, I urge you to vote against the pending motion so we can go on to consider, basically three other reports, because one was an Ought Not to Pass. There are three other reports that will start addressing this issue and I think it is very important that we, as this body, give an opportunity for this hard work that has been going on to be aired and the reason they're having so many amendments to these bills is that the original, the original committee amendment, the super majority here had a half a million dollar fiscal note on it. That wasn't going to fly so that's why we amended it to strip off that fiscal note. Please vote against the pending motion so we can go on to discuss the reports. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mechanic Falls, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House. I reject a comment that I just heard from the good Representative from Freeport. The comment was that, pigs will fly before a consensus can be met on this issue. If this bill had gone to the committee of jurisdiction to start with, I think we'd be looking at a whole new different process going on here today. I think you'd be seeing 13 members, or 10 in the House actually, members of the Committee on Inland Fisheries and Wildlife standing up with a compromise, with a bill that everyone could support. I think the mistake was made early in the 118th Legislature, when this bill went, in my opinion, and I will stick with this until pigs fly, that this bill went to the wrong committee to start with. All these issues are under the jurisdiction of the Committee on Inland, Fisheries and Wildlife and 8 members out of 13 did come to a compromise. Two members of the Committee are on their own reports and 3 members of the Committee are on the other report. If we have the time and we didn't have the last two weeks, 10 day, 12 days, whatever it was, we would have had a Majority Report. But the way, things were speeded through here in this 118th Legislature, we did not have the time, as a committee, to work out the fine details. So I ask you to support this pending motion, send this back to the Committee in January. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Many times when I've introduced myself, I've said, I'm the Representative from Wayne and I represent the beautiful lake's district of Central Maine. We've come to call ourselves that, because we realize that if we can preserve this great natural asset and public trust that we have then we might be able to improve our economy and we're banking on title. Great Britain has that title for one its most exquisite lake's districts in all of the world and we think that our resource is comparable as well. The people in my district love those lakes and what people love, they'll try to protect. What people love they'll try to protect and all last summer they kept calling me and e-mailing me, too, and writing me letters, why? Not only because I was their Representative, but I was a member of the Natural Resources Committee. It did originally, as others have said, come to our committee, because first and foremost this bill was about water quality and we separated the bill into two bills and we dealt with the first part last year. I'm very proud to say that the \$450,000 for the positions for water quality specialist at the Department of Environmental Protection and the restoration of a nationally know lake's program, a preeminent program, will be back in place. We can feel really good about that. Yes, I think it should have come



to IF&W, Fisheries and Wildlife, I think it also should have gone to Transportation. Those waterways are like highways. People use them to get to places and believe you me, if our Executive had decided to drive his Harley up and down the North Pond Road, where I live and had popped wheelies, and done donuts and squealed out and raced up and down for two or three hours in the afternoon that I was out on the farm working, you'd better believe I'd been on the phone to the County Sheriff and he'd been right out there helping me out, because I don't have to put up with that kind of noise pollution and indeed a person wrote to me from Portland and said, in short, the notion that any individual has a property, or constitutional right to make all the noise, or all the disturbances here he wishes is a misconceived legal notion, which was rejected by our courts long ago.

Maine's lakes and great ponds are owned by the public, the public has the right to regulate what occurs on those lakes and great ponds. Private property owners and other users of our lakes and great ponds have the right to be protected in their own use and enjoyment of these public assets and he cites several court cases to prove his point. We are blessed. We know of no other state east of Minnesota that has so many lakes, 5,200 of them, 2,800 of them great ponds and as I am reminded often by the Fin and Feather Club from Millinocket as they came to ASACF and talked about public access. I began to think about what a great heritage we have in that ordinance, that old colonial ordinance, that says that we have the right to those great ponds and I admire the tenacity even though many times it was very difficult to accommodate all that they wanted. But what a great opportunity for the citizens of Maine to have in place such a law. In my mind this bill seeks simply to bring about overdue sensible investment and improved management of our state ponds to ensure their productivity, ecological and economic for all citizens of Maine. I didn't say that, I wish I had. It came from one of the members of the Great Pond Task Force. I so admire their work. There were 22 of them and I only attended a few meetings, and I said this earlier, they were colossally boring. Twenty-two people who sat at a large seminar table working together on a very difficult subject to come to consensus. But you know, it was the first time I'd seen the right hand talking to the left. I saw IF&W talking to the Department of Conservation, talking to public lands, talking to a representative of the Executive, talking to a legislator, and so on. People were coming together to try to bring about some laws and regulation and public policy about this greatest of our natural assets. It is a public trust for which we have great responsibility.

I have three sons, fortunately they are past adolescence. I can assure you that if we had had to contend with PWCs in their youth, it would have been difficult. They loved noise. They loved snowmobiles. They loved lawnmowers and rototillers as well, because they made noise. I'm convinced that if these personal water crafts had somehow come to us purring, quietly, or be it swiftly across our lakes, we wouldn't be here today, probably, because they would be simply the golf carts of the water ways and unfortunately, there would probably have been no industry. Their glamour would have quickly died, because people like me would probably be on one scuttling across to have tea with a neighbor, but they didn't and they don't. I admire the industry for working on this. However, for the moment we are dealing with enforcement. I think the best part of this bill, quite frankly, is not this part about PWCs, part of it we accomplished last session. Here's the best part. All those people who wrote to us on Natural Resources, by the way, they didn't write as often to IF&W as they did to us, because they saw that 1730 was in the hands of the Natural Resources Committee and so they wrote to us. I received about 250 letters. The State Planning Office received about 500 and I could probably download 100 from my e-mails

for you also. They did talk about jet skis and they did talk about the interference of the loon habitat and they did talk about the literal zone and the stirring up of the sediment along the shoreline and the interruption of the fisheries underneath those lily pads. I mean all kinds of things that had to do with Natural Resources, but the best thing was that they were talking about Maine lakes. They're talking about them in a different way. They're not sitting on their decks looking at their sunsets, talking about their lake, suddenly their lakes have been changed. The best part of this bill is that in your community and my community, we are going to have the opportunity to discuss for the first time how we are going to establish public policy regarding the greatest of our natural assets. It won't be easy, but in my mind all of the discussion and all of the amendments are good. When people really care, they're passionate. When people really care, they come out to vote. When people really care, they put out amendments and that's what we did. Every single person here cares about the lakes and cares about them from their own perspective. The more your community and my community knows and talks and shares and compares and learns and researches and explores about your lakes is going to add significantly to the life of those lakes and believe you me, your communities know far more about those lakes than the Commissioner of IF&W. Your communities know far more about your lakes than I do and from that great colloquia, if you will, those great conversations we're going to have about our Maine lakes, we are going to realize what we have.

With knowledge comes understanding. With understanding comes appreciation and with that will come protection. Whatever protection it is that your communities decide to offer to the Commissioner. You have an opportunity here. My community has an opportunity here to have a say about the lakes. It's as simple as that. Then we'll come back after the Commissioner has looked at our recommendations and then we will take action. I would have preferred that we were taking greater action today, but I like what I see before us in the Majority Report and I strongly urge you to give your communities a chance to have these great conversations about this public trust. Please do not vote to Indefinitely Postpone the Great Pond Task Force bill, 1730.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. I know I'm going to have to make a decision here right off, I assume sometime this afternoon we're going vote. I find it kind of interesting that I heard people this afternoon talk about what a struggle it was to work on this bill and how long it took to get it here and yet you expect us, in an hour or two hours, to decide what we're going to do. It's been before us for two years, most us haven't even seen it before now because we've been involved in our own committee work and again we're expected in two hours to make a decision. I've heard the public expects us to do something. Sounds like CarTest all over to me. Public wanted something done. We did something and they hated it. I'm beginning to lean in the direction that that's exactly where we're headed here. For the sake of doing something, we're going to do something that's probably going to make people angry. I've heard some of you folks say you've gotten all these letters and I'm sure you got them because you're on the committees. I got a few, most of whom I heard from were from out of state and that doesn't interest me a whole lot. I'm more concerned about the people of Maine, because I have heard somebody say these lakes belong to all of us and that's right, they belong to all of us in the State of Maine. I want to remind you that jet skis, in some cases, are the only access for some of our citizens to even see the shoreland, let alone ever

own any of it, because the people from out of state who were calling and complaining about this have driven the value of the land so high that Maine people can no longer afford to buy any land along our shores, for the most part.

So as you make your decision on how you vote on this, I would ask you to consider who it is that we're working for. Are we working for the economy of the State of Maine? Are we working for the people of the State of Maine or are we working for the interests outside the State of Maine? I submit to you we're here to protect the interest of the people here in Maine. In some cases those are businesses. I've not heard anybody make any reference to that, but I've had calls from businesses, they're extremely concerned about what we are doing here, because unfortunately this Great Ponds Task Force, which had an admirable goal, has come down as you heard someone say to a jet ski bill. You've heard it said that people are concerned about the bottom of the lakes being disturbed. Interestingly enough folks, it's the prop motors that disturb the bottom of the lake, not the jet skis, but I don't hear any ban on prop motors. That doesn't make sense. If our concern about is what's happening to the bottom of the lakes, then let's address the equipment that's causing the problem. The Representative from Wayne a few minutes ago made reference to, if they didn't make any noise, nobody ever would have liked them. I submit to you that that's the only reason that nobody likes them now is because they make more noise than others. If they didn't make more noise, people wouldn't even notice they were out there, any more than they do the boats. When people in boats are out doing things that don't make any sense, if you look at the safety numbers, it's not jet skis that are killing people. It's not the kids under 16. I cannot fathom how we got to the point that we're at, recognizing that I never sat through the meetings, but I can't understand how we got to the point that we're at that we're saying to children under 16, you can't participate in fun any more. You've got to wait under you're older than 16 and then you can act foolish, because this is about legislating brains for folks and we can't do that.

I don't care what you do for legislation, there are going to be a group of people out there who act irresponsibly. We've got laws on the books now that we're ignoring. We've heard it said this afternoon because IF&W doesn't have people enough to enforce the laws that we do have. I don't understand how passing more laws that are not going to be enforced and we go home and feel good that we did something and we haven't done anything. I haven't totally fathomed the definition of the problem here this afternoon. I've heard a few calls and when you really talk to people it comes down to the same thing, it's the noise. Don't like the noise. The industry is working on the noise, very successfully, I might add. Someone made a comment earlier about the Harleys and I think it's right on target. If we tried to pass a law outlawing Harleys because they make so much noise, I'd submit to you some of the same people that are complaining that own waterfront property drive Harleys and they would be complaining in the other direction. I still haven't made up my mind how I'm going to vote. I'm going to have to make a decision here shortly, but if you recall yesterday, we had a bill talking about a constitutional amendment and some of the folks that were on the other side of me talked about this bill was clearly no good because we had to keep making changes in it so people would like it. Well if that was true and most of you seem to think it was, because you took the position that you took, then you ought to take the same position on this one I guess, because it has been changed dramatically since it was initially introduced. There is almost no recognition from the original introduction, taken this out because it bothered this person, you've taken this out because it bothered somebody else, you exempted the

campgrounds from licensing, like people that rented a campground don't do foolish things. I don't follow that. We've made all kinds of exceptions and when we start making exceptions that's usually a good indication that there's something wrong. I'd like to be able to put my finger on what's wrong, but I don't know what's wrong. I know I hear from constituents occasionally, not a lot, and there's a lot of ponds in the area that I live, but I still can't put my finger on exactly what's wrong. I just keep coming back to the same place, kind of where I started, it's like CarTest all over again.

We feel pressure to do something. We don't know what to do and rather than having the courage to say, I don't know what to do, we don't know what the solution is. We don't want to hurt the industry, but we don't know how to solve it. We go do something that I really believe is going to be a mistake when all is said and done. I've heard said a number of times here today, as you have, we need to do something, but I haven't heard a lot about we need to do this. Probably the piece that disturbs me and I touched on it once already, the piece that probably bothers me the most about this is as I read this there's an implication the problems are all created by children under 16. I think it's unfair, characterization of kids under 16 and there's no evidence that I've seen that supports that. I'm going to continue to listen to the debate and hopefully somebody can sway me to make a decision, but right now I'm leaning towards Indefinite Postponement because I don't see where we are addressing the problem, because I haven't seen it identified yet. Thank you.

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

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Natural Resources Committee, I was also a member of the subcommittee. We had six members from Natural Resources and IF&W Committee working on this bill for the last, I forget how long we've been working on it, but it seems like forever, and a lot of good points have already been made and I don't want to repeat those. A summary was passed around of the bill that we got from the other body with the Senate Amendments on there, hope you get a chance to take a look at that because that is what Report "A" has been amended to and I think they have done some responsible changes in the other end.

I just want to mention that one of our work sessions on the bill we had a copy of an opinion poll from the *Maine Sportsman's Magazine* was passed out and it's March 1998. I just want to quote three of the questions briefly and tell you the responses and again these are Maine Sportsman's Magazine, their readers who responded to this. Question number one, should personal water craft be banned from waters in unorganized territories? Eighty-two percent said yes, 17 percent said no, that's in unorganized territories. The original Great Pond Task Force had recommended all LURC great ponds ban jet ski use on those. Report "A" has that down only 8 percent of the lakes in LURC, so really 92 percent of LURC lakes are still open so that's a huge compromise from what the original had. Second question was, should personal water craft be banned from all Maine waters 200 acres and under? Again yes, 81 percent, no, 16 percent. Again for those of you who read the original report, that was one of the recommendations to ban them on all lakes under 200 acres, but we obviously couldn't go along with that. The last question was, should more lakes and ponds have restrictions on the maximum horsepower allowed on boats and on this one it was 87 percent yes, no 12 percent. So again, this is readers from the *Maine Sportsman's Magazine*, I know it's not a scientific poll, but it's a well respected magazine and I forget how many it's circulated in Maine now, but several thousands and I think that's just a small snapshot of people that are concerned about the issue. I, too, as

my colleagues on both committees have received many call, letters, e-mails, I actually had some from in my district, also, along with many outside my district. I think we have an opportunity with this bill with the Majority Report, since we can address all reports now, since this motion is before us. The "A" Report, I think, gives us a good starting point to work from. It's a huge compromise from the original bill and recommendations. I think it's a well reasoned and with the amendments added on by the other body, I think that even makes it more acceptable to us and I would just urge people to vote against this motion so we can go on to debate the report. Thank you.

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

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

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

Representative STEDMAN: Thank you Madam Speaker. This is on the technicalities of the bill itself as presented on the OPLA summary sheet that we got. It says that communities within the organized territories should voluntarily submit recommendations to the Commissioner on how the law should be enforced in their own communities. Is there a deadline on those reports and what happens if they don't voluntarily submit recommendations?

In my second question, I know in the bill there is a reference to limiting the liability on lake associations for putting out markers. What happens if this bill does not pass in relation to the lake association's liability? Thank you.

The SPEAKER PRO TEM: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Mr. Speaker, Men and Women of the House. To the good Representative from Hartland, Representative Stedman, if I understood your questions, the part in the Majority Report that passed to the Senate, it simply is asking the communities that if they choose to send recommendations for restrictions on personal water craft to the Department of IF&W that they simply assess their own abilities to help with the enforcement of that. It's not a requirement, it's just asking them if they have the resources to help in the enforcement of that. The other question was about the liability if this bill doesn't pass then it's just the way it is. What this attempt was with the liability was something was raised as being very important that lake's associations if they put out navigational buoys and markers that potentially could be held liable if there's an accident and this helps reduce that liability for them.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I'd like to elaborate a little more on that, I think the good Representative from Freeport did answer correctly, however, I think there's one added thing to that and that is if the municipality decides not to do it, then it falls in the hands of the department. One of the reasons that this came about was the fact, and I'm sure we've all heard this before, what about local control and that's what we tried to get in under that phase thing.

Representative DEXTER of Kingfield inquired if a quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative GOODWIN: Mr. Speaker, Men and Women of the House. The Great Ponds Act, just the title. At the first meeting of the subcommittee structure this was six members from each of the committees, we had the meeting and when I left that meeting late that evening, I gave the Chair a note suggesting that we immediately change the title of the bill and that we should call it the Great Personal Water Craft Reduction Act. We've heard about this bill for one and a half years. My committee the Inland Fish and Wildlife was not involved in it for most of that period of time. It was turned over to our committee in February. All winter and spring I received letters and postcards all dealing with PWCs. Letters from Seattle, Washington, Portland, Oregon, probably all 50 states. Everyone of them asked me to abolish and take personal water craft off all bodies of water in Maine. Not one showed any concerns, or did they indicate on their cards and letters concerns about water qualities, swimming, portability, access, or even road grating and repairing to get to their body of water that they came to visit two to three weeks a year. My local people, I got no calls, no letters. There's not a problem that they can't resolve with the present law and ordinance that they write and which is enforceable. Towns and cities have planning boards, conservation commissions that can resolve the issue locally. In the first session, Inland Fish and Wildlife discussed and brought before this body, LD 416, which will be tested this boating year. We passed it last year. There was very little boating after this law became effective. It will be in affect this year. We need to give it a chance. This included the distance from shore, wake jumping, noise and education programs. The summary of 416 is that we made it a civil violation. A civil violation occurs when any person complains to a sheriff, deputy, state trooper, policeman, warden of a violation on the water regarding noise or wake jumping. Any person that is served with this notice will go into court and pay the necessary penalty that the court would devise for them.

The bill 1730 worked on by one committee for one and a half years at a great cost to the state and citizens came to a standstill in February of 98. The good Representative from Fryeburg and I went to their committee meeting, never spoke or said a word and watched and listened as the committee struggled with the bill and finally voted to give it to IF&W. I reported this back to my House Chair and we waited until it came before us. The Committee then worked long and hard and we came out with a blue report, a red report, a white report and a salmon report. Mr. Speaker, Men and Women of this body, I see no problem with indefinitely postponing this particular document and I will be here next year first in line to put legislation together that will take care of this problem. I thank the Speaker and this body.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. I just want to say a couple of words while there are people in here. Thank you for coming in. I, as a lot of you know, was a sole holder of the title on Committee Amendment C, with the fear that we're going to lose everything here today, I have shifted my effort to supporting the Majority "A" Report. It is flawed in a lot of ways, but I'm afraid we're going to lose everything. I think it has enough good in it to warrant passage. I heard talk about how these lakes belong to everybody and that is true, of course, it's common property. Just think of it, does that mean that everybody would want every activity imaginable allowed on the common property. Just think of it. We have Baxter Park, I certainly love Baxter Park. I wouldn't want the whole state to be Baxter Park. We need industry, but I don't think any of us would want to open up Baxter Park to the activities that we are talking about. This, as I said before, I would rather not have a ban on a type of boat, it looks like that's what

we're going to get. I advocated that if you're going to restrict, it should be based on horsepower and not pick out a particular kind of boat, but this looks like what we're going to get. Some of these lakes on this list of 240 lakes, I would love to ban outboards altogether. I would love to keep them remote, go to some of them. Alligator Lake, Kathadin Lake, some of these are jewels, they truly are. Other areas you should have more usage. This is just a matter of looking at the state and look at what you envision the state to be. Harley Davidson Motorcycles are wonderful and they should be allowed over a lot of Maine, but I don't think they should be allowed, necessarily, everywhere and that's kind of what this is about. The other piece of letting the towns decide and organized territories, they hash is out around the lakes where they know the best. They bring their agreements, recommendations to the state. I hope you will defeat this motion. Thank you.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House. Every once in awhile, since I've been in the legislature for 12 years, we do pass legislation that has a negative impact in one form or another. To give you an example, I was a member of this body when auto emission testing was debated. I sat in the rear row on the other side of the chamber here and the final outcome, as far as I'm concerned, I voted no, three times against the bill. What happened to CarTest? I would request that you entertain in your mind that whether or not we are passing flawed legislation and nobody in here takes this more serious than I do. I would hope that you would support me on this Indefinite Postponement on LD 1730.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Just to reply to some remarks that were made, I won't prolong my remarks since I've spoken once before. To my good Representative and Colleague from Rumford, Representative Cameron, lest we disparage those from out of state who are here and who are living on our lakes. Let me remind the body of some economic figures which the State Planning Office supplied to us. Three hundred ninety-two million are pumped into our economy by people who live on these lakes. Now I don't care where they come from, Oregon, Washington, Massachusetts or here in the State of Maine. That's \$392 million. Second, a total \$1.8 billion in direct sales and \$1 billion in indirect sales associated with uses of Maine Great Ponds occur annually in Maine for a total economic impact of \$2.8 billion. That is great economic importance.

To my good Colleague, Representative Goodwin, I would like to point out that in his district, according to data that was supplied to us by the warden service, it's very, very different than it is in Southern Maine. Looking at last summer, just three months, June, July August, there were 221 in Southern Maine, in the first district, district A, on water craft, 22 of which were for reckless operation and 21 for OUI. On personal water craft on the other hand, there were 332 complaints, 60 of those were for reckless operation and 5 of those were OUI, that data is for all the districts but when you come to Representative Goodwin's district, phonemically only two complaints on water craft and only seven complaints on personal water craft. No reckless operation of water craft, excluding personal water craft and only three of personal water craft. What a big difference, so we are coming at this topic from entirely different perspectives. I was also asked by another colleague, where the reference to taking these discussions of our lakes to our communities came in. I'm sorry that I brought that up earlier, it has to do with an amendment which is coming down later. The last thing I would like to point

out is that we are the last state in New England to think about and to enact laws on these personal water craft, if we do. Forty-four states already have laws regulating PWC operation. Forty-four require operator and passengers to wear personal flotation devices. Forty-three have a minimum age of operation. Thirty-eight prohibit the use during specified hours of the day and the night. Thirty-three have limitations on wake jumping, which we do and on, and on and on. Massachusetts, Vermont, New Hampshire, all of our neighbors, all have regulations on personal water crafts as well. Thank you.

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

#### ROLL CALL NO. 589

YEA - Ahearne, Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bolduc, Bragdon, Bruno, Cameron, Campbell, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Foster, Gerry, Goodwin, Jones SA, Joyce, Kasprzak, Kerr, Labrecque, Layton, Lovett, Mack, McAlevey, Nickerson, O'Neal, Paul, Pinkham RG, Plowman, Sanborn, Shannon, Sirois, Stanley, Stedman, Taylor, Tobin, Treadwell, Tuttle, Underwood, Usher, Vedral, Vigue, Wheeler EM, Winsor.

NAY - Bagley, Baker, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Chartrand, Chick, Chizmar, Cianchette, Colwell, Cowger, Davidson, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, MacDougall, Madore, Mailhot, Marvin, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perkins, Pieh, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shiah, Skoglund, Snowe-Mello, Spear, Stevens, Tessier, Thompson, Townsend, Tripp, True, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

ABSENT - Bunker, Carleton, Dutremble, Gamache, Honey, Joy, Joyner, Kneeland, Lane, Lemke, Perry, Winn.

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

50 having voted in the affirmative and 89 voted in the negative, with 12 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative ROWE of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

#### ROLL CALL NO. 590

YEA - Bagley, Baker, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chartrand, Chizmar, Colwell, Cowger, Cross, Davidson, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, Mailhot, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Muse, Nass, O'Brien, O'Neil, Peavey, Perkins, Pieh, Pinkham RG, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah,

Skoglund, Snowe-Mello, Spear, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

**NAY** - Ahearn, Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Campbell, Chick, Cianchette, Clark, Clukey, Desmond, Dexter, Donnelly, Driscoll, Foster, Gagne, Gerry, Goodwin, Jones SA, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Murphy, Nickerson, O'Neal, Ott, Paul, Pendleton, Pinkham WD, Plowman, Poulin, Povich, Sanborn, Sirois, Stanley, Stedman, Taylor, Treadwell, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Winsor.

**ABSENT** - Bunker, Carleton, Dutremble, Gamache, Honey, Joy, Joyner, Lane, Lemke, Perry, Winn.

Yes, 87; No, 53; Absent, 11; Excused, 0.

87 having voted in the affirmative and 53 voted in the negative, with 11 being absent, Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-600) was READ** by the Clerk.

**Senate Amendment "B" (S-677) to Committee Amendment "A" (S-600) was READ** by the Clerk.

Representative DUNLAP of Old Town moved that **Senate Amendment "B" (S-677) to Committee Amendment "A" (S-600) be INDEFINITELY POSTPONED.**

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "B" (S-677) to Committee Amendment "A" (S-600).**

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

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone Senate Amendment "B" (S-677) to Committee Amendment "A" (S-600). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 591**

**YEA** - Ahearn, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Bunker, Cameron, Campbell, Cianchette, Clark, Colwell, Cross, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Fisher, Foster, Frechette, Gagne, Gerry, Gieringer, Goodwin, Gooley, Jones KW, Jones SA, Joyce, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Nickerson, O'Brien, Ott, Pendleton, Perkins, Pinkham RG, Plowman, Rines, Sanborn, Savage, Shannon, Sirois, Spear, Stanley, Taylor, Tessier, Treadwell, True, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

**NAY** - Baker, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Chartrand, Chick, Chizmar, Clukey, Cowger, Davidson, Etnier, Farnsworth, Fisk, Fuller, Gagnon, Green, Jabar, Jones SL, Kane, Lemaire, Lovett, Mailhot, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Paul, Peavey, Peh, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Skoglund, Snowe-Mello, Stedman, Stevens, Thompson, Tobin, Townsend, Tripp, Tuttle, Volenik, Watson, Wright, Madam Speaker.

**ABSENT** - Carleton, Dutremble, Gamache, Hatch, Honey, Joy, Joyner, Lane, Lemke, McAlevey, Perry, Winn.

Yes, 72; No, 67; Absent, 12; Excused, 0.

72 having voted in the affirmative and 67 voted in the negative, with 12 being absent, **Senate Amendment "B" (S-677) to Committee Amendment "A" (S-600) was INDEFINITELY POSTPONED.**

**Senate Amendment "C" (S-686) to Committee Amendment "A" (S-600) was READ** by the Clerk.

Representative UNDERWOOD of Mechanic Falls moved that **Senate Amendment "C" (S-686) to Committee Amendment "A" (S-600) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE Senate Amendment "C" (S-686) to Committee Amendment "A" (S-600).**

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

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I would strongly encourage you to vote against the pending motion to Indefinitely Postpone Senate Amendment "C." Let me tell you what Senate Amendment "C" does. Senate Amendment "C" deletes the fiscal note of \$257,000, it deletes a provision that authorizes a Commissioner of the Inland Fisheries and Wildlife to regulate the use, operation, and type of water craft. What it does is it replaces a process that starts at the local level. If you were in the chamber earlier, you heard all about this, but for those of you who weren't in here, let me take just a second to go back through it. A municipality can petition the Commissioner of Inland Fisheries and Wildlife for regulation of use, operation and type of water craft on a great pond within that municipality jurisdiction. Then the Commissioner will review and collect those applications and pass those on to the Legislature during the next session with the Commissioner's recommendations and then the Legislature would make a determination with respect to whether or not there would be any restrictions on those great ponds that were requested by the municipalities. I say, we the individuals that were here, you would have heard a lot of support for this, think this is a process that starts at the local level, but it does require the authorization of the state before there should be any further restriction. Restriction might not just be a prohibition. It could be a restriction with respect to the hours of operation, the type of water craft and other restrictions. I would strongly encourage you to vote against the pending motion so we can go on to accept Senate Amendment "C." Thank you.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. This amendment here is the heart and soul of the Majority Report, in my opinion. It's almost identical to Committee Report C, if you'll take a look, which I was the only one on. They did move it over, they took it and that's good, because what it does in all organized parts of the State of Maine is it allows the towns to be the petitioning body. They would gather the requests from all the folks that are upset about everything to do with boats or anything to do with boats, get to the town, if towns all around the lake agree, then they submit their request to the Commissioner and this, I think is an excellent thing and I hope you don't kill it.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Mechanic Falls, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House. I ask you to support the pending motion and I'd like to give you the reasons why. Committee Amendment "A," which has just been adopted as we had heard for the last several hours was the results of two years worth of work. Three, four, five days ago when the fiscal note came down on these years worth of work, all of a sudden the people on the Majority Report realized that there was a \$250,000 fiscal note. All of a sudden now, it's time to change the report because they don't

want to fight for the funding. Obviously, they felt over two years worth of work that this was the right way to go. Now, all of a sudden, well there's money involved, so we're not going to go out there and make this bill work. That information has been out there ever since the first or second committee meeting that this was going to cost money. I would like to ask the majority who was on this Committee Amendment "A," if they feel so strongly about this piece of legislation, after two years of work. I ask how can they change it in three days. They've changed their mind, they've changed the whole structure of this bill and what they're doing. I ask you to support the pending motion and let's move on. Thank you.

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

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

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

Representative CLARK: Mr. Speaker, Men and Women of the House. Does this cause a mandate to the municipalities now?

The SPEAKER PRO TEM: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Colleagues of the House. To answer the question, we kicked that word around the other day here, what a mandate is and it's my contention that may is not a mandate, the wording in there says the towns may, if they wish submit this request for some restrictions on water craft. May.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I know some of you are struggling to find this particular amendment. LD 1730 filing number (S-686), section 18, is the section to which the two previous speakers have been eluding. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone Senate Amendment "C" (S-686) to Committee Amendment "A" (S-600). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 592

YEA - Barth, Belanger DJ, Belanger IG, Bunker, Campbell, Chick, Clark, Desmond, Dexter, Donnelly, Foster, Goodwin, Jones SA, Kneeland, Labrecque, O'Neal, Paul, Plowman, Rines, Sanborn, Stanley, Stedman, Taylor, Treadwell, Underwood, Usher, Vedral, Wheeler EM.

NAY - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chartrand, Chizmar, Cianchette, Clukey, Colwell, Cowger, Cross, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gerry, Gieringer, Gooley, Green, Jabar, Jones KW, Jones SL, Joyce, Kane, Kasprzak, Kerr, Kontos, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Povich, Powers, Quint, Richard, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winsor, Wright.

ABSENT - Carleton, Dutremble, Gamache, Hatch, Honey, Joy, Joyner, Lane, Lemke, McAlevey, Perry, Poulin, Winn, Madam Speaker.

Yes, 28; No, 109; Absent, 14; Excused, 0.

28 having voted in the affirmative and 109 voted in the negative, with 14 being absent, the motion to **INDEFINITELY POSTPONE Senate Amendment "C" (S-686) to Committee Amendment "A" (S-600) FAILED.**

Subsequently, **Senate Amendment "C" (S-686) to Committee Amendment "A" (S-600) was ADOPTED.**

**Senate Amendment "F" (S-691) to Committee Amendment "A" (S-600) was READ** by the Clerk.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. This amendment has just about the same thing, I think, that was in the other major reports, but one stickler thing that really gave me pause to support the bill, actually, it creates a fee, a \$25.00 fee, and everybody knows how I feel about taxes and fees. The other thing along with that, and it says in Part C, provides each person who rents, or leases a personal water craft, with written instructions on how to operate that personal water craft. I don't have any problem with that, but then when you turn the page and you get to Section 3, Part B, revocation of certificate that says one of the things that cause revocation is failed to instruct a person intending to rent or lease a personal water craft on personal water craft safety. So I guess I'm a little confused on whether if a person is leasing or renting provides the written information, he fulfills Part B and won't get revoked or whether he has to actually give them the written material and then instruct them on water safety. Mr. Speaker, I pose a question through the Chair.

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

Representative WATERHOUSE: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Could somebody answer that for me, whether somebody who was getting this certificate if they didn't instruct people on personal water safety or do they fulfill the obligation by just giving the written information. The other question I'd like to ask, is there any other retail product that we require somebody to instruct somebody how to use something. Somebody earlier told me there was, but I wasn't aware of it. If those two questions could be answered, please.

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I'll do my best to answer the questions of the good Representative from Bridgton. This amendment arose out of the desire of the committees to bring the rental agents of personal water craft in line with action that Inland Fisheries and Wildlife Committee took earlier this session on rental agent certificates for snowmobiles to make it consistent within the law and to also ensure some accountability in the part of rental agents in terms of who they rent to and what kind of safety instruction they provide them. This is where the \$25.00 fee comes from in order to allow the Department to track rental agents. Currently they are not issued licenses to rent personal water craft and therefore they're not tracked or held accountable in any way. I don't know if that answers all his questions, but I think it's a decent enough summary. At least the spirit of it was to bring the two bodies of law together, at least consistently.

Thank you. I also ask you to support adoption of this amendment.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate that information that the Representative from Old Town gave me and it did answer some of my concerns or questions, but I still didn't get the one answered, I guess it might be a legal question. If somebody in the House could answer that for me, whether the person holding the certificate would have fulfilled his obligations if he gave the renter the information, the written information. Does that fulfill the obligation or does the person leasing or renting have to instruct the person renting in water craft safety or does the written information provide that? That's my question basically.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I apologize to the Representative from Bridgton, I kind of got lost in the question. I am not a lawyer, however, I am a bartender, so I think I'm well qualified to answer this. The prescribed course of instruction follows basically a model on instructing the user essentially on basic safety features of the personal water craft including a kill switch, basic instruction in law, in terms of headway speed within shoreline, a quick demonstration. There's also under the voluntary program currently in place there's a video that's shown and then they go out and try it for themselves for a bit and then they're on their own. It's very similar to the snowmobile rental program that's in place. There is some practical demonstration practice and then they go off on their own after that. Thank you very much.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. I don't know much about this bill, but I do know that in terms of a couple of other products, you have to have training. One is if you're going to rent air for your scuba gear to go diving, you have to have a license and also in order to get my motorcycle license, I had to pay \$50 and take an 8 hour course, so there are other products that require training.

The Chair ordered a division on the motion of Adoption of **Senate Amendment "F" (S-691) to Committee Amendment "A" (S-600)**.

A vote of the House was taken. 77 voted in favor of the same and 19 against, **Senate Amendment "F" (S-691) to Committee Amendment "A" (S-600) was ADOPTED**.

Representative CLARK of Millinocket **PRESENTED House Amendment "F" (H-1150) to Committee Amendment "A" (S-600)**, which was **READ** by the Clerk.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. Well you guys want amendments, here we go. All this amendment does it takes out the provision in Committee Amendment "A" that prohibits the operation of personal water craft on certain great ponds.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "F" (H-1150) to Committee Amendment "A" (S-600)**.

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

Representative DUNLAP of Old Town moved that **House Amendment "F" (H-1150) to Committee Amendment "A" (S-600) be INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1150) to Committee Amendment "A" (S-600)**.

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

Representative POVICH: Mr. Speaker, May I pose a question through the Chair to the Representative from Millinocket?

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

Representative POVICH: Thank you Madam Speaker. My question is which great ponds?

The SPEAKER PRO TEM: The Representative from Ellsworth, Representative Povich has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Thank you Madam Speaker. All of them.

Representative CLUKEY of Houlton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1150) to Committee Amendment "A" (S-600)**.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-1150) to Committee Amendment "A" (S-600). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 593

YEA - Bagley, Baker, Barth, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chartrand, Chick, Chizmar, Cianchette, Clukey, Colwell, Cowger, Cross, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Wright.

NAY - Ahearne, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bunker, Campbell, Clark, Desmond, Dexter, Donnelly, Foster, Gagne, Gerry, Goodwin, Jones SA, Joyce, Kasprzak, Labrecque, Layton, MacDougall, Mack, O'Neal, Plowman, Poulin, Sanborn, Stanley, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Wheeler EM, Winsor.

ABSENT - Carleton, Dutremble, Gamache, Honey, Joy, Joyner, Lane, Lemke, Perry, Pinkham WD, Winn, Madam Speaker.

Yes, 104; No, 35; Absent, 12; Excused, 0.

104 having voted in the affirmative and 35 voted in the negative, with 12 being absent, **House Amendment "F" (H-1150) to Committee Amendment "A" (S-600) was INDEFINITELY POSTPONED**.

Representative BARTH of Bethel **PRESENTED House Amendment "E" (H-1149) to Committee Amendment "A" (S-600)**, which was **READ** by the Clerk.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House. I would ask that you look at a summary sheet of LD 1730 as amended by Senate Amendments "B", "C" and "F" that was distributed to your desks under the names of the Representatives Nickerson, Dunlap, Shiah, and Foster. This particular amendment that I'm offering addresses the second bullet on that sheet. It would remove the three bodies of water which are named in that bullet from the ban on personal water craft. These ponds are the only ones located in both organized and unorganized territory, so it would remove one question that many people would have. It's one thing to deal with great ponds totally in unorganized territory and then treat those great ponds in organized territories differently and this would put these bodies in with organized townships. These bodies of water are used by both personal water craft users and non-users. Remember all of those people, including the people who live on those great ponds, pay taxes to the state and they deserve access to those ponds that their tax money supports. Those ponds belong to all of us, let's make sure that we keep them open to all of us. I urge your support for this amendment. Thank you.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. This is one amendment that I will support. We just passed the Majority Report, it says the towns can get together, come up with agreements on restrictions and they can do that with these. I have to agree with Representative Barth that there are mixed uses down there, we haven't heard from the towns that surround these ponds and we will be able to hear from them with the Majority Report that we just passed. Thank you.

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

Representative POVICH: Mr. Speaker, Men and Women of the House. I have some personal acquaintance with two of these three bodies of water that are listed in Representative Barth's amendment and I urge you to move approval of this amendment. Thank you very much.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I did not serve on the subcommittee of the two committees that dealt with this, but I did get the report and I did talk to several people and I do know why these ponds are listed on here. Of the three lakes we're talking about, more than 80 percent of the lakes are in the unorganized territory and most of their shoreline has been protected through the Lands for Maine's Future program so that's why they're treated as being unique and that's why they are on there. They're open to the public for camping and low impact recreation. They're a statewide resource like Baxter State Park or the Allagash and it's the nature of the lakes and the way that we're protecting them and the fact that 80 percent of the shoreline is in the unorganized territory. I believe those were the factors that went into the consideration of the subcommittee in adding them to the bill, so I would encourage you, in fact, I would move to Indefinitely Postpone this amendment and I would encourage you to vote with me. Thank you.

Representative ROWE of Portland moved that **House Amendment "E" (H-1149) to Committee Amendment "A" (S-600)** be **INDEFINITELY POSTPONED**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Mr. Speaker, Men and Women of the House. Just to let you know that Tunk and Donnell Pond are both in my district, both of these are large lakes, yes, they are in the Land for Maine's Futures, but it's in the most remote part of each of these two bodies of water, but each of these has the Town of Franklin on Donnell Pond. People have access right there that isn't a town and these people should not be prohibited and I ask that you defeat the pending motion and allow this to pass, the same applies to Tunk, which is just down the road from me, only the remote corner, or the northwestern part of that lake is set aside, but in the Town of Sullivan they have access to that and I see no reason to cut these towns of Sullivan and Franklin from being able to use these water craft.

Representative BARTH of Bethel **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-1149) to Committee Amendment "A" (S-600)**.

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

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House. I would urge you to support the pending motion. One reason these lakes are included are that they include a number of campsites maintained by the Bureau of Public Lands that are supposedly wildness campsites, at least in the case of Donnell Pond, where I've camped only accessible by water or by hiking, there's not vehicle access directly to them and they are pretty unique campsites within the Bureau of Public Lands that people do go to for some rest and recreation. The one time I was there I remember canoeing across with our luggage and supplies and arriving there and the next morning finding a number of people with personal water craft camped at the next site and was a little difficult to enjoy the peace of that spot that was supported with public funds for the purpose of camping and having jet skis spending most of the day riding in circles around in front of the campsites. I think the reason these particular great ponds are included are because they have considerable public investment in wildness campsites around the ponds and they're separated out for that reason. Thank you.

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

Representative CAMERON: Mr. Speaker, Men and Women of the House. While none of these three listed are in my district, Mooselookmeguntic is very, very close to my district and I'm very familiar with the area and you've heard comments that there's considerable public investment. Don't forget, people who use jet skis are part of the public. They have as much right to access as anybody else does and also Mooselookmeguntic has motor boats on it. There is no difference, they're motorized floating vehicle. There's no reason they should be singled out because someone has some opinion that they're going to disturb the area up there any more than a boat does. It just doesn't make any sense. If boats are allowed, there's no reason that the jet skis shouldn't be allowed. I would urge you to vote against the Indefinite Postponement.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I wanted to respond to my good colleague and friend from Rumford, yes, the people who ride jet skis are indeed part of the public and many of them are citizens of the state and many of them are not, however, when you talk about the preponderance of presence, the presence of a



personal water craft can exclude the presence of any other user. I would ask you to support the pending motion. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-1149) to Committee Amendment "A" (S-600). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 594**

YEA - Bagley, Baker, Bolduc, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Chartrand, Chizmar, Cianchette, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisk, Frechette, Fuller, Gagne, Gagnon, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, LaVerdiere, Lemaire, Lemont, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, Nass, O'Brien, O'Neil, Peavey, Pendleton, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bragdon, Bruno, Bunker, Cameron, Campbell, Chick, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Foster, Gerry, Goodwin, Gooley, Jones SA, Joyce, Kasprzak, Labrecque, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, McElroy, Murphy, Nickerson, O'Neal, Ott, Paul, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Sanborn, Savage, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Carleton, Dutremble, Fisher, Gamache, Honey, Joy, Joyner, Kontos, Lane, Lemke, Winn.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, **House Amendment "E" (H-1149) to Committee Amendment "A" (S-600) was INDEFINITELY POSTPONED.**

Representative UNDERWOOD of Mechanic Falls **PRESENTED House Amendment "B" (H-1144) to Committee Amendment "A" (S-600)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mechanic Falls, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House. I hope you will support me on this amendment. What this amendment will do, it will take out the provision in Committee Amendment "A" which singles out personal water craft and in its place it's going to put in water craft 40 horsepower or more. Basically, what it comes down to is a personal water craft usually starts at 40 horsepower and go up to around 80 horsepower. If a personal water craft is going to do damage to these pristine lakes, which is a jet propelled vessel, my contention is that a bass boat with a 40, 50, 60 or 80 horsepower motor with a prop three feet down in the water is going to do a heck of a lot more damage, so if the argument is that we're banning these personal water craft for the reason of the damage that's being done to our environment of our lakes than I ask you to support me on this motion and adopt this amendment.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "B" (H-1144) to Committee Amendment "A" (S-600).**

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

Representative DUNLAP of Old Town moved that **House Amendment "B" (H-1144) to Committee Amendment "A" (S-600) be INDEFINITELY POSTPONED.**

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. As Representative Underwood has pointed out the jet propelled water craft have a very shallow draft and that the larger horsepower boats as he has correctly pointed out draw as much as half a fathom, or three feet of water. Part of the issue of having headway speed laws is that the headway speed law, which is now uniform throughout the State of Maine, calls for headway speed within 200 feet of shore that is for safety reasons as much as anything, but also in the habitat part of the question, most fish will spawn in shallow water under rocks, under shaded trees. Most water fowl nest in those areas. The argument being as Representative Underwood has presented it, a deeper draft vessel will not go close to shore because of the shallowness of the water. A shallow draft vessel can go right up to shore at flank speed, thereby disrupting that habitat, disrupting those fish nesting sites, disrupting those water fowl nesting sites and that is why I have made the motion I have made today. I hope you will follow me on that motion.

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

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

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

Representative STEDMAN: Thank you Madam Speaker. For anyone who cares to answer, are not the personal water craft considered boats and have the same limitations as far as the 200 foot limit headway speed.

The SPEAKER PRO TEM: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Mechanic Falls, Representative Underwood.

Representative UNDERWOOD: Thank you Madam Speaker. The answer to the question is yes. Okay, again this is an enforcement problem. If these boats are within 200 feet of the shore, then we have an enforcement problem and we need to increase our enforcement on our lakes and our great ponds in order to take care of this problem. Thank you.

Representative LaVERDIERE of Wilton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1144) to Committee Amendment "A" (S-600).**

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1144) to Committee Amendment "A" (S-600). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 595**

YEA - Ahearne, Bagley, Baker, Belanger DJ, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gerry, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Kane, Kerr, Kneeland, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee,

Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, 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, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Barth, Belanger IG, Bodwell, Bunker, Campbell, Desmond, Dexter, Foster, Gagne, Goodwin, Jones SA, Kasprzak, Labrecque, Layton, MacDougall, Mack, O'Neal, Paul, Poulin, Snowe-Mello, Stedman, Treadwell, Underwood, Vedral, Wheeler EM.

ABSENT - Carleton, Dutremble, Gamache, Honey, Joy, Joynes, Kontos, Lane, Lemke, Winn, Madam Speaker.

Yes, 115; No, 25; Absent, 11; Excused, 0.

115 having voted in the affirmative and 25 voted in the negative, with 11 being absent, **House Amendment "B" (H-1144) to Committee Amendment "A" (S-600) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-600) as Amended by Senate Amendment "C" (S-686) and Senate Amendment "F" (S-691) 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.**

Representative GOODWIN of Pembroke **PRESENTED House Amendment "A" (H-1133)** which was **READ** by the Clerk.

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

Representative GOODWIN: Mr. Speaker, Men and Women of the House. This is the amendment we've all been waiting for. You all have to go home. We all live in cities and towns. We don't want to cut them out of the process. This amendment allows towns to adopt ordinances regulating the horsepower, use, operation and type of water craft on great ponds. Proposed ordinances by these cities and towns must be approved by the Commissioner of Inland Fisheries and Wildlife prior to being adopted. In a manner similar to the way municipal shellfish conservation ordinances are adopted. In preparing an ordinance the town must consider the use to which the waters purposed for regulation, consider the depth of the water, the amount of water borne traffic on the waters, wildlife and environment values, noise, traditional uses of the water body and the safety of persons and properties. A purposed ordinance may be submitted only after a public hearing and must include a description of the resources of the municipality, or municipalities, will use to enforce the ordinance if approved by the Commissioner. We have 16 counties, York has five County Commissioners, they regulate their county, including the unorganized. All other counties have three commissioners, they would adopt rules and ordinances after public notice and hearing and debate. All other cities and towns in Maine have selectmen or councils who would adopt a series of ordinances to regulate their own bodies of water. I am not going back home to Pembroke and tell the folks in my area of Washington County that I cut out any town or city in Maine from purposing an ordinance to control their body of water. I thank the Speaker.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "A" (H-1133).**

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

Representative DUNLAP of Old Town moved that **House Amendment "A" (H-1133) be INDEFINITELY POSTPONED.**

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I hope you join me in voting against the pending motion. I don't want to speak for the good Representative from Penobscot, but during our talks this is the direction that he was leaning towards. This is all about local control. I think this would solve the problem that everybody has been dealing with and I would hope that you would vote against the pending motion. Thank you.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. Thank you for the kind words Representative Waterhouse, but I'd just like to explain a little bit here. This was presented to our joint committees several weeks ago, almost identical thing, to let the towns actually implement the ordinances. We kicked it around quite a bit. The last time actually I presented this to the Joint Committees, I believe both committees pretty soundly shot down. People said no they didn't want to go that route, so we incorporated the idea of letting the towns be the gatherers of the effort to put restrictions on, but not actually implement. To a lot of people it probably would be too clumsy, too hard for the state to even help enforce if they were town ordinances. There was a lot of question about how there would be any enforcement, so that's the difference. We just passed a law that does allow these towns to petition. Thank you.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I think I'm the only member of both committees that hasn't yet risen to speak. I'd just like to take the opportunity to do so. I feel quite strongly that the lakes in this state do not belong under the control of any one particular municipality, even if that lake is wholly within the municipality. The lakes in this state belong to all of us and as such we, as a state, have some responsibility controlling what goes on on these lakes. The agreement that was worked out on the bill that we've already supported and voted on requires a delicate balance between states and municipalities to join in regulating water craft so I urge you in joining me in voting in support of the pending motion.

Representative LaVERDIERE of Wilton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1133).**

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

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1133). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 596**

YEA - Baker, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Chartrand, Chick, Chizmar, Cianchette, Clukey, Colwell, Cowger, Cross, Davidson, Donnelly, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Kane, Kerr, Kneeland, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vedral,

Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Wright.

**NAY** - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Bunker, Campbell, Clark, Desmond, Dexter, Driscoll, Foster, Gagne, Gerry, Goodwin, Kasprzak, Labrecque, Mack, O'Brien, O'Neal, Stanley, Stedman, Treadwell, Underwood, Wheeler EM.

**ABSENT** - Carleton, Dutremble, Gamache, Honey, Joy, Joyner, Kontos, Lane, Lemke, Madore, Rines, Winn, Winsor, Madam Speaker.

Yes, 112; No, 25; Absent, 14; Excused, 0.

112 having voted in the affirmative and 25 voted in the negative, with 14 being absent, **House Amendment "A" (H-1133)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-600) as Amended by Senate Amendment "C" (S-686) and Senate Amendment "F" (S-691)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Representative James Layton, of Cherryfield, communications specialist and crew member of the USS Pueblo, captured by the North Koreans while cruising off the Coast of North Korea, January 22, 1968. He was held as a prisoner of war for 11 months. He received the Purple Heart for injuries sustained during the attack on the ship and injuries at the hands of the North Koreans when he refused to sign a confession;

(HLS 1365)

Presented by Representative BUCK of Yarmouth.  
Cosponsored by Senator CASSIDY of Washington.

On **OBJECTION** of Representative BUCK of Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. Most of us lead quiet tranquil lives because of the safety and security provided by this nation. Indeed, most of us will never be in harms way during our entire lifetime. Most of us will never have our character and courage tested to the degree that Representative Jim Layton has had his character and courage tested. Thirty years ago, Jim was a 23 year old sailor on the USS Pueblo. Back then, members of the armed forces were required to adhere to the military code of conduct, which stated that if captured by the enemy, you were required to give only your name, rank and serial number.

On January 23, 1968, Jim's ship was attacked by units of the North Korean Navy. During that attack one of his comrades fell mortally wounded next to him. During the next 11 months, Jim's courage and character were tested in a way that few of us can imagine. Placed in a concentration camp in the middle of winter, sometimes the barracks being unheated for the entire day, subsisting on a diet of rice and fish soup, the fish often decayed. Subjected to psychological warfare by the North Koreans who perfected this torture into an art form. Subjected to beatings because he would not disobey the military code of conduct. Subjected to beatings because he would not confess to being a spy. Beaten sometimes with objects as large as a two by four. Jim's character and courage were tested at an early age. He belongs to that elite group of individuals who have faced

adversity to the extreme and have never compromised their principles.

It is indeed an honor for me and an honor for the rest of us in this House to honor Jim on the 30th anniversary of that terrible event. Thank you.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House. We all come to the Legislature from different walks of life, different backgrounds and we really never know who sits beside us. We know them by name. We don't know them by background. We don't know them by their experiences. We are all called to serve this fine state for different reasons. Some of us for positive reasons and some of us for negative reasons and their impact on us. Many of us never truly experience the real reason for being an American. Representative James Layton has become a good friend of mine in these last few years and is truly a hero. Jim continues to serve the public after sacrificing one of our greatest freedoms. Jim lost his freedom while fighting for ours. To my good friend, our colleague, Representative James D. Layton, we salute you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I want to be able to say this without getting emotional. Jim and I have a little thing we play the last couple of years. I have gotten to know him real well. He kind of stares at me and I stare at him and he gives me that look and I give him that look. I say, "I am going to put a whopping on you." He turns to me and says, "I have been had by the best." Little did I know, although I knew about the Pueblo, I was around at that time and I read about it, I didn't really understand what Jim had gone through until Representative Buck and I had talked about some of the stuff that was in the book that Jim had gone through. I was surprised. When I thought about that, I said, "It doesn't really surprise me, because if Jim's character." I have come to know Jim as a man who has deep principles and deep convictions and integrity. When you have that kind of character, you can see somebody being really gutsy under situations like that. That is the kind of character Jim has. There are certain words that I don't use too often because I think when you use them too much, they lose their value. Two of those words are admiration and respect and Jim has all of that from me. I admire and respect him as a man of character, principle, conviction and courage. I am proud to know him.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I have known Representative Layton for four years now. We were seat mates in the 117th. He is a quiet guy. It took me a long time to get to know him. Now we have become the best of friends. A friendship that will last a lifetime. You can tell that by the way he talks to me. He is always telling me that I am going to drop you like a lead balloon or don't mess with me Wheeler. He has been at my home. We have played some golf together. He has whooped me in good shape. He doesn't like to talk much about the days on the Pueblo or the days he was held prisoner. It took me a long time to find out that Jim was a hero. He would not volunteer any information.

Representative Layton is an American that believes in God and his country. He takes saluting the flag of the United States very serious. He would die for his country. He has proven that when he was captured by the North Koreans and held for 11 months. Representative Layton was held in a place as bad as any soldier could be and treated very poorly. He was beaten for several weeks because he would not confess his mission or

surrender to the will of his captors. He went through untold torture. He did not go through this because he wanted to be a hero or because he was a tough guy. He did it because it was the way of the soldier. Representative Layton stood his as an American. He makes me proud to be an American. He is a true hero and he is one of us. I am proud to serve with him here in the House of Representatives and I am proud to be his friend. I salute you Representative Layton.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. As a young college student, I had followed the crisis of the Pueblo with a great deal of interest because Jim's commander was a graduate of that same university. The seizure of that ship was a very personal experience for everyone at that university. I didn't learn about that connection until the closing days of, I guess it was the first or second special session or the first regular session. Those last couple days before we went home last year. I know sometimes tensions arise in this chamber and I know sometimes the verbal level rises, but I think as Americans we felt pride that year when those Americans were captive and we saw the propaganda photos that were released. We saw either the Hawaiian greeting symbol or the Hawaiian peace symbol that the crew flashed to let us know that that American spirit was still alive. They suffered torture to send us that message that the ship may have been captured, but the crew of the Pueblo, its spirit was still very much alive. Heroes don't brag. They don't have to. Their courage speaks for them.

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

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House. Jim and I come from a common background in the sense that we were both members of this nation's sea services. I think we have a great deal more in common than that now that, we have served together for four years in this very important body called the Maine House of Representatives. I want to tell you this. Jim is not able to tell you a lot about the things that he has been involved with over the course of his Navy career, nor can I. Let me assure you that Jim Layton has never had an easy job. He has had a job that has in some ways unimaginable responsibilities. He has carried a load that few could imagine, in frank terms. Through this all, he has risen to become one of the most senior enlisted members of the US Navy. What he has done has always been important. He is a leader. He has demonstrated great courage which you have heard about several times today. He is determined. He is dedicated to mission accomplishment. He portrays all of those qualities that are good about American men and women who serve in the United States Navy. Jim Layton is a terrific Representative. He is a terrific representative of his service, of this state and, frankly, of this country. I am proud to serve in this body with my friend, State Representative Jim Layton.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Mr. Speaker, Ladies and Gentlemen of the House. I am proud to rise to support this sentiment. In my humble opinion, the good Representative from Cherryfield, Representative Layton, is a true American hero, as were the rest of the crew members of the good ship, Pueblo. They performed the mission with the full knowledge that the ship didn't have the means to defend itself from attack. They suffered in confinement, after 11 months were released with their dignity still intact. I would like to share with you a bit of brief history.

In 1968, I was serving with the United States Army and assigned to the Second Infantry Division located along the demilitarized zone in Korea. The capture of the Pueblo gave the

North Koreans a great diversion. They infiltrated a team of 25 highly trained commandos into South Korea. Their only mission was to behead the President of South Korea. Twenty-four of the commandos were killed and one was captured, but only after he tried to take his own life. I congratulate Representative Layton, not only for his valor, but his 22 years of service to his country. I salute you Jim and thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Mr. Speaker, Men and Women of the House. Thank you. I am humbled. I really am. Thank you.

**PASSED** and sent up for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

### REPORTS OF COMMITTEE Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation"

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

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:

Representatives:

ETNIER of Harpswell  
POWERS of Rockport  
MAYO of Bath

Senators:

CLEVELAND of Androscoggin  
MackINNON of York

### READ.

Representative ETNIER of Harpswell moved that the Committee of Conference Report be **REJECTED** and asked for a **SECOND COMMITTEE OF CONFERENCE**.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **REJECT** the Committee of Conference Report and ask for a **SECOND COMMITTEE OF CONFERENCE**.

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 Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Men and Women of the House. The reason for my request was that two of the members appointed by the other body were not on the prevailing side of that body relative to their position on this issue. We did meet last night at 6:00 and it was agreed by all of us on the Committee of Conference that that was inappropriate and that we should perhaps replace two of the members from the other body with members that were on the prevailing side to clear this issue up. That was what we did agree on. This is our request as a committee to you today to allow us to go forward to attempt to resolve this issue between the two bodies. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. The reason why I asked for a roll call on this was to slow it down a little bit and think about it. Hopefully we're in the last few days and this was a very hotly debated bill

that had different reports on either end of the body and I was hoping we could move forward. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reject the Committee of Conference Report and ask for a Second Committee of Conference. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 597**

YEA - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagnon, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lindahl, MacDougall, Mailhot, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Muse, Nickerson, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bodwell, Bruno, Buck, Cameron, Campbell, Cianchette, Clukey, Donnelly, Foster, Gagne, Jones SA, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lemont, Lovett, Mack, Madore, Marvin, Murphy, Nass, O'Brien, Ott, Pinkham WD, Savage, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Carleton, Dutremble, Gamache, Honey, Joy, Joyner, Lane, Lemke, Winn.

Yes, 102; No, 40; Absent, 9; Excused, 0.

102 having voted in the affirmative and 40 voted in the negative, with 9 being absent, the Committee of Conference Report was **REJECTED** and the House asked for a **SECOND COMMITTEE OF CONFERENCE**. Sent up for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTOR  
Resolve**

Resolve, to Reimburse Cable Companies for Expenditures Made while Participating in the Business Equipment Tax Reimbursement Tax Program

(H.P. 1475) (L.D. 2074)  
(C. "A" H-1043)

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

**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) AS AMENDED HOUSE AMENDMENT "A" (H-1143) AND SENATE**

**AMENDMENTS "A" (S-634) AND "B" (S-637)** thereto in the House on April 1, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088) AS AMENDED BY HOUSE AMENDMENT "A" (H-1143) AND SENATE AMENDMENTS "A" (S-634), "B" (S-637) AND "C" (S-698)** thereto in **NON-CONCURRENCE**.

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

\_\_\_\_\_  
The House recessed until 7:00 p.m.

\_\_\_\_\_  
(After Recess)  
\_\_\_\_\_

\_\_\_\_\_  
The House was called to order by the Speaker.  
\_\_\_\_\_

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-618)** on Bill "An Act to Establish a System of Tax Revenue Targeting"

(S.P. 621) (L.D. 1824)

Signed:  
Senators:

RUHLIN of Penobscot  
MILLS of Somerset

Representatives:

LEMONT of Kittery  
TUTTLE of Sanford  
GAGNON of Waterville  
SPEAR of Nobleboro  
BUCK of Yarmouth  
CIANCHETTE of South Portland

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

Signed:  
Senator:

DAGGETT of Kennebec

Representatives:

GREEN of Monmouth  
MORGAN of South Portland  
TRIPP of Topsham  
ROWE of Portland

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

**READ.**

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

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

Representative TRIPP: Madam Speaker, Men and Women of the House. You may notice that I am on the Minority of this report. Since the report came out there has been some discussion about an amendment and I would like to have us move towards that discussion. That's why I moved the Majority Report. Thank you.

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

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. I'm going to go just the opposite

direction of the good Chair from Taxation and at this time I'm going to be voting against the prevailing motion. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I agree with the good Representative from Kittery, Representative Lemont, things have changed. It's been watered down a lot since we started with this bill and we really believe this is not the right time for it this late in the session. This did have good merit to start with, but things have changed. Thank you.

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

Representative GAGNON: Madam Speaker, Men and Women of the House. I'm hoping that my good colleagues on the Taxation Committee won't fail on me too quickly, if we can get this Majority Report passed and we can discuss some of the concerns that are on the amendment. Revenue targeting is an idea that was presented originally by the Executive, primarily based on his concern about the rate of tax increases and the percentage of income that goes towards overall tax burden in the State of Maine. I signed on to this idea fairly early because I believe that there is an issue, a problem, with the amount of taxes that our citizens have to bear. Since that time, really my feelings haven't changed despite the fact that we're going to be giving a real large tax break in the next coming months, but I'd like to make sure that the tax breaks aren't in vain sometime into the future, I think that probably an approach such as this, even though this approach is very simple, a lot of people have said it doesn't do a whole lot, but I think it at least opens up the idea of what our tax burden is in the State of Maine and we have to be concerned about what it might be in the future. I would encourage you to pass the Majority Report at this time so we can move on to an amendment. Thank you.

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

Representative GAGNON of Waterville **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 to Accept the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 598**

YEA - Ahearn, Bolduc, Bouffard, Brooks, Bryant, Bumps, Chartrand, Chizmar, Cianchette, Cowger, Davidson, Desmond, Driscoll, Dunlap, Fisher, Frechette, Gagnon, Gerry, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Mailhot, McKee, Morgan, O'Neal, O'Neil, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Saxl MV, Shannon, Sirois, Stevens, Tripp, Tuttle, Vigue, Madam Speaker.

NAY - Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bragdon, Brennan, Bruno, Buck, Bull, Bunker, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Cross, Donnelly, Etnier, Farnsworth, Foster, Gagne, Gieringer, Goodwin, Gooley, Jones SA, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Mitchell JE, Murphy, Nass, Nickerson, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Savage, Saxl JW, Shiah, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, True, Underwood, Usher, Vedral, Volenik,

Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

ABSENT - Colwell, Dexter, Dutremble, Fisk, Fuller, Gamache, Honey, Jones KW, Joy, Joyner, Lane, Meres, Muse, O'Brien, Perry, Plowman, Poulin, Samson, Winn.

Yes, 46; No, 86; Absent, 19; Excused, 0.

46 having voted in the affirmative and 86 voted in the negative, with 19 being absent, the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order (H.P. 148)**

Representative KERR from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Relating to the Taxation of Certain Federal Entities, the Business Equipment Tax Reimbursement Program, the Administration of the Tax Laws and to Make a Technical Correction"

(H.P. 1679) (L.D. 2297)

Reporting **Ought to Pass pursuant to Joint Order (H.P. 148)**.

Report was **READ** and **ACCEPTED** and the Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent up for concurrence.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act"

(H.P. 1594) (L.D. 2223)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050)** on March 25, 1998.

Came from the Senate **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050)** in **NON-CONCURRENCE**.

On motion of Representative ROWE of Portland, the House voted to **ADHERE. ORDERED SENT FORTHWITH**.

**Non-Concurrent Matter**

An Act to Protect Students of Barbering, Cosmetology and Other Proprietary Schools

(S.P. 727) (L.D. 1969)

(C. "A" S-565)

- In House, **PASSED TO BE ENACTED** on March 25, 1998.
- In Senate, **PASSED TO BE ENACTED** on March 25, 1998.
- **RECALLED** from the Governor's Desk pursuant to Joint Order S.P. 874.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565) AS AMENDED BY SENATE AMENDMENT "A" (S-701)** thereto in **NON-CONCURRENCE**.

On motion of Representative RICHARD of Madison, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

**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-522)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,000,000 to Construct Water Pollution Control Facilities; to Close and Clean Up Municipal Solid Waste Landfills; to Clean Up Tire Stockpiles; to Investigate, Abate, Clean Up and Mitigate Hazardous Substance Discharges; to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program; and to Make Drinking Water System Improvements" (S.P. 826) (L.D. 2224)

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 Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-522).**

**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 Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. This is a bond issue and as we all know it's going to take a two-thirds vote to pass. As you can see by the divided report, I'm going to try to convince you that we should be doing this bond issue.

Truly the difference between the two reports is about money. The report that is before you is requesting \$12.5 million to go out to bond. I'd like to break that down so we all understand where the money is going to be spent and why. There'll be \$6 million for water pollution control facilities, \$3 million of the \$6 will be used for grants to municipal water pollution control projects to supplement state revolving loan funds for rural development funds. Two million dollars of this \$6 will be used for the revolving funds will provide 20 percent match to the Federal Capitalization Grant Funds. That \$2 million will get us \$10 million. Of the remainder there will be a million dollars that will be for a small

community grant programs. These are long term state-wide programs that enable communities without centralized sewer systems to address local pollution problems. Without the match money, the state will not receive Federal Capitalization Grant Funds used to upgrade municipal sewer systems infrastructure and abate combined sewer overflows.

The next \$1.5 million dollars is used for tire stockpile cleanup. This funding will support continue and uninterrupted scrap tire from the largest and potentially most dangerous tire dumps, and as we all know the one in Bowdoin. There are more than 25 million tires at this particular site. That's what was told to us during the public hearing. The first contract will take care approximately 10 percent of that, \$2.5 million. We've started this program and I believe that we must continue to make the necessary progress to achieve the state's objective of removing a minimum of 15 million tires from stockpiles by the year 2000. If we fail, and I say we fail, to fund this it would continue to expose the public to those risks due to toxic fumes, ground water contamination, and other dangerous diseases.

The third piece is a half a million dollars for storm water and watershed management. I would only urge this body to support this bond issue in the amount of \$12.5 million. I think this process to address the tire stockpiles, address the water pollution control facilities, and the small community grant programs are important to all of our communities. I know that we've talked about living within the 90 percent rule. This, as you'll probably be hearing from other speakers, will put us above the 90 percent rule. That's not in statute. I think that during these times it's imperative that we do this bond issue and it goes beyond party lines. I would only hope that you would join me in supporting the Majority Ought to Pass Report. Thank you.

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

Representative OTT: Madam Speaker, Men and Women of the House. I think Representative Kerr has done a good job explaining the nature of this bond issue. The Minority Report, I think, reflects the lower amount and Ought Not to Pass because in the Minority Budget we had folded some of these requirements into our budget. We were concerned about the amount of bonding, the creation of future debt. That would, in fact, as Representative Kerr has suggested, would violate our so called 90 percent rule, and yes it's not a Constitutional requirement, or is it in statute, but it has been a time honored process that we try to keep the bonding within some boundaries. That was the reason for Minority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Thank you Madam Speaker. Could I get some information as to where this money is going to be designated as far as the water pollution control facilities. Have they been designated as yet?

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Madam Speaker, Men and Women of the House. It seems to me as long as I can remember we've been talking about cleaning up the tire piles in Maine. When we first started having a problem, we started charging the public a dollar a tire. It was a disposal fee. The

money seems to vanish. I don't understand what's happening to all this money. Like again, as I say, it seems as long I can remember we have a bond issue to clean up the tire piles. Where's the money going? I don't hear of any progress. I know in the industry that I work in we have to import chipped tires, they're not available in Maine. We burn tires for fuel to run our mill and they're not available in Maine, but we keep having bond issue, after bond issue, after bond issue, so can somebody tell me where the money is going and why we're not making any progress?

The SPEAKER: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. In response to the good Representative from Rumford, I can testify that in my town in the month of June there'll be a completion of a complete first one in Maine tire pile cleaned up. There was about 1.5 million to 2 million tires there. They came in last fall, they've been working all winter and they're going to finish up in May or June. First complete tire pile cleanup in the State of Maine.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Just to answer the question the good Representative from Rumford had. The other tire chipping facility is in Eliot and they just won the state contract to chip all the tires from these illegal tire piles throughout the State of Maine.

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

Representative KASPRZAK: Madam Speaker, Men and Women of the House. When I saw this bond issue coming up a long time ago, I saw that included in this was the same thing that the good Representative on the end of the aisle was concerned with. Clean up tire stockpiles and I thought, Oh my goodness, how many times have I seen this bond issue, so I did a little bit of research and I came across this. Approximately \$750,000 annually is generated as a result of that tire fee that we pay every time we take one to the dump and every time someone takes one for us from the garage. On top of that in 1996, a \$5 million bond for tire removal was enacted by the voters and again in the fall of 1997 an additional \$2 million bond. I don't know about you, but I think we're spending an awfully huge amount of money here that doesn't seem to be accounted for and I have great difficulty with that and I hope you do too and will vote against this bond. Thank you.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. I can assure you there are still a lot of tires piled up in Lewiston, Maine waiting for its place on the list. I employ you to not vote against this bond issue.

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

Representative BERRY: Madam Speaker, Men and Women of the House. The Representative from Rumford asked a question and regarding to the tire disposal fee. This occurred before my service began in the House, but the tire disposal fee was not dedicated to disposing of tires. It was used to encourage marketing for recycling, to reduce our waste stream, to reduce what was going into our landfills. We used to have a fee for disposing of furniture, white goods, you're all familiar with all the fees that we had. In the last Legislature we began to phase those fees out. I believe the only ones we have left are

related to batteries, which are still is the core charge, the refrigerators with the freon has to be reclaimed. The tires, we still pay the charge and it goes to support what little we have left from the Waste Management Agency and efforts we make for recycling, reducing our waste stream. The tire issue, the \$5 million bond and \$2 million bond were not, there's no way that was ever intended to cure our tire problems. It was a beginning and I expect it will always, maybe not always, I hope not always, but it will be for a number of years it will be an ongoing project and it had better keep going. In my opinion, the Nobleboro site we shouldn't have cleaned up so much there. This is my opinion. They wanted to clean up a site, their goal was good, but to me as a Fire Chief, my interest was the fire hazard and the pollution hazard. We have some humungous tire piles in Durham. They've made some fire lanes and there's Bowdoinham, the Representative from Bowdoin, Representative Shiah, I'm sure will speak to that.

We didn't want to get into just shuffling tires around. To me it's important to make the breaks in there so if a fire happened in one cell you could hopefully contain it from spreading to the entire pile and have an environmental disaster, really. So I think the Department does have some plans to take care of this. To me, the Lewiston site shouldn't be on the top of the list either, but to get to it, I think you've got to keep moving forward. At one point, this is during my term on the Natural Resources, the last term, there was one proposal, we wanted to have an accounting of just how many tires were out there and we were going to require the Department to go out there and count tires. What a waste of resources that would have been and people disagreed with me as far as making the fire lanes. We shouldn't shuffle one tire around. We should do it as we chip them, as we clean them up and that's what the Department is doing now. They're not going and shuffling the tires around, they're chipping them as they clean them up. They make the roads. They may not clean that site up entirely, but they'll begin to make it so the site is safer. And as I said, there's a lot of work to do and they have done work to try to eliminate or prevent new sites from being created. I think it's important that we support this bond issue continuing efforts to make the tire pile safer and hopefully at some point we'll find more productive uses for the tires as well. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I just want to emphasize truly how much of that money is going to this tire plant in Eliot. I have a lot of problems with the plant in Eliot and the town does too, but when you saw the amount of tires that are being hauled in there. They are using a lot of this money to haul the tires and have them chipped at this plant. I know when the last bid went out, I don't believe they were the lowest bidder either. The state didn't go with the lowest bidder because of technicalities in the contract, but they are hauling the tires from these sites to Eliot.

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

Representative BULL: Madam Speaker, Men and Women of the House. In response to the Representative from Rumford, Representative Cameron, and the Representative from Newport, Representative Kasprzak, some figures on what this problem is. It's estimated right now that there are some 40 million scrap tires statewide. One of the worst sites is in the good Representative from Bowdoinham, Representative Shiah's district. Roughly 25 million tires at that site alone. The first contract will take care of approximately only 2.5 million of those 25 million. The program has had a lot of momentum. It's been going along really well, but money doesn't go all that far unfortunately to take care of 2.3



million tires, it cost roughly \$1.6 million. There's an additional contract for another 2.5 million tires again at about \$1.6 million and another \$2 million in bonds, but there's nothing committed to take care of roughly another 1.7 million tires. So as you can see, we've got some significant numbers here. It does cost a lot of money to take care of this issue so I urge you to support the bond issue. Thank you.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. We have to get rid of the tires. It is very expensive to do it, as we all know it's a slow process and once they're gone they're not going to appear again. They are being utilized in the State of Maine, as has been spoken of before and I'm not going to mention statistics other than Bowdoinham is the largest site in the state and they're going to be starting on that and Nobleboro has been taken care of.

The health risks in terms of disease carried by mosquitoes and rodents, the safety risks because of fires, which is a terrible hazard. Now I know that they work quietly, but I do have to say that the tires in Lewiston that are in my district are gone and that was a small tire place. Thankfully, when they were removed, on that site just about a year ago, we had a very big fire that a business burned to the ground. Not very far from these tires. Now I don't know if you realize this or not, but fires from a tire hazard go on, and on, and on for months. They create a terrible health and safety issue for an area. No matter whether you live in the rural areas or whether you live in a municipality. I thankfully was very delighted to have them taken out of my district because they were right above me. I think all of us have probably discussed this every time tires come up and the major reason is on environmental issues is because we don't have a federal match. Sometimes we have to do it because it's the right thing to do and I hope that's what we decide to do tonight.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I wanted to respond to a question, I believe it was the Representative from Hartland, Representative Stedman, that had asked if we have a list of towns that will benefit from the water pollution control facilities funds and I apologize to the body, I did not have the list, I have one now and I'd like to share some of the towns with you, because I don't have time to get it copied. The \$3 million for water pollution control facilities, some of the facilities that the communities are low income communities that currently need sewage projects that are on the list to receive this funding include Corrina, Owls Head, Van Buren, and Vinal Haven. The Small Community Grant Program which is a statewide program that enables communities without centralized sewer systems to address pollution problems. There are some 90 applications currently pending and I'll just list a few of those because I won't list 90 names, but I'll give you the ones I have here because we don't have this list, Caswell, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Madawaska, New Canada, Perham, Portage Lake, St. Agatha, Van Buren, Washburn, Westfield, Fort Fairfield, Presque Isle, Crystal, Island Falls, Monticello, Oakfield, Orient, Sherman Mills, Cherryfield, Jonesport, Lubec, Machias, Milbridge, Robbinston, Steuben, Whitneyville, Ellsworth, Hancock, Prospect Harbor, Bradley, Mariaville, Milford, Orrington, Otis, Guilford, Monson, Hampden, Hartland, St. Albans, Frankfort, Lincolnville, Stockton Springs, Winterport, Rockland, Rockport, South Thomaston, St. George, Union, Warren, Albion, China, Pittston, Wiscasset, Strong, Hallowell, Readfield, Turner, Durham, Lewiston, Freeport, Mexico, Roxbury, Casco. That's not a complete list, but those are the smaller towns that have applications in now that will be

first in line to benefit from the Small Community Grant Program if this bond issue is enacted. I would strongly encourage your support for this and, again, if there are other questions you have about the use of the monies I would appreciate you asking them. I do again apologize for not getting information out. I should have been prepared for this, but I guess I wasn't. I do have more information if you have questions. Thank you.

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

Representative WATERHOUSE: Madam Speaker, May I pose a couple of questions through the Chair?

The SPEAKER: The Representative may pose his questions.  
Representative WATERHOUSE: Thank you Madam Speaker. To the Representative from Eliot, I was just wondering in that process of chewing up these chips whether there are any proceeds seen from this process and whether any of that money is sent back to the state? Another question for anybody in the House that could answer. If we pass this bond issue, will that put us over the 90 percent retirement of bond indebtedness?

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

Representative KERR: Madam Speaker, Men and Women of the House. In reference to the 90 percent rule, the answer to that question is yes.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. To answer about the returning of any profits, I don't believe so. I believe they stay right within the company, but I don't have the real technical answer on this for you. I don't think there is any money returned to the state.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. On the tire situation, the good news is that the problem is not growing. As was mentioned earlier, why do we pay the \$2 when we go to the transfer station or wherever with it. That \$2 covers the cost of this expensive operation and that's why we also on these tire dumps that have been left here, that the state has had to take care of, that's why we're having to put the money up front, because it is a very expensive proposition to run this equipment, in fact, that's why the tire pile in my town went bankrupt we'll say, because they had machines and it's a very, very expensive operation to run. The operation in Eliot is a very reputable business, in fact, they are one of two left in Maine now. The others have just not been able to make it. I'd like to also say when I say it's not getting worse, last year in the first part of this session we passed some laws that now prevent these growing illegal tire piles. Now we have to be licensed to transport tires. You have to be licensed to handle tires. They have got a grip on them and all the tires that are created now are taken care of plus they are trying to catch up through the Bond Issue of getting rid of some of these illegal tires that are a real hazard, especially a fire hazard, and a problem to our environment. I know this is a big decision money wise, looking to what good that has to be done and we have to take care of this entire situation. I will be supporting this. Thank you.

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

Representative SHIAH: Madam Speaker, Ladies and Gentlemen of the House. A couple points on this, I'm the lucky Representative who has the biggest tire dump in the state, because I actually live in Bowdoinham, this dump is in the Town

of Bowdoin. It's not only the biggest one in the state, it's one of the biggest in the Northeast, minimum estimate of 25 million tires. A lot of the tires that many of the people in this room have used over the years are in the Town of Bowdoin now. Unfortunately, as the good Representative from Nobleboro mentioned, there's no cost effective way yet to dispose of them. Now we're paying the firm out of Eliot has got the contract to work on this site and after subsidize about 50 cents a tire is what we have to subsidize to get them chipped and hauled wherever they're going. Some go up to the Bucksport mill. I just think the Department has gone through a good ranking of all the tire dumps in the state and they've used all sorts of different factors to try to prioritize where action is needed so the Nobleboro site is now pretty well complete. I know they are going to continue on this site and then other sites are going to be taken, but it is a long-term process. I am hopeful there is one new process and it's in Montreal that they melt the tires and sell the byproducts off it, but even that is not quite cost effective yet, so we still have to subsidize. I would just mention to people, as the Representative from Lewiston, Representative Lemaire, mentioned if these things get burning, these tire dumps, I know we had some estimates from the State Fire Marshall's Office, the one in Bowdoin could burn for months and blacken the skies from Lewiston all the way down to Portland, Augusta, depending on which way the wind blows. There's that much intense smoke that comes off these things. Along with, you release a lot of liquid pollutant that would also contaminate huge ground water aquafera base, too. It's a problem that has been growing over the years and we've realized it in the last few years that we have to address it and unless someone has a better idea, this seems to be the one that works is to do the bonds, so I just urge everyone to support this. Thank you.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I just want to briefly mention that this bond issue also includes funding for the watershed protection program. Our lakes are one of our most valuable resources in this state and more and more of them are starting to have serious problems of over fertilization from runoff from nonpoint source pollution. They are a big economic boom. They are a major source of your tax base in those communities that have lakes and just \$500,000 of this bond issue would be used for local communities to do things to prevent nonpoint source pollution. I urge your support.

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

Representative KERR: Madam Speaker, Men and Women of the House. I know a lot has been said about tires, but I want to also let you know that there's \$6 million that the state will be putting up for the water pollution control facilities matches \$10 million in federal funds. Also, the \$3 million the state would put up to address environmental health deficiencies in public water supplies matches \$15 million so when you're looking at the two, that's \$25 million of federal funds that you'll be getting when you match \$9 million of state funds. Again, I would urge your support for this bond issue.

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

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. I know it's late. I know this is confusing. I'm going to try to run through this one more time, because the numbers are floating around here pretty fast and furious. What happened was this was a \$16 million bond originally. The Majority Report funded it to \$12.5 million and it was put into a bond package. The Minority Report did not

support that bond package because it would have exceeded the 90 percent rule. We, the minority, chose to fund R & D, they've chose to fund transportation bonds as did the Majority Report, however, the Majority Report added in these environmental bonds. The minority chose to put these environmental issues into their budget, so that's why you see and Ought Not to Pass Report from the Minority. Now the environmental cleanup it included \$6 million for construction of water pollution control facilities, which matched \$10 million in federal funding. It included drinking water system improvements for \$3 million. That matched \$15 million. That's where the Minority got their \$9 million from just those two items. The Majority Report put those two items in and then they also included cleanup of tire stock piles for \$1.5 million, abatement cleanup hazardous substance discharges for \$1.5 million and comprehensive watershed protection program \$500,000. Those did not match any federal funds. Those add to a total of \$12.5 million. I know it's very confusing to keep these two reports straight with all these numbers, but the bottom line is that the Majority Report will cost a total of \$12.5 million. It will be a bond we'll send out to the people to decide, however, it will violate the 90 percent rule.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I thank the good Representative, it became very clear to me, the issue here before us isn't whether it's a good thing or a bad thing. As everybody in this body agrees it's a good thing. The issue here is to bond it, or to do nothing. Ladies and Gentlemen, I'm ready to bond. Let's vote.

Representative KERR of Old Orchard Beach **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I wanted quickly to say that the 90 percent rule is not cast in stone. God will not strike you dead if you exceed the 90 percent rule. It's a rule of thumb and there are those who feel that should we continue to follow the 90 percent rule into perpetuity we would eventually bond for nothing. Perhaps that's a goal, but the only question is whether clean water, elimination of hazardous substances, the clean up of the tires and the water pollution control facilities are worthwhile and therefore go ahead and bond for them. There's nothing wrong with that.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. There are a lot of important things that we should be bonding for. We look at where we've been with our budget in this Legislature, spending has increased nearly \$600 million. The 90 percent rule that was put in place for fiscal discipline, so that we'd make some hard choices, make some decisions and set some priorities on what was most important. Because we bonded too much before, or tried to, we've set ourselves on the scale now of moving in the direction of having more flexibility in case of a bad time. When you have a lot of bonded indebtedness outstanding, you limit what flexibility you have with your budget when there's a downturn in the economy. That has a negative impact on education, on our municipalities, on children's health programs. It has a negative impact on how our state takes care of the most basic needs. These are very important and when I was on the Appropriation Committee two years ago, we did a bond package for the tires. People in the

House who spoke on that were correct and probably we ought to do something again, but to take our eye off the big picture and vote piece by piece, we're going to set the state up for disaster. You're going to spend too much and borrow too much and the first time there's a blip in the economy they'll be a serious issue for whomever follows us. The goals of this bond are good. The goals of most of the bonds that we have dealt with are good, but they need to be contained in a fashion that allows the state the flexibility in the future and if the state had no debt, it wouldn't be such a bad thing. We'd have that much more bonding capacity available for roads, long-term when we need it. We'd have that much more flexibility in our general fund budget for millions of more dollars to go to education. Now I don't know that zero debt is a realistic goal, but less debt is. I would hope somebody would table this and try to figure out a way to lower this bond amount so it fits within the goal of more better fiscal management for this state and lives up to the noteworthy and important issues that the bond addresses. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I come from the business community. I work in that area. I think in that area. I live that area. Ladies and Gentlemen, what I have to tell you deals with what we create by being in business, by working in this field. Not only do we create jobs and provide for our people, we end up with the waste that has to be cared for. This is exactly my position. We have got to care for our environment. I'm not strictly from this school, but this is an area that we must take care of. We have tires that were created because of business. We have to clean up. We have stockpiles. We have dumps. This is all waste from creating jobs and providing for our people. This must be done. If we don't do it, ladies and gentlemen, we're just going to keep piling it up. This is a responsibility of having created jobs and provided businesses for our people. We have to take care of this. Ladies and gentlemen, I ask you to accept the Majority Ought to Pass Report and support it. This is a responsibility. If we're going to buy this business, jobs, then we have to buy the responsibility that goes with it and this is a responsibility. I thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative KERR: Madam Speaker, Men and Women of the House. I know the Minority Floor Leader had mentioned about the bonds and the 90 percent rule. I just want this body to know that even if the Minority Report was accepted, you would exceed the 90 percent rule based on the bonds that we've already voted out, so let's not let that be the base where we are judging. Let's look at the merit of the proposal. This is about matching \$9 million of state money to retrieve \$25 million of federal money. It's about tires. It's about over 40 million scrap tires. Do you want to do something about it? A program has been started. Let's finish the job. Let's finish the job. They're not in my back yard, but they're in our state. Let's not let that be the issue to vote this bond issue up or down and don't let the 90 percent rule be that issue, because even the vote as I've said earlier, with the Minority Report of \$9 million based on what's already been voted, we exceed the 90 percent rule. Judge this on it's merit. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I'm asking for your support on this.

This is absolutely necessary and I ask for your support. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. As a spectator over the last eight years, I had thought the 90 percent was a bipartisan goal of fiscal self-discipline and I would have two questions to the House Chair if I could please.

The SPEAKER: The Representative may pose his questions.  
Representative MURPHY: Thank you Madam Speaker. If we send this off to the voters, this \$16 million proposal, where will we be percentage wise in relationship to the bonds being retired and when we add, I think, an earlier figure of \$53 million for self-bonding for the State House, the State Office Building and AMHI, where does that put us?

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

Representative KERR: Madam Speaker, Men and Women of the House. I first want to address the first issue, that this is not a \$16 million bond issue. This is a \$12.5 million bond issue. As far as what is being sent out, the 90 percent rule two years ago, I believe, we were somewhere around \$113 million or so, we are reducing, I think, down to \$55 or \$56 million so with this bond issue, I think it puts us about 94, 95 percent. I have not figured out exactly, but our bonding indebtedness is very low compared to other states. If one wants to compare to other states, I personally feel very comfortable exceeding the 90 percent rule based on merit and needs. The resources are available and I feel very, very comfortable about that. I think the state is in the best financial position it has been in in many years. I have said that on this floor. We have taken the Rainy Day Fund from four years ago from a mere \$4 million to where we are exceeding \$65 million. If anything, the time is now to go out and bond. The interest rates are low. Really the difference that we are discussing here is \$3 million and whether or not to address tires. I don't think the 90 percent rule should play a part because the Minority or the Majority Report would exceed that. Thank you.

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

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

The SPEAKER: The Representative may pose his question.  
Representative MURPHY: Madam Speaker, Men and Women of the House. The good gentleman from Old Orchard Beach answered the first part of the question, which was if this \$12.5 million is accepted, we would be at 94 or 95 percent. We also have, which passed this House, I think the figure was \$53 million for the State House, the State Office Building and AMHI. Adding that figure in, what percentage does that put us at?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. We would be over 100 percent.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Just for clarification. Part of why I think this is confusing using the 90 percent rule is that traditionally what we try to do is bunch our bond issues into a packet and vote on them in a series in one day, or a couple of days, depending if they are debated or not. What happened last year with some of the bond issues that are included in what we would call the 90 percent of the retiring debt were voted in last year and

will be voted on shortly. The retiring debt is roughly \$113 million. When you subtract out of that, the 90 percent plus bonds that have already been authorized to go to the voters, or approved by the 118th Legislature in the First Regular Session, it leaves about \$42.5 million to meet the 90 percent rule now. The addition of this doesn't bring us to 94 or 95 percent. It brings us slightly over 100 percent without the Governmental Facilities Authority plus. I will give credit that these are smaller than what the Governor proposed. The Governor proposed to exceed 100 percent in his initial package by 105 or 106 percent. It is less, but it is still not showing a great deal of fiscal discipline that we ought to. I think that these are some worthy projects. I think if we can talk some more and hopefully bring the numbers down, it would be acceptable to the chamber. The projects are worthy, but so is the financial future of our children.

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Madam Speaker, Men and Women of the House. Could the House Chair narrow that down a little bit more specific than just over 100 percent? Could we come up with a more accurate percentage?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. I just need to clarify a couple of points that have been made. First of all, the Minority Report for bonding had only R & D and transportation in it. That is because that brought it to 90 percent. It did not include any of the environmental or cleanup things. We put those into the minority budget because it would have brought us over the 90 percent. We were within the 90 percent rule the way we set up the bonding. If you will recall a few weeks ago, I spoke against the R & D bill at \$20 million because, again, it would take too much bonding capacity. Not because I am against R & D, but because we just did not have the capacity left in our bonding. We had a minority proposal for \$15 million for R & D, which would have left us another \$5 million in capacity. I would also like to point out that with the 90 percent rule, you never actually get to zero. It is quite a long mathematical calculation, but in my work at the Muskie School we learned that you never do get to zero. The 90 percent rule is sound fiscal policy and a good idea. I also would remind this body that in the First Special Session, but it might have been the First Regular Session of the 118th Legislature, we did pass a bond issue for environmental and cleanup. It included \$1 million for construction of water pollution control facilities, \$4.5 million for grants to municipalities to close and cleanup landfills and \$500,000 for comprehensive watershed protection programs, which adds to a total of \$6 million. That will be going on the June 1998 referendum to the voters. In other words, the next two or three months away, the voters will already be voting on an environmental cleanup bond issue that came from this 118th Legislature. This would be the second one. Again, while I agree with the Minority Floor Leader that it is very important for us to do these environmental cleanup projects, unfortunately we don't have the capacity left in our bonding. That is a choice that this body has made by adopting the majority budget. Therefore, I need to recommend that we not vote in favor of the pending motion. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. We don't have a calculator over here, but we have been using our toes and our fingers and taking the proposals, plus the one that is before us, plus using the figure for self-funding. We come up with 149 percent. If that is correct?

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

Representative KERR: Madam Speaker, Men and Women of the House. I guess the analysis that has been done to say it is 140 percent, let's not forget that we are mixing apples and oranges here. The general obligation bonds is what is covered in the 90 rule. The throwing in the Government Facilities Authority is not pertinent to that discussion. That is not how we address the 90 percent rule. I think by trying to combine everything it is true that it comes out of debt service, but the policy that has been established and, frankly, not always adhered to, only dealt with general obligation bonds that go out to the voters and they vote on it. That is generally what is considered to live within that 90 percent rule. Again, let's not forget, the budget has come and gone. I don't think that that is the issue here tonight. I don't think it is about either you are on the Minority Report or the Majority Report. I think that here we are dealing about a bond issue that affects our state. We have an opportunity to go out and let the people decide on a \$12.5 million bond issue. Let them make the choice. If, in fact, they feel that we should be doing this, in that bond that will be sent out to the public, they will know exactly what the debt service is and how much we are going to retrieve from the federal government and the purpose of this bond issue is strictly for health and safety reasons. If the fact that there is a wave here to try to torpedo this bond or to try to rethink the position of whether or not we are going to live within the 90 percent rule, those aren't valid arguments here tonight.

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

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I guess I don't understand very much about 90 percent of anything. That wasn't my argument at all. I guess I am just looking for a little accountability. When I go home again and people say to me, what is this? If it gets to the next election and the bond issue is there in front of the people of my district, they are going to say, what is going on there? You passed a huge budget last year. You just spent our surplus and now you are coming to us again for more money. Year after year after year, I am seeing things like tire cleanup stockpiles. I guess I don't understand why we are asking for more money again to be spent on things like this. I know they are not going to understand. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. Madam Speaker, Men and Women of the House. It is nice to argue about the niceties of the 90 percent rule. Sometime we can be a penny wise and pound foolish. The tires are there. They were used by your constituents. They were used by you. They were used by me. We are going to have to take care of them sooner or later. It seems to me that those that are very concerned about the future finances of the state ought to keep in mind that it is only going to cost more to take care of this problem in the future and if we don't take care of it now, all you are doing is putting off this cost for your children and your grandchildren. They are there. We used them. It is time we pay the price. Let's take care of the problem.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to

Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 599**

YEA - Ahearn, Bagley, Baker, Belanger DJ, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pendleton, Perkins, Perry, Pih, Plowman, 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, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Cianchette, Clukey, Donnelly, Foster, Gieringer, Goodwin, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Murphy, Nass, Nickerson, Ott, Peavey, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Dexter, Dutremble, Fisk, Gamache, Honey, Joyner, Lane, Meres, O'Brien, Poulin, Underwood, Winn.

Yes, 94; No, 45; Absent, 12; Excused, 0.

94 having voted in the affirmative and 45 voted in the negative, with 12 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-522)** 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-522)** in concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Concerning Legislative Review of Rules Adopted under the Maine Clean Election Act"

(H.P. 1678) (L.D. 2296)

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on April 2, 1998.

Came from the Senate **READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

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 (**CONSTITUTIONAL AMENDMENT**)

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

**FAILED OF FINAL PASSAGE** in the House on April 1, 1998.

Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

On motion of Representative **AHEARNE** of Madawaska, the House voted to **ADHERE**. **ORDERED SENT FORTHWITH**.

**ENACTOR**

**Act**

An Act to Reduce Nonpoint Source Pollution from Existing Sources, Amend the Shoreland Zoning Laws and Amend the Site Location of Development Laws

(H.P. 1635) (L.D. 2265)

(C. "A" H-1095)

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

On motion of Representative **JOY** of Crystal, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 600**

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Morgan, Muse, Nass, Nickerson, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pih, Pinkham RG, Plowman, 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 GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Barth, Buck, Cameron, Campbell, Clukey, Goodwin, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Layton, MacDougall, Mack, Murphy, Pinkham WD, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM.

ABSENT - Dexter, Dutremble, Fisk, Gamache, Honey, Joyner, Lane, Lemaire, Meres, Mitchell JE, O'Brien, Poulin, Underwood, Winn.

Yes, 112; No, 25; Absent, 14; Excused, 0.

112 having voted in the affirmative and 25 voted in the negative, with 14 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**UNFINISHED BUSINESS**

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

LEGISLATIVE RECORD - HOUSE, April 2, 1998

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

TABLED - April 1, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **PASSAGE.**

Subsequently, **READ** and **PASSED** and sent up for concurrence.

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

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On motion of Representative BULL of Freeport, the House adjourned at 8:40 p.m., until 9:00 a.m., Friday, April 3, 1998 in honor and lasting tribute to the memory of Elsie M. McKenzie, of Freeport.