

# 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**  
**House Legislative Sentiments**  
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ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND SPECIAL SESSION  
3rd Legislative Day  
Friday, April 3, 1998

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

Prayer by Reverend John Zehring, South Parish Congregational Church, Augusta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 475)

**STATE OF MAINE**

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

April 2, 1998

The Honorable Mark W. Lawrence

President of the Senate

The Honorable Elizabeth H. Mitchell

Speaker of the House of Representatives

118th Legislature

State House

Augusta, Maine 04330-0003

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Telecommunications Relay Services Advisory Council. In its review, the committee found that the council is operating within its statutory authority and continues to focus its efforts in pursuit of its mission. The Committee accepts the report of the Telecommunications Relay Services Advisory Council as submitted.

Sincerely,

S/Senator Peggy A. Pendleton

S/Representative Shirley K. Richard

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 476)

**STATE OF MAINE**

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

April 2, 1998

The Honorable Mark W. Lawrence

President of the Senate

The Honorable Elizabeth H. Mitchell

Speaker of the House of Representatives

118th Legislature

State House

Augusta, Maine 04330-0003

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Department of Education under the State Government Evaluation Act. In its review, the Committee found that the Department is operating within its statutory authority. However, the Committee does make several recommendations for administrative changes that are outlined in the report.

Sincerely,  
S/Senator Peggy A. Pendleton  
S/Representative Shirley K. Richard

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 477)

**STATE OF MAINE**

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

April 2, 1998

The Honorable Mark W. Lawrence

President of the Senate

The Honorable Elizabeth H. Mitchell

Speaker of the House of Representatives

118th Legislature

State House

Augusta, Maine 04330-0003

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the State Board of Education. In its review, the committee found that the board is operating within its statutory authority and continues to focus its efforts in pursuit of its mission. The Committee accepts the report of the State Board of Education as submitted.

Sincerely,

S/Senator Peggy A. Pendleton

S/Representative Shirley K. Richard

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 687)

**THE SENATE OF MAINE**

**3 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333**

April 2, 1998

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

In reference to the disagreeing action of the two branches of the Legislature on the Bill, "An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation" (H.P. 1403) (L.D. 1961) the Senate has rejected the first Committee of Conference report and joined in a second Committee of Conference.

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

Senator John J. Cleveland of Androscoggin

Senator Bruce W. MacKinnon of York

Senator John W. Benoit of Franklin.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

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

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

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

In reference to the action of the House on Thursday, April 2, 1998, whereby it Insisted and Asked for a Second Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

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

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### SPECIAL SENTIMENT CALENDAR

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

#### Recognizing:

Carol MacRae, Principal at the Miles Lane School in Bucksport, who has been named Maine's National Distinguished Principal of the Year by the Maine Principals' Association. Ms. MacRae received the award based on her commitment to excellence, to high expectations and to firm community ties with parents and local business organizations. Ms. MacRae exemplifies all the leadership characteristics needed to be an effective principal as we move into the 21st century. We extend our congratulations and best wishes to her on this achievement;

(HLS 1372)

Presented by Representative BIGL of Bucksport.  
Cosponsored by Senator RUHLIN of Penobscot, Representative JONES of Bar Harbor, Senator GOLDTHWAIT of Hancock.

On **OBJECTION** of Representative BIGL of Bucksport, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

Representative BIGL: Madam Speaker, Ladies and Gentlemen of the House. I feel good this morning. I really feel proud to do this. I would like to tell you three things about Carol MacRae. It is not personal from me. It is from the folks back home. Here are some things said to her by the teachers who work for her. Carol is tough. She listens carefully and with her personal wisdom creates the goal that we must aim for. She makes sure that we have the skills that we need to reach those goals. She helps us develop personal attitudes that make the kids the center of everything that happens in everyday school activities. She manages, she does not attempt to do our job for us.

Let me say a little bit about what the parents have to say for her. Carol listens. She works with all parents. She always follows up. There is a resolution to every concern that is brought to her from the parents. She has also brought ethics into the teaching world.

The last thing I would like to say to her, I have a whole book I could say to you, but I will just talk one more time. I would like to talk a little bit about Carol's sense of humor. Just imagine that you are sitting in school and you are a third grader right now. You are sitting here waiting for the bell to ring so that you can go catch your bus and go home. Over the public speaking system comes, "The bus company has called and told us that all the buses are broken down and teachers and students must stay overnight. McDonalds will deliver dinner and breakfast. Each of you will have a pillow and a teddy bear." After a long, long pause you hear, "April fools." Can you imagine what happened to that school? Just to cap that off, the next morning Carol is standing there and one of the first students in the school walks in, looks at her and says, "You know, you were naughty yesterday."

I could go on and say more, but I think that is enough. What has been written about her and what I just said to you conveys to you that she really deserves the award she just received.

**PASSED** and sent up for concurrence.

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John M. H. Barnard, M.D., of Augusta, on the special occasion of his retirement, after 40 years in the practice of medicine in the Augusta community. Dr. Barnard is a legend in many people's lives and he has treated 4 generations of families during his years of service to the community. He has been the medical examiner for Kennebec County, a surgeon for the State Police and a member of the Shriners, Kiwanis, Lions and Jaycees Clubs. He has been very active in sports and has donated time, money and services when needed. This great man will be remembered for his true dedication, compassion and generosity. We extend our congratulations to him and wish him well in the next chapter of his life;

(HLS 1377)

Presented by Representative O'BRIEN of Augusta.  
Cosponsored by Senator DAGGETT of Kennebec, Representative MADORE of Augusta, Speaker MITCHELL of Vassalboro, Representative LOVETT of Scarborough.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

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Scott Sawyer, of Hampden, who has attained the high honor and distinction of Eagle Scout, and in extending our congratulations and best wishes to him;

(HLS 1378)

Presented by Representative PLOWMAN of Hampden.  
Cosponsored by Senator MITCHELL of Penobscot.

On **OBJECTION** of Representative CAMPBELL of Holden, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

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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.

Expression of Legislative Sentiment in memory of Thomas M. Teague, of Fairfield

(HLS 1364)

**TABLED** - April 2, 1998 (Till Later Today) by Representative TESSIER of Fairfield.

**PENDING - ADOPTION.**

#### READ.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Madam Speaker, Men and Women of the House. I rise this morning to offer my condolences to the family of Tom Teague of Fairfield, a former member of this body. Tom Teague's family moved to Fairfield in 1938 from the State of New York. Tom entered the Fairfield school system and graduated from Lawrence High School and

then went on after graduation to join the United States Navy serving during World War II. After the war, Tom attended and graduated from the University of Maine and went on to own and operate a dairy and poultry farm for many years. Later he owned and operated Teague Distributors of Fairfield along with his son Jack. Tom was very active in the Town of Fairfield throughout his life. He was a member of numerous civic groups and also served as a member of the town council for six years. He also served as chairman of the Fairfield Republican Committee for many years.

Some in this House knew Tom Teague from the time he served in the Legislature. He was the Representative from Fairfield for four years and went on to serve six years in the Senate. Tom Teague will be greatly missed, not only by his family, but the community of Fairfield as well. Thank you Madam Speaker.

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

Representative USHER: Madam Speaker, Men and Women of the House. I served with Senator Tom Teague. He was a very generous man. He was a good legislator and a perfect gentleman at all times. We shared a lot of concerns. He was appointed on a tax committee when he left the Legislature and went around to the different businesses and we kept in contact on different issues because I know he was at our mill doing tax research work. I will always remember him as a good legislator.

**ADOPTED** and sent up for concurrence.

**REPORTS OF COMMITTEE**  
**Divided Reports**

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-630)** on Bill "An Act to Have a Referendum on Whether or Not an Independent Public Commission Should be Established to Set Legislative Pay"

(S.P. 781) (L.D. 2108)

Signed:  
Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska  
LEMKE of Westbrook  
SANBORN of Alton  
FISK of Falmouth

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

Signed:  
Senator:

LIBBY of York

Representatives:

BAGLEY of Machias  
GIERINGER of Portland  
BUMPS of China  
KASPRZAK of Newport

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-631)** on same Bill.

Signed:  
Representative:

GERRY of Auburn

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED**

**TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630) and SENATE AMENDMENT "A" (S-694).**

**READ.**

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

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. This is a bill that came before the State and Local Government Committee and we had long discussions and long work sessions on and I believe we came up with a good bill. What you see in the title is not what is reflective in the bill itself. It is no longer a referendum that we send out to the people.

Very briefly, I will go over what the bill now will do and why we should support this. LD 2108 will establish a Legislative Compensation Commission. It will be a five member commission. It will be appointed by the Governor. These will be members of the public. At least one member will from each major political party, both Republican and Democrat and one member will be from an unenrolled party. This commission will be charged with reviewing all our compensation, our salary, our meal allowance, housing, travel, mileage and so on. It will report back to the Legislature with its recommendations on March 1 in the year 2000. This report will be presented to the Legislative Council. The staff of the council with therefore draft a Joint Order with the recommendations of the commission. The Chair of the Legislative Council will introduce that Joint Order and it will be, of course, tabled. The committee of jurisdiction, which would be State and Local Government Committee, will hold public hearings on this Joint Order and when it comes to the work session, the committee would then vote either Ought to Pass or Ought Not to Pass. There will be no amendments to that order. Upon presentation to both the House and Senate, the membership will then vote up or down the recommendations of the commission. Of course, it will be open, if members so choose, to amend the order.

This would be in the 119<sup>th</sup> Legislature, of course. If they decide to accept the commission's recommendations, it will, therefore, affect the next Legislature, which will be the 120<sup>th</sup>. Just as a safety measure it is also included if, for example, the 119<sup>th</sup> Legislature decides not to accept the recommendations, the past salaries and compensation will, therefore, be enacted back into the budget. The bottom line to this legislation is that it is not the intention of this bill to raise or to cut legislative salary or compensation. This bill merely allows the public to enter into the arena of what level of compensation members of the Legislature should have. I believe that any effort to allow greater participation into the legislative process by Maine citizens who we all represent, I think is all for the better. Right now, it is my belief that the average citizen doesn't fully understand the compensation issue and does not really trust legislators to fairly evaluate their own salaries.

This commission, an independent group, will be a more legitimate objective judge on compensation issues and the average Maine citizen will be better educated. I believe that we have seen all these bills come before this Legislature regarding legislative pay or regarding legislative compensation. Ever since I was elected to this body in 1992, we have seen the bills and they have constantly come up and they constantly go down. I believe this bill, may once and for all, take up the issue of compensation because there is a great deal of effort and staff time that has been taken with these issue and I believe with this commission we can have an objective view over the salary. Once again, we can either decide to accept this commissions

recommendation or not. I believe that this is a good bill. It is a good compromise and I ask you for your support. Madam Speaker, I request a division.

The same Representative **REQUESTED** a division on his motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

Representative BUMPS: Madam Speaker, Ladies and Gentlemen of the House. At the risk of inciting a boisterous round of applause, I will start by mentioning that I think this is the last divided report from the Committee on State and Local Government. At least the last new one, we have a couple lingering in the other body I think. Its late arrival here is probably because I am a bit responsible for that because the committee was kind enough to give me a day or two extra, I think, to decide how I was going to vote on this measure. I didn't reach my position on this without some trouble. I want to explain to you this morning why in the end I voted Ought Not to Pass on this piece of legislation and hope that when we take our vote this morning that you will do the same.

LD 2108 has what I consider to be a noble purpose to the extent that it seeks to involve members of the public and their government and the operation of this Legislature. However, I have some significant concerns about this proposal for evaluating legislative pay. I can go on and list a whole bunch of them, but this morning I am going to share with you the four that concern me the most. The first is that those testifying before the State and Local Government Committee spoke of how this commission is necessary to ensure that the Legislature, this body, is truly representative of a cross section of Maine residents. My contention is that if legislators deserve more money for the work that is done in these chambers, which may very well be true, that that suggestion of legislative pay should be adjusted by the members here in this body and that no independent commission ought to be set up to engineer the composition of who serves here and who doesn't. That is the first concern.

The second is that I am similarly troubled by the suggestion that this commission will somehow remove the responsibility for ultimately setting legislative pay. I think that is misleading. The commission report, although it won't be amendable by the Committee on State and Local Government, will be subject to scores of floor amendments, House and those offered by the other body, when this proposal comes to the floor. The suggestion or the concept that somehow this is going to depoliticize the issue of legislative pay, it is going to remove it from the political arena, it is going to do away with all of the contentious debate that surrounds these issues, is not only misleading, but it is probably misguided.

Third, most would probably agree that adjustments in wages are usually accompanied by some sort of assessment of an employees workload. Think about that. The idea that any five members of the public could convene here in Augusta for a series of meetings to assess the legislative workload and make corresponding decisions about pay, is simply unrealistic. Ladies and gentlemen, you have been here for the past, almost three weeks now, working 14 hours a day handling constituent work, dealing with committee work, dealing with bills, negotiating divided reports on the floor and in the hallway. How is it that five members of a public commission who meet here in Augusta occasionally and report to a committee, a joint standing committee of the Legislature, are going to have a real understanding for what it is that goes into serving here in these bodies?

Finally, this one is probably a minor point of opposition, but the appointment of this commission would be by the Chief

Executive. I am not exactly sure what role he has in legislative pay or how it is that he came to naming the folks that would serve on this commission, but I would submit to you, do you want him naming the five folks who are going to set your pay, him or her that is? In closing, I support having the public involved in the legislative process and understanding what goes on here in Augusta, however, this bill is a thoroughly flawed vehicle, which would remove the establishment of legislative pay from the political arena is simply untrue. These chambers and these floors and all of the members who serve here would continually be forced to offer amendments to either increase, decrease or make other modifications to legislative pay. I support the intent. I understand the motivation, the desire to sort of remove ourselves from this practice, but I submit to you that this bill doesn't accomplish that. I would ask that you defeat the pending motion. I request that when the vote is taken, it be taken by the yeas and nays. Thank you.

Representative BUMPS of China **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: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I rise to support the Majority Report of the State and Local Government Committee. I think one thing that has to be understood at the outset is that this is not, is not, the bill as originally conceived and presented to our committee and covered widely in the press. That bill would have had the potential to do the type of things that the good Representative Bumps mentioned. In a sense, I will try to explain it, he is basically debating that bill and I would agree with him if it was that bill that we are dealing with, but right now we are dealing with an amended form of it.

As originally presented, there would have been a so-called independent commission established through the referendum process and then in would have basically had an up and down vote on what we should except. Most members of the committee found that unacceptable. What you have now is a bill that does preserve what is the bottom line I all of that and this is that we are the responsible people to deal with this and the responsibility will continue to be, as it should be, with us. The commission that is established will make recommendations, but we will deal with them within the political process, which was described by the good Representative Bumps and you are all familiar with it. It is the process that we deal with. It is not unprecedented what we are proposing here. Some of you who are as old as I am, although not as old as sometimes mentioned, remembering earlier Legislatures will remember that we did this with workers' comp and it worked through the process. There is nothing particularly unprecedented about this.

The one thing that I find attractive about having a commission in the interim deal with this is that out there largely by itself, maybe and I have not seen it yet in my career, we will be able to get not only the public, but the press to focus on this and get a better understanding of what is involved in the overall issue of the compensation of members of the Legislature. All of you must be familiar with the misunderstandings that are out there. I have had constituents tell me that they thought I made \$100,000 up here. No, I don't. Their Congressman may, but their Representative doesn't. When this issue surfaced before over the issue of the meal allowances or what have you and it was covered even minimally in the press and people understood what actually was going on, then you started to get greater comprehension and understanding of what is involved. I have not seen in my tenure a full analysis of what goes into it by the

press. They will focus on all these peripheral issues or parts or pieces of the puzzle, but not the whole picture. By having the commission out there and allowing that focus, maybe, I can't promise this, no one can, but maybe the state will give this the kind of coverage, the public will have the ability to be involved, so that when this comes to us, this will be something more than the usual partisan debate. It will be a debate based upon a full understanding of the issue.

For these reasons, I believe this is a good proposal. It is a modest proposal. It is a prudent proposal. It is a proposal which should have bipartisan support. It is a proposal in which we do not surrender our prerogative under the Constitution. I, therefore, urge you to support the pending motion. Thank you.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I support this. I haven't read all the details of this, but I support this idea. A year or two ago I submitted a bill. Maybe some of you recall it. It did not get too far, but it called for a Constitutional Amendment that would simply state that it would be a statement that the public expected that the legislative makeup would reflect a broad cross section of the population as a whole regarding locational background and socio-economic makeup or background. That did not pass. I think this is probably a better step to have an independent commission.

Frankly, I wouldn't want to get any more pay because that is one of the few things that people don't complain about back home that we do. I have never heard anybody complain about our pay. There is a little disgenerousness if we just say this year we made \$7,500 because we get \$34 a day for meals, which is way more than I spend. I am telling you the truth. I consider that part of the pay that I probably should be getting. I think maybe this commission could sort out some of that stuff and give us a reasonable meal allowance, but perhaps give us more on the salary side. To me, the question isn't checking out how much work we do or even comparing it with other states how much pay we get in compensation. How would this commission or anybody tell if the compensation, pay and benefits are enough? How would you tell? I say you have to look at the makeup here. It is a very delicate situation and usually when I bring it up, it takes me about a month for some people to speak to me around here again. Search your soul. We talk about small business, for example, being the backbone of our economy, the engine of our economy, honestly, ask yourselves how many people are here from truly small business that don't already have a pension from someplace. No offense people, I am probably jealous. Ask yourselves, there are a few, but it is very difficult. Some people are dropping out of this House this year because they can't do both. Maybe there is no way we can ever have it so you can just leave your business for a year or two and come over here. Maybe we can't, but I surely would like to know and maybe this commission can find out. Let me tell you folks, it isn't only pay, which is part of public policy, there are other public policy decisions made that I think skew the makeup of this body.

One is, there again, don't hate me, people come over here from either government jobs or big business on leave of absence. There jobs are guaranteed when they go back. Some of them I understand, maybe this isn't true, some this even goes towards their retirement. I am not knocking necessarily that system, it is just that it skews the makeup such that the small business person couldn't do that. It just completely gets it out of whack. I support this. 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: Madam Speaker, Men and Women of the House. Could anybody on the committee during committee deliberations tell me what the discussion was concerning taking this out as referendum item and not having being considered as a referendum?

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 Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. Basically when the bill first came it, it would have been a referendum. It would have been simply a determination of whether or not this commission should be created. The commission would then have, essentially, the say. That garnered minimal, if any, support on the committee because we felt the bottom line is it is the legislative prerogative ultimately to vote this thing up or down. It would be viewed as circumventing, if you will, the process that would be perceived as such if were done in this matter through a referendum. That was not accepted as presented by the committee. I hope this answers the good Representative Stedman's question.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I don't often stand up on bills that don't come from a committee that I have worked on, but I am standing up on this one in support of the pending motion. I feel strongly about this and believe that this commission is certainly worthwhile and I wanted to respond to a couple of comments that the Representative from China, Representative Bumps, made about the way that the bill and the amendment is structured. There is an up and down vote in the committee of jurisdiction and it is true that when the bill comes out to the floor there will be an opportunity for individual legislators to pin amendments onto the bill, however, I believe there will be deference given to the report and recommendations of the commission. When you talk about that this will not politicize the system, it will to a certain extent and I think that is a worthy endeavor.

The other argument against this or the other criticism was that the Governor appoints the individuals on the commission. It would be certainly more meaningful for the Governor to do that than members of the Legislature because then the commission would be criticized because it was set up by its own. If not the Governor, I am not sure who. I believe this is a worthy bill and I applaud the committee for working hard and working on this Committee Amendment. I would encourage you to vote for it. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. Over the course of this year, we have seen in the media articles about the fact that people could not or would not be running again for the various bodies, either body, because of the low pay and not being able to afford it and so forth and so on. To me, this whole idea is tied in with the ultimate choice, I think, that has to be made somewhere down the line. Do we want to be a citizen's Legislature or a full-time Legislature? I think before we do that or go either way on that, we should be looking at things that we could do to, in a sense, speed up the process and make the Legislature more efficient, if that is ever possible. The fact that we have on our desks Legislative Document 2,297, that is almost 2,300 bills. We have today Legislative Sentiment 1,374. We have amendments that are in the thousands. I think there are ways to combat that without taking people's rights away to petition their government,

but ways of combining bills before they even get out of the Revisor's Office and so forth and so on and not meeting until all the bills are printed, perhaps doing some of the other things that committees should be doing, the audit part of their responsibility, for example. I am going to be voting against this simply because I don't think we have done a good enough job or even begun to do a job on making our own legislative body more efficient. I will, again, be voting against this.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I have not been here for the whole debate on this issue. However, I have been looking through the amendment, which is Senate Paper (630) and I find a couple of provisions in this which I do not quite understand and would like to first of all ask somebody to explain. The first provision that I see in this amendment is that the provisions regarding the adjournment dates of the First Regular Session now set forth in the statute are eliminated. This is on page 2 of the Committee Amendment. They appear to be eliminated. On the next page, there is a provision which now exists in statute which talks in terms of additional expenses may not be paid unless authorized by the President or the Speaker and that provision also appears to be eliminated in this committee amendment. Could somebody address these issues?

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I don't have the bill before me, but my answer to the good Representative from Wells is sometimes appearances are misleading.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. To be quite honest with you, last night was the first night that I had noticed the deletion as well. I don't understand in answer to the Representative's question why this has been removed. One of the other points I would make in following up is in response to the allegation that the commission will somehow address things other than legislative pay is also misleading. I would encourage any of you who haven't had a chance to look at the amendment to do so and show me where in the Committee Amendment that it says that this commission will be charged with looking at the benefits you receive for things like meal allowance, health insurance, dental insurance, constituent allowance and all of the other compensation and travel and all of that.

Finally, in response to a comment made by the good Representative from Portland, Representative Rowe, who it is rare that I find myself disagreeing with on the floor, I would say that you only need to look as far as the federal government and Congress where the cost of living adjustments have been legislated. COLAs are in place there for members of Congress. When you look at that example, you will see that for COLAs this flood of amendments that I described re-entering this process into the political arena exists. It has done nothing to remove the debate, which I think was probably intent. Legislate the COLA for members of Congress and as a result what would happen is we would no longer have to deal with how much money we pay members of Congress. Anybody who follows Congressional action will know and will tell you that that is anything but true. What has happened is the COLA is in place and every time it come up members of Congress introduce amendments to either increase the COLA, not very often decrease it or eliminate it

altogether. The suggestion that this somehow provides impartiality to it, on its face it may make us feel better, but when it comes here, the end result is the same. Thank you.

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

Representative FISK: Madam Speaker, Men and Women of the House. I am proud to say that in the two years that I have been here that I have never said the words that I didn't intend to speak on this bill, but today I will rise to say I didn't intend to speak on this bill. I would like you to support the Majority Report for the following reasons. My good friend from State and Local Government, Representative Bumps, has indicated how could five members of this committee really understand how hard and the many hours that we put in to get the work done that needs to be done here. I agree. I also agree with Representative Lemke's comments that the general public really does not understand the work that is done up here. I think it is important that that be brought to the public light, not so much that we need a pat on the back, but just the fact that they understand what we do up here and the time demands and what the conversation is for it. I know that there was a suggestion that someone mentioned that we get paid \$100,000 because they confused it with the United States Congress. We heard a comment that it must be nice, they see our license plate, to run around in a state vehicle, which obviously we don't do.

It gets down to the idea that I have been impressed with how hard the people in this body work and I am not afraid to say on the record that if compensation should be raised to meet the obligations of the people who are here, I think that is important. It has even been commented that maybe this is an end run for a pay raise because we can't deal with the politicization of it. I say if that is the case, then so be it. I did research what other states do and it is a myriad of variances from what state and how often they meet and their responsibilities and what they get paid for what they do. I submit to you that if you take those into context and try to get some meaning out of it and you will find that the Legislature in Maine is at the bottom of the scale when it comes to the amount of responsibilities and the compensation they get.

I would say that it is difficult being a legislator up here and I think it was even brought up in our committee that this doesn't address all the problems. One is time demand. Two is the process itself. It is sometimes frustrating and three is the legislative pay. I feel that this bill does address the latter and I would urge your support.

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

Representative ETNIER: Madam Speaker, Men and Women of the House. In reference to the good Representative from China, Representative Bumps comment about the other issues to be addressed by this task force, I would just bring to his attention Senate Amendment (S-694) that spells these issues out as it comes to us from the other body. It does refer to mileage, healthcare and other benefits including federal tax benefits for those legislators living more than 50 miles from Augusta. That is where that language shows up. Thank you.

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

Representative PIEH: Madam Speaker, Men and Women of the House. People often ask me what it is like working up there? I say it is kind of like the domestic peace corp. You work really hard. You work seven days a week. You often work evenings and you come home with no money. I love it. I love this job a lot and I can barely afford to do it. It is thanks to having a husband who has increased his workload, substantially, so that I can stay here. I was one of those small business people. I am not anymore because I can't accommodate my clients on their time



frame when they need me to be there. I have had to refer them to other people. When I was thinking of taking this job and talked to people, they said it is perfect for a small business person in the citizen Legislature. They can go up there and keep your business. None of them have this job. They were giving me that advice. I rise strongly in support of the Majority Report and I think it hard for us to make that kind of a decision without some input from something like this commission.

I read in the paper and I assume it is true that at the federal level they have also established a commission like this to give advice that can be voted on, up or down, and not amended. I encourage you to support the Majority Report. Thank you.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Just to further clarify the question by the good Representative from China regarding where else does it say including the other lists in terms of housing and so forth. In the bill itself on page 2, line 11, it says, "Including, but not limited to all payments for salaries, meals, housing, travel, mileage and all other expenses and allowances."

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I have been looking since I last spoke to see whether or not the provisions on page 2 of the Committee Amendment were somehow in the Constitution and were duplicative. I have been unable to find that. Let me go through the other changes that this Committee Amendment makes. It eliminates the requirement that the Legislature adjourn no later than the third Wednesday in June. The Second Regular Session shall adjourn no later than the third Wednesday in April. It eliminates the provisions, the existing provisions, regarding when the Legislature can be brought back into session. It eliminates the discretion of the presiding officers regarding allowances for meals and overnight accommodations. It eliminates the provision that says that no additional expenses may be paid to legislators unless authorized by the President or the Speaker. It apparently leaves in place a provision which says if you come here for whatever reason, you get paid.

I think there is a lot more to this Committee Amendment than just the issue of salaries and a commission. This would make major changes, eliminate major restrictions on the length of the session that we might be here during. I am surprised that nobody has addressed it before. It concerns me that nobody has stood up and explained why these provisions are proposed to be eliminated in this Committee Amendment. That being the case, I have some serious reservations about voting for this bill. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I rise to answer the question posed by the good Representative. The short answer I gave, I found out was accurate, but I now can give the long answer having checked with OPLA and the people that worked with us on this bill. This is not struck out of the law. It simply plugs in what legislative pay would be if the recommendations of the commission were not accepted by the Legislature. All that is struck out in this particular paragraph is dealt with in the original bill. What this means is that if the recommendations were not accepted, current pay would remain. So, instead of checking the Constitution, the good Representative should check the original bill.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I am not on this report even though I support in theory this concept. I am off on my own as always. The thing about Committee Report "A" is we set up a commission, but no where in the bill does it say that that commission can have public hearings. The interpretation of it could be that this group gets together and they figure out what the conversation should be and then it comes back to the committee. The only time that the public will have any input is when it comes up for public hearing in State and Local Government.

The other concern I have with the commission is the makeup of the commission. Nowhere in the language does it say that whoever is appointed to commission should have some sort of knowledge about the economic conditions in the state. Anyone that can understand the different things that we need to make up our legislative pay. There is nothing that talks about anyone needs to know anything about our retirement plans. There is nothing about state laws. I ask you to vote down this report and look at the other one. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne. 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 AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. To address the issue about this commission will meet in almost like a secrecy and plot. That is not the case here. Just like any other commission, it will be open to the public. Anything this commission does has to be notified in the usual manner, place and time and there will be great notice to the public when this will be taken. I am sure if there is great interest, they will attend. They will be notified just like the other commissions that we established.

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

Representative VEDRAL: Madam Speaker, Ladies and Gentlemen of the House. I would hope that this House would have the courage to vote on their own legislative pay, not to give up your responsibility for running this House to another body, the Executive Branch to appoint a commission, give up your responsibility to this commission, so that they might report on what your legislative pay should be. I would also contend that the pay is not the issue that we need to be looking at here. We have heard some testimony from small business owners and former small business owners that being up here is causing them some distress. I do work for a small business myself and I can testify that the money is not the issue that is of concern to me. What is of issue is the time that is required to do this job. Not only time away from my business and my clients, but also time away from my wife and my daughters. This is what is most troubling about serving up here and what effects my decision on whether to run or not to run for the next session. I believe we should address that issue and not the pay so much. If we do decide that addressing the pay is necessary, that we should do that ourselves and not give over our responsibility to any other party.

On another count, if we further look at this bill as the Representative from Wells had pointed out, there are some deletions that are quite concerning. There is one that I noticed as well that eliminates the authority for leadership to meet at anytime while the session is not in. It also eliminates the opportunity for committees to meet with approval of leadership. Please do take a look at the amendment yourself.

Finally, we heard that the committee of jurisdiction would be able to have a hearing on the recommendations of the

commission and that they could report out Ought to Pass or Ought Not to Pass on the recommendations. We would have the opportunity to debate this issue on the floor and present amendments. There is only one problem with that and I think we all can predict the outcome of any amendments that are presented on the floor. Right after the amendment is presented and a short speech given, the next person to stand up will say, this amendment did not have a public hearing and, therefore, I cannot support it. For all these issues I have outlined, I request that you have the courage to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. I must respectfully disagree with my good friend from Buxton, an issue that we are giving away our authority and that we should not do. We ultimately have the decision to accept or reject the compensation commissions recommendations. Not only in this body and the other body when it comes back to the floor, but also at the committee process when we hold the public hearings when the committee of jurisdiction makes this recommendation and it will vote Ought Not to Pass or Ought to Pass and, therefore, we are not relinquishing our control.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. To the good Representative from Westbrook, he said that the language that was found in the original bill and the amendment doesn't strike out the provisions for how long the session is, but if he could explain to me, I am looking at the original bill in Section 3, Subsection 2, with the language in there and then I look at the amendment and the amendment says it is further amended to read and then it goes on to that section which addresses adjournment and it strikes the language. In the committees that I have served on and I haven't been here that long, this is my second term, any language that we have in an amendment that is stricken means that is removed from the statutes. If he could please explain to me what he was referring to when he said it didn't change that language.

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 Hartland, Representative Stedman.

Representative STEDMAN: Madam Speaker, Men and Women of the House. From all the conversation I have heard here on the floor so far this morning is the assumption is this panel is going to assume that we are underpaid and that probably more compensation will come down the road. If you get the public involved, they might assume that we are overpaid and that we are getting too much already. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I apologize. I didn't see that the Representative from Westbrook had left. May I pose another question through the Chair?

The SPEAKER: The Representative may proceed.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. To anybody in the House or on the committee and I addressed that question to the Representative

from Westbrook, who wasn't here, could anybody on the committee answer that question for me.

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 Kingfield, Representative Dexter.

Representative DEXTER: Madam Speaker, Men and Women of the House. It was in 1977, I guess I am the oldest one here in terms of service. I cosponsored a bill to look into our legislative pay and I was a member from the opposite side of the aisle. When it came time to appear before the committee, she got cold feet and left me to go along. It was a hostile committee. Believe me. I presented my case and I really caught it. Being an old woodsman, it didn't bother me too much. They said to me, where is all of your support? I didn't have one single person back me, not one. Let me tell you what happened. I did get an independent commission to study our pay. It was headed by a banker named Nichols. To make a long story short, at that time we were getting \$6,500 for two years. Our pay was raised. To answer to the good Representative from Penobscot, I am a small businessman, woodsman. By rights, I never should have come down here because you can't cut wood and be down here. I didn't owe any money. Right now, the President of the Kingfield Savings Bank and I are on a first name basis.

Winston Churchill once said there was a little bit of insanity in all of us. Some of us have more than our share. I don't know how I am going to vote on this. I am concerned that the Executive Branch has something to say here. I just wanted to give you a little background and people back home, you would be amazed how many say that you make \$30,000 a year. I don't think anyone of us here are overpaid that is for sure. I am still undecided how to vote, but anyway, I guess you get the picture. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. I am always hesitant to follow Winston Churchill, but I will proceed. I do have a question. The question that I would ask of any member of the committee would be last year in the First Regular Session we had a bill LD 1391, which was "An Act to Establish or Reestablish the State Compensation Commission." That bill was enacted in both Houses and signed by the Executive on June 12, 1997. I would ask how this proposal differs in any way from LD 1391 that we passed in the last session?

The SPEAKER: The Representative from Wilton, Representative Laverdiere has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. Having just read that bill, the major differences would be in the Committee Amendment it strikes out language of when our ending date would be. The presiding officers must approve the compensation and out of session for the salaries and how we call ourselves back in. It seems that the major differences are that the bill before us would strike out sections of law on presiding officers ability to manage the building, control expenses and for the Legislature to have the authority to call itself back into session leaving us only to when the Governor chooses to do so.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne. Having spoken four times now requests unanimous consent to address the House a

fifth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. In the original bill what you see struck out in Committee Amendment "A" is retained in the original bill on page 2 on subparagraph 2D, paragraph 1, 2, 3, 4, 5 and 5. All of these remain. What you see struck out in Committee Amendment "A" is retained in the original bill.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I too have Public Law 506 approved by the Governor June 12, 1997. That bill establishes a State Compensation Commission one of whose duties is specifically to make recommendations concerning compensation of legislators. Under this bill, the commission must issue its first report no later than January 1, 1998. My question to anybody who is able to answer through the Chair is has that commission made a recommendation and what is it?

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

Representative LEMKE: Madam Speaker, Ladies and Gentlemen of the House. Basically it was answered by the Representative from Madawaska, but since the question was directed to me and I always attempt to respond to the good Representative Waterhouse and at the pains of being repetitive, it is important on Page 2 of the original bill under 2D, General Provisions, it covers all the things that look as though they are changed. The only change is, and I think it was mentioned by the good Representative Donnelly, the effective date. That is all. This is starting to remind me of a play by Shakespeare, but I leave it up to you to decide which play that was.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. In view of all of the confusion and my still unanswered question and in view of the fact that we already have a Legislative Compensation Commission established this year, I move that this Bill and all Accompanying Papers be Indefinitely Postponed.

Representative CARLETON of Wells moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative AHEARNE of Madawaska **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 Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I surely don't intend to talk long, but the reason that I objected to this bill originally is because it doesn't seem to do anything different that what goes on now, but there is an extra \$4,200 added to what is done now. Thank you.

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

**ROLL CALL NO. 601**

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Colwell, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones SA, Kasprzak, Kerr, Kneeland, Labrecque,

LaVerdiere, Layton, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neil, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Quint, Richard, Rines, Savage, Shannon, Snowe-Mello, Spear, Stedman, Taylor, Thompson, Tobin, Treadwell, True, Usher, Vedral, Vigue, Waterhouse, Winglass, Winn, Winsor, Madam Speaker.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Clark, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Green, Jabar, Jones KW, Jones SL, Kane, Kontos, Lemaire, Lemke, Lemont, McKee, Mitchell JE, Morgan, Muse, O'Neal, Paul, Perkins, Perry, Pieh, Povich, Powers, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Townsend, Tripp, Volenik, Watson, Wheeler EM, Wheeler GJ, Wright.

ABSENT - Bouffard, Dutremble, Gamache, Joy, Joyce, Joyner, Lane, Lovett, Poulin, Tuttle, Underwood.

Yes, 77; No, 63; Absent, 11; Excused, 0.

77 having voted in the affirmative and 63 voted in the negative, with 11 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent up for concurrence.

**UNFINISHED BUSINESS**

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

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

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

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

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

TABLED - April 1, 1998 (Till Later Today) by Representative KERR of Old Orchard Beach.

PENDING - **FURTHER CONSIDERATION**.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-828)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners" (H.P. 462) (L.D. 633)

TABLED - March 5, 1998 by Representative KONTOS of Windham.

PENDING - Motion of HATCH of Skowhegan to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative HATCH of Skowhegan, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-900)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Give Collective Bargaining Rights to Legislative Employees"

(H.P. 1497) (L.D. 2096)

TABLED - March 19, 1998 by Representative SAXL of Portland.  
PENDING - Motion of Representative HATCH of Skowhegan to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative CARLETON: Madam Speaker, Men and Women of the House. It has been a little while since this bill was last before us. I am not exactly familiar with the provisions so I would request permission to ask a question through the Chair.

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

Representative CARLETON: Thank you Madam Speaker. What does this bill do?

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

Representative HATCH: Madam Speaker, Men and Women of the House. To address that question, the original bill would give the opportunity for nonpartisan staff to be able to organize if they so choose. As amended, which we are looking at now, it would broaden it out a little bit. It is my intention to strip that amendment and amend it further so that it would tighten it up so that it would only be nonpartisan staff.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. This bill has been on the table for quite a while. I am trying to refresh my memory of some of the major points that were made during the hearings and here on the floor. One of the points that stick in my mind was the fact that the legislative employees already have a grievance procedure, which is about the only thing that becoming organized would do for them. It would allow them a grievance procedure. They already have that through the Legislative Council. Whether or not that has been used, I guess that is the question. I think that we would be destroying a relationship that now exists between the staff and this building and the Legislature if we allow this bill to go into effect. One other point to consider is there is a fiscal note on this bill and if my memory serves me correctly, it was \$113,000 fiscal note to provide for legal services and some other things. Beyond that, I guess as the debate continues, I may be able to remember some of the other points.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. That fiscal note will only take effect if, in fact, the employees choose to organize. If they don't, then there will be no fiscal note. This bill merely gives them the right to organize. I submitted this bill at the end of last session because I think, at times, we, as a body, may treat some of the legislative employees as slaves, almost. They work very long hours. They

are very dedicated employees and I think they have this right to organize. I think that at times they are used as pawns to pass legislation. I don't think it has happened in the 118<sup>th</sup> or the 117<sup>th</sup>, but there have been times that I have been here that we stay out on the veranda when the sun comes up at the end of sessions to work long hours and wear people down and even pass legislation through using some of our employees as pawns. I think the nonpartisan staff is very proud of the fact that they are nonpartisan. I think they guard that nonpartisan marker as a badge of not belonging to either one side or the other. I don't think that they will choose to organize, but they will have that right if future Legislatures decide to use them as pawns to pass legislation by keeping us here extra long hours, some of the people here now think that 9:00 or 10:00, we have worked late. That isn't the way it used to be. We would stay here all night at the end of session wrap ups. Like I say, I don't think they will choose to organize, but they will have that right if we start doing that to them again. I didn't ask for cosponsors on this bill. There were a lot of people who would have cosponsored it, but the reason I didn't was because I just wanted to go down there. I asked the committee to work this and see if they could come out with some unanimous. That didn't happen. I wholeheartedly support their right to organize if they choose to. Thank you.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. This bill appeared before our committee and the more we talked about it, the more I got confused over who would be covered and who wouldn't be covered. I feel that it needs an awful lot of work to set down and really decide which ones of the employees should have the right to organize and which ones should be outside of the organization unit. It became thoroughly confusing to me and because of that, I would like to make a motion at this time that we indefinitely Postpone this Bill and all Accompanying Papers and I would request a Roll Call.

Representative PENDLETON of Scarborough moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **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 Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. I didn't think I would be rising to debate another labor bill this late in the session. I would request that you vote against this Indefinite Postponement and to refresh everyone's memory, I have my file folder and I would just like to read, briefly, some excerpts from testimony that we received. We held the hearing on this bill at noontime to afford the staff a chance, if they wanted to, to speak on this bill. We notified all the offices in the building to let them know it was going on so that it would be on their own nickel. Some of them had to request that they would be allowed to at least attend the hearing, maybe not speak on it. During the course of hearing there was one gentleman who came forth, who no longer works for the nonpartisan staff, but now works for the partisan staff. He works for the other body and I won't even tell you which party. He was against the bill, but he brought up some great points. I will tell you why.

In his testimony, which he submitted, regarding working hours. "Are you aware that last year OPLA had 4,700 overtime hours? That is among 23 employees. The Fiscal Office had 2,815 overtime hours among 11 employees and the Revisor's

Office had 4,400 overtime hours among 32 employees. There are at least two staff people that went over the 500 hour mark. That is over 12 weeks at 40 hours. Many of the nonpartisan staff members had well in excess of 200 hours. Substandard working conditions, the conditions of some of the offices are substandard at best, with poor air quality and problems with lack of ergonomic workspaces. I can tell you first hand that I personally experienced problems and even wore a wrist brace at a time. Fortunately, the Legislature, currently, is now in the process of addressing some of these concerns. Increased responsibilities, since I arrived here in 1991," due to Total Quality Management, that is my own phrase, "we have added to the duties of an analyst in OPLA, the budget review, rules review, the Government Evaluation Act and fewer committees with higher bill loads. This has occurred with no real increase in staff or change in staffing patterns. During the compressed session they have also been increasing trends to do all these things in less time and impossible feats for some."

After the hearing there were 10 members of the staff that sent us a letter. "Among the issues that we would like to bring to the attention of the committee and your consideration of LD 2096, is that of the need to establish a clear, consistent mechanism by which legislative employees can have access to the process by which decisions concerning our livelihood are made. To ensure that these decisions are made fairly and with deliberation and that information about the terms of our employment flows freely between those who make the decisions and those who will be vitally affected by them. The policy manual provided to us by the Legislative Council, in many respects, an excellent document was designed and maintained without any opportunity given for employee input. Although it sets out policies and conditions of employment, it is not binding on the council, which, of course, is free to alter or disregard it at anytime. It cannot be said to offer the employees any real security. We appreciate your scheduling the initial hearing in this session at a time when some of us are able to attend." This was signed by 10 people from the OPLA staff.

I have heard that there wasn't many comments made. I think they felt a lot of put off by even looking like they were requesting something like we were bad employers. I don't think we were bad employers. I think it is that we don't even question who we are employing as to what they would like. I don't know if the legislative staff would want to organize. I think they do, but I think there needs to be some dialog going on. I think this would give them an opportunity. It doesn't say that they have to or that they will. It just gives them the opportunity to do so. I request that you vote against the Indefinite Postponement and we will go on and amend the report to bring it down to just the nonpartisan staff. Thank you.

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

Representative CLARK: Madam Speaker, Men and Women of the House. I serve on the Labor Committee. I voted with the majority on this bill. As a former staff person of this institution, I just have to bring some points to you. You work very long hours. You deal with Representatives that are very testy at times because of the long hours that we put in here. You do favors for Representatives and other people like taking their car to the car wash and doing things like that. You help them in all needs necessary. You help them with certain messages. You help them with packing up their desks, filing the folders and things of this nature. There are a couple of people that are former staff in this body. As the good Representative from Skowhegan pointed out, this is only if they want to organize. People have the right to do that. I just don't understand why we would Indefinitely Postpone this Bill and All Accompanying Papers. The

Representative from Skowhegan has an amendment, which I can't talk about now, that will help bring in line all different aspects of the job. It is just unbearable sometimes what people go through as staff people. Everything being on a deadline, working long hours, sometimes 16, 17 or 18 hours to help bring this body to a conclusion. Hopefully everybody would vote against Indefinite Postponement. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative VEDRAL: Madam Speaker, Men and Women of the House. My question is, if this bill were to pass into law, could there possibly be some protection for the jobs of our committee clerks?

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

Representative HATCH: Madam Speaker, Men and Women of the House. In reference to that, if they are considered nonpartisan staff, which I think they are, they probably could join the union.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. I just want to respond to something that was said when a previous Representative rose and said that this bill needed more work. I was at the public hearing and I was at the work session. The work session lasted maybe an hour. There was very little input from my side of the aisle on that bill. I was very disappointed with that. There was some things advanced by the majority side that I didn't quite agree with and it seemed like my side of the aisle didn't really want to work this bill to make it a better bill. I asked him to try to come out with an unanimous Ought to Pass and they didn't seem to want to do that. I just don't want to ever leave here at the end of the session and find out that one of our legislative employees fell asleep on the way home and got killed or seriously injured or they dropped dead downstairs because we have worked them for a week or 18 to 20 hours at a time. That isn't right. They shouldn't have to do that. If they have to organize to get that right to say no to these hours, then we should let them. I am not afraid of them organizing. I think Representative Clark said people do have the right to organize. That is wrong. These people don't have that right to organize and that is what we are trying to give them now.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I have listened to the comments here this morning on this subject, but my thoughts go back to a time before the school administrative districts were formed. I used to take part in some school meetings and saw what happened to people that had problems with their employer. I remember attending a seminar in the State Office Building on a very warm June morning. The commissioner was the one conducting the seminar and it had to do with collective bargaining. Regardless of what I have heard here this morning, I believe then from the instruction and have ever since that people have the right for which this subject is being discussed. I had that thought then and I believe people have this right. There may be some technical things that have to be worked out, but I don't believe that anyone in the State of Maine should be denied collective bargaining. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Madam Speaker, Ladies and Gentlemen of the House. This is a fundamental question that we are raising here. Do people have the right to organize and are we going to restrict it? The good Representative just stated eloquently why that should not happen. People have the right to organize unless Legislatures like this block it. The other couple points that I want to make is that it was said earlier that the only right or the only worth of a contract is a grievance procedure. They have that right now. I would suggest that there is a lot more that goes into a contract than a grievance procedure. There is just cause for discharge. There is working conditions. There is pay. The other thing I believe is that the nonpartisan staff, the professional staff, probably can work long and hard, but they also understand probably more than anybody here the laws and they can make their own decision. I would request that you defeat the pending motion and let them have their opportunity to organize.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I hope you don't get me wrong by my motion to Indefinitely Postpone. I feel that if there is a grade and class of workers that we can decide upon, that was my problem. I couldn't decide on who should be included in this group to be organized. I can definitely say that there are a couple of groups that very definitely should. It was very clear that they were distinct. They were away from the Legislature. They weren't part of the partisan staff and nonpartisan staff. I couldn't clearly, in my own mind, decide. We started talking about the Republican Office staff, the Democratic Office staff and who should be in there to be included or not. The President's staff, the Speaker's staff and who should be included in it and who shouldn't be. I was so confused as to where they should be or those staff members that should be selected by leadership to work for them, that I had trouble trying to decide for these people to organize and then those people that would have rights to continued employment if the leadership changed. That is why I would rather see this bill worked longer in another time and I would rather have it Indefinitely Postponed at this time so that we can set down and sort all those out without having make a mistake now. That is why I am making that motion. Thank you.

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

Representative SAMSON: Madam Speaker, Men and Women of the House. This bill is clear. This is for nonpartisan staff. This excludes partisan staff from the Majority and Minority Office and all the way around. There is no confusion here. This bill is only for nonpartisan staff. This bill simply adds a section of law that says workers in a nonpartisan staff, if they choose to, can work to organize a union, if they want to. It doesn't mandate they will have a union. It only says that they can, just like the vast majority of the state workers in the State of Maine. My recollection of the hearings and work session is that we had no opposition to this bill. Correct me if I am wrong, but I don't remember anybody coming up and opposing this bill. It has been said many times and I echo Representative Chick. People ought to have the right to collectively bargain a contract with their employer. I think this would be good. I think an employee if they see something wrong with the way things are done, they should be free to approach their employer and say so without repercussions of being terminated or disciplined. I don't know of any particular issues with the staff, but they should at least have the right, if they choose to, to organize themselves. I think it would be good for all of us. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PINKHAM: Madam Speaker, Men and Women of the House. If this bargaining unit is formed, is it going to be a closed shop so you have to join to keep your job or will have the privilege of not joining or joining?

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

Representative SAMSON: Madam Speaker, Men and Women of the House. No state employee has to join the union. There is no closed shop in the state. It is a matter of their own choice.

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

Representative TREADWELL: Madam Speaker, Men and Women of the House. I would like to make a couple of quick points that I think are valid. The members that would come under this bill, I believe at the present time, if they work overtime hours, they have a provision for compensation time or compensatory time to offset those overtime hours that were worked. I think it is working fairly well. I haven't heard any complaints from anybody. We didn't hear any complaints from anybody. We didn't hear any complaints that I can remember during the committee work. The comment that the \$113,000 fiscal note would only be used if the employees choose to organize. If it is an if situation, why do we have the bill? If we pass the bill to allow the organizing, then the fiscal note will come into play. So, I don't understand. I would say that we do have a \$113,000 fiscal note on the bill.

The other point, I think, there is an implication here that the Legislative Council is treating the employees in the building inhumanly. The implication is that the only way that they are going to get protection is through unionization. I think it appears to me that we are pointing a finger at the Legislative Council saying that the only way we are going to be able to protect these folks from you is to allow them to organize and then they will have the protection of the union. I don't really agree that that is the situation here at all.

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

Representative HATCH: Madam Speaker, Men and Women of the House. I think I have spoke more on this issue than I have any other this year. In regards to pay and overtime hours and all that, that is a negotiated item. I don't think we have to even debate that. That is for another day. All we are authorizing them to do, if they so choose, is to form a union. As far as any finger pointing at the Legislative Council, the Legislative Council would still be fully in control of any negotiations between the staff. It is taking no power away from them. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I am just a little frustrated that we don't hear complaints out of our nonpartisan staff. Ladies and gentlemen, I think I would respectfully submit to this body that you haven't stood back long enough to see or you haven't listened or haven't had a chance or haven't asked how things are going and how hard are they working or what do they have to put up or what are the pressures that they have to deal with? I roam around this building a lot during the dead time, ladies and gentlemen, and it may be dead up here, but it isn't dead



downstairs in those little rooms and those little nooks and those little corners. When I am a chair of a committee and I come in here and I am in here at 7:00 at night because I choose to be here to work on something and I have looked through a window and see my legislative analyst in there working on a bill and not home with their family when the pressure really isn't on her to work on that bill that day, it kind of makes me wonder why I have to go in and say, why don't you go home? Why don't you go home and work on that tomorrow? They are under a lot of pressure to please this body. I am not pointing fingers at the council or anybody. They are down there under a lot of pressure to please each and every one of us in here. I think for them to get up and make complaints and file complaints with the council that I am not being treated fairly, it just isn't the system. I think that this process will allow us to put in place, if they choose to do so, a process that will give them a little more reassurance and a little bit of structure so that if they did want to file a complaint or they wanted to have some broad discussions on time and management and off time and all that, this would allow that to happen, if they chose to do that. I don't think anybody in this room should ever think that I have never heard about complaints, should carry any water, because I think you should stop, look and listen before you have that kind of conclusion. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. I would just like to point out and it has been said and I guess I just want to say it again, this does not mean that they have to join a union or that they will join a union. It also does not mean that they need to join a union to receive job security that they will receive under collective bargaining rights. They can form an association of their own, in house internally, it simply states what the bill says, collective bargaining rights. They will be able to collectively bargain for raises and they will have the job security that many of us already enjoy. I would like to pose a question if I may. To any member of the House, I am just curious if there is any member of this body who is, in fact, opposed to a union and why? Thank you.

The SPEAKER: The Representative from South Portland, Representative Muse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Gerry.

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

The SPEAKER: The Representative may pose her question.

Representative GERRY: Thank you Madam Speaker. Will the chamber staff be able to join this collective bargaining unit?

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

Representative HATCH: Madam Speaker, Men and Women of the House. In regards to that question, under the bill that we are proposing, they would not. They are appointed. I would love them to have been in my original version as amended right now. It would have probably allowed them to do so, but I am offering another amendment because it seems more palatable. I talked to a few people and we thought that nonpartisan staff because they stay rather than change with any election would probably be the preferred way at this time.

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. I am one of the Representatives sitting here with an open mind. I haven't made up my mind yet how I am going to vote. I have two questions. If these employees voted to organize and an employee didn't join, would he or she still have to pay dues? Second question, if the employees voted to organize, could political action dues be collected? My concern is the working relationship of employees that we work directly with making contributions to elect or defeat members of this body or the other. If the answer is yes to any of those two questions, would the supporters of this be willing to amend those concerns?

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 Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. I didn't quite understand the second question, but I believe the answer to the first question is no, they do not have to pay dues if they do not join.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy who may restate his question.

Representative MURPHY: Madam Speaker, Men and Women of the House. If these employees organize, is there the possibility that out of their pay that they could or would make political action contributions, which could affect their working relationship with members of this body?

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 Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. I believe the answer to that is no.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. However you vote on this bill I wanted to pose this question rhetorically. A number of you have brought up inadequacies in the job surroundings of the staff here, the conditions that they work under, the times and the rooms. I wonder if you see these things now, we have the means to address these. We have ourselves, as a body, and the Legislative Council. If those of you have seen conditions that you feel need addressing, I wonder why you are not doing something about that now, bringing it to the council yourself if you feel the hours are undue, if you think the rooms are in poor condition. You don't have to wait to form a union and have them file grievances. Bring that up now. Why are you waiting to go through this process. If you think we are unfairly treating these employees, I would challenge any of you to address that now or in the next session if you return. There is no need to go through this process if you now see problems that need addressing.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. Having been a member of MSEA and having retired in 1993, I guess I am unsure of whether or not an employee who doesn't want to belong to a union that there is no dues involved. My understanding, from the past, was that even though an employee was not a member of the union and I guess I am talking about MSEA, that there was a charge, a monthly charge, still for not, even though they weren't a member. That is my recollection. This is not a question. I guess I am posing a question Madam Speaker, in case anybody wants to respond.

The SPEAKER: The Representative from Farmington, Representative Gooley has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. I would like to take it in order. There was sort of a questioning note from the good Representative. In regards to if we know about all this stuff, why don't we do something. Actually, until this bill was put in, I guess, I would have liked to have thought that everything was being handled quite well and I think it was. The problem being is that the staff doesn't feel empowered to discuss their working conditions. If you heard when I read the testimony from the gentleman who showed up, they have little input into the process. They are not asked at all. I think that sort of worried me. Yes, if this bill doesn't pass, probably I would be down here championing their cause. Sometimes you don't get involved if you don't know what the problems are. I have known that they worked a lot of hours, but I just assumed they had a mechanism to address those concerns. Apparently from the letter we received from the 10 individuals, they don't. They don't have a mechanism. I think that they are a little cautious with us. I don't know.

The other question is in regards to paying dues if you are not a member of the union. I have had some affiliation with people who do not belong to unions whose company or what not does have a union in place. It seems to me that they don't pay union dues even though they are teachers and even though they still receive the same benefits from that union because if there is a grievance or what not, the unions have to handle it. The union has to handle it. So, they get something for nothing. That is my take on it. Yes, if there are concerns and this bill doesn't pass, believe me, I will be knocking on the Legislative Council's door. I hope that it passes and we give them that opportunity because I think it is better if management and labor work together, in house, and leave the rest out of the process. I really do because I think we can get too many irons in the fire and we can really muck up a good process. I think the Legislative Council has done well, but they just didn't know what the concerns were and the employees didn't feel empowered to come to them with their concerns.

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

Representative MORGAN: Madam Speaker, Ladies and Gentlemen of the House. I don't intend to rise to belabor this issue, but I think one of the great weaknesses here within this, whether you are a union member or not for state employees, would be the area of compensatory time. This means that you are working many, many hours, but they will substitute compensatory time for a paycheck. Paychecks are the name of the game and that is where all the rubber hits the road. This is an area in which we could probably improve upon. I think most people like compensatory time or many do. I remember I used to share in those few hours. I think that the money is very important to these people.

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

Representative STANLEY: Madam Speaker, Men and Women of the House. What I have to say is not going take very long at all. Whether or not an individual votes to organize is really none of my business. That is up to the individual. What is my business in being a legislator is allowing them the right to organize if they want to or if they don't want to. What I have to say is I am not in support of the pending motion. Thank you.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition of this bill because I feel it is discriminative. If the chamber staff can't join, the Clerk's

Office can't join, if the Republican Offices can't join or the Democratic Offices, I feel that is discriminative. They should all have the right as a legislative employee because they help us as part of the Legislature to do their work. I will not vote for this legislation. I will support the Indefinite Postponement.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. Some of us who have been here begin to realize the nature of this process we call it the business of doing the people's business. The amount of time it takes is very unusual. I drive home every night. Last night I got home at 1:30 after the council meeting concluded at 12:00. We are finding that the process has a lot of down time. The process has intensified at the public hearing point, the work session point and then we are under a lot of pressure to simply sit around and wait for the product to come from one body to the other. These are long hours and we like it probably less than the staff does.

I have some questions. One, what will this do to the process? We have a process for grievance, at this point. It is called the Legislative Council. I have been on the council simply for two years, but there has been no initiative come before the council to try and work at these problems that we have heard about. The good Representative from Millinocket got up and told us about some highly unusual tasks, washing a member's car. Those things come down to management style. I think the good Representative from Northport, Representative Lindahl, put this in for a reason. I think the reason is the management style of the past. As different leaderships come through these halls, there is some improvement. There are no longer the all night sessions. The working conditions are horrid in terms of the building, the space and ergonomics, but our fine Speaker is pushing very hard, as well as the rest of the body, to get improvements in this space. Again, it is a function of management style. We all respect the employees. We all understand the burden for which they are under because of deadlines. We can appreciate their hard work, but I believe there is a process in place and I think it is important that we respect the employees enough to encourage them to bring that to us in the process that we have available to them. It is very important to have improved working conditions. It is very important to respect the staff and not to ask of these unusual tasks. It is also important to encourage them to come before the council. I don't believe we need to have bargaining rights to do that. I think it is management/employee relations that need to be improved and they are improving. Let's stay with the system we have and work at this system and not simply abort to try something new without having tried what we have first. I urge you to Indefinitely Postpone this bill. Thank you.

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

Representative BOLDUC: Madam Speaker, Men and Women of the House. I rise today in strong support of this bill. As is often the case in this House, we tend to get muddled down in details which are really irrelevant to the point of the bill that we are trying to pass. This bill, quite simply, extends the right to organize to employees of the State House. I don't see how any other point is relevant to that. All the points that have been made to this debate in the last hour are irrelevant. We are just extending the right of people who work here to organize if they decide to. It is as simple as that. To my colleague from Auburn, I would respond, that a 1,000 mile journey begins with one step. To cast your vote against this because it doesn't go far enough, is illogical. I would like to see it go farther, but politically we don't have the votes. We might have the votes for this. Help us out. Thank you.



The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. The nature of these jobs in the nonpartisan staff require tremendous amount of skill and knowledge that can take years to develop. This body and the other body have a major vested interest in maintaining the stability and low turnover of such a skilled and competent staff. The appeals process that we spoke about earlier, remember, places the burden of redress of any problems squarely on the shoulders of staff. The opportunity for collective bargaining provides an opportunity for more proactive planned and objective process for keeping the communication between management and, in this case, our leadership and staff on a very positive track. I urge you to reject the motion to indefinitely Postpone and let's put the track of our relationship with our staff, the nonpartisan staff, on a far more positive track. Thank you.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. It is almost like I have two little figures on shoulders. One saying, don't get up. Just sit down and be quite and the other saying, no, you have to say it. This one won. I have to say that no matter what happens with this vote, several people have mentioned the word respect. I think that is the underlying thing of this whole thing. I think that I challenge all of us to respect our staff. We have talked about the building and the space, but it goes much further than that. I would use for example, last year at the end of last session, one of the things that bothered me more than anything else, was the thousands of rubber bands and paper airplanes on the floor and we just picked up and walked out. We left the staff here to hand pick up every one of those. I thought that was a very demeaning disrespectful thing to do. Whatever happens with this bill, I think that we need to remember that we are asking them to do some things that we would never think about doing. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I really don't think that I received definitive answers to the two questions that I posed. Those are two very important concerns to me. I agree with comments made earlier by the Representative from Bethel and also recently by Representative Campbell. It is almost like Pogo. If you remember back when you look around and said, the enemy is us. The number of bills that we introduce and our refusal to let go of bills. When legislation should leave a committee and it should come to this floor and be voted up or down, we massage and we put in on life support. We drag out the process. We should have gone home last week. We should go home today and I have a feeling that we are going to creep into next week as well. There has been a tremendous change in the quality of life. I was gone for eight years. We have been going home at 9:00 or 9:30 at night. Ten short years ago, those evening sessions would start at 11:00 or 11:30 at night and continue into the morning. Any improvement in the quality of life for members spills over into the quality of life for our employees even as we vacate this building, they remain and work. When we start our work at 11:00 or at 12:00, we extend their day and extend the stress and pressure. I agree that those quality of life improvements that have been made for us and spin off to our employees must continue. I would still like to have a definitive answer to those two questions I posed before we vote on the prevailing motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone the Bill and

all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 602**

YEA - Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Campbell, Carleton, Chartrand, Cianchette, Clukey, Cross, Dexter, Donnelly, Etnier, Fisk, Foster, Gerry, Gieringer, Gooley, Jones SA, Kasprzak, Kneeland, Labrecque, Layton, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell JE, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Poulin, Savage, Snowe-Mello, Spear, Stedman, Taylor, Thompson, Tobin, Treadwell, Tripp, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearn, Bagley, Baker, Berry DP, Berry RL, Bigl, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Chick, Chizmar, Clark, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Madore, Mailhot, McKee, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Pery, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Townsend, True, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bouffard, Bumps, Cameron, Colwell, Dutremble, Gamache, Joy, Joyce, Joyner, Lane, Lovett, Plowman, Tessier, Tuttle, Underwood, Vigue.

Yes, 59; No, 76; Absent, 16; Excused, 0.

59 having voted in the affirmative and 76 voted in the negative, with 16 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

**ROLL CALL NO. 603**

YEA - Ahearn, Bagley, Baker, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Chick, Chizmar, Clark, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Peavey, Pery, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Townsend, Tripp, True, Usher, Vedral, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bragdon, Bruno, Buck, Campbell, Carleton, Chartrand, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Jones SA, Kasprzak, Kneeland, Labrecque, Layton, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Poulin, Savage, Snowe-Mello, Stedman, Taylor, Thompson, Tobin, Treadwell, Waterhouse, Wheeler EM, Winn, Winsor.

ABSENT - Bouffard, Bumps, Cameron, Colwell, Dutremble, Gamache, Joy, Joyce, Joyner, Lane, Lovett, Paul, Tessier, Tuttle, Underwood, Vigue.

Yes, 88; No, 47; Absent, 16; Excused, 0.

88 having voted in the affirmative and 47 voted in the negative, with 16 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-900)** was **READ** by the Clerk.

Representative HATCH of Skowhegan moved that **Committee Amendment "A" (H-900)** be **INDEFINITELY POSTPONED**.

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

Representative HATCH: Madam Speaker, Men and Women of the House. I would like to say I would like to make this brief. I don't know if that is possible. First of all, I want you to know that I am offering this amendment because the committee had gone along with me to broaden the original bill out quite a bit. It really does break my heart because I think everyone should have a voice in the process. This takes off my amendment, which broadened it out to everybody in the world, all staff except for the Speaker's staff and the President's staff. I am offering this in as a good faith effort. I think that we can take one small step right now and offer it to our staff. I think we will get a better handle through the Legislative council on what we are doing right and wrong when we come to the table and just talk about the issues that need to be talked about. Maybe it won't happen. Maybe they will decide not to organize, but I think the dialog with this in place knowing that this could happen could even increase between the Legislative Council and the staff here. I think that would be good. Currently, the managers of the different departments, the directors, meet with the Legislative Council on a regular basis and that is good. You have to realize that they are considered management. You don't get to talk to the rank and file. So, I will vote for this. I am going to bite my knuckles a lot while I am doing it, but it is a good faith attempt to make this a little more palatable to the membership and to at least start the ball rolling. I wouldn't want it to die because some people said I couldn't vote for it. It was too broad. I am hoping that you can vote for this and take one small step. Thank you.

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

Representative GERRY: Madam Speaker, Men and Women of the House. I have a question about the amendment, Senate (S-630). Doesn't that go on the bill we have already done?

**Committee Amendment "A" (H-900)** was **INDEFINITELY POSTPONED**.

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

Representative HATCH of Skowhegan **PRESENTED House Amendment "C" (H-950)**, which was **READ** by the Clerk and **ADOPTED**.

Representative DONNELLY of Presque Isle **PRESENTED House Amendment "A" (H-932)**, which was **READ** by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Madam Speaker, Men and Women of the House. Could the Representative from Presque Isle please explain his amendment?

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. What House Amendment (H-932) does, is part of the debate we heard earlier, I foresaw, as we first looked at this bill, as a potential conflict between employees

contributing to a pact that they may not want to, even though they may want the union protection to belong to it. To remove that conflict, this would allow those employees to select, if they wanted to participate in the political side or not. Right now they are nonpartisan and they try to not play sides. I think they do it well. This would allow them to continue to do so, even if they felt they needed to be in the union.

Representative HATCH of Skowhegan moved that **House Amendment "A" (H-932)** be **INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-932)**.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-932)**.

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 Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. Understanding where the bill came from and why it came, I have walked around and talked with a lot of members of staff. I have asked them if they felt depressed or if their working conditions were wrong? If they felt their jobs that their bosses, us and specifically Legislative Council, being a member on the Personnel Committee, when this bill came forward, I thought I was failing this House in representing us in trying to make sure our employees were fairly compensated as well as fairly treated. I did what they call management by walking around and walked around and talked to our employees, Democrats, Republicans and nonpartisan. I have got to share with you, frankly, not one, and I will admit that I did not survey every single one, but not one of the dozens that I spoke with thought this was something they wanted or needed. I told them to please be frank with me. I am on my way out of here so there is no retribution. I want to know if this is something we ought to be doing because if the Legislature is now treating employees or underpaying them, it is a heck of an example for us to be setting for the state. We need to fix it. Everybody says I would like to make more money, but not one said they were not fairly compensated. They said, we work long hours, but we love our work. They choose to be here. They like the comp time that we talked about earlier because when they are home with their kids in the summer, they can take more time. When they have other things going on in their family, a great amount of flexibility is built in.

A concern that frequently came up was how political their nonpolitical jobs could become. The overall bill, I don't believe was supported by the employees I spoke with. I am sure that there were some that I might have missed and I will readily admit that, but I did honestly try to make an effort to see if this was something that we were just messing up so badly on. They were so concerned about participating on one side or the other that I thought perhaps that was one of their wants to not have this bill go through and put them in a particular or peculiar position that they didn't choose to be in and as far as I know didn't request for the bill to be in. I bounced off some of them if they thought they wanted to participate in the political side. I don't want to inhibit that, but I think we ought to respect the right, if this bill is about choice and they have the choice to join the union, why should we not also give them the choice to decide if they want to participate in the political aspect of it. Frankly, what they will be doing is contributing money to a fund that will either come to support or defeat us, which inherently will buy us our nonpartisan staff. It will cut to core of what they are trying to avoid every day. The more I have dealt with them over the eight years, the more I

know people have opinions because people do. The more I know they have points of view because they do, but I also know they have some real professionals who subordinate their own opinions and offer them only when asked and try to do the job that we, as elected officials, ask them to do in a supportive role for us. I think it is an uncomfortable and an unfortunate position we would be putting these folks in if they want to be in the union, the only way they can be is if they participate in the political side of it.

This does not exempt them from paying union dues. It would not exempt them from other obligations of membership. All it does is say that you have a choice if you want to participate in the political side of this, you can. If you don't, you don't. I hope you will oppose the Indefinite Postponement of this amendment in case this bill goes all the way through the process to allow our employees the flexibility to make the decision for themselves. Thanks.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I will run the risk of not debating the amendment to respond to one issue that was raised and that I have not heard addressed here yet today, which is the issue of comp time. Comp time is a fine and wonderful thing, but there are people who work in this Legislature who work such extraordinarily long hours that they earn more comp time than they will ever be able to take advantage of. The folks in the Office of Fiscal and Program Review often work round the clock in the last weeks of the session and could probably never use all of the comp time that they earned. In which case, I think they darn well ought to get money for their work. Thank you.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. I would like to address the question of Indefinite Postponement. I did vote for the bill and I believe that it is good that we allow the staff to choose whether to bargain collectively, but we must not Indefinitely Postpone this amendment. Please vote against the motion because we need to ensure the political independence of our nonpartisan offices. This amendment is the only way that we could continue to assure that and it is the only way that we can continue to have a good working relationship with persons that we must work with on a daily basis and we want to avoid any possibility of having a political discussion with those persons. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative LEMAIRE: Thank you Madam Speaker. I just wanted to pose a question to the good Representative from Presque Isle, in the PAC contribution and the dues question. You could always have separated those two and I wondered why you didn't. If you pay dues, PAC contributions very often can be separate from that, you may or you may not. The second question would be, would this exempt them from personal contributions outside of their work related or union related duties?

The SPEAKER: The Representative from Lewiston, Representative Lemaire has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. To answer the question, no, it does not. They may still contribute however they choose outside the

Legislature. All it affects is what is obligated inside the confines of the union membership within this building. If people want to contribute \$5,000 or depending on what category they are contributing to, they can still contribute the maximum to any political campaign. It would not inhibit that in any fashion, nor would I think it would be constitutional to do so.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I just wanted to reask, probably, the first question I posed was, very often in the union your dues are very separate from any contributions to political action committee, at least it has always been in my union. We had to pay separately. We didn't have it deducted. I wondered why you didn't do it this way. Are you saying that you are concerned about the dues being involved directly with the PAC contribution, that be part of it or are you just concerned about PAC contributions altogether within the union structure?

The SPEAKER: The Representative from Lewiston, Representative Lemaire has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I apologize. I think I get the question, but I am not sure. Please, I guess I don't have to invite Representative Lemaire to correct me if I misunderstand the question. I think the question is traditionally there is a division between them. As I understand it, this would not affect the dues. If the dues do not go into a political action committee, then it would not matter. What this would do is say, they must choose to contribute to the PAC. I think what Representative Lemaire's question is, in her experience, supports this amendment, not her word necessarily, but her experiences that she has had the opportunity to choose and I don't believe the legislative employees should have anything less than that.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-932). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 604

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McAlevey, McKee, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Stanley, Stevens, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Campbell, Carleton, Chartrand, Chick, Cianchette, Cross, Dexter, Donnelly, Etnier, Fisk, Foster, Gerry, Gooley, Honey, Jones SA, Joy, Kasprzak, Kneeland, Labrecque, Layton, Lemont, Lindahl, MacDougall, Mack, Marvin, Mayo, McElroy, Meres, Mitchell JE, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Poulin, Powers, Savage, Snowe-Mello, Spear, Stedman, Taylor, Thompson, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bouffard, Bumps, Clukey, Dutremble, Gamache, Joycé, Joyner, Lane, Lovett, Shiah, Tessier, Underwood, Vigue, Winn.

Yes, 73; No, 64; Absent, 14; Excused, 0.

73 having voted in the affirmative and 64 voted in the negative, with 14 being absent, **House Amendment "A" (H-932)** was **INDEFINITELY POSTPONED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "C" (H-950)** 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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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing John M. H. Barnard, M.D., of Augusta.

(HLS 1377)

Which was tabled by Representative O'BRIEN of Augusta pending **PASSAGE**.

**READ.**

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

Representative O'BRIEN: Madam Speaker, Colleagues of the House. In every community there are institutions. Having been born and grown up in the Augusta community, I can tell you for sure that Dr. John Barnard is a legend. He is an institution in the Augusta community. Some of my very earliest memories, many years ago, are of Dr. Barnard making house calls to my family. I don't remember if it was measles, mumps or whatever, but I remember him being there. I remember his little black bag and he would come in and visit us, my brothers and sisters. I also remember the lolly-pops in his office. The last time I checked, they weren't there. I guess he decided they aren't healthy anymore, but I remember those things so, so clearly.

Dr. Barnard throughout the years has contributed so much to the Augusta community both in the health field, but also with you. He was very instrumental in the football league, the junior high football league and he did for many, many years physicals, the sports physicals. We would all go to his office or he would meet us down at Cony and he was just always there. One thing at Cony High School football games you could never count on Cony winning necessarily, but you could always on that Dr. Barnard would be there.

In later years, I have gone there recently and they say this wasn't public information, but I believe that his staff had a little signal that they would tell Dr. Barnard when it was time to let us out. You hear now a days that doctors don't really spend the time with the patient. Dr. Barnard had a problem that he would spend too much time with us. He would talk and talk and talk and everybody else would be waiting. He is a wonderful, wonderful man.

Something happened several years ago, which was a very tragic thing in our community. It was one of those things that you remember where were you when certain things happened? Where were you when President Kennedy was shot? This happened to Dr. Barnard several years ago. An intruder entered his office and shot him four times. His daughter who was working there at the time jumped on the intruder and wrestled him to the ground and when the authorities got there, they found Dr. Barnard treating his wounds himself. It was a very poignant time for Augusta. It was a very sad time and as we see, he has made it through it and has come out even stronger on the other end. I just could not let this time pass, this occasion pass, on his retirement without thanking and congratulating Dr. Barnard and

his wife Harriet who has been in his office of so many years and his daughter Katie who has taken over.

Thank you Dr. Barnard.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. The reason I stand is I have to say something about my friend. John was a member of the softball team that played with Governor Curtis back a number of years ago and there was a four man team and they took on anybody in the state. They beat most people. The reason John is held so high in my eyes is because John, for a number of years, was the only senior on my hockey team that was older than I was. He was my inspiration to keep playing. John and I played hockey in the rocking chair league in Waterville for a number of years. He would drive after a busy day at the hospital, drive to Waterville, Colby College, and we would battle on the ice. John was a great athlete through the years and he played hockey until last year when he had to retire. John, thank you for the many years and good luck in your retirement. Thank you.

**PASSED** and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing Scott Sawyer, of Hampden.

(HLS 1378)

Which was tabled by Representative CAMPBELL of Holden pending **PASSAGE**.

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

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The **SPEAKER**: The Chair recognizes the Representative from Hartland, Representative Stedman who wishes to speak on the record.

Representative STEDMAN: Madam Speaker, Men and Women of the House. It may surprise you that someone living in Hartland, Maine would have an interest in the relationship between Archangel and Portland, but I did have the unexpected pleasure, my wife and I, to get to know a couple of the young people that were involved in this exchange last summer. My son has a business in Portland and they were involved with this program. A young man and a young woman came to visit us at our camp over a weekend. They had an experience that they had never had before. They were able to do some tubing behind a powerboat. They did some four wheeling. They did some personal water crafting. They also did some water skiing and had a great time in the two days that they were with us. We have had correspondence with the young lady that was involved in this. Since she has gone back to Archangel, she has successfully completed her program in English as a foreign language. She also has had a new job offer and has taken a new job about a doubling in her salary because of this experience. The young man is returning, hopefully, in the near future to get more training and to get some new printing equipment because he has a printing business and he was visiting my son and his printing business when he was here. I just thought I would share that to let you know that this is a far reaching program and that the young people that are involved in, those that come in exchange, are delightful people. We continue to correspond with the young lady, as I said. My wife signed her up for the *Taste of Home* Magazine because she had a great interest in American recipes. She is receiving that now. I just thought I would share that with the body. Thank you.

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 The House recessed until 2:30 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:

**ORDERS**

On motion of Representative GAMACHE of Lewiston, the following House Order: (H.O. 47)

ORDERED, that Representative David Etnier of Harpswell be excused March 12 and 13 and March 16 and 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph M. Jabar, Sr. of Waterville be excused March 25 and March 26 for health reasons.

**READ and PASSED.**

**SENATE PAPERS  
 Non-Concurrent Matter**

Bill "An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program"

(H.P. 1291) (L.D. 1836)

House **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY HOUSE AMENDMENT "A" (H-1035)** thereto in the House on March 31, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-705)** thereto in **NON-CONCURRENCE**.

Representative ROWE of Portland moved that the House **RECEDE AND CONCUR**.

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

**ROLL CALL NO. 605**

**YEA** - Baker, Belanger IG, Berry RL, Bigl, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Chartrand, Chizmar, Cianchette, Colwell, Cowger, Davidson, Donnelly, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Nass, Pendleton, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Thompson, Townsend, Tripp, True, Volenik, Watson, Winn, Wright, Madam Speaker.

**NAY** - Ahearne, Bagley, Barth, Belanger DJ, Berry DP, Bouffard, Bragdon, Bruno, Buck, Bumps, Carleton, Chick, Clukey, Cross, Desmond, Dexter, Driscoll, Foster, Gerry, Goodwin, Honey, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Labrecque, Layton, Lemke, Lemont, Lindahl, MacDougall, Mack,

Mayo, McAlevey, McElroy, Meres, Murphy, Nickerson, Paul, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Savage, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

**ABSENT** - Bodwell, Campbell, Clark, Dutremble, Fisk, Joyner, Lane, Lovett, Madore, Marvin, Muse, O'Brien, O'Neal, O'Neil, Ott, Poulin, Sanborn, Usher.

Yes, 68; No, 65; Absent, 18; Excused, 0.

68 having voted in the affirmative and 65 voted in the negative, with 18 being absent, the House voted to **RECEDE AND CONCUR**.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Preserve Live Harness Racing in the State"

(H.P. 1185) (L.D. 1676)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1094)** in the House on March 30, 1998.

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

Representative TUTTLE of Sanford moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

Representative GAMACHE of Lewiston moved that the House **RECEDE AND CONCUR**.

Representative TUTTLE of Sanford **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 Holden, Representative Clukey.

Representative **CLUKEY**: Madam Speaker, Men and Women of the House. I don't want to prolong this, but I wanted to say a few more words about this bill. This was the bill that puts slot machines in live racetracks and off track betting parlors. It is "An Act to Preserve Live Racing in the State." I think we would all like to see live racing preserved. I come from a racing family myself and the last thing I want to do is see live racing not continue. I don't think this bill is what we need to save the live racing. You are being handed out a breakdown of how the proceeds are distributed from this bill. It comes from the Office of Fiscal and Program Review. It submits that the gross terminal income, for instance, after this is fully running in the Year 2000 to 2001, it will be \$142.8 million. The players share will be \$128.5 million. That leaves a net terminal income of \$14.2 million. Here is the way that \$14.2 million is broken down. The licensee and the distributors and the owners of the racetracks and the owners of the OTBs will get \$6.5 million of this. The state's share after all of the costs are taken out it is \$3.3 million. The money that goes to the live racing, going to the purse supplements, stakes fund, agriculture fair support fund and the harness racing promotional fund, after everything is taken out such as revenue loss from paramutual betting and etc. is \$1.8 million.

On top of that, what is allowed in this act is, the licensee or the distributor can be the same person. The licensee can distribute his own machines. He can't distribute to anyone else, but he can distribute them to himself. That means that, for instance, the owner of Scarborough Downs can both be the licensee and the distributor. They can really maximize their profits. It is estimated that to the tune of around \$3 million per year, let's say at Scarborough Downs. I suggest to you that what this bill does not do is it doesn't preserve live harness racing. It

seems to line the pockets of the OTBs and the racetrack owners. I hope that you will vote for the Recede and Concur. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would respectfully disagree with the Representative from Houlton, Representative Clukey, in the fact that this will help preserve harness racing here in the State of Maine. Just imagine if you have horses here and your purses are anywhere from \$800 to \$1200 a race whereas you can go out of state and get them anywhere from \$3000 to \$5000 a race. That is what is happening. We are losing good horses and we will lose a lot more the way things are changing in this industry. Who benefits out of this? All facets of the harness racing industry benefit tremendously including the agricultural fairs, which this is real important to. The promotional fund that promotes harness racing here in Maine. The sire stakes fund, this is where the young horses come along. It develops good horses. It encourages people to develop better racing horses. Of course, it will enable the purses to be much larger and to hold these good horses here in Maine. The committee, as we said before when we debated this the other day, the committee has done a tremendous job tightening this up and these machines will only be at the commercial racetracks and OTBs. They won't be at fairs and out in other places. They are well secured and I believe it is a very safe way to go. I think this is real important to the harness racing industry here in Maine if we want to keep this small agricultural segment of this industry, we need to look to the future and this will do it. I would encourage you to Recede and Concur. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRUE: Madam Speaker, Men and Women of the House. I am looking at the sheet that was passed out by Representative Clukey. Would he please explain to me under the revenue losses from paramutual betting and the revenue loss from paramutual betting down below? The one on the HRC and under the sire stakes. They are all in the negative. Would you please tell me how they arrived at that?

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Men and Women of the House. I don't know if I can explain that. I got this from the Office of Fiscal and Program Review, but I will attempt to. I believe it is because what they spend on these video machines they are not going to spend on paramutual betting.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I don't agree, but anyway if you will look on this same sheet where it says the agricultural fair will get \$63,000 and then \$268,000 and then \$285,000. I would say that that is a lot more than most of the fairs, probably 11 of them, are certainly making presently. You divide that by 11, just an average, and you get \$25,960 odd dollars. I can tell you that two or three fairs normally receive a small token, sometimes \$10,000 and sometimes more from fairs who are doing quite well in order to keep two or three of them going. That has happened in the last five or six years.

The other thing is, I believe it was quoted by the good Representative that the people owning these machines and the

people who will use them will gain more because they will be the distributors. I don't believe there is any guarantee of that and if so, I would like to have someone read it to me from the LD.

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

Representative CLUKEY: Madam Speaker, Men and Women of the House. I would like to address the agricultural fair support. First, \$285,600 divided by all the agricultural fairs out of \$14.2 million. It seems to me that if the state wanted to help the agricultural fairs, they could do it without a bill like this with all the social problems that this could cause or all the crime problems this could cause and the administrative costs that it causes. I don't remember what the other question was.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I would hope that we would defeat the Recede and Concur motion. As you can see, there probably are some questions that could be resolved from a financial perspective in a Committee of Conference. That is why my first motion was to request a Committee of Conference. I have always been one to feel that regulation works and prohibition does not. As I had mentioned to you before, if Maine loses out to other states, our best stables would be forced to physically relocate to these other states in order to compete for much of the larger purses that would be offered. It is for that reason that I would encourage you to defeat the pending motion to Recede and Concur and instead allow us a motion to Insist and Ask for a Committee of Conference so that we might be able to get some resolution on these questions.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I have been looking at this handout. I guess I should first say that I have moral objections to it encouraging gambling, even though I have occasionally bought a lottery ticket. Beyond that, these figures and if I am reading correctly for the years 2000 and 2001, the amount of money wagered under this proposal is \$143 million. The net impact on the harness racing promotional fund is \$276,000. Then, I realized there are some categories that support agricultural fairs in a similar amount, but I am wondering whether or not this is really a question of getting very little bang for the buck.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. First of all, I would explain to you that I come from a very long line of family that has had, raised and raced horses. It is probably because of that that I have a horse at home and enjoy that. As these video gaming bills have come by us, they have been extremely hard with regards to that particular piece for me to make a decision on. I would like very much to pass something that would help the harness racing industry. However, I do not believe that this video gaming bill does that. It does increase gambling. Many, many years ago, we started down a slippery slope of depending on revenues from gambling. In my personal opinion, that is wrong. Here again, it is a moral judgment on my part and it is not made lightly. This increases gambling. You can look at these numbers and we can't necessarily really determine it. It is somebody's best guess. We needed off track betting parlors to save the harness racing industry. Now we need 250 video gaming machines in these off track betting parlors to further save the harness racing industry. I would agree with the good Representative from Wells, Representative Carleton, that we are not getting a very good bang for our buck when only 14 percent of all the monies



derived will go to the harness racing industry. I would urge you to support the Recede and Concur motion.

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

Representative KERR: Madam Speaker, Men and Women of the House. For those that received this information on your desk, it just justifies why you should be supporting this piece of legislation. I would like to share this information with you since the good Representative from Houlton, Representative Clukey, provided it. I would first like to start off addressing this by saying at the very top when they talk about gross terminal income of \$142.8 million and the players share that goes back to the players is \$128 million. The net terminal income is \$14 million. There is a cost of doing business. The distributors have to purchase these machines, pay the electrical and pay the help. Okay? If you look for the return on the investment, the industry is fairing well. Better than in any other state that has VLTs. The 9 percent that you see that goes to the purse supplements is \$1.2 million. That is money that they don't have now. If we continue on this slide, there will not be harness racing in this state.

You are absolutely correct when Representative Labrecque made the statement that we put in off track betting parlors to save the industry. That is correct and it is exactly what this state did with lottery. Just a short time ago we had a \$1 lottery ticket in this state. Then the state said we need to entice the public to play the lottery. They went from a \$1 game to a \$2 game to a \$3 to game \$5 game in less than three years. Most recently, they came up with a new game called Probability, where everyone wins. Gambling is not strange to this state. We have proliferated gambling in this state. What is the difference between a video lottery terminal and the machines that you and I and our children walk into in these department stores where there is blinking lights and you insert up to a \$20 bill. Instead of pulling a handle, you push a button. It is the same thing. What you are doing with this piece of legislation is controlling and regulating gaming in this state.

A report a year and a half ago, by the State Police, was written by a reporter in the *Portland Press Herald* that there was 6,000 illegal machines in the state and the State Police and everyone else was doing nothing about it. They are referred to as the gray machines generating over \$100 million in this state. Everyone is turning their backs. Whether you are for or against gambling, that is not the issue here today. Gambling exists in this state and the \$148 million that you are looking at on this handout, remember our lottery generates over \$150 million, the expenses total over \$120 million. The net to the General Fund is somewhere around \$40 million. Is that the bang for the buck? What do we do? We continue to expand the instant tickets for instant gratification. That is what keeps these people playing. They can go up and buy a ticket and instead of paying \$1 now they pay \$5. They scratch the ticket and whether they win or lose, they go back for more. We continue to cannibalize Maine people by these instant tickets with no control or regulations. Anyone can play the lottery regardless of age. You walk in, the machine is blinking and it says play me. The only thing it doesn't have is an arm.

At least with this piece of legislation, this committee has worked very hard. Is it the salvation of harness racing? I don't know, but if the State of Maine wanted to continue to stay in the lottery and be competitive with the State of New Hampshire, as you all know the State of New Hampshire has Powerball, we chose to go the other route. Increase the cost for a lottery ticket. If you couldn't afford the \$1 ticket, now you can afford a \$5 ticket. This industry is only asking for a level playing field, nothing more, nothing less. They have never come to this Legislature for

corporate welfare like other industries have. They have never asked for a dime. This industry generates over \$200 million to this state. Nine percent going to horse supplement purses is an awful lot of money. That is what is going to keep this industry alive because those farmers want to continue to grow hay and feed. They also want to be able to have some enjoyment and race their horses. I, for one, don't own any horses. I, for one, don't play the lottery. I am looking to keep this industry competitive with other states. That is why I am urging you to at least give this body an opportunity to have a Committee of Conference so we can discuss this issue. I would urge you to vote against the pending motion.

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

Representative GAMACHE: Madam Speaker, Men and Women of the House. I am very pleased to hear the gentleman from Old Orchard Beach, Representative Kerr, decry state controlled gambling. I share much of those reservations. However, what hasn't been mentioned yet tonight is a bill that we defeated two or three nights ago is back in disguise here married with an even worse one. I was very proud of ourselves the other night when we saw fit to put an end to one of the two bills, but it has crept back unannounced upon you, but it is here.

Gambling is still a very bad way to raise money for the state. I agree it is a very bad way to conserve the interest of harness racing or the fairs or anything. It is simply not the way we should be financing the activities of the state that applies to the lottery and the other games. We do so by taking from people who really can't afford it. Grocery money and rent money, money that they need to lead a half decent existence. People that are addicted to gambling are helpless. They will do anything to reach the pot of gold, which is what they are always looking for. There is no pot of gold here. There is a peck of trouble down the line socially with increases in gambling and especially increases in commercial gambling. I strongly urge you to repeat your fine gesture of the other night and to support this motion to Indefinitely Postpone. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BARTH: Madam Speaker, Men and Women of the House. Could somebody explain to me, I think I am pretty clear on what gray machines are, but I am unclear as to why, if they are illegal, nothing is being done about it.

The SPEAKER: The Representative from Bethel, Representative Barth has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Madam Speaker, Men and Women of the House. In the 117<sup>th</sup> we had before us a Governor's Bill dealing with games of chance and games of skill. Within this legislation there was proposed enforcement. The legislation was defeated, but out of that legislation was created the Governor's Advisory Board on Gambling. They met last summer. Representative True was a member of that group. I am sure that you all have your reports. The enforcement part of it, as I said, was defeated in that previous legislation. That would have taken care of the gray machines and there were people that were concerned with their non-profits. I will remind you that out of the gambling committee's report on the expansion of gambling. The recommendation was the committee does not recommend the expansion of for profit gambling in Maine. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. What we are looking here is a portion of our Maine economy. It is a part that if you select, you choose to participate in, you can participate in the benefits and in the activity. If you don't want to, you have the choice of avoiding or staying away from gambling. The moral issue does not really sell when you are dealing with this issue. Stay away from the tracks. Stay away from OTB and you can practice any part of any religion you want. You can fight it in that direction. This is not the issue. The issue is that we have an economy that is the pendent that 5,000 families depend on to make a living. We use all kinds of arguments. We use this argument against the casino in Calais and low and behold, did we really create a lot of activity in Calais? The place has gone from bad to worse. There were no jobs. We have one paper mill up there that is hanging by a thread and you are here arguing a fact about this gambling, you don't believe in it. You don't have to believe in it. The people that participate are farmers, people in Winsor, you go to Gray or you to Portland. Some people follow racing and some people avoid it. That is your choice. The same way with going to OTBs. It is not going to go away. If we don't do it here in Maine, it is going to New Hampshire and low and behold we followed some of this reasoning a number of years back when we raised taxes on liquor. What happened? We gave New Hampshire \$58 to \$100 million a year. Thank you very much. We are going to be doing the same thing. It is going to happen. You want to know about the gray machines. You want to know about skimming. I don't know if you people understand gambling. These are parts of gambling terms. Why in the world can't these people have a right to participate, to increase, this is a tax that they are willing to pay. If they can't afford it, they stay away. Ladies and gentlemen, I will be opposing the motion on the floor of Recede and Concur and I hope you will take and oppose it and go on to pass this legislation. Thank you.

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

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. I originally was going to speak on this bill because it is a subject that is very sensitive to me. The very good Representative from Lewiston did a very good job in explaining this issue. You see, I believe with all my heart and soul that if we pass this bill, we are enabling gamblers. You see gambling is a disease of the mind. When you are a gambler, compulsive gambler, it is in your mind. You don't have an alcohol or a bottle that you can put away like you can alcoholism or any other type of addicting behavior. With gambling, it is always there. This is enticing people to get involved in this type of thing. The problem is you never know with this disease. It is a disease, whether you are going to be addicted or not. In this state we only have a million and a quarter people. I think we have enough gambling as it is. Call me a prude, but I have never been a supporter of the lottery, but I know a lot of people are. I really do implore you to Recede and Concur with the other body. This is so important. Thank you.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I would like to go on just a little bit more than the Representative from Lisbon did on the gray machines. Actually when the report came, the State Police did take one of these machines and they brought it to court and it was thrown out of court for a reason which I cannot even to this day fathom because everyone thought it was illegal. It wasn't until we had the task force that we knew we had to have a new

definition. That definition is in LD 1676 from line 37 to 44. I will just read it quickly. "Illegal gaming machine or machine means an electronic device that is not authorized by the Chief of the State Police pursuant to this chapter or that is used in violation of this chapter and that is available to play or simulate the play of a video game, including, but not limited to poker, keno, blackjack, line games or a similar game in which the player may receive, by chance, cash or credits that may redeemed for cash." This was given verbatim by the major in the State Police and so that if that is in, I talked with him just the other day, certainly they would have an opportunity to stop the so-called gray machines. If you stop and think about it, I know that there are a lot of good things done by the monies which are taken, but as I said the other day, in the bill, under the 501C, either 344 or 10, they can become qualified and get a license. It is time that we did, somewhat harness these, pardon the pun, but in order to get them legal, they are operating anyway. In 1992 or 1993, there was approximately 3,500. Now there must be 6,000 out there. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. There is, as has already been mentioned, a lot of gambling through the lottery here in Maine and the instant tickets. I just challenge any one of you to spend one hour in one of your local stores. You just sit down there for an hour and you watch the people that come in and they will go and buy their six pack of soda or whatever and chips and they will always, in fact it aggravates me, you have to stand in line while they will buy these numbers of tickets. That is there. There is no control except for the age limit.

These video machines that we are talking about are going to be located at a commercial track or an OTB parlor. At a track you even have to pay. You make a special effort to drive there. You pay to get in. These are first-class places. It isn't you just walk up any time of day and do it. You have to make a special effort. It is a family outing. It is recreation for these people. The people that do this feel that they can afford to do it. It isn't you just walk in and it is right in front of you and you buy it like you do these instant tickets.

The other thing I wanted to point out is, Representative True just stated, the question has been asked about the gray machines and about control. That us what this bill does. It does finally put a little control there. They can get licensed and do it, but we do have some teeth in it now, which we have not had before. So, once again, considering all those facts and the harness racing industry here in Maine, I would urge the defeat of the motion before us. Thank you.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. Just as an aside, it is interesting. I was about to rise, I had a telephone call from the commander of my local AMVETS post and the message says, please oppose 1676. Evidently the non-profits are concerned about this. I don't know why. My reason for standing is to ask a question, however. In looking at this financial statement that was passed to us, I have a question. If you add up the amount of money that the distributors receive every year from this proposal and in the year 2000 it is a little over \$3 million or 22 percent of the total revenue generated. My question would be, why did you not consider having this whole program go through the Liquor and Lottery Commission so that that percentage would go to the state or to the harness racing folks instead of going to the distributor? The instant tickets and the Megabucks programs that we have in the state, of which I am very familiar, I own a little store. Our



commission is only 5 percent. It seems to me if we had this thing run out of the Liquor and Lottery Department, the state would be generating another \$3 million or so to either go to the General Fund or to the harness racing itself. Thank you.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. Just a clarification. I received a memo on March 24<sup>th</sup> and it is from the Office of Fiscal and Program Review. It says, "The state's share of net terminal income for these machines is \$1,260,000 in the fiscal year 1998-99, \$5,376,000 in fiscal year 99-2000 and \$5,712,000 in the year 2000-2001."

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

Representative PINKHAM: Madam Speaker, Men and Women of the House. I guess I am looking at this a little bit differently than most of you folks. Everyday we get up and we are told what we can do and what we can't do. This is a clear choice of making choices as to what you want to do. If I am going to support something, I am going to support something that at least I can make the decision that I want to make and someone is not making it for me. I hope you will vote against the pending motion. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. What we would be doing here is controlling something that is already happening. These gray machines have been here for years. They seem to disappear when any officials come around. There are numerous dollars that we would be able to gather. It is being done now. There is no secret to it. All it would be is controlling what we already have and making it possible to generate new dollars for an industry that has been a part of the State of Maine for many years. I want to give you a number here and then you can take and dial it when you get a chance. It is an 800 number. It doesn't cost you any money. The number is 1-800-606-4447. What this number does is it is a number that is used all over the country. You can call up and bet on any activity in the country. You set up an account and you can bet. What I am saying is that it is going to happen. It is there. Either we gather these things and we start protecting some of the dollars that are already being spent and taxing these dollars or we stay away from the web page where all these things are given to you. Go check it out. You have the number. I will tell you, you can bet anything in the country wide open and there is no stopping it. It is not against the law. The number is 1-800-606-4447. Call them up and tell them you want to start an account. Thank you ladies and gentlemen. I will be opposing the pending motion and I hope that you will oppose it too and see if we can't go out and harness and gather some of these dollars that are now being wasted. Thanks.

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

Representative KERR: Madam Speaker, Men and Women of the House. The good Representative from Yarmouth asked a question and he made reference to a note that he just received from a telephone conversation that a non-profit organization would be opposing LD 1676. The answer to that question is why the non-profits are opposing this bill is because now they are going to be controlled and regulated and those machines, those 6,000 machines that are generating over \$100 million that are not being taxed will be out of this state. They don't want that. They want to be able to continue to use those machines that generate money and pay out illegally. That is why those calls have been coming into this chamber and the other chamber. I know the destiny of this bill, but having sat in my chair and when

the motion was made to Recede and Concur and I heard the debate, that is why I rose up out of my chair.

A year ago I had a piece of legislation in to get rid of those machines that this administration put out that you see in your Dunkin Doughnuts store and you see in your Christy's and you see in some of the motels and you see in the grocery stores. Yes, those machines with those blinking lights. If there was a voice coming out, it would say, play me. When you watch and you see the people that play it, no one is watching whether those individuals are 18 years old or not. They are not controlled. They are not regulated. That is what is wrong in this state. So often we stick our head in the sand and act like an ostrich. Like you don't want to know what is going on. It is about time that state addresses this issue. If this isn't the vehicle, maybe a Committee of Conference can find a vehicle.

To make up excuses that this piece of legislation takes to much to one or gives to much for another, I wasn't on the committee that derived the distribution of these funds. I am looking at this piece of legislation as a way to control and regulate gaming. It exists in this state. It is going to continue to exist with or without this piece of legislation. What better avenue to begin the process to get rid of the illegal machines. If there is a Committee of Conference, I think we should go a step further. I think we should eliminate those vending machines that the State of Maine puts out with blinking lights and everything, but an arm or else they would be called a one-armed bandit. That is why I am hoping for a Committee of Conference. I think that the state needs to re-evaluate its own lottery. Based on what was said here on the floor and, again, the good Representative from Yarmouth, Representative Buck, mentioned about the state lottery. He gets a nickel off every dollar ticket that is sold. The lottery helped the small stores. I preface that word, help, because on that same individual that walks into that store and buys and \$5 ticket instead of \$1 ticket, now they make 25 cents on every ticket.

So the state continues to proliferate gaming and continues to entice people to play. I want to leave you with this thought. In 1996, the revenues that were generated from the lottery were about \$150 million. The expenses that were derived were about \$112 million. The difference is about \$38 million that the state gained. It is a real minuscule amount. Although the State of Maine monitors and watches the lottery, it is an out of state company that reaps the rewards. I won't mention their names. They are on the New York Stock Market. That money doesn't stay in the State of Maine. That money goes out of the state. Many of us gamble in different ways. I am not going to tell you or my constituents how to spend their money. Some people gamble with the stock market. That is gambling. Some people gamble with futures. That is gambling. Let's not lose sight of what gambling is. It is a broad definition. I think that it is time for this state to re-evaluate what it is doing and how it is doing. That is why I am urging this body to vote against the pending motion.

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

Representative GAMACHE: Madam Speaker, Ladies and Gentlemen of the House. I am very much aware of the problem of the gray machines. They could be very easily legalized and the state could tap into all of this money that is going around. However, you will notice that the people advancing the bills that we are considering, have apparently given that no thought. Probably because it doesn't direct funds in the direction they want to see it go. I can assure you that this bill will affect your social clubs, your Elks Clubs and your veterans clubs very profoundly. They are very concerned about it. As a matter of fact, I have a message from one of the people who sell them supplies asking that we defeat this measure. He is not a

member of the House and has no vote here. I don't know. I have no crystal ball at hand, but I feel quite confident in promising you that should we put an end to this, horse racing will endure. The fairs will endure and the state will continue to go on without the tainted income. 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. The Representative from Lewiston, Representative Gamache, gave you every reason why we should have a Committee of Conference. I want you to know if the Speaker chooses me to be on that Committee of Conference, that you will be back here voting on a piece of legislation that will eliminate those illegal machines that are in the non-profit organizations. Those gray machines are illegal. The reason why they are called gray machines is because no one gets caught paying money out. Everyone in this chamber knows that is what is happening out there. The reason the non-profits are calling here is because they want those machines. The state gets zero dollars. The non-profits keep 100 percent of that money. That is what is wrong. I would urge you to vote against the pending motion so that we can do what the Representative from Sanford, Representative Tuttle, to have a Committee of Conference so that we can leave here, maybe this session, knowing that those machines will be gone, if you have the courage and the intestinal fortitude to vote that way.

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

**ROLL CALL NO. 606**

YEA - Baker, Belanger IG, Berry DP, Bigl, Bolduc, Bragdon, Brennan, Buck, Bull, Bumps, Carleton, Chartrand, Chick, Chizmar, Clukey, Cowger, Desmond, Dexter, Donnelly, Etner, Foster, Gamache, Gieringer, Joy, Kasprzak, Kneeland, Labrecque, Layton, Lindahl, MacDougall, Mack, Marvin, McAlevey, McElroy, McKee, Meres, Murphy, Nass, O'Brien, Peavey, Perkins, Pieh, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rowe, Shiah, Snowe-Mello, Stedman, Taylor, Townsend, Treadwell, Tripp, Vedral, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ.

NAY - Ahearn, Bagley, Barth, Belanger DJ, Berry RL, Bouffard, Brooks, Bruno, Bryant, Bunker, Cameron, Campbell, Cianchette, Clark, Colwell, Cross, Davidson, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Madore, Mailhot, Mayo, Mitchell JE, Morgan, Nickerson, O'Neal, O'Neil, Ott, Paul, Pendleton, Perry, Pinkham RG, Poulin, Rines, Samson, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Tobin, True, Tuttle, Underwood, Usher, Vigue, Winglass, Winsor, Wright, Madam Speaker.

ABSENT - Bodwell, Dutremble, Fisk, Joyner, Lane, Lovett, Murn, Sanborn, Winn.

Yes, 62; No, 80; Absent, 9; Excused, 0.

62 having voted in the affirmative and 80 voted in the negative, with 9 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST** and ask for a **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.

**ENACTORS**

**Emergency Mandate**

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

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

(S. "A" S-634, S "B" S-637, S. "C" S-698 and H."A" H-1143 to C. "A" H-1088)

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

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

Representative MURPHY: Madam Speaker, Men and Women of the House. Many of us are skeptics when it comes to government. We have expectations or goals and many times those goals aren't achieved and promises aren't kept. This is a \$19.5 million first early step toward correcting a \$650 million crisis in this state. There are two groups that I would like to praise today. One would be Jim Grier and the state board for their study commission and their promptness of bringing this issue before us. The other group would be Representative Richard and the Education Committee. In the last session they dug in their heels and said that this crisis can longer be overlooked. They went to the Governor and came to this body, the other body and said we have to face up. We have to address this issue. Without that leadership, either from Jim Grier or from the Education Committee, this problem would remain unsolved.

Even though we are physically here, those of us who are running for re-election, our thoughts are probably elsewhere. While you begin to gather your thoughts for the next election, I would like to have you, today, begin to set your priorities. These are priorities, I think, both parties support. I think we fervently believe that Maine's school youngsters do not deserve to go to school in trailers back in the parking lot or in leased basement space. You had the report delivered to you. It calls for a series of actions that we must take if we are going to address this problem. This is \$19.5 million first step. The commission recommended \$30 million, so this is a baby step.

The other night we had a debate on bonds, on priorities, 90 percent rule. That recommendation called for a \$35 million bond proposal in 1999 and a \$35 million bond proposal in the year 2000. This \$19.5 million takes you to that bond date. If you don't begin to set your priorities right now on the bond package in the next Legislature and we don't send that out in 1999 and we don't actively campaign for it, then this reform process ends here today. As you set your priorities, looking at the next Legislature, if there is a surplus, we need to fight for more new construction money. We need to fight for more renovation money and we need to move that bond forward as a proposal. This isn't just money that you are going to see. I think there is fundamental changes that came from the commission. I think in your local communities when they are eligible, they are probably going to have to pay more than their share of education costs. That is still an improvement. Before they had a higher percentage of nothing. They sat on the list and even though they would have qualified, they basically got nothing.

I think the other thing you are going to see is there is an emphasis on renovation. During this debate in the last year or two we heard an awful lot about two and three story atriums. We have heard about Taj Mahal Halls. Built within this reform is the emphasis that construction, if possible, should go to existing

buildings, stay within village and stay within the neighborhood rather than going out to the outskirts of town and encouraging sprawl. I think this new school construction, much of it, will fit in with the village or town center or fit in with the neighborhood. The other thing is the state board has a much sharper pencil. A calculator that has been tightened or cranked up pretty tight, I think, as they found in Berwick that as they moved to their final approval, the state board had cut an estimated \$8 million to \$9 million off that package. I think you will see in the proposals that our local and state tax dollars will go toward. You will see emphasis on classroom and support space. State dollars in the future won't be going for a community theater or recreation fields. The money is going to get invested in the classroom and in direct education support. I think we can say goodbye to those two or three story atriums and if on the local level you want a two to three story atrium, you pay. We are not going to be paying at the state level. This is a first step. Again, congratulating the Education Committee and Representative Richard. I hope this is the beginning of a long journey with many steps.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. I would be remiss if I did not rise and express appreciation to the Representative from Kennebunk for his kind words. This has been a long process in trying to develop this bill. He has highlighted all of the points of the bill that are important and all of us urge your support of this very important piece of legislation. Once again, thank you Representative.

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

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 607**

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

NAY - NONE.

ABSENT - Bodwell, Dexter, Dutremble, Fisk, Gagne, Jones SL, Joyner, Lane, Lovett, Muse, Sanborn, True.

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

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,500,000 to Construct Water Pollution Control Facilities; 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)  
(C. "A" S-522)

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

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

Representative GOODWIN: Madam Speaker, Men and Women of the House. I don't intend to take much time. We have been here too many hours this week and we need the upcoming break. I am going to be brief. Madam Speaker, men and women of the House, last evening I opposed the issue. This a.m. I received a letter from the Department of Environmental Protection, the commissioner. I suspect that all 40 or so of us who opposed this legislation received the letter. He expounded on the five issues that we heard from the good Chair of Appropriations last night. All five were listed. Last night no one in this body, that I know of, other than the good Chair of Appropriations, talked about all five, but I know that a lot of people talked about item 2. Item 2 was the \$1.5 million for time pile remediation, which is removal of excess tires in the state. A lot of debate and comments on this issue, too numerous to count. He indicated to me in this letter that in my district there are several potential beneficiaries of these future bond monies. One being in Meddybemps, which is in my district, which is a junkyard. In early March I sent a letter to the Natural Resources Committee, Transportation Committee and I added in the Appropriations Committee. Every member of those three committees got a letter from Al Goodwin indicating my concerns about bonding for tires.

Louisiana and Maine are the tire capitols of the United States. If we continue to bond to remove tires, we will be the used tire capitol of the world. We are going to open a brand new port in Eastport in July. That is going to help because the first ship in is going to haul tires. I guarantee it. Keep bonding for tire cleanup of stockpiles and the imports will continue. There are trucks coming now and ships coming later. In three years we have bonded \$8.5 million to remove tires. The state owns no tires. We don't own any of the land that tires set on. We continue to bond and remove tires. Someone owns the tires. Someone owns the land. We need to determine who the owners are and go get them. The trucks appear in the middle of the night and they will continue.

Last winter in the next town south of here, in Gardiner, I bought a set of tires. I had my car delivered to the station in the morning. I went back in the afternoon in between breaks. The bill was \$105 for the tires, two tires by the way, not a whole set. I had them balanced and put on the vehicle. With that, the gentleman said, "Al Goodwin, I have to charge you \$3 a tire for disposal. You are a legislator, would you please find out what happens to the money." Lo and behold when I got home to Pembroke and opened my trunk up, I had my tires. It is happening all over the State of Maine. It is really comical.

The commissioner was walking six inches above the floor when he left me today. He is going to send me all of the reports on the \$8.5 million we spent. I hope to hear from the three committees of jurisdiction. As I did in the budget, I opposed this body on the budget. I went against the budget until Enactment because I wanted to get a message out. I hope this message is going out. Al Goodwin is going to return here next year and we are going to do something about that tire stockpile and we are not going to put anymore bonds out. I thank the Speaker and this body for the time.

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

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**Acts**

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)

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.

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An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System

(H.P. 812) (L.D. 1100)  
(C. "A" H-1092)

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

On motion of Representative MacDOUGALL of North Berwick, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1092)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1122)** to **Committee Amendment "A" (H-1092)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Madam Speaker, Men and Women of the House. If you recall, LD 1100 lowered from 10 years to 5 years the amount of credible service needed by state employees, teachers, judges and legislators who were not in service at the time of retirement to be eligible to receive service retirement benefits at the applicable normal retirement age. All my amendment does is takes legislators and returns them to the 10 year time frame. When I ran for office and look forward to running again, the thing I heard from my constituents was that they are very concerned that it remain a citizen's Legislature. I believe that our actions of the other day, by lowering that 10 years down to 5 years turns this into kind of a part-time career position. It is something that I don't agree with. I have a career and most of us have careers when we are not here. When my time comes, whether I am reelected or not, at the time I am done

serving the people up here, I will return to that. I would just urge that you will support this amendment. Thank you.

Representative HATCH of Skowhegan moved that **House Amendment "A" (H-1122)** to **Committee Amendment "A" (H-1092)** be **INDEFINITELY POSTPONED**.

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

Representative HATCH: Madam Speaker, Men and Women of the House. I would ask that you would vote to Indefinitely Postpone this. Over the last six years I have served on the Retirement Committee. It took a long time to adjust to the fact that you are speaking another language totally and sometimes it takes three of four years to catch on. I think all the Labor Committee members will tell you that the major problems that we have with the retirement system when we make changes is sometimes we don't make changes system wide. We have special plans for this one and for the other one. Although I think my esteemed colleague who put in this amendment was in good faith. I think each of us comes down here and we go back home after a certain number of year. I put this in for the whole system, not just for legislators, state workers or the teachers. I put it in for everyone. I think it should remain that way. Thank you.

Representative GERRY of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1122)** to **Committee Amendment "A" (H-1092)**.

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

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. In response to a comment from the Right Honorable Representative from Skowhegan that it sometimes takes three or four years to figure out what is going on. I am here in my second year and this bill is pretty easy to figure out. This is, in essence, a pay increase for us. Do we vest earlier in the retirement system or not? Are we going to make it easier to give ourselves a little bit more perks or are we not? This time we can't vote no and take the dough. I urge you to vote against the pending motion.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. This issue has been before this body in the past. In fact, in my second term an identical piece of legislation to the amendment before us. What I want you to realize, which many folks found quite surprising to them was when the actuaries from the retirement system ran the numbers on this particular matter which would have changed the vesting period from 10 years to 5 years there was absolutely no change in the retirement system in terms of equity or dollars. I can see people going, that can't be true. I couldn't imagine that that could be true. The reason it is, according to the actuaries who explained it to me more than once, was that the same number of people take their retirement pay out at 5 years as they would 10 years. It has a lot to do with the behavior of participants when they are faced with those kinds of personal, financial decisions. From where I sit on this issue, it is very appropriate to have a 5 year vesting period for everyone as was proposed in the original legislation. I will be voting to Indefinitely Postpone this amendment.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. What the previous speaker just referred to, I would be surprised if it still holds true today. We now have term limits. A lot of us can only be here for eight

years. This will mean that we do qualify for retirement. We didn't qualify when we came in here. I am also kind of surprised to hear in the same day that we have two bills that are really in opposition to one another. This morning we heard a bill establishing a commission to look at legislative pay. I heard all kinds of people say that we needed this commission to have the public involved so it would basically look good. We shouldn't go ahead and do this by ourselves. We should have the public involved and we should have a commission established and come back in 1999 or 2000 or whatever it was so the public has a piece to say about how we get paid. That passed. Here we are this afternoon, in effect, voting ourselves a raise because most of us, again, will only be here eight years and will never qualify for retirement. We pass this and lo and behold we will be qualified for retirement. That is a raise folks. No matter what name you give it, it is still a raise. It seems to me that these two things that have happened today are in opposition to one another. It surprises me that if you could support the one this morning, you could also support the one this afternoon. I would ask you, we voted to lower the vesting years for state employees and that is not a big issue. A lot of private industry has done that. It is a federal standard and so on and so forth. I have no issue with that, but we are not full time employees folks. The majority of us are here as just citizen legislators. We have a real job. This was never intended to be a place to come and make a living and retire from. I would encourage you to vote against the indefinite Postponement based on your arguments that you made this morning. Thank you.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. The Representative from Rumford makes a good point about when the data that I received was given to me. It was, in fact, before term limits was enacted by the people of Maine. However, at the time the average length of service for Maine legislators was 5.3 years. I would pose a question through the Chair, Madam Speaker, to anyone from the committee who could answer. When the committee worked on this particular issue, did anyone look at the cost and extrapolate out what would happen if the Legislature was not part of this particular proposal? Thank you.

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

Representative HATCH: Madam Speaker, Men and Women of the House. In regards to that, no, we did not take that cost component out. I did speak briefly with someone from the retirement system. They said it would be so nominal that it probably wouldn't even make a difference in the note that the fiscal office would put on it, if any.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I sometimes wish I took notes. I am pretty sure I voted against this bill a couple days ago out of concern about the fiscal note, but I am going to risk breaking House Rules a second time today and mention that I believe it was killed at the Appropriations Table a couple of nights ago. What we are discussing is in the abstract.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-1122) to Committee Amendment "A" (H-1092). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 608**

YEA - Ahearne, Bagley, Baker, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McAlevey, McKee, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Pieh, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Thompson, Tripp, Tuttle, Underwood, Usher, Vedral, Volenik, Watson, Wheeler EM, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Rines, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Tobin, Townsend, Treadwell, True, Vigue, Waterhouse, Wheeler GJ, Winglass.

ABSENT - Clukey, Dutremble, Fisk, Joyner, Lane, Lovett, Muse, Sanborn.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, **House Amendment "A" (H-1122) to Committee Amendment "A" (H-1092) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-1092) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1092)** in concurrence.

Representative DONNELLY of Presque Isle **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. 609**

YEA - Ahearne, Bagley, Baker, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Morgan, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lindahl, MacDougall, Mack, Madore, Marvin, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Povich, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Clukey, Dutremble, Fisk, Joyner, Lane, Lovett, Muse, Sanborn.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, with 8 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Implement the Recommendations of the Great Pond Task Force

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

(S. "C" S-686 and S. "F" S-691 to C. "A" S-600)

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

On motion of Representative CLARK of Millinocket, 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**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Madam Speaker, Men and Women of the House. It is not fair to change the rules in the middle of the game and that is what apparently happened to residents in Donelle Pond and Tunk Lake. They experienced that famous law of intended consequences. They played by the rules. They operate their personal water craft within the law. They don't make noise and they don't do doughnuts, but they did buy those PWCs and spent quite a bit of money for them and now they find that the passage of LD 1730 as amended that that investment can't be used on their pond. Of course they have assured me that they are going to move over the Georges Pond where I have a camp and do doughnuts around my wharf. I laughed and I said I was sorry, I tried and I did not succeed. The law of unintended consequences was that somebody, an activist on Mooselookmeguntic loathed this, they are known as, lake lice and hired an expensive lawyer and that lawyer did a heck of a job and pretty much caused this to come through and that process scooped up Tunk Lake and Donnell Pond. The rest of the bill is super. It does the job. We went too far and that is not fair. In the mind of many of my friends on Donnell Pond and Tunk Lake, they said it doesn't speak for the way we do business here. They said, shame on us. I think we didn't serve these folks real well. I don't think we are going to send this bill back and do it right, but I had to go on record and support all folks who use our lakes, streams and ponds. I feel that we took a bit of their rights away today. 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. Just a couple of comments. I don't think we should have done what we did last evening. Just because a couple of people were reckless in PWCs, we don't have to outlaw certain great ponds and lakes because of their attitudes. I hope that you guys will join me in not enacting LD 1730. It just goes way too much, way to soon. Thank you.

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

Representative **LAYTON**: Madam Speaker, Men and Women of the House. I would just like to remind you that both Tunk Lake and Donnell Pond both are in my district. I would like to remind you that when this was put on as a floor amendment that there was no public hearing process for these people to come up and defend their rights. I want to say today that I really take issue with the good Representative from Rockland's comments yesterday about how he went to Tunk Lake, I believe

for one day for enjoyment out on the lake and to behold some locals came in with their water craft and kind of upset his day. It is this kind of attitude that exacerbates the problem between the two Maines concept. People from away can come up to a remote area, like Tunk Lake, and be offended that people who live on that lake year round are out there driving around on their water craft. I feel that this is not good. Again, this just exacerbates that problem. I guess the fact that the good people from Sullivan and the good people from Franklin had no opportunity to come in here and fight for their cause on this issue during any committee hearings or work session or what have you. I hate to use the term "fair," but it is just not right. It is not the way the system is supposed to be handled and I ask that you defeat the pending motion. 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 hope that you will join with me and vote against the pending motion. I am not going to talk long. I talked long enough yesterday, I think, on my objections to this bill. There is a couple of pieces of information I would like to give you though. I got a phone call last night from a dealer that sells personal water craft in my district. This dealer called me to tell me to tell me how upset he was about the way this bill had gone and also to tell me that he had two machines that he had deposits on. This is in southern Maine where there are no bans going on. There were two machines that people had put deposits on that were going to purchase these machines that have backed out because of what we did here last night. The word I got from him is that he will not be selling personal water craft any longer because the way that this law is written, he doesn't know whether or not anywhere in Oxford County you are going to be able to have a personal water craft in the next two or three years or whatever. Once this petition process begins every rich lake owner on every pond in this State of Maine is going to be working towards eliminating these machines. In doing so, we are going to be eliminating the small business in the state. This is the wrong thing to do and the wrong time to do it.

The other thing I wanted to bring up to you is there are several lawsuits going on across this country on similar bans to this. I do not believe that it is legal to single out a certain type of water craft as we are doing here. We are saying that a personal water craft, which is 40 to 80 to 120 horsepower cannot be on these lakes, but we can have a ski boat with the same horsepower on these lakes or a bass boat or any other type of boat with the same horsepower can go on these lakes. We are going to single out these little gnats, as they are called at times. We are going to single out these little nuisances that middle class people can afford to buy and be able to enjoy our lakes. These rich landowners are going to single these people out and try to eliminate them from their lakes. These lakes are for all of us, not just for the wealthy few. I ask you to oppose Enactment of this bill. Thank you.

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

Representative **BARTH**: Madam Speaker, Ladies and Gentlemen of the House. When will the class action suit be filed under the Americans for Disabilities Act? Our state parks, Baxter State Park, the remote ponds that we are talking about, the great ponds, are for all of the people of Maine. When is that suit going to be filed to make these remote camping areas wheelchair accessible? That is where we are headed. I hate to see that day, but that day is coming. Our lakes, our great ponds, are for everybody. Let's get to the real problem that started all of this. The few irresponsible personal water craft operators. Just like the drunken snowmobilers, there are not many of them, but there



are a few and it seems like everything we do here in Augusta is aimed at pretty much a minority. A minority of irresponsible people so we end up enacting laws that affect everybody. Think very long and hard about this. I would ask you to defeat this bill.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. This bill isn't perfect. We talked about it yesterday or last night. It has some flaws. One of them is that we included Donnell Pond and Tunk Lake. Definitely those two should not have been in there. We tried to get those out last night. It was a pretty close vote. I kind of hoped somebody else would amend it today to try again, but we didn't. My hope is if we enact this, that maybe another time down the road or next year those people that live down there can make an appeal somehow and take it off.

Basically, it is a good bill. We heard previous speakers say that a couple of people canceled their purchase order for these machines based on the fact that we banned them from 240 remote lakes in Maine. There are still something like 5,000 that remain. What is going to become of the surface use on those will be determined by the people who live in the area. I think that is the only way to go. It is common property, but it is still a democracy here were the majority rules. I don't know who else is better able to make those decisions than the local people. They can't make the decision to ban them. They have to all agree and then they petition the Commissioner of Fish and Wildlife. I would like to remind people on the bigger lakes that have three or four towns around them, we heard that there are going to be floods of petitions. Can you imagine big lakes with three or four towns that have to come to an agreement on these recommended restrictions and how difficult it is going to be? It should be difficult. It still should be possible. I hope you vote for Enactment.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. I have heard a couple of comments about three of the great ponds that were going to be included in this. I happen to live near the third one. What I find interesting about this is that because this particular lake has some public access land around it, that we shouldn't have personal water craft. There are two more lakes adjacent to it that are equally as big, equally as remote and equally as inaccessible. As a matter of fact, you can see from one to the other. It escapes me how it makes any sense to ban personal water craft in Mooselook when there are two other lakes that are just as close that it is okay to use them on. The bill doesn't make sense ladies and gentlemen. The one person who has continuously called me about personal water craft lives on a pond that won't be covered by this. So, based on my experience, if you think you are going to go home and you are not going to hear from your constituents this summer about jet skis, I hate to be the one to give you the bad news, but you are still going to hear about jet skis because the problem with jet skis is noise and stupid drivers. We cannot legislate brains, unfortunately. This analogous to a unsafe 18 wheeler driver doing something on Route 2 and banning them on Route 95. Because they do something stupid on one pond, we are now going to ban them on 250 others and we have got 4,500 that they are still going to be able to do it on. We are not enforcing the laws we have now. The issue is driving recklessly and the issue is too much noise. The manufacturers are working on the noise. We need more Game Wardens, we don't need more laws. This law will not solve the problem.

I say again as I said to yesterday and you have heard a bit of it here today, most of us will never be able to own shorefront

property. Most of the shorefront property is going to people who don't live in Maine. It is certainly not going to the lower income people in the State of Maine who we say we are so concerned about. Many of these people, this is the only way they are ever even going to see the water and be able to enjoy it. This is the wrong way to go. It is CarTest all over again. If we are going to have every town to be able to petition for us to do something, I would submit to you that next December instead of having 2,000 bills before us, then we are going to have 3,000 bills before us because it only takes one person on that pond to start a petition and people will sign almost anything if you just leave them alone. They can get signatures enough to get it to us and then we are going to have to deal with the real problem, which is noise, unsafe driving, people driving under the influence and the real route of the problem is not enough Game Wardens to enforce the laws that presently have. If you enforce the laws we presently have, for example, they couldn't run on almost any river in Maine. If you enforce the 250 foot limit of headway speed along the shore, that takes out most of the rivers in Maine. We don't have enough people to enforce the law now. Please, please don't let this law go into affect. It will be CarTest all over again. Thank you.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I don't want to prolong this debate. It is quite obvious from the vote from yesterday that most of you do support the Great Pond Task Force Bill. I am very happy about that. Just to respond to my good colleague, Representative Povich, who made reference to the expensive lawyer who came and lobbied for this bill. Let me just remind you that that person, as I believe, did run for the US Senate and is a very honorable person. In fact, for the past two decades, as I understand, has worked to help the benefactor who gave more than 20 miles of shoreland on Mooselookmeguntic to the people of the State of Maine. I am not rich. I don't even live on a lake. I don't want to, but I am proud that some rich people do give their money away to those of us who can't own property on a lake. Mrs. Phillips did do that and it will provide you and I with a campsite, access to the water and perpetuity. Second, I would remind you that 300,000 people live on those shorefronts. Four hundred thousand people in the State of Maine depend of those lakes for drinking water and 150,000 youngsters every year camp on those shores. All of these people bring in huge amounts of money to us and I won't go into that because we already did that before. Please join me in supporting the Enactment of this very important bill for the lakes of the State of Maine. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. Recently we have just passed a new law dealing with franchises for snowmobiles and these vehicles. We did it to improve the lot of our dealers, your dealers, my dealers that sell these vehicles. It was done because of abuse by manufacturers. It was done to help these people conduct business in the State of Maine. On the one hand we provide for improving conditions for conducting business in the State of Maine, then on the other hand we do this where we are going to have an adverse effect on every one of our small businesses that sell these vehicles in the State of Maine. Last year, we sold, in the State of Maine, 75,000 of these vehicles. We were fourth in the country in terms of total number of sales. This is tremendous. This is a big business. If we go along with this, you are going to be harming your businesses. You are going to have to go back and face it. You are going to be harming your businesses.

This morning in the paper there was a Snow and Neily Company out of Hampden, Maine. They have been in this state for 100 years and presently they are looking at New Hampshire because they are being wined and dined about going into New Hampshire and they have a tremendous amount of goodies they are going to give them by bringing them down there. This is a company that makes items that we pride in being part of the State of Maine, axes, shovels, items that are used for farming. Now they are going to leave after 100 years because of conditions in the state. Ladies and gentlemen, this is not going to help our businesses. I would ask you to oppose the pending motion and go on defeat it. Thank you.

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. No, I am not quite as disgusted as I was yesterday, but I am still a little upset. Here we are on the verge of Enactment. LD 1730 has been thoroughly debated amongst 186 legislators. I still feel we are on the wrong path and we should still put the breaks on this and bring it up in January and do it right. Thank you.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. We talk about this bill and how it started out and what it has become. To a lot of people as I look down through my phone calls, all two of them, it has become the jet ski bill, the personal water craft bill. We talk about how disruptive it is to the serenity of our ponds and even our rivers. I remember in 1981 when I built my house, I built my house on a snowmobile trail. For the first three winters before I built my garage, those snowmobiles would come up my driveway and out through the woods just like they always had. Since then, the organizations and snowmobile clubs have become much more respectful of people's rights, property and the ownership of the forests. They have essentially self-enforced themselves. They became more organized. They have gotten more respectful. One of the two callers is a snowmobile enthusiast, a motorcycle enthusiast and a personal water craft enthusiast. He said, just enforce the laws you have. Give us time. Let us do the same thing we did with snowmobiles. We have heard that the manufacturers are trying to work on the noise. We know that the participants who are abiding by the laws are trying to encourage others to do the same thing. The manufacturers are trying to encourage those who purchase to treat people and their property with respect.

We talk about noise pollution. Soon after I had built my house, the winters got more quiet. The snowmobiles went to a power line 1,500 feet down the road and then a subdivision began its construction. Just about the time I could open my windows in the spring I heard the trucks starting in and the noise from the clanging of the bell as they backed up at 6:30 in the morning. That took one summer and then the subdivision had 40 lots. As the houses started being built, I heard the chain saws. Then I heard the hammers and the building and that went on until the subdivision was built out. We talk about noise pollution. We have it all around us. Is this the first step? Is the chain saw next? Is it the lawnmower? Are we going to regulate ourselves right out of existence? I think it is time that the industry, the owners and the citizens of Maine worked together to self-police and not regulate the whole state on what one thinks one can do and what one thinks one shouldn't do. I hope you would join me in opposing this bill. I thank you for your time.

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

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

The SPEAKER: The Representative may pose his question.

Representative BARTH: Thank you Madam Speaker. I noticed in Committee Amendment "A" that the amendment also prohibits motorboats with internal combustion motors on five ponds on Mt. Desert Island that are entirely within Arcadia National Park. I am just curious. I can't imagine the federal government leaving it up to the states to regulate a National Park, but perhaps I am wrong. If someone can enlighten me as to why that is in there, I would appreciate it.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. Under statutes that go back before the Constitution of this state, all great ponds are the jurisdiction of the State of Maine and the property of the people.

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. 610

YEA - Bagley, Baker, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Carleton, Chartrand, Chizmar, Colwell, Cowger, Davidson, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagnon, Gamache, Gieringer, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, Mailhot, Marvin, Mayo, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Spear, Stevens, Tessier, Thompson, Townsend, Tripp, True, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearn, Barth, Belanger DJ, Belanger IG, Bigl, Bragdon, Bunker, Cameron, Campbell, Chick, Cianchette, Clark, Cross, Desmond, Dexter, Donnelly, Driscoll, Foster, Gagne, Gerry, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lemke, MacDougall, Mack, Madore, McAlevey, Nickerson, O'Neal, Paul, Perry, Pinkham WD, Plowman, Poulin, Sirois, Snowe-Mello, Stanley, Stedman, Taylor, Tobin, Treadwell, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Winsor.

ABSENT - Clukey, Dutremble, Fisk, Joyner, Lane, Lovett, McElroy, Sanborn.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, 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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#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act to Have a Referendum on Whether or Not an Independent Public Commission Should be Established to Set Legislative Pay"

(S.P. 781) (L.D. 2108)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 3, 1998.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (6) **OUGHT TO PASS AS**



**AMENDED BY COMMITTEE AMENDMENT "A" (S-630)** of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630)** and **SENATE AMENDMENT "A" (S-694)** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

On motion of Representative **AHEARNE** of Madawaska, the House voted to **INSIST** and join in a **COMMITTEE OF CONFERENCE** in concurrence. **ORDERED SENT FORTHWITH.**

Reference is made to Bill "An Act to Have a Referendum on Whether or Not an Independent Public Commission Should be Established to Set Legislative Pay"

(S.P. 781) (L.D. 2108)

In reference to the action of the House on Friday, April 3, 1998, whereby it **Insisted** and **Joined** in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative **THOMPSON** of Naples  
Representative **QUINT** of Portland  
Representative **McALEVEY** of Waterboro

#### ORDERS

On motion of Representative **TRIPP** of Topsham, the following Joint Order: (H.P. 1680)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to study the taxation of telecommunications property.

#### READ.

Representative **CIANCHETTE** of South Portland **REQUESTED** a division on **PASSAGE**.

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

A vote of the House was taken. 70 voted in favor of the same and 44 against, the Joint Order was **PASSED**.

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

#### SENATE PAPERS

##### Non-Concurrent Matter

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

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

House **INSISTED** on its former action whereby the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and **ASKED FOR A COMMITTEE OF CONFERENCE** in the House on April 2, 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) AS AMENDED BY SENATE AMENDMENT "B" (S-707)** thereto in **NON-CONCURRENCE**.

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

Representative **BUMPS** of China moved that the House **RECEDE AND CONCUR**.

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

#### ROLL CALL NO. 611

**YEA** - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Cianchette, Cross, Dexter, Donnelly, Dunlap, Fisher, Foster, Fuller, Gerry, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lemke, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Murphy, Muse, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Shiah, Snow-Mello, Spear, Stedman, Tobin, Treadwell, True, Underwood, Usher, Vedral, Vigue, Wheeler EM, Winglass, Winsor.

**NAY** - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Etnier, Farnsworth, Frechette, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Mailhot, McKee, Meres, Mitchell JE, Morgan, Nass, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Waterhouse, Watson, Wheeler GJ, Wright, Madam Speaker.

**ABSENT** - Clukey, Dutremble, Fisk, Honey, Joyner, Lane, Lovett, McElroy, Sanborn, Winn.

Yes, 64; No, 77; Absent, 10; Excused, 0.

64 having voted in the affirmative and 77 voted in the negative, with 10 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Representative **BROOKS** of Winterport moved that the House **RECONSIDER** its action whereby the motion to **RECEDE AND CONCUR FAILED**.

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

Representative **BROOKS**: Madam Speaker, Ladies and Gentlemen of the House. My light was green at first. I had hoped that we would be able to pass this bill. I switched over to the prevailing side in order to move reconsideration because I am sorry, I guess I was a little asleep at the switch. If you have looked at the amendments that were placed on this bill when it down to the Senate, I think it is truly does fix an awful lot of the concerns that were registered during the debate when it was here earlier. This has now become something of, and I have heard it referred to as a line item retainage. The law originally allowed for a significant amount of retainage or almost required that a significant amount of retainage be withheld after a contract was completed. As I mentioned before in the earlier piece of this legislation, a friend of mine in Winterport who is a general contractor was in a position where as much as \$800,000 was withheld. That resulted in him not being able to hire the number of people that he was now looking to hire for summer employment during the seasonal construction period. He called me and he wanted to talk a lot about this. We talked and then we met out in the hall out here. We talked an awful lot about some amendments that could be placed on this bill that would make it a whole lot more palatable and we wouldn't have hundreds of thousands of dollars being held out there. The general contractors and the Maine Municipal Association and several others including a lot of subcontractors came up with these amendments. As I mentioned before, I can't help but re-emphasize that the Maine Municipal Association was involved in these discussions.

What we have now is an ability by someone who does let out a contract, be it the state or a municipality or a school district that when it comes to a point where they have to receive a voucher, instead of automatically withholding 5 percent of the full amount, you can actually withhold 5 percent of a part of the project. For example, if the project is a \$100,000 project and this voucher happens to be for \$10,000 and the sidewalk is the only piece in question, you can withhold 5 percent of the sidewalk portion of this particular voucher. You don't have to withhold 5 percent of the entire voucher. At the end of the contract, be it 10 months or 11 months, a year or whatever, you withhold 5 percent and that gives you an opportunity so that when the people who own the project, the school district or whatever finally do accept and turn over the punch list, that is when you release the final 5 percent. Beyond the bonding and all that, you still have an opportunity to maintain retainage. I have talked to lots and lots of folks about this and this seems to be a solution that will help out a lot of small businesses. For me, what this has done is it has turned this piece of legislation into a jobs bill. It is an opportunity to create jobs. It is an opportunity to free up those hundreds of thousands of dollars that are generally held in retainage. Again, I apologize. I know the hour is late and I know we all want to head off on our couple of days off, but I wanted to reconsider this so that we would have an opportunity to hear an explanation of the amendments. I wasn't sure that everybody had an opportunity to do that. Thank you very much Madam Speaker for this opportunity.

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

Representative AHEARNE: Madam Speaker, Men and Women of the House. I just wanted to correct a misstatement, but MMA still does not support this bill even this amendment. I ask leave of the House to read a portion of a letter from Jeff Herman. It states, "Representative Ahearne, although several significant clarifications have been made to LD 1551 that improve the bill. MMA's position is that the sweep of the proposed changes to public contract retainage law is not to the advantage of the municipalities or school districts that are the owners of the projects." From what the letter has stated, I think we have to think why we have retainage. I believe it is for the protection of the owner. The owner, in most of these cases, is the municipalities for the school districts. This is to ensure that if there is a contract, that the contract is done and is completed and that this has been changed and changed and has been amended. I believe it is not to the advantage of the original intent of what retainage is, so I ask you to not support the pending motion. Madam Speaker, I request a roll call.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the motion to **RECEDE AND CONCUR FAILED**.

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 South Portland, Representative Muse.

Representative MUSE: Madam Speaker, Men and Women of the House. I am starting to think that perhaps this is the great ponds retainage bill. The amount of time we are spending debating this thing back and forth. The previous speaker has indicated that it is not the same bill that was originally presented. That is very, very accurate because this bill, perhaps more than any other that we have seen this year, has been worked and reworked and reworked again by all of the parties involved that need to participate in this and that are affected by this. I would like to remind this body of just a couple of things. The last time we had a go at this bill, it left our chamber with a 70 to 70 vote. When it left the committee, it left with a Majority Ought to Pass.

Since that time, it has been worked again, modified again and this bill is purely now a win-win situation. I would ask for your support on this bill. Thank you Madam Speaker.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. Let's not make any jokes about this issue. If we reduce the amount of retainage that municipalities and school districts can hold on these contracts and the work is not satisfactory and has to be redone, you are voting for a tax increase in your local community because to redo that work, someone has to pay the bill if you haven't held enough money back to bring that contractor back to fix that mess. I am saying to you that becomes a local tax burden when you don't have the retainage as leverage to bring those people back and complete their contracts. I have a problem with this and I would ask you to vote against reconsideration of the last vote where we did not Recede and Concur.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Being on crutches has limited me from standing up to speak and I know you are all grateful for that. However, I couldn't resist this debate. Positive reinforcement is the most powerful kind of reinforcement there is. This bill takes positive reinforcement in the form of payment to contractors for their work. It leaves the negative reinforcement of punishment if they don't do their work. Someone who starts out earning and receiving 100 percent of what they bill is not likely going to stop receiving that 100 percent. They are not going to put themselves in jeopardy of going to retainage. Retainage is withheld when you start to mess up and when you start to not be there as part of the ongoing job.

With retainage now, there is an unintended effect of contractors looking at the punch list seeing who is left and analyzing the contractors who are left to do work. If they see ABC Plumbing Company and if there is such a thing, I apologize, but should they see a certain plumbing company and know that from the last four jobs that this plumbing company doesn't go back until six or eight months later, that they are already on to another job and they are never going to go back to southern Maine to finish a school until they are done with their school in Madawaska. Nobody goes back to do the punch list. They all figure why take my men off the job because the guy who is at the bottom that we have all worked with before and never goes back and leaves us all hanging isn't going back anytime soon either. I am going to stay on my profitable job right now and when I have a spare day, I will send somebody down to finish my punch list. That is how retainage manages contracts now. What we are trying to do is one, make it so the people who bid and do the work are motivated by getting paid for doing a good job. Two, motivating the people who need to get in and finish.

The amount of retainage that is held is not what covers work that needs to be redone. Those are called performance bonds. Performance bonds are not released until you get a sign off from the owner of the job. You must continue to pay for and hold a performance bond until the job is done. If you are looking to bid on another project, you must buy another performance bond and there are people who have to continue to hold performance bonds even though part of the job is long done because there is no sign off. You have heard that some contractors have waited years to get paid. Is that fair? There is nothing wrong with the work they have done, it has been double checked all the way through the process. Shouldn't they get paid? I have heard the arguments that the contractor can pay the subcontractor if he wants. Well, he can't pay it out of money he doesn't get in the

first place. If the contractor doesn't get that 5 percent from the owner in the first place, he goes in the hole. He can't afford to do that either. It is an issue of fairness. There are all kinds of protections including the last paragraph that says, "If you do not comply with the provisions of your contract on a state job, the Bureau of General Services will make sure that you don't get to bid on another state job for a year." That now applies to subcontractors as well as contractors. These are some of the highlights of what this bill did to protect the owners of the jobs.

I don't see it as raising the costs. I actually see it as saving money because people who do these jobs sometimes do walk out and never come back because it is not worth the hassle. We now can punish them by preventing them from even bidding on another job for a year. I ask you to please vote for the motion to reconsider. Thank you.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. The fundamental problem that I always had with this bill, I was reminded of when I thought about a sheet of paper that I passed out to members of this body at the beginning of the last session or the session before that, I can't remember. That single sheet of paper contained a list of questions that was helpful to me in doing committee work. Questions I should myself about each bill. A couple of the items in there, on that list, I was reminded of when I was looking through this bill. One of them is, are we micromanaging the process? I am looking through this bill and I am seeing a whole bunch of definitions and a whole bunch of must do this and must do that, which apply to a whole range on contracts that the state or our municipalities may engage in. I wonder whether or not we are providing too much inflexibility given this wide range of contracts that the state engages in. I think it does. One of the other questions is, should the matter and issue be handled by statute or should it be handled by some administrative rule? I wonder whether this Legislature is better qualified to set the rules through our committee process and this debate in the last days of the session or whether it is better if we are going to have definite rules to have the people who are going to be administering the contracts and will know more about than we do go through the process, the administrative procedure act or some other process, to give this issue full consideration. I guess you know what my answer is. I hope that you do not vote to reconsider this. This is not the proper place to be setting these standards. Thank you.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. You heard everything that I had to say on this bill and probably a little more. I didn't intend to rise on this issue of reconsideration, but I must clarify some points that have been made. I must correct the record. The first point was made by the Representative from Lewiston, Representative Shannon when he suggested that retainage is eliminated. I have tried to explain from the beginning that this bill, this amendment, does not eliminate retainage. Please take an opportunity to look to the amendment that was offered in the other body and subsequently adopted. Look at this summary to the amendment. The first point in the summary says it clarifies the situations under which payment may be withheld against both a general contractor and a subcontractor under public improvement projects. It clarifies that the owner makes the determination of completion and acceptance of work on contract line items. This Senate Amendment clarifies the bill. It puts the owner more in charge than they were with the original bill.

Let me clarify a couple of other points. The good Representative from Wells, Representative Carleton, suggests that this may be micromanaging the process. I would suggest to you and to the members of the body that the macromanagement of the process isn't working. I say it is not working for two reasons. Number one, the owner and the state are acquiring buildings, paying for work, that number one, may never have been done or number two, may never have been done to our satisfaction. Macromanagement isn't working. The second point that is not working can be driven home with the point that subcontractors and general contractors are waiting months upon months and years upon years to get payment. Macromanagement isn't working. I don't always suggest micromanagement, but I not sure what else to do in this case. Statute or rules? Well, I would say that the idea that there haven't been folks who are involved in this process, working on this bill, is simply untrue. We have had committee meeting after committee meeting after committee meeting with employees from the Bureau of General Services, people from the Associated Contractors, our friends from MMA, people from Maine School Management. These are the people who worked on these issues day in and day out.

One last point, to respond to a point that was made by the good Representative from Madawaska, I think I have hit everybody now. The good Representative Madawaska suggested that MMA said that this bill isn't advantageous to the owner. Well, I would say that it may never have been intended to be advantageous to the owner, but equally important is Maine Municipal and the City of Portland have suggested that it is not disadvantageous either. So, this bill was intended to sort of help the contractors and subcontractors who are doing work on these projects. It was never intended to improve the state of being for the owner or for the state. The comment that Maine Municipal doesn't find this advantageous, it is not really pertinent to the debate that you are faced with today. Please, I urge you to go on to support the motion to reconsider. Thank you.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. Earlier this afternoon on Supplement 3, item (10-1), Emergency Mandate, we enacted "An Act to Implement the Recommendations of the Governor's Commission on School Facilities." A very important part of that process was a subcommittee called the Technical Advisory Committee. They studied the issues as were presented in debate, lengthy debate, on LD 2252. They came up with some very good ways to tighten down the construction contracts and enhance the product given to our students in our school system. They tightened up the way we used the money. They tightened up the fact that they shouldn't be over specifying and spending very expensive amounts of money on granite curbing and the like. This Technical Advisory Committee was very beneficial and very helpful in that process. The Technical Advisory Committee also came out with the suggestions of this bill. The same committee that encouraged us to support and, in fact, we supported 139 to 0, came out with the recommendations. The Representatives on that committee with the Administrative and Financial Affairs, the Department of Administrative and Financial Affairs, a representative from the Bureau of General Services, architects, engineers, contractors, people who deal with this day in and day out. I would encourage you to support this bill. Thank you.

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

**ROLL CALL NO. 612**

YEA - Barth, Belanger DJ, Berry DP, Bigl, Bodwell, Bolduc, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Chick, Cianchette, Cross, Desmond, Dexter, Donnelly, Dunlap, Fisher, Foster, Fuller, Gerry, Goodwin, Gooley, Jones SA, Joyce, Kasprzak, Kneeland, Labrecque, Layton, Lemke, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Murphy, Muse, Nickerson, O'Brien, Ott, Peavey, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, True, Underwood, Usher, Vedral, Vigue, Wheeler EM, Winglass, Winsor.

NAY - Ahearne, Bagley, Baker, Belanger IG, Berry RL, Bouffard, Brennan, Bryant, Bull, Bunker, Carleton, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Etnier, Farnsworth, Frechette, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Joy, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Mailhot, McKee, Meres, Mitchell JE, Morgan, Nass, O'Neal, O'Neil, Paul, Pendleton, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Waterhouse, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Clukey, Dutremble, Fisk, Honey, Joyner, Lane, Lovett, McElroy, Sanborn, Saxl JW, Winn.

Yes, 65; No, 75; Absent, 11; Excused, 0.

65 having voted in the affirmative and 75 voted in the negative, with 11 being absent, the motion to **RECONSIDER** whereby the motion to **RECEDE AND CONCUR FAILED, FAILED.**

Subsequently, the House voted to **ADHERE. ORDERED SENT FORTHWITH.**

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**REPORTS OF COMMITTEE**  
**Committee of Conference**

Report of the Second 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  
BENOIT of Franklin

**READ and ACCEPTED and sent up for concurrence. ORDERED SENT FORTHWITH.**

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Preserve the State House and to Renovate State Facilities"

(H.P. 1631) (L.D. 2259)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939)** in the House on March 19, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939)** and **SENATE AMENDMENT "B" (S-708)** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

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Representative DONNELLY of Presque Isle moved that the House **RECONSIDERED** its action whereby it **RECEDED AND CONCURRED** on Bill "An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program"

(H.P. 1291) (L.D. 1836)

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDERED** whereby the House **RECEDED AND CONCURRED** and later today assigned.

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**SENATE PAPERS**

The following Joint Order: (S.P. 875)

**ORDERED**, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, April 7, 1998, at 10:00 o'clock in the morning.

Came from the Senate **READ and PASSED. READ and PASSED** in concurrence.

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On motion of Representative GAGNON of Waterville, the House adjourned at 5:55 p.m., until 10:00 a.m., Tuesday, April 7, 1998 pursuant to the Joint Order (S.P. 875) and in honor and lasting tribute to Thomas M. Teague, of Fairfield.