

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
 4th Legislative Day
 Tuesday, April 7, 1998

The House met according to adjournment and was called to order by the Speaker.
 Prayer by Honorable Thomas J. Kane, Saco.
 Pledge of Allegiance.

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

The Journal of Friday, April 3, 1998 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 483)

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

March 30, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature
 Augusta, Maine 04333
 Dear President Lawrence and Speaker Mitchell:
 We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	33
Unanimous reports	23
Ought to Pass	3
Ought to Pass as Amended	10
Ought Not to Pass	9
Referred to Another Committee	1
Divided reports	6
Committee bills	4
Pursuant to Public Law	1
Pursuant to Statute	1
Pursuant to Joint Order (divided)	2

Respectfully submitted,
 S/Marge L. Kilkelly
 Senate Chair
 S/George H. Bunker, Jr.
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 484)

**STATE OF MAINE
 ONE HUNDRED AND EIGHTEENTH LEGISLATURE
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 2, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular and Second Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	62
Unanimous reports	38
Ought to Pass	4
Ought to Pass as Amended	8
Ought Not to Pass	21
Referred to Another Committee	5
Divided reports	21
Committee Bills	3
Pursuant to Joint Order	3

Respectfully submitted,
 S/Michael H. Michaud
 Senate Chair
 S/George J. Kerr
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 485)

**STATE OF MAINE
 ONE HUNDRED AND EIGHTEENTH LEGISLATURE
 COMMITTEE ON BANKING AND INSURANCE**

March 27, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:
 We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	22
Unanimous reports	19
Ought to Pass	3
Ought to Pass as Amended	11
Ought Not to Pass	4
Referred to Another Committee	1
Divided reports	3

Respectfully submitted,
 S/Lloyd P. LaFountain III
 Senate Chair
 S/Jane W. Saxl
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 486)

**STATE OF MAINE
 ONE HUNDRED AND EIGHTEENTH LEGISLATURE
 COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

March 30, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature

LEGISLATIVE RECORD - HOUSE, April 7, 1998

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	16
Unanimous reports	12
Ought to Pass	2
Ought to Pass as Amended	9
Ought Not to Pass	1
Divided reports	4

Respectfully submitted,
S/John T. Jenkins
Senate Chair
S/Marc J. Vigue
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 487)

STATE OF MAINE

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

March 27, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	29
Unanimous reports	24
Ought to Pass	2
Ought to Pass as Amended	12
Ought Not to Pass	10
Divided reports	5

Respectfully submitted,
S/Robert E. Murray, Jr.
Senate Chair
S/Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 488)

STATE OF MAINE

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

March 30, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	43
Unanimous reports	35
Ought to Pass	2
Ought to Pass as Amended	16
Ought Not to Pass	16
Ought to Pass in New Draft	1
Divided reports	8

Respectfully submitted,
S/Peggy A. Pendleton
Senate Chair
S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 489)

STATE OF MAINE

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

March 31, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	47
Unanimous reports	41
Ought to Pass	2
Ought to Pass as Amended	26
Ought Not to Pass	12
Referred to Another Committee	1
Divided reports	4
Committee bills	2
Pursuant to Joint Order	2

Respectfully submitted,
S/Judy Paradis
Senate Chair
S/J. Elizabeth Mitchell
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 490)

STATE OF MAINE

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

March 30, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	13
Unanimous reports	9
Ought to Pass	0
Ought to Pass as Amended	1

Divided reports Ought Not to Pass 8
 Committee bills 3
 Pursuant to Statute (divided) 1

House Chair
READ and ORDERED PLACED ON FILE.

Respectfully submitted,
 S/Marge L. Kilkelly
 Senate Chair
 S/Norman R. Paul
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 491)

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

March 31, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:
 We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 49
 Unanimous reports 38
 Ought to Pass 1
 Ought to Pass as Amended 17
 Ought Not to Pass 20
 Divided reports 11

Respectfully submitted,
 S/Susan W. Longley
 Senate Chair
 S/Richard H. Thompson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 492)

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

March 31, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:
 We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 44
 Unanimous reports 25
 Ought to Pass 3
 Ought to Pass as Amended 9
 Ought Not to Pass 11
 Referred to Another Committee 2

Respectfully submitted,
 S/Mary R. Cathcart
 Senate Chair
 S/Pamela Henderson Hatch

The Following Communication: (H.C. 493)

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

March 31, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:
 We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 33
 Unanimous reports 25
 Ought to Pass 2
 Ought to Pass as Amended 12
 Ought Not to Pass 11
 Divided reports 8

Respectfully submitted,
 S/Beverly C. Daggett
 Senate Chair
 S/John L. Tuttle
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 494)

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

March 27, 1998
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable Elizabeth H. Mitchell, Speaker of the House
 118th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:
 We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 13
 Unanimous reports 7
 Ought to Pass 2
 Ought to Pass as Amended 4
 Ought Not to Pass 1

Respectfully submitted,
 S/Jill M. Goldthwait
 Senate Chair
 S/David Etnier
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 495)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 30, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	19
Unanimous reports	10
Ought to Pass	0
Ought to Pass as Amended	9
Ought Not to Pass	0
Referred to Another Committee	1
Divided reports	8
Committee bills	1
Pursuant to Resolve	1

Respectfully submitted,
S/Sharon Anglin Treat
Senate Chair
S/G. Steven Rowe
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 496)

STATE OF MAINE

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

March 31, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	40
Unanimous reports	16
Ought to Pass	2
Ought to Pass as Amended	7
Ought Not to Pass	7
Divided reports	21
Committee bills	3
Pursuant to Joint Order (divided)	3

Respectfully submitted,
S/John M. Nutting
Senate Chair
S/Douglas J. Ahearn
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 497)

STATE OF MAINE

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

March 31, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	40
Unanimous reports	31
Ought to Pass	1
Ought to Pass as Amended	17
Ought Not to Pass	12
Referred to Another Committee	1
Divided reports	9
Respectfully submitted,	
S/Richard P. Ruhlin	
Senate Chair	
S/Verdi L. Tripp	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 498)

STATE OF MAINE

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

March 27, 1998

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

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	28
Unanimous reports	23
Ought to Pass	2
Ought to Pass as Amended	10
Ought Not to Pass	11
Divided reports	5
Respectfully submitted,	
S/William B. O'Gara	
Senate Chair	
S/Joseph D. Driscoll	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 499)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 30, 1998

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

Dear President Lawrence and Speaker Mitchell:

after the weekend of the tournaments my comments. I am also extremely proud of these young women here today and of the whole team and their coach. They brought a memorable time to the Town of Gorham. I know that as they go on in their careers there will be times that they will be able to look back up and really be happy and proud of their achievement. No, they didn't win number 1, but you know, they were number 2 and that is very, very important. They played their hearts out against two tremendous teams in that final round. They are number 2 out of more than 300 teams in this whole country. We are very proud of them in Gorham. Thank you so much for being here today.

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

Representative TOBIN: Madam Speaker, Ladies and Gentlemen of the House. It gives me a great deal of pleasure to welcome the team here this morning, especially Mandy King of Dexter. We are all very, very proud of you. We congratulate you for your tremendous success. Thank you for coming this morning.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I would be remiss if I did not rise this morning as an honored graduate of USM, but more so to acknowledge what these young people have done for the entire state and especially Coach Fifield. I have had the opportunity to talk with him many, many times. He is certainly a credit to basketball, a credit to this institution and more so is a credit to himself for what he has done. I thank you very much.

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

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. I am not sure but I may have been the only Representative that attended both of their games in the final four. After Friday night's game, it was the first USM women's game that I had ever attended. I was amazed at the level of overall excitement at the game and how hard the girls played. I have coached high school sports now, this is my ninth season. I have been to many athletic contests and I was just thoroughly impressed and actually hoped I could get a tape of the game to show it to my boy lacrosse players about how if you hustle and work hard, good things happen. On Saturday night I got to go to the game as well. I think for those of you who watched the game on TV, one of the most amazing comebacks, almost. They came from 14 points down and there was about four or five minutes left in the game. They got it to within three points and unfortunately came up a little bit short. It was a great weekend. It was very exciting for Gorham. I own a business in Gorham and we were glad to see the tournament there and that gym was just very electrifying. I think there must have been about 2,500 or 3,000 people jammed in this little tiny gym. It was certainly a good weekend and I want to congratulate the girls on their success.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I, too, rise to congratulate the team and the coach and especially a member who is not here, Joanna Brown, who I had the pleasure and sometimes it wasn't very much pleasure for me because, I was the opponents on the other team that played in softball. We had a Kittery/York league and Joanna was on the opposite team and a lot of times we made it to the finals and she was the one that always broke the back of a lot of my players. Congratulations. We are all proud of you.

PASSED and sent up for concurrence.

In Memory of:

Wesley N. McKague, of Westbrook, a forester and arborist. Mr. McKague is described as an energetic worker who loved his profession. Mr. McKague is credited for having started the City of Westbrook's forestry department. He earned the valued "Tree City USA" award for 5 consecutive years. He was a member of First Baptist Church of Portland where he served on various boards and committees and sang in the choir. He enjoyed square dancing and reading. He will be missed by family and friends;

(SLS 491)

On **OBJECTION** of Representative LEMKE of Westbrook, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. It is my sad duty, but also great honor to speak on behalf of a true gentleman, christian gentleman, from Westbrook whom I was lucky to count as a friend. Wes McKague was a dedicated forester and arborist who absolutely loved his profession and his commitment to it was full-time. As mentioned in the sentiment read to you, under his leadership Westbrook won the national "First Tree City" Award five years in a row. On the local level, Wes McKague taught throughout not only the community of Westbrook, but anywhere throughout the region to various groups, arborists, schools or what have you. He did much to beautify the City of Westbrook which is noted as a pulp and paper town, but also as distinction for its beautification with its trees. As also mentioned, he contributed his considerable musical talents as a member of the choir of the First Baptist Church of Portland. He greatly enjoyed the square dance. He was an individual who went beyond his particular profession and his interests. I remember speaking to him often on subjects of history, particularly Maine history, which Wes had a great interest in. Wes McKague passed away recently when he was just in his early 60s. He will be missed, but he will be remembered. Ladies and gentlemen, it is my honor to speak on behalf of Wes McKague today.

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

Representative LABRECQUE: Madam Speaker, Men and Women of the House. I, too, stand and express my sincere sympathy to the family of Wes McKague. I had the privilege of knowing this fine gentleman singer and square dancer and we did a lot of do se does together. I will miss that. Thank you.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I am really saddened that this gentleman has passed away. I, too, knew Wes McKague over the years because of my involvement when I worked for the state when I was involved with the Urban Forestry Program. We were involved with many of the various towns and municipalities that have tree programs. Westbrook has the best program in the State of Maine. Over the years I guess I was involved with Wes over a 10 year period. Westbrook's program, which Wes really started and worked on it and supervised it and directed it over, I don't know, 30 year period or whatever it was. Theirs is the best program. You have to see the shade trees on the streets. Go up and down the streets in Westbrook and Westbrook is really a beautiful city with its shade tree program. I am really saddened that Wes has passed on. I knew he wasn't well. He will be sorely missed. Thank you very much.

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

Representative USHER: Madam Speaker, Men and Women of the House. I, too, will miss Wes McKague and all the helpful things that he did in our community like serving on the city council when he started his "Tree City USA" programs. We all learned the value of trees in a community. He went around to all the schools and showed all the youngsters the value of trees. In new housing developments, they went to Wes to find out what was the right trees to plant in the area. He played a very important part in beautifying the city. Thank you.

ADOPTED in concurrence.

In Memory of:

Alexander E. Landry, of Westbrook, an employee of Central Maine Power Company, a communicant of St. Hyacinth's Church and a member and past president of its Holy Name Society. He served as the treasurer of the International Brotherhood of Electrical Workers, was a committee chair for Boy Scout Troop #87 and was a member of several fraternal and sporting organizations, including the Westbrook and Windham Rod and Gun Clubs, the Lions Club, the Maine Fish and Game Association and the National Rifle Association. He served on several legislative committees for the Associated Sports Clubs of Cumberland County and was active in civic organizations, including the Westbrook City Council, the Westbrook Board of Assessors and the Westbrook Board of Tax Assessment Review. Mr. Landry and his wife, Laura Gagnon Landry, were married for 68 years and were longtime residents of Westbrook;

(HLS 1382)

Presented by Representative USHER of Westbrook.

Cosponsored by Senator O'GARA of Cumberland.

On **OBJECTION** of Representative USHER of Westbrook, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative USHER: Madam Speaker, Men and Women of the House. Alex Landry was a special kind of person. He was not only a community activist. He was a political activist. If you didn't vote the right way, he made sure he informed you that there was other reasons that you should vote the other way. He was a strong follower of the Legislature. He traveled with me back and forth for a good 10 or 12 years and was very active in fish and game activities throughout the State of Maine. He represented the whole of Cumberland County, responded to all of the organizations in Cumberland County. He was an honorary member of the Fish and Wildlife Committee here in the Legislature in 1983, I think it was. He was involved in all of the legislative matters and very, very helpful. He was a member that came to all our meetings with the former Reverend Atkinson from Lincolnville. They were good buddies. He is also a member of the Lincoln Club of Maine and very helpful in the community on every event that was going on. He will be sadly missed.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. Once again I rise to pay respect to another notable figure from Westbrook. I think the major memory that I have of Alex Landry is his total involvement in the politics of the community. When I first became involved in Westbrook politics and was quite regular in attending council meetings, Alex Landry was always there. He was something of a fixture before the council. As the good Representative Usher has mentioned, he always let you know in very precise and direct and succinct

terms if he agreed or disagreed with you or the council. While I certainly had my disagreements with Alex over the years, I think he is very representative of the type of concerned citizen involvement which makes this democratic process work. He also will be remembered. He also made a difference. Thank you.

ADOPTED and sent up for concurrence.

ENACTORS

Acts

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

(S.P. 727) (L.D. 1969)
(S. "A" S-701 to C. "A" S-565)

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

On motion of Representative RICHARD of Madison, 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**.

The same Representative **PRESENTED House Amendment "A" (H-1153)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-565) as Amended by Senate Amendment "A" (S-701)** thereto and **House Amendment "A" (H-1153)** in **NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

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

(H.P. 1594) (L.D. 2223)
(C. "A" H-1050)

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

On motion of Representative WHEELER of Bridgewater, was **SET ASIDE**.

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

The same Representative moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I rise to oppose the motion to Reconsider this bill. I talked to the good Representative from Bridgewater. I looked at the amendment. We have already dealt with the issue. This is the vehicle inspection maintenance bill that we had hours of debate on. The amendment deals with the diesel testing, which we have had substantial debate on. Therefore, I would ask that you would oppose the motion to Reconsider. Madam Speaker, I request the yeas and nays.

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

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

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

Representative WHEELER: Madam Speaker, Men and Women of the House. When we are considering legislation that goes beyond federal standards and impacts an industry such as this bill does, I don't believe there is any harm in taking the time to discuss this issue further. I think when we pass legislation it ought to be good legislation. I would ask for your support on Reconsideration. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I would hope that we would extend this courtesy to Representative Wheeler who has an issue which is very important to his area of the state and many other areas of the state so that he may discuss it and allow us to make a decision as a chamber if it is the right thing for us to do or the wrong thing. I hope we would extend his courtesy of Reconsideration to him. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I just rise to explain this. I meant no disrespect to the Representative. Let me make it clear. I don't do this very often. The reason I am doing it this morning is because this is an identical amendment that has already been considered by this body and has been debated at length over a period of hours and I, quite candidly, don't wish to open this back up and do it again. This is the Vehicle Inspection Maintenance Program. You know where the bill stands now. It is a Cumberland County only test. There is a statewide diesel inspection. The issue came up about that. We debated it at length. I am fine with courtesy and normally I don't do this, but the fact of the matter is, we have already debated this very issue at length. That is why I have made this motion. Thank you.

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

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. I hope you will vote to reconsider this amendment. When this vote was taken, it was taken at 10:00 at night and there were many members of this body that were missing. I hope you will reconsider.

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

ROLL CALL NO. 613

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

NAY - Ahearn, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Muse, O'Neil, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah,

Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Watson, Winn, Madam Speaker.

ABSENT - Bolduc, Bragdon, Colwell, Dutremble, Lovett, Madore, McElroy, Paul, Vigue.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On motion of Representative WHEELER of Bridgewater, 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-1050)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-1083)** to **Committee Amendment "A" (H-1050)** which was **READ** by the Clerk.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. As I said, this is just a brief review of what this amendment does. This amendment removes the provision that establishes a diesel powered motor vehicle testing program. This bill was passed to Engrossed. It goes beyond federal clean air standards and will adversely impact an industry when there is no need to do so. It not only affects Maine trucks, but those who are bringing in goods into this state that is needed by the people our state from out of state. Trucks from out of state coming into this state are down according to some and now with this bill if passed as presented will affect the trucks coming into the state from other states even more and creating a shortage in trucks to haul our goods out of this state as well as hauling them into the state. I would ask that you support this amendment. I believe that when we go beyond federal standards and require our people to spend money that is needlessly required, it goes beyond what we are here to do. I would ask that you support this amendment. Thank you.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-1083)** to **Committee Amendment "A" (H-1050)**.

Representative KONTOS of Windham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1083)** to **Committee Amendment "A" (H-1050)**.

The same Representative **WITHDREW** her request for a roll call.

Representative WHEELER of Bridgewater **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1083)** to **Committee Amendment "A" (H-1050)**.

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 Adoption of House Amendment "B" (H-1083) to Committee Amendment "A" (H-1050). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 614

YEA - Ahearn, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, MacDougall, Mack, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Poulin, Sanborn, Savage, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin,

Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chartrand, Chizmar, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Winn, Wright, Madam Speaker.

ABSENT - Bragdon, Bunker, Dutremble, Lovett, Madore, McElroy, Paul.

Yes, 75; No, 69; Absent, 7; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, with 7 being absent, **House Amendment "B" (H-1083) to Committee Amendment "A" (H-1050) was ADOPTED.**

Committee Amendment "A" (H-1050) as Amended by House Amendment "B" (H-1083) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1050) as Amended by House Amendment "B" (H-1083) thereto in NON-CONCURRENCE** and sent up for concurrence.

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

(H.P. 1631) (L.D. 2259)
(C. "A" H-939; S. "B" S-708)

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

On motion of Representative KONTOS of Windham, was **SET ASIDE.**

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 3, 1998, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

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

(H.O. 43)

TABLED - April 1, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE.**

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

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 (BOND ISSUE)

(S.P. 826) (L.D. 2224)

(C. "A" S-522)

TABLED - April 3, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative OTT of York, 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.**

The same Representative **PRESENTED House Amendment "A" (H-1152)** which was **READ** by the Clerk.

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

Representative OTT: Madam Speaker, Men and Women of the House. We have considered this bonding issue last week if you will recall. It provides that \$12.5 million would go out for bonding next November for environmental cleanup. There are some worthy projects to be done and there is no argument about that. We had \$300 million plus in surplus this past year and I think if that were a priority for this body it could have been made a part of that budget. It was in the minority budget. We have spent \$85 million on correctional facilities, \$52 million to repair the State House and the Capital Building, the connector tunnel and some of the other buildings, \$36 million for the Youth Center, \$10 million for the Criminal Justice Academy and on and on. At some point, I think we have to say enough is enough. This amendment would extend the period of time within which this issue would go out for bonding from November 1998 to November 1999. I think it would give us an opportunity to consider this measure when the next Legislature convenes in January either to provide these funds if they are indeed a priority and are indeed a critical issue that we need to address. They can be considered as a direct appropriation when we convene again in January or, if this amendment passes, to the November referendum.

Part of the reason for the Minority Report on this one is to try to stay in compliance with the so-called 90 percent rule. I recognize that that is not a rule that is in our Constitution, nor is it a rule that is cast in statute. It has been a process or a concept that we have followed to provide some structure without bonding process. If we look at what we have for remaining capacity in the 118th, we have already with the \$20 million that we are putting out for research and development and the \$22.5 million that we are putting out for transportation. We have slightly exceeded that 90 percent rule. We feel it would be prudent fiscal policy then to stay within this rule and defer consideration to this \$12.5 million until next year.

You are probably going hear some comments about the fact that we are going to lose some federal dollars if we don't put this out to bonding in November. I would take issue with that. Yes, there may be some funding that has to be deferred were this bond to pass in November at the referendum vote. Yes, by deferring it until November 1999, some dollars that wouldn't be available. In fact, there is about \$7 million that would not be available if we were not to provide matching funds by June of next year. I submit to you that every time there is a sale at WalMart or over at Circuit City we aren't compelled to run out and spend our money for a new TV set or a washing machine. I think we should be fiscally prudent in how we exercise our

bonding authority. I would say that this is not the time to be going out for \$12.5 million for these measures. Thank you.

Representative KERR of Old Orchard Beach moved **House Amendment "A" (H-1152)** be **INDEFINITELY POSTPONED**.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I will be voting against this amendment. I would like to lay out a couple of reasons why. One was, I read with interest the article that was passed around on our desks this morning. It was an editorial from the *Bangor Daily News* which ran over the weekend. It introduced me to some history I had not previously been aware of. One is that the 90 percent rule was imposed when the bond houses expressed some concern about our level of indebtedness. By 1984, Maine had gotten its act together to the extent that the bond houses were no longer expressing that concern. I thought that was extremely interesting. I also thought that it made a very important point and that was that the future is now. We have let our facilities fall apart. We have ignored them and ignored them and ignored them and now it is time to pay the piper. It is unfortunate that we did it this way, but nevertheless we have. An example that we have finally addressed is Fort Knox. Literally the ceiling was caving in until finally we had to bite the bullet and bond to repair it.

Secondly, if I lived in a community which were to be directly affected by parts of this bond, I would have grave reservations about postponing it for a year. For instance, the towns of Corinna, Owls Head, Van Buren and Vinalhaven stand to gain new sewage treatment plants and I doubt very much that postponing those for a year is a good idea. Corinna stands to gain twice in this bond issue because the toxic elimination, the Hazardous Treatment Abatement is at the Corinna Woolen Mill. If I had tires in my town, like Bowdoin, Durham and Meddybemps, I would be very concerned about leaving them there for another year. You may have received on your desk a list of the towns which will benefit from the Priority Watersheds Program. There are many and I won't read them all off, but clean water is valuable to our economy, our tourism, our good health and I see no reason to leave it unaddressed for another year. Thank you.

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1152)**.

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 Cape Elizabeth, Representative Marvin.

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. There was something last week placed on my desk and I am sure probably placed on most of yours. The date was April 3rd and it was a note from the commissioner of the DEP. It indicated that in your district there are several potential beneficiaries of these and future bonds. I think that the key word in this sentence is potential because in checking with my town manager, it lists here Cape Elizabeth combined sewer overflow project. Indeed in Cape Elizabeth we are working on a combined sewer overflow project and next Monday our council is going to vote \$180,000 of our money to pay for it. When I mentioned this to the town manager that there was the potential that we could get federal funding he told me he would be very interested to find out about that before Monday because he has been told that there is no federal money for this project. The word potential is the one that is important. I am sure that many of you had the same reaction that I did when you saw this. Gee, my district is going to lose out if we don't get

the ball here. I submit to you that probably your district is not going to lose out. There are some real questions in this listing. I would really urge you to vote against the pending motion. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I have deep concerns on this bond if it doesn't pass because of the contract which was awarded to the tires facility, which is located in Eliot. If this contract isn't funded and they do somehow go belly up, is Eliot going to be the dump for the tires of the State of Maine? I really need this question answered. Madam Speaker, if I may pose a question to the Chair.

The SPEAKER: The Representative may pose his question.

Representative WHEELER: Madam Speaker, Men and Women of the House. If this fails, how is the state going to pay or honor their portion of the contract to the tires facility?

The SPEAKER: The Representative from Eliot, Representative Wheeler has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. If I understand the question from Representative Wheeler, it specifically addresses the tire facility at Eliot. The answer to that would be no. That operation is under contract and it went under contract with funds set aside to complete that contract.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I rise today as the House Chair of the Natural Resources Committee. I just wanted to address a couple of issues. The analogy to a sale and we are rushing out to buy this because it is on sale. The point is there is a real loss and I think it has been pointed out \$7.2 million in federal funds will be lost if this bond issue does not go forward as planned this November. That is with the public water supply facility revolving loan fund. The projects that I mentioned the other day are the communities that are on the priority list. Whether every one of them will receive funding, I don't know, but most of them will. You have heard about the storm water mitigation funds. That is a half a million dollars. If this bond issue does not go forward, there will be no state assistance for watershed management work in the summer of 1999. That is because the money will not be available. We have heard about the communities that would benefit from the \$6 million for water pollution control facilities and these are communities that will benefit. It is not potential, but they will, Vinalhaven, Owls Head and Corinna. There are others. You have heard about the tire issue. I understand the concern about this going forward, but I would just suggest that this money is necessary. I don't particularly think my community will benefit from this, but many of your communities will benefit directly. I would ask you to strongly consider this bond issue before you decide to vote to postpone it and the implications of the delayed funding to the state. I would ask you to support the pending motion. 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. For anyone who can answer, what is the anticipated cost of this bonding in the way of interest? How does

that compare with what we might draw down from the federal government?

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 Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. In answer to the question, on the amendment it indicates interest payments of approximately \$3,093,750.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I rise to speak today because I actually have some personal knowledge of some of these uses of this bond issue. My community, the City of Gardiner, while I was a city councilor, actually utilized the revolving loan fund to do a CSO Project, much like the Representative from Cape Elizabeth spoke of. Unlike the community of Cape Elizabeth, my community could not just write the check. We actually really needed to use this revolving loan fund to get the work done to keep the storm water from running into the beautiful Kennebec River and to maximize the efficiency of our sewage treatment facility. The good Representative from Portland, Representative Rowe, made a point that I think is very, very important here. We will lose \$7.2 million in federal matching funds permanently. We will lose that if we bring the date of this bond issue into 1999. I would suggest that the need in our state is great for these type of program and projects. We cannot afford to lose that \$7 million.

As I said earlier, most of the state, the poorer communities, the communities that have been deferring this type of project because they don't have the financial resources to do it on their own. They are going to be left out in the cold. I would suggest that the greater good of all the people in the State of Maine will not be well served if that is the case. We need to get these projects moving. We need to make sure that they are done over a long-term period.

I would like to address one more point. The other day when we were talking about debating this same issue and there were a number of points made that the tire bond issues, we had an ongoing problem. We were not doing anything to solve that problem. The reality is that they system right now where you pay the deposit on the new and ongoing tires that are being generated, they are being dealt with. They are being sent to the incinerators and they are being dealt with. The bond issue that we are talking about here deals with 42 to 50 million tires that have been sitting around and collecting in this state for a long time. We need to get at that problem. Thank you.

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. I would be interested to know if anybody who is on the Appropriations Committee if this was such a huge priority and so important with the chance of losing the money and putting it out to the voters who may or may not turn it down, why it wasn't included in the majority budget?

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

Representative KERR: Madam Speaker, Men and Women of the House. We thought the most prudent way to do this is

through a bond. We made tough choices in that budget. We thought that education was important and paying our bills and putting more money in the Rainy Day Fund and taking care of elderly. Those are the choices we made. That is why it is not in our budget. We chose to bond it.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I am probably the most conservative Democrat there is up here. This is hard, but if I may pose a question through the Chair. If the stockpiles are delayed as far as cleaning up, will this increase tires from out of state coming into the state to keep this tire facility in Eliot going?

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

A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-1152). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 615

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

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

ABSENT - Bragdon, Dutremble, Lovett, McElroy, Paul, Thompson.

Yes, 80; No, 65; Absent, 6; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, with 6 being absent, **House Amendment "A" (H-1152) was INDEFINITELY POSTPONED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-522)** in concurrence.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I have gotten a couple of items on my desk that say the 90 percent rule is stupid. The 90 percent rule of debt that we have tried to apply to bring down Maine's heavy indebtedness is dumb. Eventually you will get to zero. As a banker, I don't particularly like that if there is no debt out there. That is what pays my salary. For the state's financial picture, having less debt is good. It allows the state more flexibility on how we do what the Legislature, at the time, wishes to do, not what previous Legislature's 10 and 20 years ago proposed. I will submit to this House that the track you are starting down is one that the Treasurer of State put out in a newsletter. One that I

don't think is prudent. I don't normally read into the record, but I would like it to be clear from this Representative that no matter where this House chooses to go that from those who follow us, we don't wish this rule upon them. "The 90 percent rule recommends that the State House issue no more general obligation bonds than 90 percent of the debt which it will retire. While this rule has had an effect on reducing Maine's general obligation debt to our current low level, they have continued forever, it would mean that Maine would have no investments in infrastructure." That is not necessarily true. I think we do that out of the highway tax and General Fund currently. "Prolonged use of this would lead to a downgrade of our credit rating since it could lead to delaying capital improvements."

Just to hop ahead a little bit. First the Treasurer lays out why the 90 percent rule ought to go away and we ought to move on to this other rule. Maine could adopt a flexible debt ceiling of 7 percent of total state revenues to the Highway and General Fund with the option to increase the percentage to 8 percent for emergency projects. In a quick calculation of that debt, that would increase our debt substantially over where we are today and further hamper future legislatures on what options they have. Many states receive high credit ratings using floating debt ceiling to control debt. In Maryland the service cannot exceed 8 percent. In Georgia it cannot exceed 10 percent. It goes on and on about why more debt is a good idea. I understand the arguments that some folks feel that perhaps the 90 percent rule has outlived its usefulness. I personally don't think so, but I respect those that have other opinions. What I am concerned about is us turning it back around through an item that is no longer before us in a budget of what level of spending we have and now through bonded indebtedness for how much spending we are going to do through that vehicle.

I am leaving here. I have said that a few times on the floor. I still haven't got my round of applause, but there are some of you that will be returning. I hope that you don't have to come back to 1990 or 1991 where the state economy takes a sharp downturn and revenues fall of the map, because if you do, continuing down the track of further debt handcuffs the Legislature's ability. The State Constitution requires that these bonds be paid first before education, before any programs for the elderly, before any tax relief program, before anything, fees and bonds must be paid. That is constitutional. That is part of why Maine has a good bond rating. Another part is that we have little debt and we pay our debts. We have been making some structural changes for years now in the budget to make better accounting and move toward full compliance with gap. The concerns I have is that if we start down this track of jacking up the credit card debt, the bonded indebtedness of the state, then we will leave future Legislatures handcuffed when the tough times come.

We are in a very good time right now. Overall revenue is up over 8 percent. We have found a lot of worthy places, sometimes together and sometimes not, to put those revenues. When the bad times come, there is nothing, but tough choices. There is nothing but telling people back in the local school districts that we can't do anything for General Purpose Aide for Education. We can't do anything for municipal revenue sharing and it will not be withstood in the budget. All the other things that we call gimmicks that occurred during a very difficult time for our state. I hope they never happen again, but my crystal ball is foggy on if it will or not. As a matter a fact, the economy tends to go in trends. There are a lot of good trends right now. Increasing our bonded indebtedness right now is advantageous on one hand in that you get a lot of great things done, but this is being paid over a long term and will probably affect a Legislature that has to deal with the tough things that we had to in the 115th. It was a very difficult time. I don't wish it upon anybody in this

room. I understand the arguments and I respect those who feel otherwise, but what we are doing is hampering the next Legislatures on their ability to make changes in the economy because these things will have to be paid first. They will limit your ability to do things that are a higher priority. I apologize for hopping up on Enactment, but I felt I had to say why I was going to be voting against this bond issue. I am concerned about the future. Thank you.

Representative KONTOS of Windham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 616

YEA - Ahearne, Bagley, Baker, Belanger DJ, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winn, Winsor.

ABSENT - Bragdon, Dutremble, Lovett, McElroy, Paul, Thompson.

Yes, 86; No, 59; Absent, 6; Excused, 0.

86 having voted in the affirmative and 59 voted in the negative, with 6 being absent, and accordingly the Bond Issue **FAILED** of **PASSAGE TO BE ENACTED**.

Representative KERR of Old Orchard Beach moved that the House **RECONSIDER** its action whereby the Bond Issue **FAILED** of **PASSAGE TO BE ENACTED**.

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the Bond Issue **FAILED** of **PASSAGE TO BE ENACTED** and later today assigned.

TABLED AND TODAY ASSIGNED

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

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

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

- In House, 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 March 31, 1998.

- In 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**.

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

TABLED - April 3, 1998 by Representative **DONNELLY** of Presque Isle.

PENDING - Motion of same Representative to **RECONSIDER** whereby House **RECEDED** and **CONCURRED**.

The Chair ordered a division on the motion to **RECONSIDER** whereby House **RECEDED** and **CONCURRED**.

Representative **ROWE** of Portland **REQUESTED** a roll call on the motion to **RECONSIDER** whereby House **RECEDED** and **CONCURRED**.

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 Millinocket, Representative **Clark**.

Representative **CLARK**: Madam Speaker, Men and Women of the House. I hope you join me just to reconsider this LD. In the other body they presented an amendment to take off the fee structure. Here we are back again. If this passes, the commissioner can increase the fees if necessary and under LD 1836, the fines levied against these companies if they do not comply with the DEP standards go from \$100 a day, which is the minimum, to \$2,500 a day. The maximum fine increases to over \$25,000 per day. I hope that you do let us reconsider this action and hopefully we can go on and kill this bill. Thanks.

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

ROLL CALL NO. 617

YEA - Ahearn, Barth, Belanger DJ, Berry DP, Bigl, Bodwell, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Driscoll, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Sanborn, Savage, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Bagley, Baker, Belanger IG, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Mailhot, McAlevy, McKee, Mitchell JE, Morgan, Muse, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stevens, Tessier, Townsend, Tripp, Tuttle, Vigue, Volenik, Watson, Wright, Madam Speaker.

ABSENT - Bragdon, Dutremble, Lovett, McElroy, Paul, Poulin, Thompson, Winn.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, the House **RECONSIDER** its action whereby House **RECEDED** and **CONCURRED**.

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

Representative **CLARK**: Madam Speaker, Men and Women of the House. I hope you will vote with me today in defeating the pending motion, Recede and Concur. Let me give you a couple of points on this LD 1836. The delegation is the only start of what could happen to be a new and expensive program. On February 5th of this year an EPA official speaking at the Augusta Civic Center said that eight additional Maine DEP staff is the bare minimum for the federal agency which approved delegating before the NEFTE authority. How long will it be before the US EPA demands even more people. In June 1995 the EPA estimated more than 45 positions at the Maine DEP would be needed to implement the program. LD 1836 increases fines from a minimum of \$100 per day to a minimum of \$2,500 a day. The maximum fine is increased to \$25,000 per day. In November of 1997 Commissioner Sullivan reported to the Committee on Natural Resources that compliance is steadily improving. Yet, this bill calls for increasing fees and adding enforcement personnel. Is this necessary? The delegation is not one stop shopping. Permits will still consult the EPA and be subject to federal oversight and enforcement. LD 1836 carries an annual General Fund appropriation of \$250,000. What happens when state coffers run bare? What will happen to permit fees when there is no longer General Fund money available?

The DEP has a history of not efficiently processing some licenses in a timely manner with a significant percentage of licenses not processed on time. Is this due solely to the shortage of personnel. These delays cost the state as much as \$80,000 per year. Much of the current licensing confusion often goes to regulations that are different and more expensive to comply with. Many Maine businesses and communities are being slapped with huge fee increases to fund eight additional positions at DEP. This comes at a time when public and private entities are being challenged to do more with less. Shouldn't streamlining and one stop shopping reduce fees? How come some fees will increase by more than 2,000 percent. Fees can be increased annually by the commissioner of DEP. If you accept the amendment by the other body, it adds a part-time assistant Attorney General.

Here we are again. Fees, fees and increasing fees. I know in my community we are having a hard enough time now with the budget and everything else. With the mill up for sale and our town going up in fees. Where are we going to get the money? More taxes. That is all a fee is, is more taxes. Like I said before, in 1995 the estimated EPA estimate of more than 45 positions at the Maine DEP. They are asking for eight this year or six and two. What is it going to be in the year 2,001 or 2,002? Another 20 or another eight or nine. All it is is a handout asking for more. I hope you, today, help me oppose the Recede and Concur. Madam Speaker, when the vote is taken, I request the yeas and nays.

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

Representative **ROWE**: Madam Speaker, Men and Women of the House. I rise again as the House Chair of the Natural Resources Committee. This was, as you will recall, I said several times, a unanimous vote of our committee. It is a bill that we have debated at length. I will cover a couple of points. It is true that this does raise money. It raises money in the aggregate to pay for additional positions at the Department of Environmental Protection. Six in the first year and two more in the second year. There will be a two-step process in the

increase of the fee. These additional positions are necessary. Without these positions, the federal government will not delegate administration of the federal waste water discharge program to the State of Maine. It does do that. You should know that. We can't get delegations with fewer positions. This is what it will take. Yes, there are some companies and there are some municipalities and water districts that will have a increase in fees. Some will have a decrease in fees. On the aggregate there is an increase. You have several documents. You have seen it cross your desk. I would submit to you that this is a bill that although I understand there are some individuals in the room who represent districts that have businesses that are complaining, certainly it has the support of the Maine Chamber and Business Alliance, the Maine Pulp and Paper Association and seven of its 10 members, Maine Waste Water Control Association, which has over 400 members and many individual municipalities around the state.

This is a bill that we have the business community asking us for. I have talked to many of the members of the business community in the past few days and it certainly is supported. What I think is important about the bill is it is an equity bill. Now the way we charge the fees, it is not based on the amount of flow. It is not based on the toxics that are discharged. The fees are fees that were set a long time ago. There is no justification for how they work. This bill basically adjusts the fee so they are based on quantity of pollutants. They are based on the relative toxicity of pollutants and this fee structure will encourage pollution control and flow reduction. I think that is what we ought to be doing. I would ask you to support this. I have stood today several times as the House Chair of the Natural Resources Committee because we have seen these bills and we are doing the same thing over and over again. I don't stand to upset anyone. I don't stand in disrespect of anyone. I stand for the committee process. I stand for what we have done in this body. I would ask for you to stay with your vote and lets move on to Enact this bill. Thank you.

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

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. We have just heard from the good Representative from Portland, the chairman of the Natural Resources Committee, indicating to us that this is or was when it was reported out of committee a 13 to 0 report. The good chair knows as do many of the people in this body that a number of people who voted for that particular bill at that time no longer support it. I suspect that we may hear from them before this debate finishes this afternoon. It may be evening by the time we are done with this and related pieces of legislation. I would remind this body that a few years ago we went through this same situation with drinking water, with delegation. This year, we have asked for an audit of the program because it is in such difficulty. If DEP was not able to handle the drinking water situation, why, ladies and gentlemen of this body, are we now going to allow them to employ eight new people in this piece of legislation knowing full well that it is going to require additional people if we meet the EPA standard when they weren't able to handle what we had previously given them. I would also remind you that in addition to the fees that are in this particular piece of legislation, there is a \$250,000 appropriation in the General Fund budget, which we have passed this year.

The good Representative from Portland is correct when he states that we do have on our desks a letter from the Maine Chamber and Business Alliance. I would urge you to look, however, at the date of that letter and to think of what that group has said or not said to us in the last couple of weeks. That letter is going on four months old and much waste water has gone

under and over the dam since that particular point. Ladies and gentlemen, I would urge that you vote against the motion to Recede and Concur to allow us to move forward. If you look at what came to us as an amendment from the other body, the summary of the amendment, Senate Amendment "A," I think is most telling. This amendment requires the commissioner of Environmental Protection to explore all available funding opportunities prior to the implementation of the second tier of fees. In other words, moving the new fees from a half a million dollars to \$600,000. We have all experienced dealings with the commissioner in the last week or 10 days and believe me I think he has personally, from my perspective, has already made up his mind on this particular issue. We will certainly see if we Recede and Concur the second tier of fees move forward very quickly.

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

Representative PIEH: Madam Speaker, Men and Women of the House. Just one small point in response to the good Representative from Bath. The drinking water program is not managed by the DEP. It is managed by the Department of Health. If you will recall, we put some bills through this year to help them improve their program. I just would like to make that one point. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I would hope today that we could support the good Representative from Millinocket. There are some key points that I think caused us much earlier than the Recede and Concur vote to Adhere to an earlier position. As it has been said, this is a tax increase, not a fee increase, but a tax increase. Your constituents, whether they pay monthly, quarterly or that utility bill is part of their mortgage will see an increase in their bill. As you saw on that chart a dramatic increase. The second key point with this bill is it dramatically increases the bureaucracy at the DEP. Six the first year and then an additional two. I have heard no response to the Representative from Millinocket's statement that the EPA had estimated before this bill was passed another 25 or 26 positions would be needed to carry out this law if it was delegated to the state. If we do pass this bill and there is another eight positions added, that still leaves them 17 to 18 positions short in the EPA's estimation to carry out this law. I guess the question then would be a rhetorical question, when would we see the fees that would support another 17 or 18? We are looking at a half a million now from six, \$600,000 when all eight are on board. Our constituents and our small business people, what fees are down the road to fund those additional 17 or 18 that the EPA talked about? I know it is hard to believe, but the current system on the federal level is working. We have heard from applicants that have gone into the system that the EPA is helpful, timely and cost effective. The problem with the duplication has been here in Maine. The DEP, keeping to its historic record, is extremely expensive and extremely inefficient, but we hear repeatedly now different times are ahead.

I know the commissioner is upset watching the last couple of days the DEP is like watching a stirred up beehive. I think their commissioner and the staff members of the DEP have to realize that we don't represent the bureaucracy. We represent our districts. Those residential homeowners and the small business people. That is who we represent. I think many members here have experienced the executive branch in the last week or so reaching back into your district. Reach out and touch someone. Ring a ding. Let me give you an analogy. I hope everyone in here has paid their income tax, but let's say as an income taxpayer you are sitting at home and the forms are in the mail and that burden is gone. Ring a ding. This is the IRS, could we

chat with you for a moment? You would be an extraordinary taxpayer if the hair on your arms didn't stand right up and you weren't covered with goosebumps. In the last week we have seen ring a ding, reach out and touch back into your districts. This is the DEP calling. The hair rises on your arm and the same goosebumps and the same department that in some cases a municipality is going to have to go to or a small business or a large business. It is not too hard to understand that the ring a dings have been working and some people out of fear of other permits coming down the road have responded with that same kind of fear that we would even though we are honest taxpaying citizens to the IRS calling us.

I guess there is a broader question here, whether you support the bill at all or not, as we indicated in our earlier debate, the procrastinators, before we have our first day had said that because we are a term limited Legislature there is so many first and second term people here that this would be known as the rollover Legislature. We wouldn't have the experience or the fortitude to be able to stand up the bureaucracy. A week or week and a half ago we Adhered. We sent a message to the bureaucracy. That commissioner has been outreaching into our districts playing a little bit of blackmail. Ironically with a bill that allows him in the future to raise those fees upon your constituents and your business people. If you establish a precedent of the bureaucracy being able to reach back into your districts and affect those kinds of changes of votes, you are changing a message to every bureaucracy within the Executive Branch, ring a ding, reach out and touch someone. A first term or second term Legislature will end up folding. There is a clear fine line between Executive Branch and the Legislative Branch. I am asking you to support the good Representative from Millinocket. Let's defeat this motion and move forward.

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

Representative COWGER: Madam Speaker, Men and Women of the House. I would like to respond to a couple of points that have been brought up here recently. First, to the good Representative from Kennebunk, there are an existing 17 or 18 positions at DEP throughout the Land and Water Bureau that are considered to be covering part of the program. The additional eight positions are all that are ever going to be required to assume delegation. One could argue that that is a total of 25 or 26 positions, but those other 17 or 18 people in the department have other tasks as well. There will be no more increases in the future. Also, to the good Representative from Bath, the second tier of fees as referred to in the amendment are the fees that were phased in in the bill. We agreed to phase in the fees over a two-year period in order to ease the burden on some dischargers. There is no second tier of fees beyond what is in the bill. This does not give the commissioner any type of authority to go beyond what is in the original bill. I just want to make sure that is perfectly clear. There is no additional authority that we are granting to the commissioner. This amendment was drafted by the Senate in response to the concerns here in the House that we not allow fees to go unabrogated. It requires the commissioner to seek other sources of funding before those fees are put into place.

I was very proud to sponsor this bill and I am very proud to look at the list of constituencies that support it. Where else are you going to see the Maine Chamber and Business Alliance and the Maine Pulp and Paper Association along with the Natural Resources of Maine? All these constituencies favor this bill for three basic reasons. This is also supported by the *Bangor Daily News* and the *Portland Press Herald*. I don't want to draw the debate out on this anymore either, but three things. This streamlines the permitting process. There is one permitting. All

the efforts that have been done on the federal level will now be delegated to the state. It more fairly distributes the discharge fees and actually lowering the fees on many small dischargers in small communities. It will result in a cleaner environment by funding and staffing an effective program rather than the ineffective and understaffed program that is in place now. I urge you to join me in supporting the pending motion.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. This is a good bill because this is a smart bill. That is why Maine Chamber and Business Alliance, Maine Pulp and Paper Association, Maine Wastewater Control Association along with the environmental groups do support it. Because we have to go back again and remind ourselves of why we are doing this. Let me point out two pieces of testimony, which I think really say what this bill is all about. The first came from Champion Paper. To the good Representative from Kennebunk, they had an entirely different experience. Champions reissuance of their permit was delayed for seven years. The failure to reissue that license left Champion in the position of not being able to modify an expired license and thus not able to modify that mill for seven years. Timely licensing by converting to a program from the Maine DEP, we will have timely licensing. That is inexcusable. Champion wasn't the only one. Municipal discharge license renewals for Bucksport, Winterport, Bangor and Brewer were also delayed due to EPA's lack of urgency. There is an inconsistency in permit requirements that can be confusing to the regulated entity. There is duplication of reporting and notification. This has caused many facilities to falsely believe that notification of DEP was sufficient. The EPA has been recently asserting that notification DEP is also required in failure to notify the EPA of a violation. Duplication of permit application efforts and costs when permit issuance and expiration dates does coincide. The duplicative costs can exceed \$15,000 over the term of the permit.

Finally, in testimony from one of the members of the advisory council from Maine Business Alliance, her name was Sandra Perry and she works for Asherman, which is in Falmouth and Newport. She said, "In conclusion, here is what will happen if we don't go this route. Maintaining the existing dual licensing program, which is likely to require an increase in license fees with no increase or improvement in services to the regulated communities. Abandoning Maine's licensing program and allowing the EPA to set the state's environmental priorities through the issuance of discharge permits by federal permit writers who don't have the familiarity with our facilities or the same investment in our resources that DEP applies when writing discharge licenses for Maine municipalities and industries. These alternatives are not acceptable. The people of Maine stand to benefit by the passage of LD 1836. This is a bill about equity, about education, about exceedances and doing something about those exceedances and about accountability." I urge you to support LD 1836.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. It seems like this is a should have been bill. It should have been a good idea to bring control to state levels says the EPA. It should have been a bill that everybody was happy about. It should have been a bill that didn't need to be fought over with arm twisting. It should have been a bill that the commissioner should have not had to go into our districts and reach out and touch somebody. I can't begin to tell you how furious I am and have been all morning about an incident that occurred in my own district where the commissioner

reached out and touched somebody. I have a great deal of concern when we are adding positions and we are adding control and we haven't even dealt with another bill, the Tura bill, which adds more control. I think that this is a bill should have been and that we need to go back to the drawing table and start over again and do it right. It is also a bill that should not cause areas and companies to go out of business. It shouldn't cost jobs, but it certainly has the ability to do that. I urge you to defeat the pending motion and go on to Adhere to our original position.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I rise simply to clarify a point. What one Representative raised sort of an implication that this letter from the Maine Chamber and Business Alliance, because it is dated in January somehow the implication that the Business Alliance may have changed their position. For the record, I just want to set it straight. I was approached this morning by the Executive Vice President and General Council for the Maine Chamber and Business Alliance. I was asked would it be okay to distribute this at my request? Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I would just like to make a couple of brief points. The good Representative from Kennebunk asked rhetorically when we would see the added DEP positions under this proposal disappear. The answer is very simple to me. That is when we stop dumping pollutants into our rivers and streams and we no longer need to fund those positions. I see this as just another step on the road that we started a long, long time ago when I was just getting out of high school in Gardiner in cleaning up all our rivers and all our streams and all our lakes in the State of Maine. That is the short answer. There seems to be a lot of people upset about the commissioner reaching out. I am on the Utilities Committee. I thought we were dealing with telecommunications issues here for a moment. The fact is, the mission statement is to protect the environment for all the citizens of the state of Maine and to advocate very strongly for that position. I don't think that anything has been done wrong in that. It has been mentioned that we need, because of the lack of experience in the House, we need the experience to stand up to the bureaucracy. Really, it is not the experience that we need. It is the courage to stand up and do the right thing and to continue cleaning up our rivers and streams in the State of Maine.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I guess I had asked a question rhetorically. I have gone back and done the math. I have used my toes and my fingers and the best that I can estimate is that currently in that program there are 20 employees. As it stands right now, the EPA said that another 25 would be needed. This bill adds six and then two. That leaves another 17 or 18. Where and when are the fees or the General Fund revenues to pay those additional 17 or 18?

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I am not going to be a long time, but we are here for a good time so, I would like to say that the St. Croix River where my mill is is probably one of the cleanest rivers in the state. I know they have a lot of problems like some of the other rivers, but I hope you don't have an adverse condition affect my mill on the St. Croix. The problem is when you talk

about cleaning up rivers, sometimes at the same time you talk about tearing down mills. Thank you.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. First of all, the phone rings in my district too. It rang at my house last night. I was personally impacted by it. I don't like it. Secondly, I would like to say that there was quite a bit of discussion about clean rivers and I don't think that there is any wastewater discharge facility that is going to stop doing what they have to do to keep the water clean. I don't think this is the issue here, not unless everybody went on strike. I think the issue has to do with fees. I do think that we have to recognize the fact that the DEP has chosen to program that is different from the EPA and therefore that puts them in a position of having to work harder to enforce that. It was a choice that we made as a state or that they made. I also want you to realize that we, as citizens of Maine, are actually creating a two tiered system any way because the people at the DEP are going to have to still be accountable to the EPA. Everybody who has a water district is not happy with this. Maine Rural Water, which represents a lot of the smaller communities in the State of Maine where I live, there is quite a few of them, is not happy with this legislation. You don't hear about that. Somebody asked the question of when you get all these people on the same page? The chamber and environmental groups and everyone else, that happened during the compact with the forestry issue and you know where that went. I am going to ask you to defeat this motion. Thank you.

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. 618

YEA - Bagley, Baker, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Chartrand, Chizmar, Cianchette, Colwell, Cowger, Davidson, Donnelly, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lindahl, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, Nass, O'Brien, O'Neil, Pendleton, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Tessier, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Campbell, Carleton, Chick, Clark, Clukey, Cross, Desmond, Dexter, Driscoll, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemke, Lemont, MacDougall, Mack, Marvin, Mayo, McAlevey, Meres, Murphy, Nickerson, O'Neal, Ott, Peavey, Pinkham RG, Pinkham WD, Plowman, Rines, Sanborn, Savage, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Dutremble, Lovett, McElroy, Paul, Poulin, Thompson, Underwood.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, the House voted to **RECEDE AND CONCUR**.

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

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections (EMERGENCY)

(H.P. 40) (L.D. 65)

PASSED TO BE ENACTED in the House on March 26, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "A" (H-1022)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "A" (H-1022)** and **SENATE AMENDMENT "A" (S-713)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 489) (L.D. 660)

FINALLY PASSED in the House on April 1, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1037)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A" (S-714) and "B" (S-770)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide for Confidentiality of Health Care Information

(H.P. 1225) (L.D. 1737)

PASSED TO BE ENACTED in the House on March 31, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1066) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1069), "B" (H-1073) AND "C" (H-1096)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1066) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1069), "B" (H-1073) and "C" (H-1096)** and **SENATE AMENDMENT "A" (S-716)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Modify the Retirement Laws for Certain Law Enforcement Officers

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

PASSED TO BE ENACTED in the House on March 20, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)** and **SENATE AMENDMENT "A" (S-512)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-717)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Clarify the Confidentiality of Public Employee Information

(H.P. 1362) (L.D. 1913)

PASSED TO BE ENACTED in the House on March 26, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-998)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-998) AS AMENDED BY SENATE AMENDMENT "A" (S-718)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Allow Maine Technical College System Employees Represented by the Maine Education Association Faculty and Administrative Units to Participate in a Defined Contribution Retirement Plan

(H.P. 1395) (L.D. 1949)

PASSED TO BE ENACTED in the House on March 26, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1027)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1027) AS AMENDED BY SENATE AMENDMENT "A" (S-720)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish the Commission on Eating Disorders (EMERGENCY)

(H.P. 1411) (L.D. 1975)

FINALLY PASSED in the House on March 19, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878) AS AMENDED BY SENATE AMENDMENT "A" (S-721)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Requiring a Report on the Provision of Medicaid Services

(H.P. 1432) (L.D. 1996)

FINALLY PASSED in the House on March 27, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY SENATE AMENDMENT "A" (S-723)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide Access to Veterinary Education for Maine Students

(S.P. 739) (L.D. 2017)

PASSED TO BE ENACTED in the House on March 2, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-725)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Restore Services to Maine's Elderly

(S.P. 745) (L.D. 2023)

PASSED TO BE ENACTED in the House on March 12, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY SENATE AMENDMENT "A" (S-726)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend the Law Relating to Special Education Out-of-district Placements

(H.P. 1449) (L.D. 2040)

PASSED TO BE ENACTED in the House on March 10, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823) and SENATE AMENDMENT "A" (S-727)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Ensure Equitable School Funding

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

PASSED TO BE ENACTED in the House on March 24, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979) AS AMENDED BY SENATE AMENDMENT "A" (S-752)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding Personal Care Assistance Services (EMERGENCY)

(H.P. 1469) (L.D. 2060)

PASSED TO BE ENACTED in the House on March 24, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-977)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-977) AS AMENDED BY SENATE AMENDMENT "A" (S-729)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend the Laws Regarding Sex Offenders

(H.P. 1473) (L.D. 2072)

PASSED TO BE ENACTED in the House on March 27, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056) AS AMENDED BY SENATE AMENDMENT "B" (S-730)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Limit Mandatory Overtime

(S.P. 789) (L.D. 2116)

PASSED TO BE ENACTED in the House on March 30, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY SENATE AMENDMENT "B" (S-627)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY SENATE AMENDMENTS "B" (S-627) and "C" (S-731)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding the Medicaid Program

(H.P. 1530) (L.D. 2152)

PASSED TO BE ENACTED in the House on March 30, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090) AS AMENDED BY SENATE AMENDMENT "A" (S-734)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement

(H.P. 1527) (L.D. 2149)

PASSED TO BE ENACTED in the House on March 23, 1998.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-926)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-926) AS**

AMENDED BY SENATE AMENDMENT "B" (S-759) thereto in **NON-CONCURRENCE**.

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

On motion of Representative DONNELLY of Presque Isle, the House **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** on Resolve, Requiring the Department of Environmental Protection to Study Alternative Fuels

(H.P. 489) (L.D. 660)

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

Representative DONNELLY: Thank you Madam Speaker. I have a question of the germaneness of Senate Amendment "A" to the Resolve.

The same Representative asked the Chair to **RULE** if **Senate Amendment "A" (S-714)** to **Committee Amendment "A" (H-1037)** was germane to the Bill.

Subsequently, the Resolve was **TABLED** by the Speaker pending a **RULING OF THE CHAIR** and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY)

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

FINALLY PASSED in the House on March 19, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-857) AS AMENDED BY HOUSE AMENDMENT "A" (H-881)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-857) AS AMENDED BY HOUSE AMENDMENT "A" (H-881)** and **SENATE AMENDMENT "A" (S-735)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing

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

FINALLY PASSED in the House on March 19, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867) AS AMENDED BY SENATE AMENDMENT "A" (S-758)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Provide Accountability in the Probation System (EMERGENCY)

(H.P. 1556) (L.D. 2185)

FINALLY PASSED in the House on March 24, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-971)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-971) AS**

AMENDED BY SENATE AMENDMENT "A" (S-755) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services

(H.P. 1573) (L.D. 2207)

FINALLY PASSED in the House on March 30, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936) AS AMENDED BY SENATE AMENDMENT "A" (S-737)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine

(H.P. 1585) (L.D. 2216)

PASSED TO BE ENACTED in the House on March 23, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911) AS AMENDED BY SENATE AMENDMENT "A" (S-738)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Maine Commission on Children's Health Care (EMERGENCY)

(H.P. 1595) (L.D. 2225)

PASSED TO BE ENACTED in the House on March 27, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1008) AS AMENDED BY SENATE AMENDMENT "A" (S-615)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1008) AS AMENDED BY SENATE AMENDMENTS "A" (S-615) and "B" (S-754)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Limit New Lobster and Crab Fishing Licenses

(H.P. 1597) (L.D. 2226)

PASSED TO BE ENACTED in the House on March 27, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004) AS AMENDED BY SENATE AMENDMENT "A" (S-739)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide for Equitable Taxation of All Financial Institutions (GOVERNOR'S BILL)

(H.P. 1614) (L.D. 2240)

PASSED TO BE ENACTED in the House on March 20, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899) AS AMENDED BY SENATE AMENDMENT "A" (S-740)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Enter into the Emergency Management Assistance Compact (GOVERNOR'S BILL)

(S.P. 836) (L.D. 2242)

PASSED TO BE ENACTED in the House on March 26, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-591)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-591) AS AMENDED BY SENATE AMENDMENT "A" (S-741)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Relating to Dam Abandonment (EMERGENCY) (GOVERNOR'S BILL)

(S.P. 843) (L.D. 2247)

PASSED TO BE ENACTED in the House on March 25, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579) AS AMENDED BY SENATE AMENDMENT "A" (S-742)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Governor's Commission on School Facilities (EMERGENCY) (MANDATE)

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

PASSED TO BE ENACTED in the House on April 3, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088) AS AMENDED BY HOUSE AMENDMENT "A" (H-1143)** and **SENATE AMENDMENTS "A" (S-634), "B" (S-637) and "C" (S-698)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088) AS AMENDED BY HOUSE AMENDMENT "A" (H-1143)** and **SENATE AMENDMENTS "A" (S-634), "B" (S-637), "C" (S-698) and "D" (S-743)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants

(H.P. 882) (L.D. 1199)

PASSED TO BE ENACTED in the House on March 12, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833) AS AMENDED BY SENATE AMENDMENT "B" (S-760)** thereto in **NON-CONCURRENCE**.

The Chair moved that the House **RECEDE AND CONCUR**.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

The same Representative moved that the Bill be **TABLED** pending the motion to **RECEDE AND CONCUR** and later today assigned.

The Chair ordered a division on the motion to **TABLE**.

A vote of the House was taken. 46 voted in favor of the same and 73 against, the motion to **TABLE FAILED**.

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. 619

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

NAY - Joy, Stedman.

ABSENT - Bruno, Cameron, Campbell, Dutremble, Lovett, O'Brien, Paul, Poulin, Thompson, Underwood, Winn.

Yes, 138; No, 2; Absent, 11; Excused, 0.

138 having voted in the affirmative and 2 voted in the negative, with 11 being absent, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Appropriate Funds for Library Resource Sharing and for Acquisitions for the Maine State Library

(H.P. 1431) (L.D. 1995)

PASSED TO BE ENACTED in the House on March 13, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844) AS**

AMENDED BY SENATE AMENDMENT "C" (S-764) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities (EMERGENCY)

(S.P. 853) (L.D. 2266)

PASSED TO BE ENACTED in the House on March 25, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572) AS AMENDED BY SENATE AMENDMENT "A" (S-744)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel

(S.P. 860) (L.D. 2276)

PASSED TO BE ENACTED in the House on March 20, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-745)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities

(H.P. 1651) (L.D. 2283)

PASSED TO BE ENACTED in the House on March 25, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-746)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Joint Standing Committee on Inland Fisheries and Wildlife Pursuant to Their Review under the Government Evaluation Act

(H.P. 1670) (L.D. 2293)

PASSED TO BE ENACTED in the House on March 31, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-747)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Improve the Delivery of Mental Health Services to Children (EMERGENCY)

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

PASSED TO BE ENACTED in the House on April 1, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-748)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide Funds to Solve Certain Problems Related to State Computers (EMERGENCY)

(S.P. 734) (L.D. 2012)

PASSED TO BE ENACTED in the House on April 1, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480) AS AMENDED BY SENATE AMENDMENT "A" (S-566)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-753)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish the Task Force to Increase Primary and Secondary Forest Product Manufacturing

(H.P. 1478) (L.D. 2077)

FINALLY PASSED in the House on March 23, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-917)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-917) AS AMENDED BY SENATE AMENDMENT "B" (S-763)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Create Incentives for Employers to Contribute toward the Costs of Comprehensive Health Insurance for Families

(S.P. 696) (L.D. 1931)

PASSED TO BE ENACTED in the House on March 23, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-521)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-521) AS AMENDED BY SENATE AMENDMENT "D" (S-762)** thereto in **NON-CONCURRENCE**.

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

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

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

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

(H.P. 489) (L.D. 660)

Which was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

The Chair **RULED** that the question posed by Representative **DONNELLY** of Presque Isle was not appropriate at that time.

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

Senate Amendment "A" (S-714) to **Committee Amendment "A" (H-1037)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "B" (S-770) to Committee Amendment "A" (H-1037) was READ by the Clerk.

Representative DONNELLY of Presque Isle asked the Chair to **RULE** if **Senate Amendment "B" (S-770) to Committee Amendment "A" (H-1037)** was germane to the Bill.

The Chair **RULED** that **Senate Amendment "B" (S-770) to Committee Amendment "A" (H-1037)** was not germane to the Bill and was not properly before the body.

Committee Amendment "A" (H-1037) as Amended by Senate Amendment "A" (S-714) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1037) as Amended by Senate Amendment "A" (S-714) thereto in NON-CONCURRENCE** and sent up for concurrence.

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

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 (BOND ISSUE)

(S.P. 826) (L.D. 2224)
(C. "A" S-522)

Which was **TABLED** by KERR of Old Orchard Beach pending his motion to **RECONSIDER** whereby the Bond Issue **FAILED OF PASSAGE TO BE ENACTED.**

Subsequently, the House **RECONSIDERED** its action whereby the Bond Issue **FAILED OF PASSAGE TO BE ENACTED.**

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

Representative KERR: Madam Speaker, Ladies and Gentlemen of the House. This bond issue, as we all know, needs a two-thirds vote. A lot of what has been discussed here dealing with tires. We also have heard that failure to pass this bond issue that we lose about \$7.2 million in federal match. That is permanently lost. It has been asked whether or not we should reduce this bond issue to just include the amount where we would get a match from the federal government. That would leave out the tires. I think the good Representative from Pembroke, Representative Goodwin indicated the other day when he spoke that he went out and he had two tires changed on his vehicle. He paid a fee upon the purchase of those tires. I believe at that time and I may stand corrected, that he said it was \$3 per tire. As he left and went home and opened up his trunk and those same two tires were there. That scenario, as he stated, I was a little in awe with. For my dealings with DEP and when I have gone out and purchased tires, the only fee that I knew of was you pay \$1 toward the purchase fee and that is the money that is deposited with the state. The disposal fee which are imposed are generally fees that vendors or transfer stations impose, but those are not mandated by the state. As you all know, or those that were here, that we repealed the Maine Waste Management Agency and we also ended the tax credit, which was for most of these fees have been repealed except for the fee on tires, batteries and special waste fees. A lot has been said in previous debates is, where does the money go? How is it spent? What the Maine Waste Management Agency repealed in 1995, there are now 10 DEP staff paid under the General Fund were shifted to dedicated funds from the waste fees. There are now 20 DEP solid waste staff people supported by the fees and

four staffs in SPOs supported by the fees. SPO staff, as we all know, provide planning and recycling assistance to our towns. I would only hope that we could get beyond this 90 percent rule and we could get beyond a budget that has been passed and just address this issue on its merit. Should the voters have an opportunity to vote on this bond issue? This bond issue matches \$25 million in federal funds. I think that we have debated it long enough and for those of you that are still a little leery of how you should vote, I would hope you would vote your conscience on this one. I would urge your support for this bond issue.

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

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

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Did I understand that the Representative, perhaps it is good that we are replacing the sound system, it was a little bit unclear on vocalization, if the Representative from Old Orchard Beach, Representative Kerr said we were paying for positions through some of the revenue of the bond. I am just curious if that was true.

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

Representative KERR: Madam Speaker, Men and Women of the House. No, it was through the \$1 fee, not through the bond.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. We have talked a few times about this and about our overall bonded indebtedness. We have talked about what its affect is on Maine today, tomorrow and the tomorrows thereafter. There is an ability to trim this down if there was a willingness to do so to match those federal issues and to tax some of the more egregious issues and stay close to the 90 percent. With this bond issue as it is, it would put us over 100 percent of that, which we were retiring. It continues to handcuff this Legislature and those that follow. It handcuffs them in a fashion that it requires, as we said earlier, not to be redundant. Our Constitution requires that we pay debt first. All other programs, no matter how worthy, they are come in a long pecking order after that. What we do by lowering our overall indebtedness is allow each Legislature the most flexibility to address the issues of the day. I hope that you will stay with your earlier vote of not allowing this bond issue to overburden the citizens of the State of Maine with debt.

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

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

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

Representative KERR: Madam Speaker, Men and Women of the House. The good Representative from Presque Isle has indicated that we would exceed or close to exceed the 100 percent. I would like to ask the good Representative that if, in fact, we went along with the \$9 million to bond, what is the difference in the percentage of that \$3.5 million that would be included in the bond issue that is before us now? What is the difference in percentage and also what is the amount of money that we are talking over the life of this bond?

The **SPEAKER**: The Representative from Old Orchard Beach, Representative Kerr 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 understand the question, but I don't know where the dollar figure came from. I understand what Representative Kerr was getting at, but there are numerous pieces that you could add up different ways and there are some that could wait until the next bond package that do not bring down federal funds. We are actually debating something that is not before us right now. I don't want to be gavelled down in my closing days for doing so. I did want to try to answer the Representative from Old Orchard Beach, Representative Kerr. There are differences that could occur, but they are not currently before us.

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

Representative KERR: Madam Speaker, Men and Women of the House. It is just a minuscule amount that we are talking here. I would urge this body to vote for Enactment of this bond issue. It is the best interest of us and the people of this state. We started this course many years ago on these bond issues trying to deal with the tires that are out there. They are not going to roll away. They are going to have to be removed. That is the reality and this bond issue will help us do that. The difference between what I believe will be proposed or someone wants to propose so that we don't lose the federal match is about \$9 million. The difference is only \$3.5 million that we are talking about. When you look at that over the life of this bond, it is a minuscule amount. I don't think it is even worth debating. I think it serves a far greater need to vote for this bond issue rather than deny the whole bond issue. When the vote is taken, I wish it be taken by roll call.

Representative KERR of Old Orchard Beach **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 York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. Actually, I think it is more than a minuscule amount. The only funds in this bond that would be necessary to bring down \$25 million would be the \$3 million that was requested for public water supply facilities and \$2 which would be required for wastewater treatment systems. In reality it is only \$5 million that brings down \$25 million. Even if you added those funds that were earmarked for tire facilities, that would only be \$1.5 million more bringing it up to \$6.5 million, almost half of the present amount being requested.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I could mention all of the different ones that are federally matched and I think all of you are in support of that. The tire stockpiles really bother me. I have four pages here, 34 towns. In Lewiston last year we had a business that burned to the ground, I mean to the ground, just a few feet from our tire stockpile. If that had gone up, it would have burnt for a long time. In the rural areas you have tire stockpiles that are near your woods and your trees. You are looking at potential forest fires. It is amazing that we have been fortunate enough not to have one. I would like to go back to the rest of the issues on this. Water pollution control facilities, state revolving loan fund match, small community grant programs. Those are federal matches. You are killing those too. I think I would like to say to you that you are going to go home to your municipalities and you are going to say we went over the 90 percent rule and they are going to say, yes. We killed sewer usage charges that are affordable for your towns. The federal funds that enable Maine

to invest more than \$600 million in wastewater treatment since the '60s and \$1 million for the small community grant program. I really don't even know what this discussion is. Every single one of you in this House has to go home and explain why you voted against this. You are not going to explain to anyone what the 90 percent rule means. They are going to say to you that we need this. There is an analogy given this morning about going to WalMart because there was a sale and you were going to buy a TV and a washing machine. Did it ever occur to you that you might have gone to WalMart because you needed them? They were a necessity. They weren't frivolous. I really urge your support on this bond issue. Thank you Madam Speaker.

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

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I just wanted to remind the House again that reducing our bonded indebtedness at the same time delays essential work on our infrastructure and protecting our environment. Our most precious heritage is our environment. Our lakes are deteriorating, included in this bond issue is funding for the Watershed Protection Program as well as other environmental issues. I would also mention that studies relative to bond issues have shown that bond issues actually promote the economic well being of the states in which they are issued and that we really ought to support this bond issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Madam Speaker, Men and Women of the House. This is a very interesting dilemma. I think the question here is not whether \$13 million or \$3.5 million is a trivial amount of money. I think it is a big lot of money in my mind, at least in Norway we think that kind of money is quite significant. The question for me is, is this money needed? Is it being proposed for a worthy purpose? For that, I say, yes it is. The big hoop that I have to jump over is, should we borrow for it? I do believe that I might be able to make an intellectual argument, why would you borrow \$9 million, that is for bricks and mortar. It does bring down some federal money and that is good too. I would argue that the remaining money that is being proposed to clean up tire stockpiles, abatement of hazardous substances and the watershed program is not. In my view, it is money that we should appropriate out of the General Fund and we should spend it that way.

The reality, ladies and gentlemen, is that these bonds are scheduled to be voted on in November of 1998. This money won't be available for anybody to spend until sometime after that. It is only a few short months before the 119th Legislature is in session. I think if I am a member of that body at that time, I will propose we deal with that within the first few weeks we are in session. I can't honestly believe that with something as crucial and important as a federal match that the members in that body will not deal with that very, very quickly as soon as they come in. Frankly, I don't understand why we are all in a titter to borrow money when we have cash in the bank. We are running a reasonable income that I think will probably generate even more of a surplus by that time, but even if we haven't, we do have money in the bank that we could appropriate for that purpose if we so desire or if the next Legislature desires. I don't buy the issue that the money is not available. I do buy the issue that there may be people who do not wish to spend ongoing revenue for this type of stuff or rather borrow than spend the money they have in their pockets. I am going to vote against this. I am voting with a clear knowledge that I would hope that the next Legislature will deal with this issue quickly so that those federal monies can be used. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I would just like to say that we are not voting to spend this \$12.5 million. We are merely voting to send this out to the voters of the State of Maine who will make that determination of whether or not this is a worthwhile bond issue to be passed. I would suggest to the communities of Houlton, Brunswick, Topsham, Fort Kent, Presque Isle, Bingham, Corinna, Bowdoinham, Machias, Richmond, Augusta and on and on and on that we ought to let them make the decision of whether or not they want to be able to access these revolving loan funds. Let them make the decision of whether they want to treat their water before it flows back into the rivers. Madam Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative COLWELL: Madam Speaker, Men and Women of the House. Being a freshman I am not quite as sure of this 90 percent rule, but to anyone who may want to answer, if the 90 percent rule either in the Constitution of the State of Maine or in statute?

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. No.

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

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

ROLL CALL NO. 620

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

NAY - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Treadwell, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bruno, Dutremble, Lovett, Paul, Underwood.

Yes, 92; No, 54; Absent, 5; Excused, 0.

92 having voted in the affirmative and 54 voted in the negative, with 5 being absent, and accordingly the Bond Issue **FAILED of PASSAGE TO BE ENACTED** and was sent up for concurrence.

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

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

(H.O. 43)

Which was tabled by Representative SAXL of Portland pending **PASSAGE**.

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

Representative JABAR of Waterville moved that the House Order be **INDEFINITELY POSTPONED**.

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

Representative JABAR: Madam Speaker, Ladies and Gentlemen of the House. Basically there are two reasons why I am moving to Indefinitely Postpone this order and they have to do not with the need, but to the appropriateness of pursuing this avenue of having the Maine Supreme Court review this as a solemn occasion. First of all, I don't believe that this rises to a solemn occasion because it involves interpretation of laws which are very similar to this and already in existence. By that, I mean laws pertaining to authority that we have on our books. By authorities, I mean finance authorities. That goes to my second point and that is that this provision that we have relative to the finance authority, the Maine Government Facilities Authority, is constitutional. It is constitutional for several reasons. It has been tested and then there have been several Attorney Generals' opinions from Attorney General Jim Tierney, our present Attorney General Drew Ketterer and also assistant Attorney General Cab Howard gave an opinion as to similar questions of law as we have here before us today. The Maine Governmental Facilities Authority is very similar, almost identical to, other authorities which exist under our law. Such authorities as the Turnpike Authority, the Maine State Housing Authority, the Maine Educational Loan Authority, the Maine Municipal Bond Bank and the Northern New England Passenger Rail Authority. The reason these authorities exist and do not need the vote of the people in compliance with the Constitution of the State of Maine is that they do not rely upon the credit of the State of Maine. They are separate entities. The credit institutions that provide financing to these authorities know and understand that the credit of the State of Maine is not on the line. They must look to these authorities to determine whether or not they should issue them credit. The financing and the pricing and the rating for these securities is by their examining these authorities, these separate entities are not the State of Maine. Since the credit of the State of Maine is not on the line, it is not necessary to go to the voters as provided in the Maine Constitution. For these two reasons, firstly it is constitutional and secondly, it is not a solemn occasion. I don't feel that we should be proceeding with this mechanism and asking the law court for their opinion. I would ask you to support this motion to Indefinitely Postpone. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I agree with everything the good gentleman from Waterville, Representative Jabar said, save one. All of the other authorities that have been mentioned before use a similar quirk diversion difference. The one major difference, let me identify that for you here today. The one major difference between all the authorities mentioned today in the Governmental Facilities Authority is all of those other authorities have a revenue stream. If they default on their loan or on their bonds, the Maine Turnpike Authority has toll booths that the bank could take over. The Maine Housing Authority has loans that they have made. Revenue pays their bonds. It goes on down

through the list. FAME guarantees loans and they collect a fee for that. They make direct loans and collect interest on that. The Governmental Facilities Authority has no revenue stream, save the taxpayers.

While we are not what is being pledged, the reason I am concerned about this and the reason why some other folks are concerned about this is what we are pledging is the State House and the State Office Building as collateral for these bonds. Let me repeat that and underscore it with an exclamation point. We are pledging the people's house. To say that we are not pledging their credit is ambiguous at the least. I would feel much more comfortable before we went down this avenue of allowing the opportunity of the court system, the Supreme Court, which is sitting now and awaiting this question. I am sure they are doing other things too, but they know this question is before us. It had letters to that affect since March 19th when it was first tabled in the Senate, the other body, excuse me. The important difference here today between the other authorities that may have been tested or may not and, frankly, the courts will not test a constitutional issue without being asked. It is not their charge. Our Constitution prohibits us from borrowing without going to the people. The fine line that the good Representative from Waterville has drawn here is he is talking about other authorities which exist in statute which use a similar vehicle which some people are afraid would be called into question. There is a significant difference in that they have a revenue stream and the Governmental Facilities Authority does not.

With that in mind, I would appreciate your considered and thoughtful deliberation voting against this and allowing our Supreme Court to let us know if we are violating the Constitution we swore to uphold.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. Regardless of the Governmental Facilities Authority, I find it is going to be ironic should they hold a solemn occasion because they would be sitting in a building that they paid for with this very same authority. In terms of the revenue stream, I guess that is a technical difference, but I don't see that it is going to affect the outcome. If you need the law court to give you warm fuzzy feeling about it, go ahead. I don't need them to tell me that this will work and that it is legal.

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

Representative JABAR: Madam Speaker, Men and Women of the House. I would just like to respond just briefly to the good Representative from Presque Isle relative to the revenue stream. The legal issue concerns whether or not the credit of the state is on the line. I suppose the bonding companies that are providing the financing to the authority look to the revenue stream to determine what the rate should be and whether or not they should extend the credit. These financial institutions like a bank know that they cannot rely on the credit of the State of Maine to pay it back. If they are concerned about the revenue stream, then they either do not apply the credit or apply higher rates. That has nothing to do with the constitutionality of the mechanism to do it. The important distinction here is not the revenue stream, it is the credit of the state is not on the line. If they want to take a chance and extend credit to an authority that does not have an adequate revenue stream, they are taking that chance. That is not a constitutional question, that is a creditor's question. Thank you.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I think it is very important to talk about what is a

solemn occasion. For many of the members of this chamber who either haven't voted on a solemn occasion in the past, which many of us have not because they are very rare things to do or those of us who aren't attorneys. A solemn occasion, for those of you who don't know, is when you ask the court system for an advisory opinion. The United States Supreme Court doesn't have the authority to offer advisory opinions and neither do many, many State Supreme Courts. In the State of Maine there is something called an advisory opinion or a solemn occasion. A solemn occasion can be asked for by our branch of government, the Legislative Branch either this body or the other body or the Chief Executive. That is one threshold question. What is a solemn occasion and who can ask for it?

The second question on a solemn occasion is, when can you ask for it? When do you need a solemn occasion? You need a solemn occasion when something is pending before the Legislature, which hasn't been enacted into law. In this case of the Governmental Facilities Act, as has been suggested by the good Representative from Waterboro, has been used. It has been used to bid our court systems. It has been used by four other agencies and it is current law even if it hadn't been used, it is current law. The recent opinion by the Supreme Court on a past request for a solemn occasion states that, I quote, "The justices make clear that no solemn occasion exists when justices are asked to give their opinions on the law which is already in effect." This is the case we have before us now. This isn't even a solemn occasion. If we ask the court for one, they will say so. Even if it were a solemn occasion, men and women of the House, there are two or three recent opinions from the current Attorney General and the past Attorney General have both agreed that this Governmental Facilities Authority is perfectly constitutional. In a letter to go the good Representative from Presque Isle recently the Attorney General wrote that, "As I indicated, I do not see any constitutional difficulty with this proposed legislation under the provisions of the Maine Constitution prohibiting the issuance of bond, which pledge the credit of the state without approval of two-thirds of the electorate and a majority of the voters at a general or special election." The important language here is "I do not see any constitutional difficulty with the proposed legislation."

As the good Representative from Waterboro said, the justices themselves are sitting in a building built by the use of this authority. What happens if we ask for a solemn occasion today. They are not going to strike down the Governmental Facilities Act because there is no solemn occasion. What will happen is the Legislature will be out of the session and this will delay the repairs to the building. My good friend, the Representative from Presque Isle talked about ladies and gentlemen of the House and he said with passion his voice, this is the people's building. I say the exact same thing to you today. This is the people's building. Speaker Mitchell has told us many times and helped us understand what is happening to this building. Each and every day each of us can see what has happened to this building. We have had hard times in the past during the late '80s and early '90s and we haven't been able to adequately care for this facility. I say that it is essential for us today to take that responsibility for the people of the State of Maine so that our children and our grandchildren can enjoy these hallowed halls and respect the roll of government that each and every one of us in this chamber has spent so much of our time and effort working towards. Please join with me to vote against the solemn occasion and support the pending motion and lets get on with doing the business of the people of Maine.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. The last speaker, unfortunately, defined some terms in a manner that was helpful to the argument and not necessarily true to the Constitution. The Constitution in Article 6 provides that the Legislature can ask the Supreme Court to give their opinion upon important questions of law and upon solemn occasions. The arguments that this does not fit in with the constitutional provisions of what we are allowed to ask the justices just isn't true. We have the authority to ask any important question of law. I do believe that the question before us is an important question that we need to decide. Secondly, we heard the Representative speak of a letter that came from the Attorney General's Office and last I checked the Attorney General was not a member of the Supreme Judicial Court and therefore, I do not take his opinion as the opinion of this court and I that you do not either. Please vote against this motion to Indefinitely Postpone so that we might have this important law heard in front of our Supreme Judicial Court.

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

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. It is important that you understand exactly how a solemn occasion works. When you ask for a solemn occasion and you ask the justices of the Supreme Court to review a particular issue, there is a whole body of law, case law, that they look at to determine which issues are appropriate to review and give an answer to and which issues are not appropriate to give an answer to. I have looked at the opinions of the justices on other occasions when we have asked for solemn occasions and it clearly says in that body of case law that we are not going to look at issues if, in fact, it is not a unique issue or if it is already a law that is in being. They are not going to look at that issue. Those of you that think we just ask them a question and they give us an answer have to understand that we may ask them the question and the answer that they may give us is we are not going to give you an answer. Yes, they will respond, but they might not necessarily respond with the answer that you want to hear, which is yes, it is constitutional or no, it isn't. I would indicate to you specifically in the last time we asked for a solemn occasion and that was on the forestry issue. In that particular case, they refused to answer. They said, at that point, we don't see this as a solemn occasion. We are not going to answer on the substance of the issue before us. Don't be misled into thinking that this is a simple, we ask them a question and we get an answer back. It don't quite work that way. We may ask them the question and based upon the case law that they have developed, they are going to look to see if this is a solemn occasion within the confines of what they have ruled in the past and it clearly appears to me and to the other attorneys I have talked to about this issue, that this is not a solemn occasion.

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

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

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Madam Speaker, Men and Women of the House. Does anybody have any idea how long it would take the Supreme Court to respond if this pending motion was passed?

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 Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. In answering the good Representative

from Wells, Representative Carleton's question, I have spoken with the Chief Justice, although I could not discuss the substance of the potential thing that would be before the court, I did ask if the House asked them, he said they'd drop everything they are doing and take it up and they would respond very quickly. They are currently meeting.

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

Representative KANE: Madam Speaker, Men and Women of the House. I have been listening to the discussion back and forth mostly taking place among lawyers. I am not a lawyer, but when the Representative from Presque Isle mentioned that we were going to ask the Supreme Judicial Court to drop everything to answer a question about which we already know is irrelevant and inappropriate, it seems to me it is demeaning both to the Supreme Judicial Court and to the respectability of this body to ask a question that would delay a very important decision that we are about to make and whose answer we already know. Please think about that and what it may do to demean and reduce the respectability of this body in the eyes of the Supreme Judicial Court to ask a question, the answer to which we already know. Thank you Madam Speaker.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I don't believe we do know the answer to that question. I have talked to a number of attorneys, some in this chamber and some out. Each reads the Constitution differently. I have sent the Attorney General's opinion to several well regarded attorneys and some see the real strength in his argument and some do not. I hope to never think that it would be demeaning to this House for us to ask another branch of government to make sure that we are in compliance with our oath. Since 1989, there have been nine solemn occasions held. Since 1989, the Supreme Court has helped guide the constitutionality of questions that this House and other Legislatures were considering. What perplexes me is if we already know the answer, why are we afraid to ask the question? If we already know it is constitutional, why are we afraid to ask the Supreme Court to rule on it? If we know this borrowing authority is legal, why won't we let the Supreme Court settle it once and for all? If there is nothing wrong, why are we afraid to find out?

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

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. It is not a question of being afraid to find out what the answer is. It is knowing what the answer is before we ask and understanding that the Supreme Court will not answer the question. They have an opinion after opinion, including the last one, indicating quite clearly that they will not rule on anything that is not a solemn occasion. In fact, I will read to you from the last opinion that was issued on the question of a solemn occasion. It says, "We answer only questions concerning matters of present concern, i.e., what we have previously referred to as things of live gravity." If you look in their previous opinions and look to see what they mean when they talk of items of live gravity, you will see that they will not rule on those issues that have already been enacted. This is nothing more than a delay tactic and I would be insulted if I were a justice and were given this question to answer. I think we need to move on.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. We just heard that this was a delay tactic. Madam Speaker, I would request that the Clerk read the tabling

motions for this item that have occurred over the past weeks. This just proves my point that this is not a matter of delay tactics. We are just taking this up in the course of business and we would appreciate if you would vote against the motion to indefinitely Postpone.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE** the House Order.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the House Order.

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. I apologize for this. It is apparently becoming a partisan issue, which it should not be. As a member of the body, unfortunately, sometime sitting in the corner it seems to trigger a partisan debate. The question before us is if we are going to ask the Supreme Court if it is constitutional for us to be bonding without the vote of the people? In the Constitution it says we must go to the people. The same people that elect us. In the ruling of the Attorney General it says in some cases you don't have to. The Attorney General's opinion is an opinion. What we are really asking the Supreme Court to make a ruling on all the arguments we have had on if this authority is constitutional or not. We are also settling a question for future Legislatures on if it is or it is not. I would hope that you would vote against Indefinite Postponement and vote for the opportunity to settle this question. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I will be very brief. I think the good Representative Laverdiere made what is basically the case involved. I do not believe this particular issue rises to the issue of having standing before the courts. The question we have to settle is do we wish to take the time to find that out definitively?

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

ROLL CALL NO. 621

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

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

ABSENT - Bodwell, Brooks, Bruno, Cameron, Dutremble, Lovett, Paul, True, Underwood, Wheeler GJ.

Yes, 78; No, 63; Absent, 10; Excused, 0.

78 having voted in the affirmative and 63 voted in the negative, with 10 being absent, the House Order was **INDEFINITELY POSTPONED**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-662)** on Bill "An Act to Reauthorize the Toxics and Hazardous Waste Reduction Laws" (S.P. 784) (L.D. 2111)

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin

Representatives:

ROWE of Portland
SHIAH of Bowdoinham
BULL of Freeport
COWGER of Hallowell
McKEE of Wayne
BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-663)** on same Bill.

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

DEXTER of Kingfield
NICKERSON of Turner
MERES of Norridgewock
FOSTER of Gray

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-662) AS AMENDED BY SENATE AMENDMENTS "A" (S-682), "B" (S-712), "C" (S-749) and "D" (S-773)** thereto.

READ.

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

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

Representative ROWE: Madam Speaker, Men and Women of the House. This is the toxic use reauthorization act bill. You have some handouts on your desk that explain the bill and also that explain the amendments that have come from the other body. I stand here in support of the Committee Report "A" as amended by the four amendments in the other body. There is a handout that was prepared by the Office of Policy and Legal Analysis that explains those amendments.

This law was enacted in 1989, it sunsets this year. The law establishes voluntary goals to reduce toxic chemicals and mandatory goals to release toxic releases and as you probably have heard, by most accounts, the law was fairly successful. The original goal was to reduce toxic use release and hazardous waste by 30 percent by 1998. The results that have come in showed a 51 percent reduction in releases and 26 percent reduction in hazardous waste generated, but only a 9 percent reduction in toxics used in Maine's work places. The law

sunsetting and the job is not complete. That is why we need to reauthorize this act. You have the two reports before you. I have moved Committee Report "A," the Committee Report "B" simply continues the same program. All it does is to change the sunset date one year out and it requires the DEP, the Department of Environmental Protection, to submit a report to the Legislature next year. Committee Report "A," on the other hand, sets new goals for toxic use, release and hazardous waste and just like the old law, the release and hazardous waste goals are mandatory and the toxic use goals are voluntary.

The Majority Report, Committee Report "A," also changes the list of chemicals that are monitored and I think you have a handout on that. Under the old law there was a national list of toxic chemicals that was used. Committee Report "A" focuses on Maine' water and air toxic list. It also revises the national list from the original law to gain reductions that were important to Maine's air and water. By using the new list, there are more than 1,800 small Maine businesses, which are hazardous waste generators that will be dropped from the program. Committee Report "A" also requires facilities to prepare summaries of their reduction plans and it recognizes the business concerns for confidentiality by providing an opportunity for business to designate as confidential information that might constitute trade secrets or otherwise impair the businesses competitive position. It also allows businesses to keep confidential information on their premises rather than turning it over to the Department of Environmental Protection and risk inadvertent public disclosure.

The report also recognizes those companies that were high achievers under the original law. It exempts them from having to comply with the new reduction goals and also the planning requirements under the law. You also have on your desk a list of companies that are high achievers. You may have seen a letter authored by Senator Harriman attached to that is a list of those companies that have achieved a 51 percent reduction and under Committee Report "A" they would be exempt from the new reduction goals and also the planning requirements.

The intent of this bill as it was presented to us by the department and also we have made some amendments to it. It is not to gain the popularity of the large users of toxic chemicals, rather its intent is the same as the objectives that are in current law. The current toxic use reduction act says the state's policy is to reduce the amount of toxic substances used in the state to reduce worker and environmental exposure to the release of toxic substances to reduce hazardous waste generated within the state and to minimize the transfer of toxic pollutants from one environment medium to another. That is the objective that is in current Maine law and Committee Report "A" continues that and will significantly contribute to that objective. As I said, the report has been amended in the other body. You have that handout. I believe the amendments were placed on there to resolve certain concerns that were brought up after the bill had left the committee. I would invite your attention to that. I would strongly encourage you to support Committee Report "A." Thank you.

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

Representative MORGAN: Madam Speaker, Ladies and Gentlemen of the House. Out of due respect to the members of the Natural Resource Committee and their contributions to the 118th legislative body, I rise in opposition to the pending motion before you and ask you to vote for Committee Amendment "B," which would continue the existing toxic use reduction program, which has been very successful over the past six years. I will take this time to pass along to you a portion of letter written by Brian L. Halla, Chairman of the Board, President and CEO of National Semiconductor. He writes, "Given Maine's six year history of successful pollution prevention efforts and National's

extensive environmental health and safety programs, implementation of a new regulatory program such as the one LD 2111 would jeopardize ours and many other Maine companies global competitiveness. Implementing LD 2111 would specifically threaten the success of our modern, state of the art semiconductor fab by publicly disclosing confidential trade secrets at the request of the Department of Environmental Protection's commissioner, provide DEP with broad new discretionary powers on how our products are manufactured in Maine and what materials can be used in our technologically advanced manufacturing process. Also, require our already state of the art chemical emissions control to be refined further despite the existence of the technical limits. In conclusion, I urge you to vote against LD 2111, Committee Amendment "A" and support Committee Amendment "B" which would continue the existing toxics use reduction program which has been very successful over the past six years."

I realize the Senate has had amendments and as time is of the essence here and I am unable to conduct conversations with National Semi, I will continue my efforts to recommend that you follow Committee Amendment "B."

Representative DEXTER of Kingfield moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative DEXTER: Madam Speaker, Men and Women of the House. I had another idea in mind, but this is kind of throwing me for a loop.

Representative DEXTER of Kingfield **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

Representative DEXTER: Madam Speaker, Men and Women of the House. I would hope that you would follow the previous speaker and defeat the pending motion because as I stated publicly, it is a horror show. When that was presented to our committee, the commissioner came with 12 changes to this bill, 12 changes. What does that tell you? That tells you it was a bad bill to start with. You can't make a good bill out of a bad bill. They didn't do their homework and I would like to think the reason they did not do their homework is the fact that they are overextended. I would like to give them the benefit of the doubt. They haven't finished their program that they are on now. You ask questions and you can't get the answers. The program is working. I am quoting the commissioners own words. It will hurt the small businesses in this state. We do not need to kill any more small businesses. Ask the people in Washington County. Ask the people in Franklin County. The latest closing is Bass Shoe. It is almost unbelievable what this bill covers. I could stand here for 20 minutes and still not run out of issues. I would hope you would defeat the pending motion so that we could go along with the Minority Report. The Minority Report is not before us, if it was, I could tell you it extends the present program until January of 1999.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. I rise in support of this LD and think it is one of the most important pieces of legislation that we have had. It seems that several legislators have alluded to the fact that the Natural Resources Committee has been late in bringing these bills to the floor of the House. Anybody who has ever visited that committee knows the difficulty with which we struggle as we deal with the very complex issues trying very hard, not only to understand them, but to try to do the right thing.

I just want to respond to a couple of things that have been said, but before I do that we have to remember that all the many things that you and I are trying to do for the environment and our own communities such as recycling, trying to use natural products, those things don't amount to a hill of beans in reality. They are about 2 percent of environmental degradation. The vast percentage has to do with what is being created by what we ask our businesses and manufacturers to create, billions and billions of pounds of toxics. They are used to produce the things that we have asked them to produce things we want. We have created this. Knowledge implies responsibility. I just read recently that the Beluga Whales that live in the Gulf of St. Lawrence are so filled with toxic chemicals that when they are beached, they are actually hazardous waste and have to be handled like hazardous waste. We clearly know that if the people who come after us are going to survive, we have got to start doing something and little by little we start trying. This is really a watered down bill. In response to my good colleague and neighbor, National Semiconductor is one of the shining lights of this toxic use reduction effort. National Semiconductor is in the 51 percent club. They are exempt from all the worries that the good Representative Morgan just mentioned to you. They are truly the winners of the golden star award here.

To the good Representative from Kingfield, I would remind you of something that the good Representative said back in 1990, if I can put my hands on it here. Representative Dexter in 1990 called the toxic reduction bill, "A horror show that would close down every business in the State of Maine. I am not voting for it in any way, shape or form." That horror show has produced some real steps forward. We have begun to deal with the pollution releases. We have cut down on those and now it is time to get at the real issue, toxic use. Please, read what you have on your desks, think about it carefully and then join me in supporting this very important last day piece of legislation, LD 2111.

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

Representative COWGER: Madam Speaker, Colleagues of the House. I ask you to join me in supporting the pending motion and accept Committee Report "A." I want to talk to you about testimony that came before our committee from the Maine Chamber and Business Alliance. They encouraged us to frame the reauthorization of the toxic use reduction law in terms of a challenge to business. A challenge to businesses that use or emit or, in fact, generate hazardous waste. I believe we have addressed many of the concerns of the business community and we have framed LD 2111 in terms of a challenge to Maine's businesses. We listened and we retained the voluntary nature of the toxic use reduction goal. We listened while the toxic release and hazardous waste generation reduction goals are required to be met. There is a very flexible and generous exemption provision for those companies unable to meet these reduction goals. Exemptions must be granted. It is not an option. If practical or economical reduction methods do not exist or if all practical reductions have already been implemented. Exemptions, again, must also be granted if further reductions would negatively impact product quality or quantity or if a contractual obligation prohibits further reductions. There has been a lot of misinformation out there and I want you to understand that these exemptions have to be granted if requested by a company.

I have seen concerns raised by Dexter Shoe who must use certain solvent based adhesive and concerns from companies like Saco Defense that are required to use certain toxics to meet government contracts. These companies must be granted exemptions. The challenge to Maine's business today is to

voluntarily reduce toxic use and to try to reduce toxics release to the environment and to try to reduce the amount of hazardous waste generated. Once the businesses have made their best attempt and if they continue to fall short of the goal, an exemption will be granted from further reductions. The existing program of goals and exemptions has been in place since the first toxic reduction law was enacted in 1990. Since that time, the DEP has not denied a single exemption request. Not one job has been lost as a result of eight years of this legislation. Even companies that have asked for and obtained exemptions subsequently gone forward on their own. I think Champion International is one. They have gone forward on their own and performed additional reductions. Let me repeat. Not one job has been lost or is going to be lost as a result of this legislation and furthermore, not one exemption has ever been denied by the DEP.

The Majority Report goes on to drop 1,800 small hazardous waste generators from the current program due to the small quantities that they generate. Even with the addition of a few companies that are going to be added to the program due to a new list of chemicals, this bill only involves about 300 businesses statewide. The Minority Report, Report "B," which we are not considering, would continue 2,100 companies under the existing program. We are dropping 1,800 companies from reporting under the hazardous waste generation threshold. We listened to businesses, which have achieved the 51 percent reductions in toxic release for hazardous waste generation. For those of you who don't understand, the 51 percent is a 30 percent reductions under the original law plus an additional 30 percent reduction beyond that under the reauthorize program. Many companies have already reached the 51 percent threshold and they can go on if they choose, voluntarily, to do special projects and receive a special environmental award. This special awards program is only in the Majority Report. These companies are not required to do anything other than report on their use of toxics.

We went on an extended time frame. We gave companies until January 1, 2001 to meet the so called 51 percent club. The original bill that was presented to our committee only allowed until January 1, 1999 to opt out of this program. We are giving companies an additional two years to get to this threshold. We also listened very carefully and added confidentiality protection to allow companies to keep information that would jeopardize their competitive position onsite at their business. The Senate Amendments that have been adopted by the Senate even allow for judicial review should the commissioner of DEP rule that the information is not confidential. Our committee was very concerned that proprietary information that makes Maine companies competitive not be publicly disclosed.

Finally, contrary to what you might have heard in the halls, this law allows for unlimited business growth. Reporting and reduction of toxics and hazardous waste is by what we call a production unit. That production unit is whatever company decides to define it as. It can be one plant if they so choose or one production line. DEP does not have the authority to disapprove business expansions as the Maine Chamber reported in their newsletter. Companies are allowed to grow. I just want to say that exemptions will continue to be granted by the DEP. Jobs will continue in Maine and companies discharging toxics and generating hazardous waste will merely examine ways to reduce toxics and waste to the maximum extent possible without jeopardizing their production. Please join me in supporting the Majority Report.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I am opposing this Majority Report and

I am asking you to support the Minority Report when we are allowed to talk about it. As most of you know here, I have probably got one of the most liberal environmental records in my caucus. I have been a real supporter of toxic use reduction for my whole career here. I sponsored some legislation last year regarding that subject. I worked extremely hard on this piece of legislation trying to work with the committee in making it better. I worked on all these issues, the confidentiality part and all of it. I finally reached a point close to the end of our working on this where I just couldn't support it anymore. The reason for that was simply because of the overwhelming impact that the bill had on business and without the time to discuss the impact of this with the business people themselves. We had people in our committee who were there listening, but we really didn't have work sessions that included a lot of the impact. It became clear to me that there were things beyond my knowledge. I am limited in the sense that I am a member of this committee, but I am not a member of the business community at this time. I became very concerned that we were going far beyond what we were expected to do on this piece of legislation. I became concerned. That concern is still with me. I know that we have heard all these wonderful things that have happened since. There has been a scurry of people out in the hallways. There have been a scurry of people making amendments to try to tone down what was originally the Majority Report. Simply because there wasn't the support in the business community for a lot of the things that were in the bill.

I also am concerned about the scurrying around and all this activity at the very end of the session. We have had this experience before since I have been here with other pieces of environmental legislation some of which we are still dealing with today including non-point source, which is a part of the site law, which came in at the end of the 117th. So many times we find that when we do these things at the very end of the session and we scurry around with multiple amendments, what we are doing is creating a patchwork of things. We are sort of patching things up. Every time we hear a complaint, we patch it up with an amendment, but we don't look at the totality of that or the unintended consequences of what we are doing. This is still happening today. Having been part of the scurry out in the hallway and around and on the phone and whatever, I am finding that the majority of the people out there are asking me to support Committee Amendment "B" whether they are somebody that is sponsoring or help sponsor an amendment or not, which tells me the business community is not happy at this point. They are not confident that things are happening well.

The reasons that I am opposed to this Committee Amendment "A" are not because there are not good that could happen there. It is because there wasn't enough time to really look at the impact and see the total picture. It has changed dramatically in the last week. We don't have the same bill that we voted out of committee. I think that is a mistake. I also feel that because we are in a situation where we are really trying to promote business in Maine, not only is it a good place to come and ski and to use the waters to fish, but also a good place to live, raise your children and a good place to promote business. We are giving the wrong message to the business community. There is a lot of businesses that are really concerned that if there is even the hint that the confidentiality portions of this legislation are going to impact on their trade secrets, they will move out of the state immediately. That was brought to our attention quite clearly. I think it is a mistake. I think that the thing that we ought to do most is be cautious. To be willing to take that extra time to go and work with the business community to make sure that we are not imposing on those things that are impossible. We are at a point where we are telling them that using chemicals is not a

bad thing and we are not going to stamp them with a red letter, not a green one to say that they are bad because they use chemicals here. You can't manufacture anything much in the state without using chemicals. Everybody can't reduce everything always. We do have a list here of the worst offenders in the State of Maine. I think some of you have a copy. I looked at that and there are people or businesses on that list from my area like Cascade Woolen Mills, which has been a real honorable part of my community for a long time. We have to be careful. I ask you to consider a better bill. If I were going to have a better bill, it would be one that extended the program another year, just long enough for all the facts to get in and long enough for the DEP to get their numbers in. They don't have all their numbers at this point and time. It would be a bill that did this and it wouldn't be a bad bill because Ned Sullivan had said himself during the public hearing that the bill that exists now went beyond his expectations and is extremely successful. It was successful because it was voluntary. I ask you to be considerate, to be conscience of being practical and to understand the value of the businesses we have in Maine and don't jeopardize that by making a quick decision. Thank you very much.

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

Representative BERRY: Madam Speaker, Men and Women of the House. I would just like to share a few things with you. I have worked on this, not even on that committee for several weeks looking at this law and looking at what could happen with this law. The first thing I want to point out is that this thing looks almost like the budget now. We have almost that many amendments to it. That bothers me a lot because one of the things that that shows me is that the process that was used to develop this was not complete. I will tell you right now that I would not and will not support with all these other amendments on it, this amendment of the Majority Report "A." It is just too flawed. There is too many things. While I am on that topic, directed to one of the documents we had from the Office of Policy and Legal Analysis, Senate Amendment "D." I wish you would really look at what Senate Amendment "D" does. It isn't as nice as it looks on this piece of paper. I don't think that people have really looked at what can happen with this amendment in place. It involves a lot of other things. Maybe right down to the aluminum on the outside of your house. You have 2,000 pounds of it sitting there, I don't know, but you could be a toxic user. I would be very cautious about that right there.

For the gist of what I really want to talk about today. I distributed this morning this document which is on the goldenrod, which is entitled, *Command Security and Protective Services*. This is not a document from a chemical company. This is a document that is coming from an investigating company working for a chemical company creating chemical sabotage. That is what this is all about. This document, and just to clarify some of the things that are here, this is addressed to a Sarah Anderson in the Admissions Report Inventory Station here in Augusta. This is a secondary piece of information because I believe the primary piece of information was a piece that was issued to here from an investigating company when she was not present in that office. Someone sent to this company information which pertained to the secrets in the production of Cyros Industries process. Now, several people have asked me, please say this in English. Okay, we will try.

First of all, down in the middle of this, there is a statement that is called Subsection B, ROCT. ROCT is reasonable obtainable controlled technology. That is what that stands for. That is a principle. The VOC, the volatile organic carbon compounds. The KP process that is referred to in item 2, this

person investigating this is asking for information about the KP process. The KP process is the internal name in this company for this secret process. This investigator is after that information. He is trying to find out what is being used so that is an internal document within the plant itself. On the reverse side of that document, the question is what is in the building or tanks. The MMA and MAS, those are methyl mass acrylates and methyl acrylates. Sorry, there is no easy way to say those two, but those are materials that are contained in that process tank. This is the third attempt, I believe, for a company someplace in the world to obtain how this company in the State of Maine manufactures a given product. This is absolute sabotage. This is system of espionage as it takes place is going on all the time in the chemical industry. This is something that is extremely important.

Another document that you do not have, this comes from a journal entitled, *Chemical News and Intelligence*. Only some of us strange people would read some of these things you know. This is February of this year. The EPA lost 400 confidential US Chemical files. These people are charged with, within the toxic substances control act, they are required to maintain the confidentiality of information. Well, excuse me. This is not the DEP in our state. This is the national. These are the people that "have the system available to be able to control." They lost 400 files. Who knows to whom and if they were ever lost to an individual company or where they disappeared to, but they disappeared. I am concerned about this. I am deeply concerned here in this state that the same process could happen. We talk about National Semiconductor being happy with the process and with other companies being happy. Some people think that taking 1,800 companies off the list is good news. I don't. Why are you removing what some of you have just said are 1,800 small businesses who are producing toxic substances?

I know what is going on. This is a deal. We will take you off the list. I know what is going on out in this hallway. Deals. Deals between the DEP and what is going on trying to pass this bill. This isn't right. I would ask you to defeat this motion. People, if elected again whether I am on that committee or not, I will come back here and work hard to get a correct bill in place to deal with toxics. To add it here, I would like to see us forecasting things not backcasting. A company manufacturing knows where they are going with materials in the future. I would like to see us going that way. I think it has value. If a new product is developed by a company, maybe that are part of the 51 percent group right now. When we put forward money for research in this state, who knows what is going to come from that. One of those 51 percent groups could become a violator simply because of a new process which is in place to help us. Thank you very much.

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

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. The good Representative Berry is talking about the confidentiality aspects of this bill. According to this bill, those companies that deal with toxic chemicals have to make a report to the commissioner of the DEP. He is supposed to hold this information confidential if he believes it is so and it might reveal the secrets of the company involved. You have one man with the help of his staff making this decision. Representative Berry is very correct. In addition to that, this bill is unquestionably one of the most complicated and confusing ones at least as I, as a freshman Representative, have dealt with. I personally think it needs a lot more time. Due to the technicalities of the bill, due to the companies involved to come up with or at least have the people of the DEP sit down with the people who are going to be regulated and come up with

something that they can live with. There are a lot of confusion right now on this bill. All you have to do is go out in hall and talk to people. I just want to give you an illustration of that. I have one paper here that says it strikes the anti-backsliding provision. I have another one, both of which landed on my desk at the same time, that says it requires the DEP to consider products and process changes when considering backsliding provisions. The question is, which is right? This is the confusion that is going on right now about this bill. I would urge you defeat the Majority Report and vote for the Minority Report. Thank you.

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

Representative MAYO: Madam Speaker, May I pose two questions through the Chair?

The SPEAKER: The Representative may pose his questions.

Representative MAYO: Madam Speaker, Men and Women of the House. To anyone who may be able to answer, we heard a while back in this debate a couple of statements that I would like a little background on. How do we know or upon what basis do we know that exemptions will continue to be granted? My second question, how do we know and based upon what that no jobs will be lost as a result of this particular piece of legislation?

The SPEAKER: The Representative from Bath, Representative Mayo has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. To answer the questions, the law is very clear and this is actually existing language in existing statute in the existing program. The language is the same whether you are a toxics releaser or a hazardous waste generator that you must receive an exemption from the requirement of meeting state reduction goals from the commissioner if you prove that practical hazardous waste reduction methods do not exist or all practical reductions or actions have been previously implemented or are being implemented. If practical steps to reduce hazardous waste would have an unreasonable adverse impact on product quality or quantity or if the legal and contractual obligations prohibit you from addressing that. That language is very clear in the bill that you must be given an exemption. May I continue?

The SPEAKER: The Representative may continue

Representative COWGER: Thank you Madam Speaker. I just wanted to answer a couple of other questions since I had an opportunity to stand. The good Representative from Belmont brings up a couple of points. I would like to point out the Majority Report contains confidentiality provisions and actually sets up a process whereby the information may remain on site at a company and not even go to the DEP where it will have any chance of being released today even if a mistake is made. The Minority Report does not contain this provision. One other point, if a business has less than three barrels of hazardous waste that is generated in a period of a year, these are small businesses that are generally serviced by an outside vender like Safety Clean. They are otherwise regulated by the DEP. There was just no need to collect fees and have over site of these 1,800 businesses. I would also like to point out to the good Representative from Belmont that we did indeed put this bill in metric also. I didn't hear any praise on that point. Thank you very much.

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

Representative BRYANT: Madam Speaker, Ladies and Gentlemen of the House. I rise today in very strong support of LD 2111. I believe this piece of legislation has done more for the workers health and safety in the past eight years than any other piece of legislation that we have looked at or had. You hear a lot

of bad things, but I think we heard them back in 1990 when this bill came across the House. We heard them from the Maine Chamber. We heard them from the industry. We also heard them from members of this body how it was bad for business and this bill was going to basically be the death of all the businesses in Maine. If you look at the handout I passed out a little bit ago, I encourage you to read that, but it brings you through the steps and it brings you through this debate that we are having here today. It reaffirms what everybody is talking about. This is not a bad bill. Although the truth of the matter is that over the last eight years of this bill we have reduced hundreds of thousands of pounds of toxic chemicals in the workplace, the community and by a large extent most of the businesses are proud of it. They are not hear saying that they had any problems with that. They are proud that they are able to do that. That goes along without losing any of the jobs.

This reminds me of a debate we had back in the mill in 1989 where we, as workers, got tired of having a lost time injury rate that continued to be in the double digits. As we dwelled on that, we kept running into a roadblock. You can't do this because it is bad for business. We won't be competitive. You can't have a safe workplace because we won't have the edge. We were smart enough then and I think we are smart enough now not to believe that. We did, we had a wall to wall inspection of the Rumford mill and we heard the same things that we are hearing today. It is bad for business. We can't provide safe working conditions. We went through that and now we are reaping the benefits of that in cost savings, efficiencies and now being the safest mill in the state and possibly in the nation. We are all proud of that. Ladies and gentlemen of the House, we got there by doing the right thing, not by taking a route that you are going to hear out in the hall if we take that route there, we will get no where. We worked hard over the last 10 years to reduce toxic chemicals in the workplace and also to reduce toxic chemicals that fall in our communities and the children of this state. We had a great debate last week about MTBE with members who were concerned about cancer rates, pregnant women, small children in their communities. I would commit to you that now is the time to come forward if, in fact, you were really concerned.

This reminds me of another issue, it is basically here we go again. The Maine Chamber and the paper industry lobbyists are crying wolf. They are saying the same things. It is a bad bill. It reminds me of what our good Representative from Waterboro said the other day, who is looking out for the workers? Who is looking out for our communities? Who is looking out for our children? We have halls full of lobbyists that are representing the Maine Chamber and the halls are full of people representing paper companies and other big companies, but who is looking out for the people of the State of Maine. I would ask you to think about that and I would ask you to support the pending motion.

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

Representative DEXTER: Madam Speaker, Men and Women of the House. I am indeed flattered that my words from 1990 have come back. I didn't think anybody paid any attention. I am really amazed and flattered. I don't recall talking about jobs and so forth. If you want to talk jobs, Maine is on the move, right out of state. Okay, I will make a statement now and see if I am quoted. The present situation is working. Will that make the papers? I am here saying it. Okay, I admitted I was wrong. I think I am man enough to admit when I am wrong. All right, the present system is working. I am quoting the department and I am quoting a lot of other people. They always told me, if it ain't broke, don't fix it. That is what we are trying to do. I had some amendments that I was going to offer. I have seen the error of my ways. I am not going to offer them, because there were

some mistakes in the amendments. Being an uneducated woodsman, I have a little more difficulty than some of you college people. The one that isn't in front of us will take care of all the concerns, the Minority Report. I am hope I am quoted on this one.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative LORING: Madam Speaker, Ladies and Gentlemen of the House. The Penobscot Nation supports this bill. We are in the position where we have paper companies all around us and they happen to dump some toxics into the river and we fish and it also seems to me, and this is true, that the Penobscot Nation also has a very high cancer rate and that is being studied. The State of Maine, I understand, has one of the highest cancer rates in the country. I am not saying any specific toxic is to blame for this, but maybe a combination. I don't know, but we are very concerned and this legislation, so far, has helped. We had an issue on dioxin last year and I remember that and my niece testified before that committee on dioxin. It is a very important issue to us. We would hope that you would vote in favor of this bill. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. Everybody has been referring to business and the harm being done to business. I had to get up and say a few words even though I thought I was going to sit here and be nice and quiet today and just enjoy the day. Since 1990 to the present, business growth in the State of Maine has not really boomed to a point where we have outperformed the rest of the country. You have to compare it to New England and compare it to the rest of the country and you will find that we did not perform at the level that we would like to have it performed. I think Representative Dexter is 100 percent correct. If it ain't broke, why fix it? Expanding the DEPs area of influence does not really give me a warm fuzzy feeling, nor does it give the business community a warm fuzzy feeling. Ladies and gentlemen, I ask you to oppose the pending motion and go on to accept the Minority Report. 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. Approximately how many businesses are included or would be included in this bill?

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 Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. The answer is 350 approximately.

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

Representative TRUE: Madam Speaker, Men and Women of the House. The point I want to make is if you count the numbers here, it comes to approximately 159. I did that without my glasses and I might have missed one or two. It seems to me that we have done a pretty good job in getting the numbers in compliance, but another thing that jumps right out at me having lived in Maine all my life and that is that I would say that most of these companies have the assets and things behind them, whereby that they certainly could in the last nine years get to that 51 percent level. I am concerned about the other 150 that they may not have the assets and without the assets you will not have

the numbers of people who can do the research to help you comply to the rules and regulations. I want to commend them for doing this. I think it is something that we needed and what have you. I don't know why we have to rush, and I agree with many people that have already spoken, and that is that we seem to have so many amendments that I sort of worry about that. I hope that you will go on to defeat the Majority Ought to Pass and accept the Minority Committee Amendment "B."

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I urge you to defeat the pending motion and keep the present system with the Minority Report. There are two points I would like to make on this issue. The first is the effect on the recycling industry. The second is on the expansion of business and the creation of new jobs. One area that the recycling industry engages in has to do with old car batteries. Not only auto recyclers who will take old cars and salvage some of the parts and crush the rest, but regular metal recyclers. Car batteries are a commodity. Right now people will bring them in and they will get a dollar or two for the battery depending on what the price the market is paying. Those batteries will be sent out of state where they will be broken and the different materials inside will be recycled and reused, the copper, the lead and the different parts. It used to be that people would break the batteries open and take the different component parts out in the State of Maine. Previous environmental laws have shut down that business in the state. If this law were to pass, the Majority Report, those car batteries would be considered toxic waste and no longer a commodity. Car batteries weigh on average 20 pounds a piece. If you go through 100 batteries, which isn't that many for a company in a year, you have had a ton of waste and you have to comply with this act. Some of the unintended consequences of that would be that to dispose of these batteries, the recycling industry could no longer give out a dollar or two to take these batteries from people. The recycling industry would have to charge a fee to get rid of these batteries. Right now people and companies and places that sell auto batteries will bring in the batteries to get recycled. If there is a fee to dispose of them, people would no longer do that. Many of them would be thrown in woods or hidden in the garbage bags where they would lead to even more environmental damage. The different chemicals, the mercury in some of the older ones, the acid would leak right into the lakes and streams, the water sources and all the chemicals inside would leak right into the environment creating huge damage. Currently, they are recycled. The parts inside that could be reused are, the rest are disposed of in an environmentally sound manner.

My second problem with this bill is if a company wants to expand, if you have a Widget Company and in their production of widgets they have some toxic waste that they produce. Even if they have cut their waste during the current toxic use reduction pact, under the new bill proposed in the Majority Report, they will have to cut even more. If they wanted to expand and produce more widgets in the state, they couldn't because inherent in the process of producing widgets there is some waste as a byproduct. If they expand and create more jobs for Maine working men and women and bring more jobs into this state and increase the economic pie, they couldn't do it or they would face a huge disincentive because the expansion of their plant, even if per widget they reduce the amount to waste produced would lead to more waste and they would be in non-compliance. For the reasons it would halt the creation of future jobs for Maine working families and because it would lead to huge environmental damage, just in the recycling industry alone with the unintended consequences. I urge you to vote against the

pending motion and support the Minority Report to keep this good program going.

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

Representative BULL: Madam Speaker, Men and Women of the House. This bill has had quite a genesis in committee. The public hearing on this was almost a full two months ago on Friday the 13th of February. I am not sure if that is bad or not. I was and still remain a strong supporter of mandatory use reduction under this bill. Unfortunately this bill does not do that. I consider this a big flaw in the bill. I think it is very important that we make it mandatory that companies reduce their use of toxins. Unfortunately, I was in the distinct minority in the committee. I went along with the Majority Report here because what we do have here is a good bill. It is not nearly as good as I wanted. It leaves a lot of questions unanswered, but it does go a long ways towards addressing environmental concerns. What this bill does is it helps address issues concerning a safe work environment as well as a clean healthy environment. That is a very big step here in the State of Maine. The original law was very good and has done a lot of good things. The Maine Chamber and Business Alliance, Chris Hollis, quoted as praising the bill in its original form. I do support the pending motion on the floor, even though I do have reservations because it is a good step forward.

We had at least seven work sessions on this bill. We have worked this intensively. We dealt a lot in committee listening to the concerns of the business community and trying to address their concerns and trying to take into account the issues that they raised and to address their concerns. There has been some criticism out there about the various amendments that have been offered in the Senate and some people say that reflects upon flaws in the Committee Amendment. I would say just the contrary. This is an effort by the majority members of the report to address the concerns that are continually are raised by the business community and to make this a more palatable bill and to take into account the legitimate concerns raised by the business community. I hope that you will note that some of the amendments that were offered were offered by the good Senator from Cumberland, Senator Harriman and the good Senator from Oxford, Senator Bennett. I would also would like to draw your attention, the Senate Roll Call was handed out.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral. For what reason does the Representative rise?

Representative VEDRAL: Point of order.

The SPEAKER: Would the Representative please state his point of order.

Representative VEDRAL: Thank you Madam Speaker. According to Mason's rules Section 760, Paragraph 4, it is a breach of order in debate to notice what has been said on the same subject in the other House.

On **POINT OF ORDER**, Representative VEDRAL of Buxton noted that according to Sec. 760, Par. 4 of Mason's Rules, it was a breach of order in debate to notice what has been said on the same subject in the other House.

The SPEAKER: The Chair thanks the Representative and would advise the Representative from Freeport, Representative Bull, to abide by the rules of the House, not to refer to actions in the other body. The Representative may proceed.

The Chair advised Representative BULL of Freeport to abide by the rules of the House and not to refer to the actions of the other body.

Representative BULL: I apologize Madam Speaker. There have been some concerns that have been raised in this chamber about some issues under this. I think most of them have been addressed but I just want to re-emphasize that the confidentiality

is a really important issue. I would encourage you to look at Committee Amendment "A," the Majority Report (S-662) and look on page 13-14. That is extensive discussion on the confidentiality issues here which we did take into concern. There was a specific reference made to Cyro Industries and the confidentiality provision under those. That letter that was sent to Cyro on the yellow sheet of paper was actually the concerns raised by Cyro was coming under a different law, not a reflection of the toxic use reduction act we are debating here tonight. In fact, the issues that they raised of concern came under a different law. In fact, the very issues that Cyro addresses will be addressed in the Majority Report. In Committee Amendment "A," again, we took a lot of time to make a very tight provision for confidentiality. The commissioner cannot release these reports until a decision is made upon their confidentiality. If it is truly something that is important, it should be kept confidential. The company can request it be kept confidential. The commissioner can then make a ruling. If that is not to their liking, they can appeal it. The DEP did not release the information as requested underneath here, on this yellow sheet. I think it is important to realize that as well. There was a request, but the Department of Environmental Protection did not comply with this request. The information requested in this yellow sheet was not released by the department.

Very quickly, to address the recycling issue about batteries. Under the new law, the Committee Amendment "A" actually the issue that the good Representative from Standish raises those would be exempt under the new law. There is a provision in here on page 8, I believe, dealing with one time cleanups. Under that provision, broken batteries would be exempt under that provision of the law. Ladies and gentlemen, as stated earlier, I am not entirely happy with the Majority Report. It is a very good start in cleaning up our environment and ensuring a safe working environment. I would urge your support for the Majority Report. Thank you.

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

Representative JABAR: Madam Speaker, Ladies and Gentlemen of the House. I come from Waterville and Waterville is the home of two famous politicians who were the biggest supporters of the environment for air and water quality and that is Senator George Mitchell and Senator Ed Muskie. I as myself how would they vote on this bill? I think the answer is pretty obvious. I will be voting the same way. I will be voting in favor of the bill. Thank you.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. First, I would like to congratulate every member of this house who has stayed to listen to this debate because it is a serious one and I appreciate the fact that there is so much interest here. Thank you very much. One of the issues that I wanted to clarify was the fact that the reauthorization of the toxics and hazardous waste reduction laws is established in both reports. Neither one of them does anything not to re-establish those laws. Feel comfortable that with either report that you are dealing with the reality that there has to be something on the books regarding this issue. I would like to quote from Commissioner Sullivan through testimony at the public hearing about how he feels about the existing law. It says, "Maine's toxic use and toxic release and hazardous waste reduction law, otherwise known as TURA Program is the centerpiece of the state's pollution prevention program. It is also tremendously successful. Rarely have state regulatory programs exceeded expectations to the degree that our TURA initiative has. The original goal for the TURA law was to reduce toxic use, toxic

release and hazardous waste by 30 percent by 1998. This was to be accomplished over a six year period. We have actually achieved a 51 percent reduction in toxic release to Maine's environment. A 30 percent reduction in hazardous waste generation and shipped over our roads and a 9 percent reduction in the toxic use in Maine's workplace. We anticipate another drop in use to about 15 percent do to known major changes in our large industry." This is what was reported on that infamous Friday the 13th, realizing that all the data wasn't in and the fact was that it was noted then that there would be probably a greater increase than was testified to.

I want everybody to feel assured that everybody on the Natural Resource Committee, both on the Majority and Minority Report, recognized the importance of toxic use reduction. The difference is simply in the timing and in the caution that is necessary to make sure that we are doing it well and we are not impacting negatively in areas where we don't intend to. Thank you very much.

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

Representative MACDOUGALL: Madam Speaker, Ladies and Gentlemen of the House. I can't help but think that somehow we are clutching defeat from the jaws of victory from the pending motion. I am a member of the Business and Economic Development committee and as such the 13 members of that committee have worked very hard over the past two years to craft legislation and policy that will help the State of Maine to encourage and grow new businesses, grow existing businesses and maybe even attract businesses from out side of Maine. It is a very worthy and lofty goal that certainly had bipartisan effort. I think we did a great job. Through the waning days as we were closing out our legislation and work sessions. I commented one day that it is interesting that we worked so hard to craft our vision of Maine once our vision of the future for businesses of Maine and yet there is legislation before other committees that inexplicably impact business far greater than even the vision that we were trying to craft. That is a most unfortunate thing in a way because while we are trying to craft something very positive within the business community, there are other areas of legislation such as the bill before us today.

What is the vision of the future that this pending motion basically paints for us? What are we saying to business that exists right now? What are we saying to those who are thinking of going into business or expanding? Someone alluded to that list that was passed out by the good Senator Harriman. I am proud to say the company where I work spends oppression among that list. A couple of other businesses are in my legislative district, Pratt & Whitney and Hussey Seeding. Pratt & Whitney among some, actually have a staff on board to deal with legislative bills that impact their business. They have people who are very knowledgeable and educated in those arenas. They, and others, were here all last week and particularly Friday as the other body took up this bill. They were able to help voice their concerns to take this bill to somewhere that would be palatable for their concerns. According to those who have spoken and these are the folks that we would call he big business people, from what I am hearing, they can live with this with some of these amendments on it. It is not embraced with great joy by any stretch of the imagination.

Again, I opened my remarks with clutching defeat from the jaws of victory. We currently have a toxic use reduction policy that is an unqualified success. What is our vision? What does this pending motion do for the vision for working men and women? I think it says to put your efforts not into just developing a product that you can compete with or providing a service that you can compete with, I think it is also saying if this legislation

before us passes that you better have in your payroll and in your cost of doing business in Maine a staff of one, two, three, four or however many people it takes to be up here at the Legislature making sure that things aren't being done that are going to so impact you that you won't be able to compete and make a profit and make payroll for your working men and women.

The flurry of amendments that have happened, maybe some think that is a positive. I think that is an immense negative. That means this thing is not done. The possibility of unintended consequences, in my mind, is immense. It may be big business has been represented well, but there are thousands and thousands of small businesses that have not. We have something that works. It has been working very well. There is a victory. What we are also saying to is that businesses in Maine, if they do the environmentally correct thing, if they are good corporate citizens, that somehow that isn't good enough. Somehow if you are a manufacturing concern, you are a second class citizen. My company, one of I hope many, many, has enjoyed an expansion of 50 percent in the past few years and we intend to do another one, hopefully a third or more in the next year or two. We are enjoying great success because we have great men and women that work there. There is great management and a great product. We are a good corporate citizen, a very good one.

What I wonder is as we grow and expand will somehow through the pending motion with the attached amendments and the intent and the unintended consequences do we go from being a member of the good guys to a member of one of the bad guys perhaps or not as good as we are today because we had the audacity to grow and create jobs. My company competes nationally, for the most part. This legislation here, for me, has impending negative consequences on our ability to do so. There are thousands of small Maine businesses that don't even know we are even debating this bill today. You have to think of them. Please do and vote against the pending motion. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. In the past six months I have worked with a constituent who is a brilliant inventor and has invented a product that he wishes to have manufactured in the State of Maine. In the past six months he has watched this Legislature, even as he goes to the Executive arm of this government for assistance in becoming a manufacturer in the State of Maine. This man tomorrow could sell his patent. He has two international firms who would manufacture and sell his product. He would have the license and he would earn money, but he would not create jobs in the State of Maine. He is very discouraged because he really feels as a citizen of the State of Maine that he would like to contribute to the economy of the State of Maine. He figures, at the least, he could have 12 employees making \$25,000 to \$35,000 a year to begin with with as many as 60 to 100 employees when the product takes off. This is not a small product. This is not an insignificant product. This is a product that is vital to our defense industry, our shipping industry and to our huge equipment industry. He is so discouraged that he cannot make this dream of his come true. He will make money. His family will do well. With the 12 to 100 families that he hoped to create jobs for, are disappearing before his eyes.

It is pieces of legislation just like this, one by one, that are straws that are placed on the camel's back as we go through the legislative process with one good idea after another after another after another and each straw starts to take its toll. This is another one of those bills. From what I understand from the former chair of the Toxic Use Reduction Advisory Committee, the

final results regarding this program have not been submitted and, in fact, a complete evaluation of the program has not been arrived at.

The Minority Report, which is not before us, but should be upon the vote on this, would allow for the extension of the act in order to assure that what you are looking at, the final computation, is what the use act intended and then what needs to be done. In the meantime, the only thing that I see that this bill will do, if enacted in this form, will continue to grow the jobs and economy of states such as South Carolina, North Carolina and other business friendly states who work with the many businesses that we continue to drive from the State of Maine. I ask you to please oppose the Majority Ought to Pass Report. Thank you.

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

Representative BULL: Madam Speaker, Men and Women of the House. Very quickly, I just want to rise and clarify a statement I made earlier that may have been out of context. I got some notes on this. When I referred to the Maine Chamber and Business Alliance, they support the original toxic use reduction act, not the amended version. It is the original bill. The original toxic use reduction act that we passed in 1990 that Mr. Hall was quoted as supporting. Thank you.

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

Representative SHIAH: Madam Speaker, Men and Women of the House. A couple of things, a time honored tradition around here is to try to confuse an issue when you don't want something to pass. I think a little bit of that has been going on in the last few weeks on this bill, this specific amendment. I want to talk to you not only as a member of the committee that spent countless hours working on this bill, but as someone who has worked with these chemicals in the past. I spent a couple of years working in a chemical factory with some of these very chemicals. This bill is about addressing some of those very chemicals. At the time we were told those were not carcinogen chemicals. They were fined. I worked in this factory back in the early '70s and I occasionally get mailings from attorneys who are working to sue on behalf of employees who have been affected by the chemicals. That is a lot of what this bill is about as the Representative from Dixfield already mentioned. It is about the workers in your districts who work with these chemicals on a daily basis. It is about the members of your community who are exposed to these in various, whether it be air borne, water borne or other ways. It is a serious attempt at trying to address the toxics, if you look at the list it is quite an impressive list of chemicals. There is some really nasty stuff on that list. I think the current act that we are looking at reauthorizing today. I remember the debate back when the bill first came through. A lot of the arguments used then are being used this time, even though I understand Committee Report "B" does reauthorize. A lot of those arguments that were used then are being used now. I think we have had some real solid gains over the years from many of the industries in our state. We can be proud of that. We can be the leadership that Maine has shown on this issue.

Our toxic use reduction act is one of our more foresighted environmental laws. It has a proven track record and it is one that I think that Committee Report "A" really addresses where we should be going in the future with this. We spent a lot of hours on this. The other body has added a few things that I hope you will consider that I think actually work to take care of some of the concerns. As someone mentioned before, maybe some members of the business community aren't warm and fuzzy about this bill, but I can assure you a lot of the workers in your districts and a lot of the members of your communities will be

warm and fuzzy about this bill and about what it really proposes to do. I urge you to vote in favor of Committee Amendment "A." Thank you.

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

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

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

ROLL CALL NO. 622

YEA - Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Chartrand, Chizmar, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lindahl, McKee, O'Neil, Perry, Pih, Povich, Powers, Quint, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Watson, Wright, Madam Speaker.

NAY - Ahearn, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bouffard, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Driscoll, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Richard, Rines, Sanborn, Savage, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Tobin, Treadwell, True, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Bodwell, Dutremble, Honey, Lovett, Mitchell JE, O'Neal, Paul, Pendleton, Poulin, Taylor, Underwood.

Yes, 61; No, 79; Absent, 11; Excused, 0.

61 having voted in the affirmative and 79 voted in the negative, with 11 being absent, the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

On motion of Representative DEXTER of Kingfield the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-663)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-663)** in **NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (H.P. 1659)

Representative TRIPP from the Committee on **TAXATION** on Resolve, to Create a Task Force to Study Telecommunications Taxation

(H.P. 1681) (L.D. 2298)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1659) Report was **READ** and **ACCEPTED**.

The Resolve was **READ ONCE**.

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Delay the Implementation of Performance Budgeting for State Government (EMERGENCY)

(H.P. 1438) (L.D. 2002)

(C. "A" H-1089)

FAILED OF PASSAGE TO BE ENACTED in the House on March 31, 1998.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

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

The same Representative **PRESENTED House Amendment "C" (H-1156)** to **Committee Amendment "A" (H-1089)**, which was **READ** by the Clerk.

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

Representative KERR: Madam Speaker, Men and Women of the House. This amendment allows the Department of Audit, the Department of Attorney General, the Department of Secretary of State and the Office of State Treasurer to participate or not to participate in the strategic planning and performance budgeting initiatives. It also keeps the original repeal date of July 1, 2003 for strategic planning and performance budgeting. I urge your support.

House Amendment "C" (H-1156) to **Committee Amendment "A" (H-1089)** was **ADOPTED**.

Committee Amendment "A" (H-1089) as Amended by **House Amendment "C" (H-1156)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1089)** as Amended by **House Amendment "C" (H-1156)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Implement the Majority Report Recommendations of the Commission to Study the Unemployment Compensation System"

(H.P. 1604) (L.D. 2230)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1101) in the House on March 31, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1101)** AS **AMENDED BY SENATE AMENDMENT "C" (S-771)** thereto in **NON-CONCURRENCE**.

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

ENACTORS

Emergency Mandate

An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections

(H.P. 40) (L.D. 65)

(H. "A" H-1022 and S. "A" S-713 to C. "A" H-919)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. 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. 125 voted in favor of the same and 6 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Modify the Retirement Laws for Certain Law Enforcement Officers

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

(S. "C" S-717)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Provide for Confidentiality of Health Care Information

(H.P. 1225) (L.D. 1737)

(H. "A" H-1069; H. "B" H-1073; H. "C" H-1096 and S. "A" S-716 to C. "A" H-1066)

An Act to Clarify the Confidentiality of Public Employee Information

(H.P. 1362) (L.D. 1913)

(S. "A" S-718 to C. "A" H-998)

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.

ENACTORS

Emergency Measure

Resolve, to Establish the Commission on Eating Disorders

(H.P. 1411) (L.D. 1975)

(S. "A" S-721 to C. "A" H-878)

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. In the closing days maybe I am getting a little foggy, but can somebody tell me what this commission is going to do?

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 Bangor, Representative Bragdon.

Representative BRAGDON: Madam Speaker, Men and Women of the House. In response to the gentleman's question from Bethel, right now there is a lack of services for people with eating disorders. This bill sets up a commission to look at what services are needed for people with eating disorders, both private pay and public pay.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 17 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Allow Maine Technical College System Employees Represented by the Maine Education Association Faculty and Administrative Units to Participate in a Defined Contribution Retirement Plan

(H.P. 1395) (L.D. 1949)

(S. "A" S-720 to C. "A" H-1027)

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.

Resolve

Resolve, Requiring a Report on the Provision of Medicaid Services

(H.P. 1432) (L.D. 1996)

(S. "A" S-723 to C. "A" H-1055)

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

An Act to Provide Access to Veterinary Education for Maine Students

(S.P. 739) (L.D. 2017)

(S. "A" S-725)

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

On motion of Representative STEDMAN of Hartland, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 623

YEA - Ahearne, Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson,

Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Berry DP, Carleton, Gagne, Jones SA, Joy, Kasprzak, Layton, Mack, Nass, Stedman, Treadwell, Vedral.

ABSENT - Bodwell, Dunlap, Dutremble, Honey, Lovett, Mitchell JE, Paul, Poulin, Taylor, Underwood.

Yes, 129; No, 12; Absent, 10; Excused, 0.

129 having voted in the affirmative and 12 voted in the negative, with 10 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act Regarding Personal Care Assistance Services

(H.P. 1469) (L.D. 2060)

(S. "A" S-729 to C. "A" H-977)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Restore Services to Maine's Elderly

(S.P. 745) (L.D. 2023)

(S. "A" S-726 to C. "A" S-479)

An Act to Amend the Law Relating to Special Education Out-of-district Placements

(H.P. 1449) (L.D. 2040)

(C. "A" H-823; S. "A" S-727)

An Act to Ensure Equitable School Funding

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

(S. "A" S-752 to C. "A" H-979)

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

An Act to Amend the Laws Regarding Sex Offenders

(H.P. 1473) (L.D. 2072)

(S. "B" S-730 to C. "A" H-1056)

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

On motion of Representative LABRECQUE of Gorham, was **SET ASIDE**.

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

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

The SPEAKER: The Representative may pose her question.

Representative LABRECQUE: Madam Speaker, Men and Women of the House. As I look at the amendment that has been placed on this bill, it seems to strike the definition of sex offenders. Would anybody clarify that for me? I would appreciate it.

The SPEAKER: The Representative from Gorham, Representative Labrecque has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, Men and Women of the House. This amendment puts forward the Minority Report of LD 2072. The Majority Report had an expanded classification

of sex offender. It also carried a fiscal note. In order not to lose the bill, we accepted the Minority Report, which requires notification for those offenders registration of those who have been convicted of gross sexual assault upon a minor under age 16. It does define the classification of sexual offender, which will be subject to registration. Thank you.

Representative LABRECQUE of Gorham **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. 624

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

NAY - NONE.

ABSENT - Bodwell, Campbell, Dunlap, Dutremble, Honey, Lovett, Mitchell JE, Paul, Plowman, Poulin, Taylor, Underwood.

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

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

ENACTORS

Acts

An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement and to Change Certain Provisions of the Tax Relief Funds

(H.P. 1527) (L.D. 2149)

(S. "B" S-759 to C. "A" H-926)

An Act Regarding the Medicaid Program

(H.P. 1530) (L.D. 2152)

(S. "A" S-734 to C. "A" H-1090)

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

An Act to Limit Mandatory Overtime

(S.P. 789) (L.D. 2116)

(S. "B" S-627 and S. "C" S-731 to C. "A" S-518)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 625

YEA - Ahearn, Bagley, Baker, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Morgan, Muse, O'Neal, O'Neil, Perry, Pih, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

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

ABSENT - Bodwell, Dunlap, Dutremble, Honey, Lovett, Mitchell JE, Paul, Poulin, Taylor, Underwood.

Yes, 81; No, 60; Absent, 10; Excused, 0.

81 having voted in the affirmative and 60 voted in the negative, with 10 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

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

(H. "A" H-881 and S. "A" S-735 to C. "A" H-857)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve

Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing

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

(S. "A" S-758 to C. "A" H-867)

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

ENACTORS

Emergency Measure

Resolve, to Provide Accountability in the Probation System

(H.P. 1556) (L.D. 2185)

(S. "A" S-755 to C. "A" H-971)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Act

An Act to Implement the Recommendations of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine

(H.P. 1585) (L.D. 2216)

(S. "A" S-738 to C. "A" H-911)

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.

Resolve

Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services

(H.P. 1573) (L.D. 2207)

(S. "A" S-737 to C. "B" H-936)

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

ENACTORS

Emergency Measure

An Act to Implement the Recommendations of the Maine Commission on Children's Health Care

(H.P. 1595) (L.D. 2225)

(S. "A" S-615 and S. "B" S-754 to C. "A" H-1008)

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

Representative SAXL of Portland **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 626

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont,

Lindahl, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Goodwin, Joy, Kasprzak, Lane, Layton, Mack, Stedman, Vedral, Waterhouse.

ABSENT - Barth, Bodwell, Dutremble, Honey, Lovett, Mitchell JE, Paul, Poulin, Taylor, Underwood, Winn.

Yes, 131; No, 9; Absent, 11; Excused, 0.

131 having voted in the affirmative and 9 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Limit New Lobster and Crab Fishing Licenses

(H.P. 1597) (L.D. 2226)

(S. "A" S-739 to C. "A" H-1004)

An Act to Provide for Equitable Taxation of All Financial Institutions

(H.P. 1614) (L.D. 2240)

(S. "A" S-740 to C. "A" H-899)

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.

ENACTORS

Emergency Measure

An Act Relating to Dam Abandonment

(S.P. 843) (L.D. 2247)

(S. "A" S-742 to C. "A" S-579)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 16 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

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

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

(H. "A" H-1143; S. "A" S-634;

S. "B" S-637; S. "C" S-698

and S. "D" S-743 to C. "A" H-1088)

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

Representative SAXL of Portland **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. 627

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

NAY - Goodwin, Nass, Stedman, Treadwell.

ABSENT - Bodwell, Dutremble, Honey, Lovett, Mitchell JE, Paul, Poulin, Taylor, Underwood, Winn.

Yes, 137; No, 4; Absent, 10; Excused, 0.

137 having voted in the affirmative and 4 voted in the negative, with 10 being absent, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Act

An Act to Enter into the Emergency Management Assistance Compact

(S.P. 836) (L.D. 2242)

(S. "A" S-741 to C. "A" S-591)

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.

ENACTORS

Emergency Measure

An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities

(S.P. 853) (L.D. 2266)

(S. "A" S-744 to C. "A" S-572)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel

(S.P. 860) (L.D. 2276)
(S. "A" S-745)

An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities

(H.P. 1651) (L.D. 2283)
(S. "A" S-746)

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.

ENACTORS

Emergency Measure

An Act to Provide Funds for the Year 2000 Project

(S.P. 734) (L.D. 2012)
(S. "A" S-753)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 1675) (L.D. 2295)
(S. "A" S-748)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Act

An Act to Implement the Recommendations of the Joint Standing Committee on Inland Fisheries and Wildlife Pursuant to Their Review under the Government Evaluation Act

(H.P. 1670) (L.D. 2293)
(S. "B" S-747)

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.

ENACTORS

Acts

An Act to Create Incentives for Employers to Contribute toward the Costs of Comprehensive Health Insurance for Families

(S.P. 696) (L.D. 1931)
(S. "D" S-762 to C. "A" S-521)

An Act to Appropriate Funds for Library Resource Sharing and for Acquisitions for the Maine State Library

(H.P. 1431) (L.D. 1995)
(S. "C" S-764 to C. "A" H-844)

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.

Resolve

Resolve, to Establish the Task Force to Increase Primary and Secondary Forest Product Manufacturing

(H.P. 1478) (L.D. 2077)
(S. "B" S-763 to C. "A" H-917)

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

An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants

(H.P. 882) (L.D. 1199)
(S. "B" S-760 to C. "A" H-833)

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

On motion of Representative MACK of Standish, 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 Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I urge you to join me and vote against the pending motion. This is an act to provide food stamps and nutrition funds for legal immigrants. I have no problem with immigrants and people coming to this country to work. I do have a problem with people coming to this country and asking for a handout. Thank you.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. Just a small reminder to the good Representative from Standish, legal immigrants in this country are not just those who come here to work. My husband had two aunts who were born in Canada and came here as infants and lived here all their lives. There are many people in the State of Maine that fall in that category. I wish you would all think about this before you vote. 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. I would encourage all the members of the House to check their own family tree and see if once they weren't immigrants.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I had a privilege years ago to be the chairman of a committee for my parish that helps bring Polish refugees here during the time of solidarity. We hosted a family of five in our home. We are a family of eight and we had five. We didn't speak Polish, but we figured it out. Those families that we supported are still here. I realize that from being involved with them prior to them coming here to them becoming productive citizens of Skowhegan the difficulties that they had to go to. You would only know if you were either experiencing this or helping them. No matter what you say, the majority of the people who come here want to work. They want to have a better life. Some of them, like the ones we sponsored were heroes back in their country and sacrificed everything for freedom and the right to work. There is no way that I would be anything but proud to support this bill because I understand the sacrifices that

take place to come here. I am very proud of the people who come here to work. I encourage you to support this. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. John F. Kennedy wrote a very succinct book called *The Nation of Immigrants*. He made the point that we are, in fact, a nation of immigrants, all of us, including the Native Americans who were here 30,000 years before the rest of us. I come from an immigrant background. They came here to work. They did work. Certainly I support Enactment of this measure. I hope you all do.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. My ancestors too were immigrants. They came here around the time of World War I fleeing the czars in Latvia and the Ukraine. When we came here we were dirt poor, but worked ourselves up and pulled ourselves up by our bootstraps. We did not ask for assistance from the government. When my great grandparents were here for a number of years they became US citizens. Anyone who comes here at a young age, like my great aunts and uncles have, they can become citizens. Also, I believe in the acts that allow many people to come to this country. They need sponsors and the sponsors sign that they will take care of their welfare. This isn't about political refugees that truly need help. This is immigrants who come to this country who should be working and not getting a handout.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. To my knowledge there are only three members of this body who are truly Native Americans. The rest of us are here because someone in our family chose to move to this country. They did so for a variety of reasons. Sometimes political upset, sometimes economic or whatever. We are here now. Many of the people who would qualify under this bill, which I must point out, was a unanimous committee report out of the Committee on Health and Human Services are elderly Franco women who for whatever reason never became citizens. Perhaps because they did not acquire a comfortable use of the English language. In order to become a citizen one must pass an exam and must be fluent in English. That leads me to my second point which is that many of the people who are now moving to my city, the City of Portland, do so because of political upset in other countries. If you read the headlines today, you can anticipate that in a matter of weeks or in a matter of months people from those areas will be moving to this country. They will be moved here by the Refugee Resettlement Program of the Catholic Charity of Maine. Many of those people are highly educated and very skilled people who will go on to learn English, in good time and to acquire skills and to contribute to this country, but in the meantime they cannot acquire jobs if they do not speak this language. I would hope that when we pass legislation and when we cast votes in this body we do so with true information and not based on stereotypes and slander and assumptions about the people who move here. Please join me in voting for Enactment.

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. 628

YEA - Ahearne, 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, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Madore, Mailhot, Mayo, McAlevey, McElroy, McKee, Meres, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Carleton, Kasprzak, Layton, Mack, Marvin, Nickerson, Pinkham WD, Vedral.

ABSENT - Bodwell, Dexter, Dutremble, Honey, Lovett, Mitchell JE, Nass, Paul, Plowman, Poulin, Taylor, Underwood, Winn.

Yes, 130; No, 8; Absent, 13; Excused, 0.

130 having voted in the affirmative and 8 voted in the negative, with 13 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

An Act to Modernize Maine's Fuel Tax Laws

(S.P. 585) (L.D. 1748)

PASSED TO BE ENACTED in the House on March 24, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-537)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-537) AS AMENDED BY SENATE AMENDMENT "A" (S-765)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend Certain Motor Vehicle Laws

(H.P. 1385) (L.D. 1939)

PASSED TO BE ENACTED in the House on March 24, 1998. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930) and SENATE AMENDMENT "A" (S-766)** in **NON-CONCURRENCE**.

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Prevailing Wage Laws

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

PASSED TO BE ENACTED in the House on March 13, 1998. (Having previously been **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "B" (H-804) AS AMENDED BY SENATE AMENDMENT "A" (S-475) THERETO

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-804) AS AMENDED BY SENATE AMENDMENT "A" (S-475)** thereto and **SENATE AMENDMENT "A" (S-772) in NON-CONCURRENCE.**

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act to Give Collective Bargaining Rights to Legislative Employees"

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

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-950) in the House on April 3, 1998.

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

Representative CLARK of Millinocket moved that the House **ADHERE.**

Representative WATERHOUSE of Bridgton moved that the House **RECEDE AND CONCUR.**

The Chair ordered a division on the motion to **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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 629

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bragdon, Bruno, Buck, Bumps, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Etnier, Fisk, Foster, Fuller, Gerry, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, MacDougall, Mack, Marvin, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Powers, Savage, Snowe-Mello, Spear, Stedman, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kasprzak, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Madore, Mailhot, Mayo, McAlevey, McKee, Morgan, Muse, O'Brien, O'Neal, O'Neil, Perry, Pieh, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, True, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bodwell, Dutremble, Honey, Lovett, Mitchell JE, Paul, Poulin, Taylor, Underwood, Winn.

Yes, 67; No, 74; Absent, 10; Excused, 0.

67 having voted in the affirmative and 74 voted in the negative, with 10 being absent, the motion to **RECEDE AND CONCUR FAILED.**

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

Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050) AS AMENDED BY HOUSE AMENDMENT "B" (H-1083) thereto in the House on April 7, 1998.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050) in NON-CONCURRENCE.**

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

Representative WHEELER of Bridgewater **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 Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. This bill is back. We had it this morning as you recall. At that time I did not speak to the issue because we had dealt with the bill. I thought it was inadequate debate. We do have it back. I did want to speak. It appears the point of contention is the diesel testing part of the bill. This is the bill the Inspection Maintenance Vehicle Program which includes a Cumberland County only auto emissions test and a diesel test, which is a statewide test. I just wanted to say a couple of words about the diesel test to remind you of what it is and what it is not and why we have it. The reason there is a diesel test in the bill is because of the public concern that the department heard and that legislators heard from the older program. It is also from the comments that were heard by the Department of Environmental Protection and others as they went around the state with meetings explaining the proposals under this Inspection and Maintenance Program. It is not something the committee or a couple of legislators thought would be a good idea. It is responding to what we hear from the public.

It only applies to diesel powered vehicles with gross vehicle weights of greater than 10,000 pounds that are used in commerce in trucks that are registered as farm trucks are excluded. It is not a test where you take a vehicle to a garage. It would only be conducted when a vehicle was stopped at a roadside check in conjunction with a weight station stop by the Maine State Police. The test would be conducted only when the vehicle was pulled over by the State Police and it would be conducted by someone from the Department of Environmental Protection. The test is one that every vehicle would not have and if you really read the bill you will see that there is a visual inspection of the stack done by an individual trained and if it does not meet a certain opacity level or if the smoke is too dark, then there is an actual test that is done, which is called a snap acceleration test. That test takes about six or seven minutes to administer the test. It is done by pressing down on the gas pedal and basically reading the opacity level of the exhaust.

Why do we do this? I had mentioned the complaint from citizens. I did some reading since the last debate on this bill and found out that there is a real problem with respect to health issues from diesel vehicles. It is primarily in the knocks, which we know is a contributor to ozone or smog. It also is the fine articulates. A lot of individuals have some pulmonary issues and

respiratory issues associated with the diesel emissions. Most truck owners know that vehicles that smoke or billow black smoke, they know that that represents an inefficient engine and that it behooves them to have some corrections made so that they can reduce their operating costs and also increase their fuel efficiency. For a lot of vehicles this is not a problem. I have a pamphlet which I found today sponsored by the American Trucking Association. It talks about the test around the country. You should know that this test would only be conducted in accordance with all the states in the northeast, the standards would be the same so that vehicles who travel throughout the northeast would not encounter different standards in different states.

I know that some of you have a problem with the bill and this because it is statewide. I would only say that it would be very difficult to put, I think, a program, you are putting it at the check points in one county. You know the problem. We dealt with it in the Cumberland County bill. I hope that you would stay with that. As I said this morning, I don't know if you heard me, but maybe it was in a caucus, but I have had a lot of people that have talked to me about my vote on that, but I stand by it and feel very good about that. It was the right thing to do under the circumstances. I did support a statewide program, but I appreciate how this body feels about that and I respect your opinions with respect to that. I ask you to keep an open mind about this because, again, we are not trying to put anybody out of business. This is simply those diesel trucks that billow the black smoke and they need some corrective measures taken. It is a health issue. This would put some mechanism in place to deal with that. This is not something that would be unique to Maine. It will be done throughout the northeast. I would strongly ask you to support the pending Recede and Concur motion. Thank you.

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

Representative USHER: Madam Speaker, Men and Women of the House. We all enjoyed three days off over the weekend. Two out of the three days I went to work. I got hammered on this issue. Not only from my constituents, which is naturally a good response from Cumberland County people, but we have people I work with from Oxford County, York County and Androscoggin County. They even talked to me and said it was a very unfair program. They said if you were going to do it, why don't you do it to the whole state? I explained it to them that this was before us also. They were very strong on this. They wouldn't let up. This is going to be real hard for a lot of people when you go back home because you stop and think of all the people that travel in the state where the majority do probably come through Cumberland County and go to the other counties. I think a better proposal could be put before us. Right now I am not going to support the present motion.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Here we go again. I didn't think I would have to stand up here and speak to you today on this issue. I thought maybe the other body would go along with the amendment so we could go on to other issues. Now I would ask you to vote against the Recede and Concur motion so that we can Insist and ask for Committee of Conference. It is time we stood up to the federal government and tell them enough is enough. They want to force us their will by taking our money and telling us what we have to do with it. We also need to stop putting unnecessary regulations on our people. This bill, the way it is written, goes beyond the federal standards. It is not required and is burdensome to an industry that means a lot to us here in this state. We need to give the trucking industry some credit for

what they have done well. Today it takes eight trucks to put the pollution into the atmosphere that only took one in 1985.

Also, the word is out that the Maine Motor Transport was in favor of this bill. That is just not true. What happened was the committee came out with a different agreement than what the Maine Motor Transport had agreed to. I would ask that you continue your concern for an industry that will be adversely affected by this bill and support the amendment. This is a local issue for me as well as a statewide issue and should be to everyone in this chamber. This state is a big one and we rely heavily on the trucks to transport our goods back and forth through this state.

Sanctions will not be imposed until next year, which gives the 119th time to do what is right. I would ask you to think about that. The 119th could take care of this situation in the proper manner and do what is right. Another thing, the truckers are fined for their violations if found in violation. The CarTest had no fines except for fees. You talk about standards, the northern states, there is no standards. The federal Government hasn't set standards. I would ask that you defeat the pending motion so that we can Insist and ask for a Committee of Conference.

The SPEAKER: The Chair would advise the Representative as well as other members of the House, the motion to Insist and the motion to Adhere kill the bill. Recede and Concur puts us in concurrence with the other body.

The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. If that is the case, I would ask that you Adhere because this bill is not the proper thing to do for the state at this time.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I urge you to vote against the pending motion, which is Recede and Concur, precisely for the reasons that were put forward as a choice by the Speaker. I want to see this flawed, probably unworkable bill basically sent off into the ozone for this particular session. I have the feeling like I am trapped in one of those grade B horror movies. This is sort of like "Son of CarTest." The first movie, I was there for that one. I didn't like that much and I don't think this one, although it is a lower level film, is much better. In all truth, we do have a problem. In all candor, I cannot say having listened to the debate and having followed the rather tortuous part and various configurations of this bill that this bill as it exists today in any way reasonably, substantially, prudently addresses the issue. I was there for CarTest and of all the votes I have cast, and I have cast a lot of votes during my four terms, that is the one that I regretted. I voted for it, but I am certainly not going to make that mistake again today. I urge all of you, for both substantial and political reasons, don't make that mistake yourselves. I am not running for reelection to the Legislature, but many of you will be. Try to explain this one out in the districts if you vote for it. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. I get really ugly whenever we talk about this. I talked about it with my mom about, of all people, this weekend and I got ugly with her. She said, "I heard you guys are going to reinstitute CarTest." She said those two words, CarTest. I said I had heard CarTest about 100 times back in the Legislature last week and I got to tell you real simply in two sound mom what this bill is about. I am going to make two sounds for you. The first one is Sss. The second one is . . . The first one is the sound

that it makes when a good gas cap is opened. The second sound is a sound that your engine is going to make when you turn the key if the diagnostics don't work. That is it. For otherwise reasonable people that stand around and argue about a ghost from several years ago is ludicrous, idiotic, with all due respect mom. What this is about is thumbing our noses at the federal government. To many people, I think, that is a sport. Well, folks, if you want sport, you ought to join a horseshoe league. This is public policy and if you can't join the horseshoe league maybe there is a place for you at Ruby Ridge or Waco or someplace like that. This is really a situation where we should be taking the money and run.

The SPEAKER: The Chair would advise the Representative to restrain himself and address the issue.

Representative O'NEIL: There is \$100 million gun being pointed at our heads. When I say take the money and run, I mean that they are really offering us \$100 million way out that is very easy. I agree with the Representative Lemke that this doesn't have a whole lot of teeth in it, but that is no reason to not do something about it. This is the reasonable way to do it. The alternative is, as I understand it, is to get something that could be an equivalent to what we had as CarTest. With all due respect to you folks and to my mom, let's get off of this CarTest thing and talk about the issue at hand. Thank you.

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. 630

YEA - Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chartrand, Chizmar, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kontos, LaVerdiere, Lemaire, Lindahl, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Watson, Winn, Wright, Madam Speaker.

NAY - Ahearn, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Driscoll, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Sanborn, Savage, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Tobin, Treadwell, True, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Bunker, Dutremble, Honey, Lovett, Paul, Poulin, Taylor, Underwood.

Yes, 63; No, 80; Absent, 8; Excused, 0.

63 having voted in the affirmative and 80 voted in the negative, with 8 being absent, the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative WHEELER of Bridgewater, the House voted to **ADHERE**.

**ENACTORS
Acts**

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

(S.P. 727) (L.D. 1969)
(S. "A" S-701 to C. "A" S-565; H. "A" H-1153)

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. **ORDERED SENT FORTHWITH**.

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

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

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

(H.P. 1631) (L.D. 2259)
(C. "A" H-939; S. "B" S-708)

Which was **TABLED** by Representative KONTOS of Windham pending **PASSAGE TO BE ENACTED**.

On motion of Representative KERR of Old Orchard Beach, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "B" (H-1160)**, which was **READ** by the Clerk.

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

Representative KERR: Madam Speaker, Men and Women of the House. The amendment that is before you changes the statutory requirement of a two-thirds vote of the Legislature to a simple majority of the Legislature to approve actions of the Government Facilities Authority. For those of you that were unaware, the two-thirds vote was put in place to replicate a general obligation bond. You and I know that these are general obligation bonds. There has been a significant amount of differences of opinion to the use of this approach. As you know, when we passed LD 1950 there was a Section Part DD that I would like to read to you. The Maine Government Facilities Authority pursuant to the Maine Revised Statute Title 4, Section 1606, Subsections 1 and 2, "The Maine Government Facilities Authority is authorized to issue securities in its own name in the amount of \$5.5 million for the purpose of paying the cost of court house projects or parts of projects in Lewiston, Springvale and other locations designed by the Maine Government Facilities Authority." By having that two-thirds vote in the budget document that was passed, the rating agencies look at that two-thirds vote as a requirement. This will cost the state a greater percentage to borrow the money.

The second piece of this amendment deals with the state controller to transfer the first \$19.3 million of general fund revenue surplus at the close of the fiscal year, which is June 30 in 97-98 to the reserve fund for State House preservation and maintenance. Using today's surplus, as I speak, even beyond the two revenue projections, there is an excess of \$60 million. If you take that \$60 million as if it were June 30th today, \$30 million of that would go into the Rainy Day Fund. As you know, under statute, 50 percent of the surplus goes in the Rainy Day Fund. Of that 50 percent, as I said, \$30 million goes to the Rainy Day Fund and \$19.3 million would first be taken out. That would go toward the House preservation and maintenance. The remainder would go into the Rainy Day Fund. That would be the \$10.7 million. On the other side of the ledger you would look at the remaining \$30 million and as we know, 50 percent of that goes into the Retirement Allowance Fund, which would be \$15

million. We passed legislation to deal with the troopers. There is a fiscal note on that bill of \$2.8 million. The \$2.8 million would be paid first. The remainder would go into the Retirement Allowance Fund. The other \$15 million would be put in unappropriated surplus. That is what this amendment does. I think that it is important if we eliminate the two-third vote required because we did pass a document that authorizes the Judicial Branch of government to expend \$5.5 million. I would urge your support of this amendment. Thank you.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. I urge you to defeat the question before us. This amendment is riddled with problems. If you take a look at it, it is HP 1160, Section 3 transfers some funds at the conclusion of the fiscal year we are in. As far as I know according to the state's constitution, Article 4, Section 16, acts of the Legislature don't take effect for 90 days after the adjournment of the session in which they were enacted. That makes me wonder how we are managing to transfer these funds to be expended before the bill would actually take effect.

Also, I see that we are trying to reduce the requirement of a vote on a bond issue from two-thirds to a majority vote. In the Constitution, again, it says that the Legislature may not loan out the credit of the state indirectly or directly. It also can't create any debts or liabilities on behalf of the state. Again, indirectly or directly, without a two-thirds vote of the Legislature, both bodies, and without a vote of the people. A simple majority of the people. If we look at parliamentary law, which is part of all our common law, we see the legislative body is prohibited from delegating its authority to some other authority or committee. The power of the legislative body to enact legislation to do any act requiring the use of discretion cannot be delegated to a minority, committee, officers, members or to any other body. This is pretty clear. It is so clear that it is mentioned in many other places in our parliamentary law, part of our common law. Where duties or responsibilities are imposed on a public body as on the State Legislature, that body is bound to exercise those duties and responsibilities and cannot divest itself of them by delegation to others. Not only are we delegating the authority to others, but we are also limiting our power as a Legislature that we must live up to according to the Constitution and our oath of office. That oath is to make sure that any direct or indirect debts of the state are voted on and approved by two-thirds of both bodies. Here we are with an amendment to reduce that to just a simple majority.

I would hope that you would consider these facts and vote against the pending motion because it does weaken our authority as a Legislature and go against our oath of office. Please vote against the motion.

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

Representative KERR: Madam Speaker, Men and Women of the House. I respectfully disagree with my fellow colleague who just spoke. I don't think that this amendment is riddled with anything. I think it is pretty simple and clear cut. For those of us who have been here, this is nothing unusual. We have done it before. When he makes reference to Section 3, as we all know, the books aren't closed until the middle of July at the best. At the end of the month we would appropriate the money if, in fact, there was a surplus. If there was no surplus that would exceed \$40 million because that is what you would need, then, in fact, we would go ahead and continue with the legislation the way it is drafted to deal with the Maine Government Facilities Authority. Let's not forget that in 1980 when the Legislature first established the Maine Court Facilities Authority, this process was done all

the time. You never needed a two-thirds vote. This is not to circumvent a bond. We are not dealing with a bond. This bill, dealing with the Maine Government Facilities Authority was passed a year ago. We are not putting up as we would a general obligation bond, the good faith and credit of the state. We are not dealing with, like the turnpike, dealing with a dedicated source of funds to fund a revenue bond. This is separate and distinct. There is nothing wrong with this amendment. I was looking for another option so that, in fact, the resources that would become available, if, in fact, there would be a surplus that we would just take the funds out of the General Fund.

The other fact that we did pass legislation dealing with the Maine Court Authority to authorize up to \$5.5 million that if, in fact, the bond agencies looked at the legislation the way it was passed and there wasn't a two-thirds vote requirement, the conditions that the rating agency would place on us, they would charge us more. I say more for the cost of those bonds. Again, I would urge your support of this pending legislation.

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

Representative O'BRIEN: Madam Speaker, Men and Women of the House. I know I will be corrected if I am wrong, but from what I remember, I was a cosponsor of the bill that formed the Governmental Authorities Facility last year. At least I was supportive of it and I believe I was a cosponsor and I am also cosponsor of the bill before us to preserve the State House and renovate the state facilities. However, I sat this aside. I have thrown away most of the amendments that came across our desks in the last few days. This one I set aside because it did pique my interest. It does concern me. In my humble view, we are pledging our state facilities. This is like a bond. Why, when we supported this last year to form the Governmental Authorities Facility, I was sold on the idea that it would have to be two-thirds. That is a good safeguard. All of a sudden with one amendment in the very last hours of our session it is going in to strip it all away. I feel very, very uncomfortable with this. It may have happened in the past, but that doesn't ease my discomfort one bit. Thank you.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. Some of you might remember that when LD 2259 first came to the floor several weeks ago, I spoke quite strongly in opposition to the bill primarily because as a member of the State and Local Government Committee, I felt that if there were improvements to this complex, it should have had a hearing before the committee.

Secondly, as a cosponsor of the original Governmental Facilities Authority Legislation, I felt that the department had a responsibility to inform at least those legislators about their intent for making improvements to this building. You can imagine after that floor debate I was quickly quarantined in the hallway by the deputy commissioner and commissioner for the Department of Administrative and Financial Services. They made clear to me their support for the bill and the details of the project. Quite frankly, when the bill came here this afternoon I was prepared to vote in support of it. I was going to be proud in support of the improvements that were to be made to these facilities. Suddenly this amendment, (H-1160), comes before us and in very quick motion attempts to change a very serious policy decision that was made during the last session. That policy was to require that two-thirds vote be required of any capitol improvement project undertaken by the Governmental Facilities Authority. Here, this afternoon, in just minutes before dinner in an amendment that you have seen only briefly, you are being asked

to make a significant policy deviation from a decision that was made, contemplated and debated hours upon hours upon hours in the State and Local Government Committee and then subsequently on the floor of this chamber in the last session. While I wanted to support the bill this afternoon, I find myself in yet another difficult position of being forced to vote against the bill because a significant policy decision, significant policy deviation, if you will, is being created by this amendment. Thank you.

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

Representative SAXL: Madam Speaker, Men and Women of the House. The problem with a two-thirds vote, again, as in my good friend from Buxton's favorite manual, Mason's Manual, we operate by the rules of this in the House. In Section 512, which discusses two-thirds vote, Section 6, it says and I quote, "A deliberative body cannot by its own act or rule require a two-thirds vote to take any action where the Constitution of controlling authority requires only a majority vote. To require a two-thirds vote, for example, to take an action would be to give to any number of more than one-third of the members the power to defeat the action that amounts to a delegation of the powers of the body to a minority."

The problem is that this statute that we have on the books conflicts with our own rules in this chamber. In order to conform with rules of this chamber, we need to make this technical change. It already has been done. We have voted for the Government Facilities Authority and utilized it with the 50 percent vote. As the good Representative from Old Orchard Beach has discussed with you, the fact that our law conflicts with our rules means that the bond banks have trouble determining what the appropriate rate of interest is. If we want to keep the rate of interest as low as possible, obviously, our rules and our law should be in conformance. The Rules of the House and in the tradition of this body, the Rules of the House supersede any other. That is the reason behind this amendment. It is not underhanded. It is straight forward. It is well within Masons and I urge you to support the pending motion.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. I am starting to enjoy this. There is one rule that we hold more dear than Mason's Manual and that is our Constitution. That is the reason we have the request for a solemn occasion. Setting that aside, another thing that we have done often in here is especially when it comes round to 9:00 is we look at Section 284 of Mason's Manual and we have suspension of rules by implication. I have a document in front of me that says last year we passed into law a two-thirds approval. Therefore, the action of the body, which was in violation of the parliamentary rules is acceptable as a suspension of the rules by implication and since we have suspended that rule, Section 512, therefore does not apply. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

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

The SPEAKER: The Representative may pose his question.

Representative WINSOR: Madam Speaker, Men and Women of the House. A question to the chairman of the Appropriations Committee if possible. The question is, by looking at this it appears that \$19,000,283 will be transferred from available surpluses at the end of the fiscal year. The question specifically is, how does that leave the \$4 that is anticipated in the budget to be transferred or be used by the University of Maine for research and development? Is that the

same pot of money? Is it possible that the university will not get its money if this money is transferred?

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

Representative KERR: Madam Speaker, Men and Women of the House. One is from lapsed balances. This comes from surplus.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. I hope we are not still reading the various rule books while this building falls in around us. It seems to me that in all of the debate no one has raised questions about the validity of the need to do the repairs. Everyone of us has agreed and we have certainly heard from the folks back home the need to repair the people's house. What we are concerned about today as we talked about the bond issue was the question of adding more bond debt and the major resistance to that argument, the proposal this afternoon, was the threat of a building bond debt and going beyond our means to support it way out in the future. It seems to me that the only thing that the good Representative from Old Orchard has done is attempted to help us solve the problem that we all agree needs to be solved, but to do it a manner without incurring long-term obligation, thereby, using some anticipated surplus funds if they are available to apply them to the good cause we all agree on. I can't see what we are all arguing about and why we can't just agree to use funds that may be available to solve the problem and accomplish the objective that we all seem to agree is worthwhile. Thank you Madam Speaker.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-1160)**.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. It is interesting to probably make a couple of points. One, Maine law does overrule our House Rules. Statutes are superlative. The Constitution is superlative to that. Second, there is part of this amendment that I like. I like the idea that we are not going to go out and borrow, with or without the people's authority, the \$19 million to fix this House. The parts that are concerning is what you do beyond that. This body set a threshold since we were not going to go to the people for that borrowing and indirectly obligate them. I don't want to rehash the arguments of the debates of earlier in the day, but since we are not going to go to them for their permission to borrow on their behalf to fix their building, we ought to at least set a threshold that is higher than just a simple majority. The good part about this and I don't want to sit down without having made that is my concern of earlier of pledging the people's house as collateral for a loan. At least this building will not be offered up as far as I can read the amendment. Only the building across our parking lot will be. Still it is a serious implication as a banker in my other life. I like good sound collateral. It sounds like good sound collateral. There is no revenue stream other than the taxpayers. The good part about this is it takes it out and the bad part is it lowers the threshold for the overall borrowing. It lowers that which binds us to seriously considering something and making sure it is the absolute right way of obligating the people of the State of Maine before we do it.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I, too, sat up straight in my seat at the

suggestion that House Rules overrule state law. Beyond that, I think one of the things that we haven't really explicitly discussed is that there is a policy reason for requiring a two-thirds vote on bond issues. After all, it is a vote that obligates payment over a long period of time. There is a reason why the Constitution requires a two-thirds vote on bond issues. It seems to me that we are discussing the details of all of this without getting into the policy reasons. The policy reason is that when we borrow long-term, we ought to have more than a simple majority. Whether you agree with the various constitutional arguments raised by the Representative from Buxton or not, it seems to me that the policy is still there. The policy is that when you borrow long-term, a lot of money to pay back over a long period of time, you ought to have more than a majority vote. I hope that you will vote against adoption of House Amendment "B."

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1160)**.

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 Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. I would hope that we would all take a deep breath. I think listening to the debate on the floor that there was a growing consensus that not moving toward bonding, but doing it out of any potential surplus has a lot of support in this body. I think what is causing the problem is the change from a two-thirds to majority, which really doesn't have anything to do with renovating this House, a House that we want to improve and prevent from falling into decay. I would hope that we could reject this amendment, after that someone would table this bill until the good Representative from Old Orchard Beach could come back with the same amendment without that change from two-thirds to majority, then I think we can get on with renovating this House.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-116). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 631

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

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

ABSENT - Dutremble, Fisk, Honey, Lovett, Paul, Poulin, Taylor, Underwood, Wheeler EM.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, **House Amendment "B" (H-1160)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-939), Senate Amendment "B" (S-708) and House Amendment "B" (H-1160) in NON-CONCURRENCE** and sent up for concurrence.

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

The House recessed until 8:30 p.m.

(After Recess)

The House was called to order by the Speaker.

ENACTORS

Acts

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

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

(S. "A" S-705 to C. "A" H-910)

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

On motion of Representative MURPHY of Kennebunk, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 632

YEA - Bagley, Baker, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Cameron, Chartrand, Chick, Chizmar, Cianchette, Colwell, Cowger, Davidson, Desmond, Donnelly, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, Marvin, McKee, Mitchell JE, Morgan, Muse, Nass, O'Neil, Ott, Peavey, Pendleton, Perkins, Pieh, Povich, Powers, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Ahearne, Barth, Berry DP, Bodwell, Bragdon, Bruno, Buck, Campbell, Carleton, Clark, Clukey, Cross, Dexter, Driscoll, Foster, Gerry, Goodwin, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Mayo, McAlevey, McElroy, Meres, Murphy, Nickerson, O'Neal, Pinkham RG, Pinkham WD, Plowman, Poulin, Rines, Sanborn, Savage, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Dutremble, Fisk, Honey, Lemont, Lovett, O'Brien, Paul, Perry, Quint, Taylor, Underwood, Vigue, Winn.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Acts

An Act to Modernize Maine's Fuel Tax Laws

(S.P. 585) (L.D. 1748)

(S. "A" S-765 to C. "A" S-537)

An Act to Amend Certain Motor Vehicle Laws

(H.P. 1385) (L.D. 1939)

(C. "A" H-930; S. "A" S-766)

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.

ENACTORS

Acts

An Act to Amend the Prevailing Wage Laws

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

(S. "A" S-475 to C. "B" H-804; S. "A" S-772)

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

On motion of Representative PENDLETON of Scarborough, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 633

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

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Campbell, Carleton, Cianchette,

Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Madore, Marvin, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Brooks, Dutremble, Fisk, Honey, Lemont, Lovett, Paul, Perry, Quint, Taylor, Underwood, Vigue, Winn.

Yes, 80; No, 58; Absent, 13; Excused, 0.

80 having voted in the affirmative and 58 voted in the negative, with 13 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Representative ROWE of Portland moved that the House **RECONSIDER** its action whereby the House voted to **ADHERE** on Bill "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act"

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

The same Representative moved that the Bill be **TABLED** pending his motion to **RECONSIDER** whereby the House voted to **ADHERE** and specially assigned for Wednesday, April 8, 1998.

Representative DONNELLY of Presque Isle **REQUESTED** a division on the motion to **TABLE**.

Representative KONTOS of Windham **REQUESTED** a roll call on the motion to **TABLE**.

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

Representative DONNELLY of Presque Isle **WITHDREW** his **REQUEST** for a division.

Representative KONTOS of Windham **WITHDREW** her **REQUEST** for a roll call.

Subsequently, the Bill was **TABLED** pending the motion of Representative ROWE of Portland to **RECONSIDER** whereby the House voted to **ADHERE** and specially assigned for Wednesday, April 8, 1998.

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

On motion of Representative USHER of Westbrook, the House adjourned at 9:04 p.m., until 9:00 a.m., Wednesday, April 8, 1998 in honor and lasting tribute to Wesley N. McKague, of Westbrook and Alexander E. Landry, of Westbrook.