

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 19, 1998 - March 31, 1998

**Second Special Session**

April 1, 1998 - April 8, 1998

**Appendix**  
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ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND SPECIAL SESSION  
5th Legislative Day  
Wednesday, April 8, 1998

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

Prayer by Reverend Sheldon Smith, First Congregational Church, Waterville.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

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)

**FAILED OF ENACTMENT** in the House on April 7, 1998.

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

Representative KONTOS of Windham moved that the House **RECEDE AND CONCUR**.

Representative DONNELLY of Presque Isle **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. 634**

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

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

ABSENT - Belanger DJ, Bolduc, Brennan, Davidson, Dutremble, Etnier, Fisk, Green, Joyner, Lovett, McKee, O'Neil, Paul, Perry, Plowman, Tessier, Underwood, Winn.

Yes, 79; No, 54; Absent, 18; Excused, 0.

79 having voted in the affirmative and 54 voted in the negative, with 18 being absent, the motion to **RECEDE AND CONCUR FAILED**.

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

**Non-Concurrent Matter**

Bill "An Act to Reauthorize the Toxics and Hazardous Waste Reduction Laws"

(S.P. 784) (L.D. 2111)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **NATURAL RESOURCES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-663)** in the House on April 7, 1998.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **NATURAL RESOURCES** **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 in **NON-CONCURRENCE**.

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

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

**Non-Concurrent Matter**

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

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

(C. "A" H-1089)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1089) AS AMENDED BY HOUSE AMENDMENT "C" (H-1156)** 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 ENACTED** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act to Opt out of the Federal Requirement to Use Reformulated Fuel"

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1037) AS AMENDED BY SENATE AMENDMENT "A" (S-714)** thereto in the House on April 7, 1998.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **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 and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

On motion of Representative ROWE of Portland, the House voted to **INSIST** and join in a **COMMITTEE OF CONFERENCE** in concurrence.

**Non-Concurrent Matter**

An Act to Promote Access to Public Higher Education  
(H.P. 1453) (L.D. 2044)  
(C. "A" H-842)

**PASSED TO BE ENACTED** in the House on March 13, 1998.

Came from the Senate **FAILING OF PASSAGE 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 "A" (H-1157) to Committee Amendment "A" (H-842)**, which was **READ** by the Clerk.

Representative DONNELLY of Presque Isle **REQUESTED** a division on the motion to **ADOPT House Amendment "A" (H-1157) to Committee Amendment "A" (H-842)**.

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

Representative VEDRAL: Madam Speaker, I rise with a question of order. I wonder if it is appropriate to adopt an amendment to an amendment that we have already passed.

The **SPEAKER**: The motion is in order. The motion was accepted to Recede. It is appropriate to offer an amendment after the motion to Recede is accepted.

Representative GOOLEY of Farmington **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1157) to Committee Amendment "A" (H-842)**.

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 Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. The amendment before you is one that has received some attention that I would be most eager to help you understand. As many of you know, I am on the faculty of the University of Maine Augusta campus and have been there since 1981. It is a wonderful place to be a teacher. Seventy-three percent of our students are female. Ninety-nine percent of our students are Maine residents. It has the third largest student enrollment of all seven campuses. I tell you that so you understand the kind of dilemma that has faced that campus over the last few years and why it is important for all of us to continue to support this particular campus as one of the seven campuses of the state system.

As you may be aware, UMA once had the interactive TV system affiliated with it, which was a source of its funding. That arrangement has changed over the last couple of years. What UMA faces is a period of time starting last year now and moving for the next two to three years to try to recover some major budgetary issues, most of which are not created by the campus itself. It was only last Wednesday, a week ago, that it came to my attention that the campus will be facing a \$100,000 shortfall as it prepares its budget this month and next to go before the trustees. That particular shortfall, in my judgment and the judgment of many on our campus, is the result of years of what many have called benign neglect by the system. Those problems are in process of being corrected. I am happy to say because the trustees have realized the value of that campus and its mission, particularly in central Maine, as well as statewide and have realized the importance of a campus that is particularly designed to meet the needs of nontraditional students who don't have football teams and don't live in dorms and who have families and children and jobs and live within commuting distance of the campus.

I know what some of the objections to this matter are. They have been raised on other issues and they are undoubtedly in

the minds of some of you. If you need to find reasons not to support this amendment, I can't stop you. This particular amendment did not come through the committee process, as is true with other issues. It does have the support of the members of the committee. It does have support of the chancellor. It is designed to help bridge a period in time while UMA puts its fiscal house in order. We have suffered there. We are revisiting lots of the issues in terms of our mission, in terms of degree programs that are offered, configuration of faculty, relationship with Bangor and Lewiston with ITV. For that reason, this \$100,000 in this amendment will allow this campus to continue to move forward.

I need to tell you that just in case there are any rumors. My position will not be in any way affected so there is nothing personal about this. As I told Legislative Council when I presented the amendment, I do this on behalf of my colleagues and the students that I have had and the students that I have yet to see who rely on this central Maine campus to help them fulfill their dreams. This received an 8 to 2 vote in Legislative Council. That shows some bipartisan support. I am happy to say that the two members of Legislative Council from this body and the other party supported this particular request that evening. That pleased me very much because they understood my commitment to this campus. I don't bring such issues forward at the last hour in a frivolous way. I love UMA. I love my colleagues there. I love the students there. Those of you who happen to have it in your district are fortunate to have a kind of vibrant part of your community that is eager to grow and be strong. For that reason, I hope you will support passage of this amendment acknowledging that it came to you in a rather unusual way. I make no apologies for that. I would suggest to you that if it were up to any one of you, you would be doing the same to advocate for something that you believe in for people that you care about, for students that you love. For that reason, I hope you will be supporting adoption of this House Amendment and I thank you for the opportunity to talk about my campus.

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative MCELROY: Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this amendment. I was very surprised to see it here this morning. The good Representative from Windham makes an excellent, outstanding case to why the amendment should be there, but I thoroughly am disgusted with the process where \$100,000 can be tacked onto a perfectly good legitimate bill. The \$75,000, the 20/44, the original piece of legislation was, in my mind, an excellent piece of legislation. It allowed high school students to participate in college courses with the state and the university system or the college paying for that course. That was a good piece of legislation. To add arbitrarily another \$100,000 onto it for one campus at the University of Maine System, to me, has a tendency to go against my grain and the grain of many people in this state. I don't doubt that the University of Maine in Augusta has some significant problems, as do all of the university campuses, but there is a problem in my mind with approaching it this way. There has been a funding system set up within the university system for a number of years, which was not adequately taking care of Augusta, apparently, along with some of the other smaller colleges. That system has been corrected. It has been updated and all of those colleges will be seeing a different approach to financial support. To kind of tweak the Augusta program by \$100,000 is totally unfair to the rest of the colleges. Thank you very much. Please turn this amendment down.

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative BELANGER: Madam Speaker, Men and Women of the House. I rise in opposition to the pending motion. Very briefly, there are great needs at the University of Maine Augusta Campus. I recognize that and I supported addressing that issue through the regular process. I think that situation is at least being partially addressed in the budget and through the Board of Directors. This amendment bypasses the process and it also bypasses the University of Maine Board of Trustees. Are we getting into a situation where each campus, each session will introduce legislation to add to their budget and have themselves considered on an individual basis? I think it is bad policy. I hope you will join me in opposing the pending question. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Madam Speaker, Men and Women of the House. I rise this morning to support the amendment as a member, not only of the Education Committee, but also a member of the UMA community here in Augusta and statewide, because statewide is the mission of UMA. I am not going to stand here and list for you the statistics of all the students that we serve across this state from north to south and east to west. I am rising in support of Representative Kontos and all the other members of the Education Committee that I know that have heard long and hard, not just this session of the Legislature, but in the 117<sup>th</sup> about the trials and tribulations of UMA as one of the least funded of all of the seven campuses. I really want to thank my colleagues on the Education Committee that spoke just previously to me who acknowledged that UMA has had difficulties, grave difficulties in fiscal affairs and that we, as a Legislature, and the Board of Trustees and the chancellor have tried to rectify those to some extent. Unfortunately in this budget cycle, it is not going to happen.

We found, to our amazement, very late as Representative Kontos said, on Wednesday morning, that there would be \$100,000 shortfall in this budget cycle. What we have done, those of us that care deeply about education and access to education for all Maine residents, is to do something in the short term, in the interim, to help one of our campuses that is still suffering that has not been able to come up from the ashes. I sincerely hear and have heard people talk about being outside of process. It is true this did not come through the Education Committee. I wish it had. I wished I had had a heads up about a month ago when I could have sat down with the colleagues on my committee and talked to them and reminded them that some of them don't need to be reminded of what has been happening here in Augusta under our very noises. We didn't have that opportunity, regretfully. This is not unprecedented that we, as a body, can come to the aide in an emergency situation no matter what the issue that we have it within our power and our capacity to amend the bill and it is a good bill that Representative Brennan put in. We all fully supported it on the committee to give access, once again, to residents of Maine's higher education. This amendment is a good amendment. I besiege you to support it. Thank you Madam Speaker.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I have been listening to specific needs for educational programs for two years now. They have been addressed through the budget appropriations and what I see here is an extra \$100,000 for additional support for UMA students. That is exactly what the amendment says. That is all it says. I say why not do the same for all students at state universities? Last year there was an LD, 1410, which asked for additional funding for a one time appropriation of \$1 million for the University of Maine at Augusta. I did a little research into

this. I found that in the end, that \$1 million request resulted in, if my figures are right here, it resulted in \$250,000, which went to the University of Maine System. Now, what happened after it went to the University of Maine System, that \$250,000, I don't know. It is interesting, but, yes, the University of Maine at Augusta is the lowest funded per student campus in Maine, but in second place on the lower side is University of Maine at Farmington. I guess I see this as something that I will not support because I think that the problems of funding for the university has already been addressed. I will not be supporting this. Thank you.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. First of all, I want to say that I have always supported the University of Maine at Augusta for what they have done over the years. I may do that this morning. However, there are two questions, which I need to ask and before I ask them I want you to know that I have been on record for years saying that the way we do the budgets and the way that the monies are sent out to our systems have been wrong for years. They never took into consideration how they have grown, what things that they have had to do and especially in renovations or having buildings. I wish that we, as a group or the educational committee, would perhaps study that someday. If I remember correctly, reading and I know there was a short fall on the budget, but recently I read that an outside consulting firm had given to the university system a report that showed that UMA certainly deserved, I believe it was \$600,000 and another sum of money to the University of Maine Farmington. What I need to know, if someone could answer that, is that true? Does that shortfall that was anticipated a little smaller than what it was? This is a very small amount. I want to say that I think I championed the UMA cause simply because, if I remember correctly, there was a little small college jump to the university system up in Bangor that seemed to be here, there and everywhere and the trustees started, I believe, to be a part of the University of Maine System. They let it go and I must say that UMA sort of was a mother school who took it in. I think that was a great thing to do, otherwise, it undoubtedly would have closed. I am sympathetic with that, but I do need to know in my mind what has happened in the last month relative to the budget and the monies which have been evidently asked for by the outside consulting firm, which was asked to give a report to the university system. Thank you.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I too have to go on record as opposing this amendment mainly because of process, not that I don't support higher education. To answer a question that the previous speaker asked concerning the distribution formula that the university system is using, that has been revamped and will go into effect next year. The shortfall this year, however, will not be addressed by that formula, which I understand. Because of process though, I cannot support this amendment. Thank you.

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

Representative COLWELL: Madam Speaker, Men and Women of the House. I just want to address a couple of points. There have been a number of people, Representatives, who have spoken about opposing this because of fairness and issues of equity. Well, the reality is that UMA has, I believe, the highest graduation rate in the system. The reality is that these are nontraditional students. These are men and women who go back to better lives, further their education so that they can

provide for their families in a better manner and be more contributing members of society. The reality is that there is a \$6,000 difference between the funding that follows a student to the Orono campus and the funding that follows a student to the University of Maine at Augusta campus. The good Representative from Farmington said that the university in that community was second lowest on the list. That is true, but they still have a \$2,000 increase in funding per student than UMA. The nontraditional student at UMA who is working hard to make a difference in their lives and a difference for their families lives is receiving right around \$2,000 per student. I would suggest that anything that we can do to make that situation more equitable and fair, we ought to do it. Thank you.

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

Representative POVICH: Madam Speaker, Men and Women of the House. Please support the pending motion. The University of Maine in Augusta serves Maine and my area extremely well, extraordinarily well. I know that. My stepdaughter studies at the Ellsworth Center at the University of Maine at Augusta. She went out of state to study in Vermont for one semester. She hated it. She was miserable. She returned home and didn't know what to do. At the Ellsworth Center she is being served very, very well. She is in her element. It helps my business. She is studying business and she works in my store. It is wonderful. Recently Eastern Maine Technical College entered into a collaboration with the University of Maine in Augusta. It has entered into an articulation agreement. They are even establishing a presence in Ellsworth. I always envied Machias and the other towns, Fort Kent, that had a campus there. It is great economic development tool to have a campus. In a way, Ellsworth now has a campus thanks to the University of Maine of Augusta. I am excited about it. It is what I think we need. This system is growing fast. It is maturing and the future remains bright with this amendment. Please support the pending motion. Thank you very much.

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

Representative BAKER: Madam Speaker, Men and Women of the House. I rise as a member of the Education Committee and also as a person connected with UMA through the University College in Bangor. I do support this amendment, but I need to tell you that this a Band-Aid on a gaping wound. It hardly stanches the flow of blood flowing out of that campus. It is important to know the history and to understand what has gone on there and just briefly, UMA, as I understand it, was a thriving campus. Somewhere along the way in the mid '80s George Connick and the then chancellor decided that UMA would create the distance learning system for Maine. The faculty had little choice. They picked up the task and they did it. They created the courses. They created the network. They did the work. Now, as you have just heard, that enterprise has been removed from their authority, but that faculty and that campus paid the price. Distance learning was seen as the future for Maine. It was the be all and the end all. It was going to provide access to people in the far reaches of this state. That dream has not been realized. Why? Maine does not have the population to support that enterprise. We have reached a plateau. Distance learning and ITV enrollments have fallen. Yes, various communities are served, but no where near to the extent that was promised.

The University College in Bangor was literally cut loose from Orono with no funds three or four years ago. Why? Distance learning was going to reach such profits that those profits would pay for that enterprise. That was, in the view of many, a foolish dream that has not been realized. The campus has been left in shambles. That story has not adequately been told yet. I hope it

will be, but you can imagine the embarrassment at the system level regarding the millions of dollars that have been poured into what I call the ITV drain.

Now meanwhile we have students, valuable students, who need educating. We have programs that need to endure and they threaten to be cut right now because yet again UMA cannot pay its bills and the system has not been right by that campus. This \$100,000 is a drop in the bucket. At least it will save a couple of valuable programs. I hope for that reason you will support it and with your support you will send a message to the chancellor of the University of Maine System and the Board of Trustees that enough is enough. Fix this situation. Thank you.

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

Representative OTT: Madam Speaker, Men and Women of the House. This debate, I think, is revolving around the merits of whether or not we should be providing additional funds for the University System and I think that we need to get focused on the process. I don't think there are any arguments that the funds are needed. We had over 100 bills on the Appropriations Table that needed monies and there were many of them that didn't get funded. There were some crucial ones that only got half funded. We only funded half, less than half about a fifth of the requests, for the homeless shelters. We only funded about half the requests for the Medicaid waivers for the handicapped. I don't think it is an issue here about whether or not there is a need. I think it is the process. We have mentioned it before on this floor. My recollection is the bills on the Appropriations Table, which there were over 100, with the exception of the so-called Allagash Page Camp, most of those went through the committee system. Now we are about to embark on a new way of legislating. We are really going to weaken this structure if we continue this type of process. Honor the process. This motion should be defeated. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I suggested that LD 1410 had an appropriation request of \$1 million as a one time appropriation. The result of that was \$250,000 that went to the University of Maine System. My question is, can anyone answer what did the University of Maine System do with that \$250,000?

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

The Chair recognizes the Representative from Hampden, Representative Plowman.

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

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I refer to an article in the *Kennebec Journal* dated March 31, 1998 regarding the University of Maine System and the federal government. There was a great deal of money expected from these two sources. It may have been stated and I missed it. Can I ask what happened to the funds that were due to the University of Maine at Augusta?

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

Representative KONTOS: Madam Speaker, Men and Women of the House. The questions of the Representative from

Hampden and the Representative from Farmington are questions about the budget preparation at the campus that you may presume I can answer, but I am sorry I can't answer in that detail. What I can tell you from conversations that I have had with the campus president is there are three instances that have come together at the same time to create the kind of emergency that I was hoping this amendment could address. There have been additional funds, but it is as if you are making up for a reduction that has been in existence for a long time. The Representative from Farmington is right. I can't say how they spent \$250,000. I don't think that information is anything that anyone of us have at our fingertips. I can tell you that what has happened right now is a Title 3 grant of \$300,000 that was part of the operating budget at UMA has been concluded. There is a net loss of that amount of money.

Secondly, at the same time because of contracts, there was a factory buyout for retired faculty who are retiring that caused the campus nearly \$600,000, which will be recovered over time. Those two things, roughly \$300,000 and roughly \$600,000, came at the same time. There are currently nine faculty vacancies and the campus has only the amount of money to fund three of those vacancies. I am not doing a great job of this. I admit it. What I know is there have been a series of events that have occurred at the same time even while the trustees have acknowledged they need to pay more attention, not only to UMA's funding, but to the University of Maine at Farmington. They have begun to do that. That process, however, is going to take two, three or four years to recover from the loss of funding over time. It was my hope that this amount of money can help in addition to what the trustees have already promised to bridge that time period when these other events have occurred. I don't believe I have answered the Representative from Hampden's question because I don't have those budget details in front of me. I am sorry I can't speak in more detail about that.

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

Representative TOBIN: Madam Speaker, Good morning Ladies and Gentlemen. It is beautiful one. It is not a question of process because I advocate taking the least traveled road on many occasions, often times that produces the best results and we learn the most. In my mind it is a question of priorities. I live in a school district and I have been an educator all my life, both in higher education and in K-12, where we are having difficulty moving the asbestos in the schools. There are many classrooms in K-12 that do not have computers. We have to bond \$140,000 to fix a school roof. I am an advocate of higher education. I believe everyone should have an opportunity to pursue it, but we have to think about our priorities. K-12, our young elementary children do not have the type of education that they deserve or need in this state. This bill and amendment has lots of merit, but I propose that there are a lot of other things in education in the State of Maine that should come first. Therefore, I am asking you to vote against this amendment. Thank you.

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

Representative O'BRIEN: Madam Speaker, Colleagues of the House. I thought this was going to be an easy day, but it is not. I am very torn this morning. I need to go on record to say that I am very much a supporter of UMA. I cosponsored a bill last session with Representative Watson to work on establishing a funding formula for the university system. The University of Maine at Augusta is woefully underfunded and has been for a very long time. I know very, very well some of the programs that have been cut. We have FORUM-A, which is an arts organization at the University of Maine at Augusta, was a wonderful asset to our community. It was cut. Many of my

constituents are students or faculty members there. I am very concerned. I am torn this morning. I have stood up several times in the last two years and talked about process. I talked about the integrity of the process and I am really, really torn with this today. I went home last night very shaken. I am very upset about something that happened last night here because of the process. In order to live with myself, I have to oppose this. I do pledge to work for UMA in the future. I believe that as Representative Baker alluded to a few moments ago, this is a Band-Aid. It is a desperately needed Band-Aid. There is no question in my mind that we have been very, very unfair in the past to the University of Maine at Augusta system. I don't think that I can support this.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Madore.

Representative MADORE: Madam Speaker, Men and Women of the House. I guess it is going to be the dueling Augusta delegation because while I am concerned about the process too, I will be voting for this. For all the reasons, I think, particularly, Representative Baker just mentioned, having lived through quite a bit of that, I was once an employee at the university. I worked in advising when I was a student there for about a year and knew full well how much the university had struggled then and continues to struggle now. That \$100,000 has a face and a name. I knew many of those people myself and I still do. I have a constituent right now who is trying to get off welfare and is going through the nursing program and supporting her 3 year old daughter. With that \$100,000 it is probably going to miss probably the last two credits and maybe have to wait possibly two semesters in order to be able to get that. There is a real need here. That \$100,000 may seem like a lot, but it is really a small drop. The university right now is at a crisis level, I think, next year we are going to \$200 and the following year \$300,000. There doesn't seem to be any end in sight. I am going to be supporting this and on behalf of my constituency, I want to thank Representative Kontos for being forthright and brave enough to put forth the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative MCELROY: Madam Speaker, Ladies and Gentlemen of the House. I really can't believe that I am up two times in one day, but assuming that this is our last day, I might as well make it a whiz banger. I don't think there is any question in this House as to whether I support or do not support education. I support education from the time the child is born until we drop dead, which incidentally happens to us without legislative action. The university has and has had great needs and it will continue to have great needs until we look at education in the State of Maine as something that significant in our lives and needs to be properly funded, which I don't believe that we do. We don't approach it in a proper manner. We Band-Aid it all over the place. We jump up and down with 3 percent and 2 percent or 50 percent or whatever happens to be the occasion. I become concerned when at the tail end of this session an excellent bill, such as 2044 gets loaded down with something that probably is necessary, but is not necessary. It is not appropriate to load a piece of good legislation down with a piece of something that is not quite as good. I think we need to review the whole process and make it comprehensive. I will now sit down. I thank you for listening to my babbling, but I just don't think this is the right way to go at this time of the session or this time as far as the education funding is concerned at the University System. Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I only want to comment that when we discuss process, I would hope that we would be consistent. The debate we are having today echoes almost identically the words we spoke two years ago about the funding for the Norway Armory, which came up suddenly out of nowhere and was funded off the Appropriations Table at an amount of about a half a million dollars. There are also items which were passed in the budget over my objections, which were not attached to bills including money for the St. Croix Waterway Commission and money for improvements to Route 11 in Aroostook County. I would only ask that if one has an objection in terms of process, that would check that objection consistently.

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

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

The SPEAKER: The Representative may pose her question.

Representative RICHARD: Madam Speaker, Men and Women of the House. We are voting on the amendment, not the bill. Am I right?

The SPEAKER: The Chair would answer in the affirmative.

A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1157) to Committee Amendment "A" (H-842). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 635

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

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

ABSENT - Dutremble, Etnier, Fisk, Joy, Lovett, O'Neal, Paul, Underwood.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, **House Amendment "A" (H-1157) to Committee Amendment "A" (H-842) was ADOPTED.**

**Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-1157) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-1157) thereto in NON-CONCURRENCE** and sent up for concurrence.

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

#### Recognizing:

Carrie Pelletier, for her 12 years of dedicated service to the House of Representatives. Carrie came to the Legislature from Millinocket in 1986 as a secretary to John Martin. In her tenure, Carrie has served 3 speakers, 6 Legislatures and over 900 Legislators while maintaining her bright cheery smile. Her extraordinary ability to do 10 things at once has been invaluable. Her institutional knowledge will be greatly missed. Most people who pass through the Speaker's Office will never know the critical role Carrie plays in its smooth operation. The Legislature's loss is truly Kennebec Valley Technical College's gain. Carrie will be greatly missed by all. We wish her every success in her new position;

(HLS 1391)

Presented by Speaker MITCHELL of Vassalboro.

Cosponsored by Representative KONTOS of Windham, Representative SAXL of Portland, Senator MICHAUD of Penobscot.

On **OBJECTION** of Representative THOMPSON of Naples, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. It is indeed a pleasure and an honor to be standing up here to say a few words about my friend, Carrie Pelletier. She has worked here in the Speaker's Office now for 12 years, as you saw in the Sentiment. During the four years that I have been here, she has been invaluable to not only the Speaker's Office, but to members of the House of Representatives. Her job description, quite simply, is to do everything that she can to make the Speaker's life easier. She does that by working tremendously long hours during session especially and always seems to do it with a smile. In addition to all of the things that she does for the Speaker, she always finds time to help out members of the House when they need something or when they are looking for something or they are trying to get something from the Speaker or whatever. She deals with the largest constituency in the State of Maine. We think we have it bad dealing with constituents, but all of our constituents often times call the Speaker's Office looking for things. She is the one that has to juggle the Speaker, juggle the constituents and juggle all of the requests for the Speaker's time, which are many. She is always able to keep everyone happy when she does it. I still don't know how she does it. For all of these things, we thank her and I personally want to thank her for everything she has helped me to do in my time here.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I hope you take this in the manner it is intended. Speakers come and go. Every Speaker leaves his or her imprint upon this institution. Each is unique. Each contributes to the history of the State of Maine, but I have to say what Carrie Pelletier has done, Speakers coming and Speakers going, for this body and because for this body and the people of the State of Maine, she is going to be one heck of an act to follow. I really can't say anymore than God speed, Carrie.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. Even though we are honoring a partisan employee, I want to rise today in support of my friendship for her. I was very nervous returning back to this House after an eight

#### SPECIAL SENTIMENT CALENDAR

year absence and only knowing a handful of people. I guess when you look at Representative Usher and Dexter you can see why I would be nervous. It was amazing the effect that Carrie had in December coming back and seeing that familiar, friendly, helpful face. That transition of coming back, you relieved my nervousness and I can't say that I felt like I had never left, but I think you are living proof that friendships and respect cross party lines. Thank you Carrie.

The CLERK: "Dear Madam Speaker and Members of the House, I would like to express my deepest gratitude to all of you. The kindness that you have all shown to me is greatly appreciated. The flowers, the gifts and the best wishes mean so much.

In my twelve plus years here in the Speaker's Office a lot of things have changed. I have worked with three different Speakers and many different Legislators, but I have always felt a sense of kindness and caring from all of you.

The decision to leave the Speaker's Office and State Government was a very difficult one for me. I have literally grown up here. Ironically, the day I was interviewed was the day of former Speaker Martin's secretary's retirement party. I was put to work on that very day (still not knowing in what capacity until I was shown my desk). This was a Wednesday, as if I wasn't shaking at the knees enough I was told by Clerk Pert that I had three days to prove myself. Well, I guess I did ok!

Seriously, my experiences have been very exciting. They will remain with me always. I will miss everyone very much, but I am looking forward to a new challenge and more time with my family. Thank you. Signed Carrie Pelletier."

**PASSED** and sent up for concurrence.

#### Recognizing:

the Elan Boys Basketball Team on receiving the Class D State Basketball Tournament "Sportsmanship Award" given by the State Principals' Association. The team finished the regular season with an 18-0 record and were runners-up in the semifinal Class D Basketball Tournament. We extend our congratulations and best wishes to the members of the team;

(HLS 1394)

Presented by Representative SNOWE-MELLO of Poland.

Cosponsored by Senator PENDLETON of Cumberland, Senator CLEVELAND of Androscoggin, Representative RICHARD of Madison.

On **OBJECTION** of Representative SNOWE-MELLO of Poland, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

Representative SNOWE-MELLO: Madam Speaker, Ladies and Gentlemen of the House. Although the Elan Boys Basketball Team could not be here today because of classes and finals, I still would like to stand here and say that once again the boys from Elan have shown like shining stars. This truly is remarkable because Elan is a school for youth who have severe behavioral and truancy problems. The youth are taught to be good sportsmen and women to have manners. When they leave Elan what they have learned will stay with them as they leave Elan and enter life outside of Elan. I am truly, truly proud to be their State Representative. Thank you.

**PASSED** and sent up for concurrence.

#### TABLED AND TODAY ASSIGNED

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

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)

- In Senate, Senate **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050)** in **NON-CONCURRENCE**.

- In House, House **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050) AS AMENDED BY HOUSE AMENDMENT "B" (H-1083)** thereto on April 7, 1998.

**TABLED** - April 7, 1998 by Representative ROWE of Portland.

**PENDING** - Motion of same Representative to **RECONSIDER** whereby the House **ADHERED**.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I would just like to briefly explain my intentions and what I am doing. I would like to Recede because I would like to offer an amendment. I won't go into the amendment, but to say it is a technical amendment that simply changes a word. The reason I am doing this is because there is already an amendment on this bill, as you know, it is the amendment of the Representative from Bridgewater, Representative Wheeler, that deletes the statewide diesel testing. My intention is not to try to strip that. My intention is simply to keep that amendment on and send the bill back to the other body in non-concurrence to keep the bill alive. I would ask for your support. Thank you.

Subsequently, the House **RECONSIDERED** its action whereby it voted to **ADHERED**.

On motion of Representative ROWE of Portland, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "C" (H-1165)** to **Committee Amendment "A" (H-1050)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-1050)** as Amended by **House Amendment "B" (H-1083)** and **House Amendment "C" (H-1165)** 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)** and **House Amendment "C" (H-1165)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

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

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

#### ENACTORS

##### Act

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

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

(S. "C" S-771 to C. "B" H-1101)

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 Create a Task Force to Study  
Telecommunications Taxation

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

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

**COMMUNICATIONS**

The Following Communication: (S.C. 708)

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

April 7, 1998

The Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted and asked for  
a Committee of Conference to its previous action whereby Bill,  
"An Act Concerning Legislative Review of Rules Adopted under  
the Maine Clean Election Act" (H.P. 1678) (L.D. 2296) was  
passed to be Engrossed, without Reference to a Committee in  
non-concurrence. The House had adhered to reference to  
Committee on Legal and Veterans Affairs.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Protect Internal Waters of the State

(H.P. 55) (L.D. 80)

**PASSED TO BE ENACTED** in the House on March 6, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-805)**)

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

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

**Non-Concurrent Matter**

An Act to Increase Health Insurance Benefits for Retired  
Educators

(H.P. 132) (L.D. 174)

**PASSED TO BE ENACTED** in the House on March 5, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "B" (H-815)**)

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

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

**Non-Concurrent Matter**

An Act to Provide Computers for Use in the Legislature

(H.P. 416) (L.D. 566)

**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-1033)**)

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

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

**Non-Concurrent Matter**

An Act to Implement the Recommendations of the Judicial  
Compensation Commission

(S.P. 322) (L.D. 1062)

**PASSED TO BE ENACTED** in the House on March 25, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "B" (S-542)**)

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

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

**Non-Concurrent Matter**

Resolve, Compensating Dan Corey and Nu Seed Corporation  
of Monticello for Claims Against the State of Maine

(H.P. 1461) (L.D. 2052)

**FINALLY PASSED** in the House on March 25, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-933)**)

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

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

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENACTED** in the House on March 13, 1998.  
Came from the Senate with the Bill and accompanying  
papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act to Amend the Laws Relating to Development and  
Centralized Listing of Municipal Ordinances That Apply to Forest  
Practices

(S.P. 583) (L.D. 1746)

**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-527)**)

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

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

**Non-Concurrent Matter**

An Act to Authorize Additional Adjustments to the State  
Share of School Funding

(H.P. 1250) (L.D. 1769)

**PASSED TO BE ENACTED** in the House on March 25, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-955)**)

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

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

**Non-Concurrent Matter**

An Act to Encourage the Payment of Delinquent Taxes  
(S.P. 606) (L.D. 1803)

**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-513)**)

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

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

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**Non-Concurrent Matter**

An Act to Protect and Maintain Opportunities for Students by  
Funding Jobs for Maine Graduates

(H.P. 1406) (L.D. 1970)

**PASSED TO BE ENACTED** in the House on March 10, 1998.  
Came from the Senate with the Bill and accompanying  
papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Regarding the Responsibility of the State for the  
Costs of School Employee Record Checks and Fingerprinting

(H.P. 1536) (L.D. 2163)

**PASSED TO BE ENACTED** in the House on March 25, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-976)**)

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

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

---

**Non-Concurrent Matter**

An Act Regarding the Recommendations of the Task Force  
on Improving Access to Prescription Drugs for the Elderly

(H.P. 1587) (L.D. 2218)

**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-1074)**)

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

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

---

**Non-Concurrent Matter**

An Act to Increase Economic Security for the State's Low-  
income Children and Families and Prevent Additional Costs to  
Municipalities (EMERGENCY)

(S.P. 791) (L.D. 2118)

**PASSED TO BE ENACTED** in the House on March 18, 1998.  
(Having previously been **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (S-497)**)

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

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

---

**Non-Concurrent Matter**

An Act to Provide Funds for the Maine Apprenticeship  
Program

(H.P. 1504) (L.D. 2126)

**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-848)**)

Came from the Senate with the Bill and accompanying  
papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.  
The House voted to **RECEDE AND CONCUR**.

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An Act to Create the Maine Economic Opportunity Advisory  
Committee

(H.P. 1571) (L.D. 2203)

**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-924)**)

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

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

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

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

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

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

(C. "A" H-1089)

Which was **TABLED** by Representative SAXL of Portland  
pending **FURTHER CONSIDERATION**.

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

On further motion of the same Representative **House  
Amendment "C" (H-1156)** to **Committee Amendment "A" (H-  
1089)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment  
"A" (H-1137)** 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. The amendment that I am proposing does nothing  
more than allow the Department of the Attorney General,  
Department of Secretary of State and the Office of State  
Treasurer not to participate or choose to participate in the  
strategic planning of performance budgeting initiatives. I would  
urge your support.

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: Thank you Madam Speaker.  
Just for a point of clarification. To Representative Kerr of Old  
Orchard Beach, what is the difference between this amendment  
and the amendment that was just Indefinitely Postponed?

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. Just a sunset date of 2003. We leave it intact as the  
original bill.

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. Is the sunset for the entire Performance Based Budgeting Project or just the sunset on the clarification that the Constitutional Officers are not required to participate?

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. The original law as it exists stays intact. All this amendment does is it gives the Constitutional Officers the opportunity of their choice whether to participate or not to participate in the strategic planning of performance based budgeting.

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: Thank you Madam Speaker. I apologize. For a point of further clarification, the sunset date, I apologize for not having the amendment readily available in front of me. I am sure it is somewhere, but the sunset date that Representative Kerr mentioned, what is that in regard to?

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. The original bill called for the sunset in the year 2006. The amendment that I just stripped off called for it in 2003. The amendment that I have just offered in which I hope this House adopts leaves the original sunset at 2006, which is in the original bill in current law.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Thank you Representative Kerr for clarifying that. I now encourage folks to support this pending motion.

**House Amendment "A" (H-1137) to Committee Amendment "A" (H-1089) was ADOPTED.**

**Committee Amendment "A" (H-1089) as Amended by House Amendment "A" (H-1137) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1089) as Amended by House Amendment "A" (H-1137) thereto in NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative CARLETON of Wells, the House **RECONSIDERED** its action whereby it **RECEDED AND CONCURRED** on An Act to Provide Computers for Use in the Legislature

(H.P. 416) (L.D. 566)

On further motion of the same Representative, the House voted to **INSIST. ORDERED SENT FORTHWITH.**

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

Bill "An Act to Reauthorize the Toxics and Hazardous Waste Reduction Laws"

(S.P. 784) (L.D. 2111)

Which was **TABLED** by Representative ROWE of Portland pending his motion to **RECEDE AND CONCUR.**

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

Representative DEXTER: Madam Speaker, Men and Women of the House. I hope you will defeat the pending motion so that we may Adhere. I am a little bit amused that the loyal opposition contacts the newest member of the House. He has been here three months and I am a 20 year veteran. It doesn't bother me that much, but I understand the process. I did make that statement and it was a horror show. I admitted to that. Let me tell you the rest of the story. The next year they repealed that and they passed the present law, which is working. It is working men and women of the House. Now, if we Adhere, the bill dies. Let me tell you something else. The program is fully funded in the supplemental budget and there is no sunset. Things will go along just the way they are. Jobs will be saved in Washington County, Franklin County and we will do the job right next year. Some of us will be here and some won't. I served a good many years on that Natural Resources Committee by 1990. One of the persons that I served with is Representative Usher. At that time he was the Senate Chair. In six years that we worked together, I was the lead person in my party, I can't recall of one single disagreement, maybe he can, but I can't recall. I will put my environmental record up against anyone. I do preach common sense. Sometimes that seems to be lacking. Common sense, ladies and gentlemen, that is the story. Now you know as much about it as I do. Madam Speaker, when the vote is taken, I request the yeas and nays.

Representative DEXTER of Kingfield **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 the motion to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 636

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

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

ABSENT - Baker, Bunker, Driscoll, Dutremble, Etnier, Fisk, Joy, Kerr, Lovett, McElroy, Paul, Underwood.

Yes, 58; No, 81; Absent, 12; Excused, 0.

58 having voted in the affirmative and 81 voted in the negative, with 12 being absent, the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative DEXTER of Kingfield, the House voted to **ADHERE. ORDERED SENT FORTHWITH**.

Reference is made to Bill "An Act to Opt out of the Federal Requirement to Use Reformulated Fuel"

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

In reference to the action of the House on Wednesday, April 8, 1998, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative ROWE of Portland

Representative COWGER of Hallowell

Representative CIANCHETTE of South Portland

## SENATE PAPERS

### Non-Concurrent Matter

An Act to Improve Public Sector Labor Relations

(H.P. 1503) (L.D. 2125)

(S. "A" S-569 to C. "A" H-937)

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

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-937) AS AMENDED BY SENATE AMENDMENTS "A" (S-569) and "D" (S-776)** thereto in **NON-CONCURRENCE**.

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

### Non-Concurrent Matter

An Act to Encourage Intergovernmental Cooperation

(H.P. 1617) (L.D. 2244)

(C. "A" H-1016)

**PASSED TO BE ENACTED** in the House on March 26, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1016) and SENATE AMENDMENT "B" (S-761) in NON-CONCURRENCE**.

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

On motion of Representative LANE of Enfield, the House **RECONSIDERED** its action whereby it **RECEDED AND CONCURRED**.

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

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

The SPEAKER: The Representative may pose her question.

Representative LANE: Madam Speaker, Men and Women of the House. Could I have someone explain to me what the Senate Amendment "B" does?

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Madam Speaker, Men and Women of the House. In response to the Representative's question, Senate Amendment "B" is a travesty really for property tax relief and to the citizens in the State of Maine. Senate Amendment "B" simply removes the real estate transfer tax provisions contained in the original bill and the authorization for a grant program to county government for a pilot project. Essentially what Senate Amendment "B" does is it provides that the original bill will simply now allow for counties and municipalities to engage in contracts

for the provision of municipal services. As you will remember, I contended in committee and then again on the floor of the House that that probably is already an option for the counties. This language apparently clarifies that provision in current statute that allows counties to contract with municipalities. The travesty really, in the Senate Amendment, is that it removes the funding for the retention of the real estate transfer tax, which you will remember, I told you would hopefully provide property tax relief, by the way of the county commissioners, simply reducing property tax rates. It is an unfortunate day when the Senate Amendment has received passage and I suppose that the pending motion is to Recede and Concur so, I would ask that you would defeat that and ask for a division.

Representative BUMPS of China **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

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

Representative SAXL: Madam Speaker, Men and Women of the House. The amendment also retains the intergovernmental working group that has been together trying to provide solutions for problems which occur between the levels of government. It is the desire of that group to continue to meet with some official recognition. I would ask you to Recede and Concur and to allow this to go forward. Please follow my light.

Representative SAXL of Bangor **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 the motion to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

### ROLL CALL NO. 637

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

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

ABSENT - Baker, Dutremble, Etnier, Fisk, Joy, Kerr, Lovett, McElroy, Paul, Underwood.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, the House voted to **RECEDE AND CONCUR**.

## SENATE PAPERS

**Non-Concurrent Matter**

An Act to Require Law Enforcement Agencies to Collect Data Regarding Public Intoxication, to Extend Immunity from Liability to Law Enforcement Officers and to Establish a Group to Study Involuntary Commitment of Persons Suffering from Chronic and Life-threatening Substance Abuse (EMERGENCY) (MANDATE)

(H.P. 562) (L.D. 753)

(S. "B" S-503 to C. "A" H-798)

**PASSED TO BE ENACTED** in the House on March 18, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798) AS AMENDED BY SENATE AMENDMENT "C" (S-774)** 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 House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

Reference is made to 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)

In reference to the action of the House on Wednesday, April 8, 1998, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative DONNELLY of Presque Isle

Representative CAMERON of Rumford

Representative McALEVEY of Waterboro

**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939) and SENATE AMENDMENT "B" (S-708) and HOUSE AMENDMENT "B" (H-1160)** in the House on April 7, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939) and SENATE AMENDMENTS "B" (S-708) and "C" (S-779) in NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: (S.C. 709)

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

April 7, 1998

The Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that President Mark W. Lawrence has appointed to the Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill, "An Act to Opt out of the Federal Requirement to Use Reformulated Fuel" (H.P. 489) (L.D. 660) the following:

Senator Sharon Treat of Kennebec

Senator Richard Ruhlin of Penobscot

Senator Richard Bennett of Oxford.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

**ENACTORS**

**Act**

An Act to Give Collective Bargaining Rights to Legislative Employees

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

(H. "C" H-950)

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

On motion of Representative HATCH of Skowhegan, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby it **ADHERED to PASSAGE PASSED TO BE ENGROSSED as Amended by House Amendment "C" (H-950)**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "C" (H-950)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1166) to House Amendment "C" (H-950)** which was **READ** by the Clerk.

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

Representative HATCH: Madam Speaker, Men and Women of the House. This amendment eliminates the general fund cost to the bill in the fiscal years '98 and '99. It establishes the effective date of the bill to July 1, 1999.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. This amendment basically rips any cost away from the current fiscal year and puts it down the road over a year. We are doing nothing but obligating the next session of the Legislature to this bill that we are creating. I think we ought to deal with it and deal with now if we are going to deal with this issue. Thank you.

Representative CAMPBELL of Holden **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1166) to House Amendment "C" (H-950).**

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 "A" (H-1166) to House Amendment "C" (H-950). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 638**

**YEA** - Ahearne, Bagley, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Madore, Mailhot, McKee, Morgan, Muse, O'Brien, O'Neal, O'Neil, Perry, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, 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, Chartrand, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, MacDougall, Mack, Marvin, Mayo, McAlevy, McElroy, Meres, Mitchell JE, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Poulin, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

**ABSENT** - Baker, Cameron, Dutremble, Etnier, Fisk, Joy, Lovett, Paul, Plowman, Savage, Underwood, Winn.

Yes, 70; No, 69; Absent, 12; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, **House Amendment "A" (H-1166) to House Amendment "C" (H-950) was ADOPTED.**

**House Amendment "C" (H-950) as Amended by House Amendment "A" (H-1166) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "C" (H-950) as Amended by House Amendment "A" (H-1166) thereto in NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS  
Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1050) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1083) and "C" (H-1165) thereto in the House on April 8, 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.**

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

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1089) AS AMENDED BY HOUSE AMENDMENT "A" (H-1137) thereto in the House on April 8, 1998.**

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENACTED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1089) in NON-CONCURRENCE.**

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

Representative OTT: Madam Speaker, Men and Women of the House. This bill is now back to the Committee Amendment, which was a unanimous report out of Appropriations on passage. It does embrace a number of changes that were made, mostly recommendations from the Commission on Performance Based Budgeting. I think that this will put this current law in a much better perspective in terms of implementing performance based budgeting. Just as a short review, if you remember, this performance based budgeting concept came to us as a result of the recommendations from the Select Committee on Government Restructuring back in 1991. In 1995 this body, after evolving through a number of discussions through the enactment of Public Law 705, which embodied those principles that were put forth by the restructuring committee. Those basically addressed a method of budgeting that would look at outcomes rather than line items and to whether or not we increase or decrease certain budgets. It looks at measurable strategies, goals and objectives and priorities and basically looks at the results of certain programs rather than trying to micromanage them.

The current law, as most of you know, also set in place certain deadlines that we were able to meet in some respects and hit certain targets for departments that were to address strategy plans. That was done in August of 1996 and again in February of 1997. Departments and agencies created pilot budgets for at least one of their programs. That had been done in September 1997. We had to do a pilot program that involved process between agencies. That was done and the next step would be full implementation. We were on a short ship in terms of the time schedule and the whole purpose behind the bill that was brought forward on this measure was to sit back and let more time evolve so that everyone fully understood the process. That, I think, is what you are seeing now in the amendment that has basically replaced the bill and what we will be voting on now for a two-thirds majority.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I want to point out that this is different from the position of the Senate in that one amendment excludes all four Constitutional Officers, one does not. One for some reason requires the Department of Audit to continue to participate in this project while other Constitutional Officers do not. I believe the other issue is in a matter of timing, although they have been flung back and forth across my desk, I can't say that I am entirely current on that one.

The **SPEAKER**: The pending question before the House is the motion to **RECEDE AND CONCUR.**

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary a total was taken. 121 voted in favor of the same and 15 against, and accordingly the House voted to **RECEDE AND CONCUR.**

Subsequently, the Bill was signed by the Speaker and sent to the Senate.

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**ENACTORS**  
**Emergency Mandate**

An Act to Require Law Enforcement Agencies to Collect Data Regarding Public Intoxication

(H.P. 562) (L.D. 753)  
(S. "C" S-774 to C. "A" H-798)

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. 107 voted in favor of the same and 17 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**Mandate**

An Act to Improve Public Sector Labor Relations

(H.P. 1503) (L.D. 2125)  
(S. "A" S-569 and S. "D" S-776 to C. "A" H-937)

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

Representative JOYCE of Biddeford **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. 639**

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

NAY - Bodwell, Buck, Campbell, Carleton, Cianchette, Dexter, Donnelly, Foster, Goodwin, Joyce, Joyner, Labrecque, Layton, MacDougall, Mack, Marvin, Murphy, Nass, Nickerson, Pinkham WD, Plowman, Snowe-Mello, Stedman, Taylor, Treadwell, True, Vedral, Waterhouse, Winsor.

ABSENT - Baker, Barth, Dutremble, Etnier, Fisk, Joy, Lovett, Ott, Paul, Savage, Thompson, Underwood.

Yes, 110; No, 29; Absent, 12; Excused, 0.

110 having voted in the affirmative and 29 voted in the negative, with 12 being absent, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Act**

An Act to Encourage Intergovernmental Cooperation

(H.P. 1617) (L.D. 2244)  
(C. "A" H-1016; S. "B" S-761)

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

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 710)

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

April 8, 1998

The Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,500,000 to Construct Water Pollution Control Facilities; to Clean Up Tire Stockpiles; to Investigate, Abate, Clean Up and Mitigate Hazardous Substance Discharges; to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program; and to Make Drinking Water System Improvements" (S.P. 826) (L.D. 2224).

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

Senator Sharon Treat of Kennebec

Senator John J. Cleveland of Androscoggin

Senator Mary Small of Sagadahoc

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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

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

Which was **TABLED** by Representative SAXL of Portland pending **FURTHER CONSIDERATION**.

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

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

Representative ROWE: Madam Speaker, Men and Women of the House. This is the auto emissions testing bill we have back before us in a posture of non-concurrence. As you recall

this morning, we sent it back to the other body with the diesel testing program stripped off. The other body has adhered so we are back in non-concurrence. I have just moved to Recede and Concur to go with the other body and my reasons for doing that are numerous. I am not going to cover them all. I am concerned about this program. You have heard a lot about these sanctions that could occur if we do not adopt a program. You know that those are real. You received a letter from Commissioner Melrose, the Transportation Commissioner. We know there could be a reduction in federal highway dollars. We know there could be some sanctions with respect to no new industrial growth in certain parts of the state unless there is some offset with respect to emissions. We have also heard that the EPA could come in and put a program in. You have heard those over and over again. I just put them before you. I just moved to Recede and Concur, which is to go back with the Senate's position, which is the Cumberland County only auto emissions program and the statewide diesel testing program. I do that this morning. I agree to send it back the way we did. The House sent it back. We have tried this many times. We can't get the other body to agree. I would encourage you to vote how you feel. I have made this motion in good faith. I believe this would, if we were to pass this, the bill would come back a final time, but this would put us in concurrence and this is why I made the motion. Thank you.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. We have done this bill several times and I really don't want to go through all the things that we have gone through before, but I would ask you to vote against this pending motion. The other body seems to not have too much concern about the sanctions that may be put on our Transportation funds. I don't believe that the sanctions will take affect in the next year. I would strongly urge your support for voting against this pending motion and follow my light. I think this is a bad bill as it is and we need to have further action later. Thank you.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I would urge you to vote with this motion. Many of you who voted to end this program yesterday come from districts that are looking forward to increased highway funding for projects in your areas all over the state. We have heard a lot through this session and previous sessions about the conditions of roads in everybody's districts and how you would like increased attention from DOT for those roads. This year the federal government seems to be allotting more money to our states than they have the past years. Yet here many of you may be jeopardizing that money in future years simply over some minor testing for both automobiles and diesel trucks in the state. I think it would be a mistake to kill this program. From what I remember of the objections of the first testing program, one of the biggest objections I heard was that diesel trucks were not being included. If we are going to pass any testing for vehicles of automobiles, whether it is in Cumberland County or statewide, I think the public would demand that we at least begin a testing program on diesel trucks. That is all this program asks is basically random testing for trucks that are visually polluting. It is not testing every truck. It is a program that the industry had a lot of input into building on. I think the only truckers that wouldn't want this program tested on their trucks are those who want to continue driving trucks that pollute the air and are basically unsafe to the environment. I would ask that you support this motion so that we can continue to have a safe source of highway funding and keep our air cleaner.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. During the eight years I have been a member of this Legislature, I have fought many fights. I have fought them as long and as directly and as honestly as I could even if I lost. I wanted to take this opportunity to say to the good Representative from Portland, Representative Rowe, that he believes very strongly in his position. He believe in it, if you will, transcending politics because by his light, his position is a good one. I do want to salute him for fighting the good fight. It is always important to do that. I also have to again say that I cannot support this bill as it now exists for reasons which I discussed on the floor previously. I do urge you to vote with the good Representative Wheeler so we can move on. We are near the end of the session. We will move on. We will deal with this issue later. I am sure we will deal with it in a prudently and justly manner. Now I ask you to vote against the pending motion.

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

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

The SPEAKER: The Representative may pose her question.

Representative PEAHEY: My question to anyone who can answer it, if the truck is tested and found in non-compliance, what are the consequences?

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

Representative ROWE: Madam Speaker, Men and Women of the House. It is in the original bill if I can find that. If you get the original bill, LD 2223, there is a fine of \$200 and if you get the vehicle repaired within, I think, two weeks then you take the proof of that and the fine is dismissed. For a subsequent violation, it can be a \$500 fine. I believe it is in the original LD 2223, which I have here with me. Here it is, yes, a \$200 fine for a first violation. If repairs are made within 45 days, then there will be a rectification of the repairs made, then the fine can be forfeited or there is a withdrawal of the penalty and subsequent penalties could be a \$500 fine. It is on page 4 of the original LD. Thank you.

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

Representative COWGER: Madam Speaker, Men and Women of the House. I also encourage you to support the pending motion. I just want to remind the members of this body that the sanctions clock for the EPA has already started ticking with us and it is not something we are going to be able to stop. We received a letter June 6, 1997, which started this clock. It gave us an 18 month time frame to get an auto emissions program in place and approved by the EPA. This means that starting December 6<sup>th</sup> of this year that sanctions begin to take place. This is before the next Legislature comes to meet. I would just remind you again, the sanctions not only include withholding of highway funds, but they include severe restrictions on growth in Cumberland County and various restrictions on any industrial growth and also the likelihood of an enhanced emissions program, just like CarTest, either in Cumberland County or potentially even statewide and administered by the EPA. I encourage you to support the pending motion.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

Representative COWGER of Hallowell **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 Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I just want to take one last chance and ask you to consider Recede and Concur. Last summer I had a constituent who owns one of those trailer parks, mobile home parks, he was qualified under federal money to get money to put in a wastewater system. The EPA would give the money to Maine until he had enough staff or that they felt they had enough staff, so that the money would come forward. I think when we say things as we heard yesterday in debate like it is time to tell the federal government we have had enough. I agree with that, but at the same time that is a David and Goliath kind of a statement. We not only don't have stones, but we don't have a sling shot. It is much more like, I don't know, but most of you are in my general age. I don't know if you remember the little movie clip when I was in high school called "Bambi Meets Godzilla." It was like a five minute clip. Bambi is dancing about eating the flowers and smelling the flowers and chasing butterflies and eating grass and then this great big foot comes down and that is it. I invite you to consider that if we don't pass this bill in some form to bring us into compliance, that many of us are going to feel that impact this summer and money not coming through for our transportation needs. Please consider the Recede and Concur. Thank you.

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

Representative MCKEE: Madam Speaker, Men and Women of the House. Those of you who met me in the halls last night know that I was pretty upset. I have calmed down quite a bit. I am glad to see this back here giving us one more opportunity. I find it extremely baffling. The good Representative from Portland, Representative Rowe, has lead our committee extremely well since January. I greatly admire him for standing up for what he knows to be a good bill. We had numerous people who spoke to us about the problems of traveling on the highways with these diesel trucks who have done nothing about their problem. The good Representative from Buckfield, Representative Gagne, came to our committee with her own bill about the same problem. This is a bill which would require the grossest of the polluters to pull over and stop and have something done about an air emission which is clogging up our air. Maine Transport came to our committee and supported this bill.

I feel really bad for my own district as well as for your district. There is not a district sitting here that is not affected by this. In my district a road will be closed and the trucks that are headed for the paper company will be diverted onto another road, which will not be a very safe place. I ask you to think carefully about your decision. Why are you making this decision? We are we making this decision? There is time for all of us to work on environmental problems. The last three months have been good ones. We still have more to do. There is plenty that can be done this summer about the problems. For two-thirds of the state to be held hostage over the problem of non-compliance in one particular county is an extremely baffling situation. I urge you to support the Natural Resources Committee who have been working hard to preserve the environment here in the State of Maine and join us in trying to do something, not only to reduce the air pollution through car emissions through a very innocuous inspection system. Join us also in trying to do something about deeper problems here as well. Let's not cut off our nose to spit our face here.

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

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

The SPEAKER: The Representative may pose his question.

Representative WHEELER: Madam Speaker, Men and Women of the House. How many states have actually had money withheld because of sanctions put against them? I have asked this question many times and I haven't gotten an answer yet. How many states have had money withheld because of such instances as this?

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 Lewiston, Representative Bouffard.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. In answer to the Representative from Eliot's question, it is not too long ago that it took almost an act of congress to get back the funds that we lost due to not enacting a seat belt and helmet law. It isn't the first time it will occur.

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

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

The SPEAKER: The Representative may pose his question.

Representative WHEELER: Madam Speaker, Men and Women of the House. I guess this will be a little more direct. How many states have had money withheld because they are not in compliance with the car testing? Has there been any states with any money withheld?

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 Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. As the good Representative knows from our committee work, no state has had sanctions for air quality based on emissions. The reason for that is because the states that have faced that impasse have usually backed down and begun some form of testing rather than face the sanctions. No money has, in fact, been withheld because no state has gone as far as some might suggest we could. We could be the first to find out how those sanctions work if we continue down this road.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. We have heard for about two weeks now, maybe three, this is David and Goliath. We don't have a chance. We are playing chicken. We are going to get run over. We have heard all those things. That may be true, but I want to take 30 seconds and relay the story to you that happened to a community where I live about 20 or 25 years ago when we first started addressing the horrible pollution problems that we had back then of towns dumping their sewage directly into the streams. The small community near where I live was told that the pond that was within the bounds of that community would have to be drained and a sewerage line put in the bottom of that lake around the entire circumference of it and every camp on that pond would have to be hooked up to it. It would then have to be pumped from there some 15 miles to sewerage treatment plant. Guess what, that little community thumbed their nose at the federal government and it is 25 years later and there is no sewerage line. This is not unprecedented.

Our country was founded on the basis of power coming from the bottom up, not always from the top down. Uncle Sam doesn't have to control anything. They are not always right. To tell me

that we are going to get run over by the federal government and we should buckle under and kneel and bow, I can't accept that. I am sorry. We usually do that and I don't have any problems standing up and saying no we are not going to do it anymore. Yes, we are taking a chance, but maybe it is time the American people took a chance and stop being run over by the federal government. It doesn't always have to end up that way. I don't have any problem voting the way I am going to vote in opposition to this motion and go home and explain to my people why I did what I did because most of them feel the same way. They are sick of being trod on. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I want to take this opportunity to say that on this particular issue I agree wholeheartedly with the good Representative. Ladies and gentlemen, federalism works only if you try it.

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

Representative BULL: Madam Speaker, Men and Women of the House. I strongly urge your support to Recede and Concur. This diesel part of this testing was not put on here at the whim of the committee. This is something that came about from the recommendations based upon the fact finding process that the department went through to write the recommendations for the emission control program in the first place. We got a report on the emissions program and in the process they held numerous public hearings in Presque Isle, Bangor, Augusta, Lewiston and Portland. It was truly a wide spectrum of the state. Over and over again people were coming back and saying please, let us do something addressing the diesel issue. As the good Representative from Rockland attested to, this is one of the big drawbacks of the past program that people felt was a big mistake and people did not understand why diesel trucks were not being tested.

The program that we have set up in the committee report is very unintrusive. It simply goes along with the weigh station. I guess I am just baffled. I do not understand why people would not want to test diesel trucks. I don't understand this thing that it goes above and beyond the EPA requirements. Since when is the US EPA the end all on this. Since when has it said that we cannot go above and beyond what the US EPA recommends. Their recommendations are the bare minimum. We can do better than that and that is what we are trying to do. I really do not understand this, the EPA doesn't require it, so let's not do it. Just because they don't require it does not mean that it is not a good idea.

Again, there are a lot of monies at stake here, particularly up in northern Maine. We have Route 11. There has been a lot of concern about that. There are federal monies earmarked for that, which could be in danger. There has been federal monies earmarked for the East/West Highway, which I know is very important to many people in this chamber. That might be at risk as well as millions of other dollars. In all due respect to the Representative from Rumford, I don't want to find out if they are serious. We have the opportunity to do something here today and I urge you to Recede and Concur. Thank you.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. We have just heard some comments about the diesel emissions testing. I don't understand why the State of Maine, we are being asked on several different fronts here to be in the lead ahead of the federal requirements on a lot of these programs. One of the things I am concerned about with

the diesel testing of vehicles, among some other things that I have concerns about with this bill, but if we require that the diesel testing of the heavy trucks, we are going to be effecting a considerable amount of the business in the State of Maine. The truckers in the State of Maine plus those that are transiting the State of Maine, delivering the goods, the potatoes that are being transported south and the other goods that are being brought in from the south that we need to live on up here. We don't have a rail system any longer or a viable rail system. We do rely on these diesel trucks to transport the goods. I see this as a major disruption of our trucking industry. I really don't think that it is a good idea. We are doing it for what reason. I haven't really had had anyone explain to me adequately why we are going to be requiring this testing.

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

Representative DUNLAP: Madam Speaker, Ladies and Gentlemen of the House. There was a fella that lived near my town. His name was Piggy. Piggy ran the dump. The town tried to get piggy, well, he lived at the dump as well as ran it and he raises pigs there. They are great pigs and they always won first place at the Blue Hill Fair. They tried to get Piggy to move because they said you can't live at the dump, because you don't have a septic system. You can't live at the town dump. Piggy decided he was going to find a way around this so he took the bulldozer and he dug a big hole. He found an old dodge van in the back of the dump. He put the van in the hole. He found some old pipe and ran a pipe in one window and a pipe out the other window. He found an old toilet and he hooked the whole thing up and he had a septic system now. There wasn't much they could do so Piggy lived at the dump for a few more years until finally he needed some more room for his pigs. The point of the story is there are ways around all of these kinds of laws and statutes. I agree. We are a sovereign state. We should stand up for that.

In my town, where I live, I don't live anywhere near the dump anymore, but where I live now I have a large mill and a lot of trucks go through. There are certain stretches of road that about every five years or so they have to come through and rebuild the whole part of the road. They get down to the bottom of the bridge down by French Island and it is like going down a roller coaster after a while because where the truck has to stop and you go down behind the truck after a few years, it sometimes kind of ripples the road so you kind of go up and down a lot. Something has to pay for that and that is a lot of times federal highway money. Personally, I have no idea about how this could jeopardize the East/West highway. I have never been married to the idea of East/West highway. I happen to be a big fan of rail. I know that we don't have a viable rail system, but if you are going to move a lot of freight fast, rail is usually the way to do it. The Representative from Carmel is right. We don't have a viable rail system now. I don't think that we can really do without our roads.

We talked about diesel testing and how it is bad for the trucks, remember, it is the trucks that are beating the roads to pieces. If we are not going to have the road the trucks pay for the roads, at least help us out in getting some potential highway dollars. I think that is an equal split. Maybe there are no consequences to standing up to the federal government, but my great, great grandfather stood at the end of a street in Georgia with his brother and a six pound parrot rifle. He did manage to hold off the federal calvary just long enough so the other machinists could put the finished cases into the river. It didn't keep the federal government from blowing up their mill. You can hold them off for a while, but sooner or later they bring out the other arm that is behind their back and they swat you over the head with it. Then you think about what you should have done. I

am going to vote to Recede and Concur and I hope the rest of you do too.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. To my good friend from Old Town, it is amazing what you can learn as a bartender. I am kind of jealous about Piggy. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Thank you Madam Speaker. A few years back those of us who had commercial vehicles were notified that we were going to a new inspection system in the State of Maine through this so-called federal inspection from the state inspection. It was going to be way more strict. We started getting notices. At that time I had one diesel 10 wheeler and a 6 wheel gas, which I still have. We started getting notices I think 18 months before that was passed down, before that became implemented. I guess my question is, has there been any warning or notification to the people that have trucks that depend on trucks for their living in the State of Maine? I would be surprised if the answer is yes, because I haven't gotten one call from any of the contractors around my area. I never got any notification, myself, although I don't have a diesel right now. Would somebody please answer that question? Has there been notification or warning or asking for input from industry in this regard?

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

Representative ROWE: Madam Speaker, Men and Women of the House. In response to the question, we did have the Maine Motor Transport Association represented at the public hearing, as was the Maine Aggregate Association. I am not sure about the other trucking industries. I would say the way the bill works, again, I am trying to find it. There is a one year delay from the time, in other words, the first year of the program, the diesel testing program, if you are fined to be out of compliance, in other words, your vehicle is emitting smoke out of compliance with the standards. The penalty wouldn't go into affect until a year later. There would be a year grace period the way the bill is written.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHANNON: Madam Speaker, Men and Women of the House. Perhaps one of the most disturbing things that I have heard today is the possibility that business expansion in the state would be limited by increased regulation at a 2 to 1 rate for our decrease in pollution for licensing any new business expansion and manufacturing capacity. My question is, are those figures accurate, the 2 to 1 reduction?

The SPEAKER: The Representative from Lewiston, Representative Shannon 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 yes.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. I recall sitting in this chamber and listening to the good Representative from Presque Isle speak about a past experience where a business expansion was

denied in Aroostook County because we couldn't get a reduction anywhere else in the state. That costs 100 jobs in Aroostook County, if I remember that dissertation. I just ask each of you that is voting on this issue because we want to thumb our noses at someone. Keep in mind that my committee worked diligently this year to try to get this state to invest money in programs that would help businesses expand in this state and create new businesses in this state. I don't see a vote against the motion to Recede and Concur as working in the same direction that we have invested millions and millions of dollars on. I encourage you to vote in favor of the motion to Recede and Concur.

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

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. Listening to the comments here this afternoon, it seems to me that it is a matter of perception. Wherever your vantage point is. I would relate to you a story that I believe truly happened during the ice storm. It occurred in the Town of Belgrade. There was line crew there from South Carolina and stopped at Dave's Store in the morning, probably midmorning, to get some coffee or whatever. While they were in the store, they asked a lady, could you explain to us why there are so many outhouses on the frozen lakes of Maine? Thank you.

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

Representative BRUNO: Madam Speaker, Men and Women of the House. It is awfully hard to follow up a comedy act like that. Let me try. The word baffling was used earlier in this floor debate. To me, it is baffling that anyone from Cumberland County who has constituents in Cumberland County would vote for this thing. If there was one thing that I heard over and over again, it is don't just make it a sole county test. If we Recede and Concur, we are still voting for Cumberland County by itself to be tested. Everybody standing up for the highway funds is outside of Cumberland County, the East/West highway, Route 11, but if you want those federal funds, let's make it a statewide test. My constituents do not want Cumberland County alone. If you make this a statewide test, I may consider voting for it. I will not single out Cumberland County to pass on the cost to my constituents to support this for a test that doesn't really do anything to check if a gas cap fits correctly. To see if there is a catalytic converter on a car. I mean, how bogus can we get just to make sure that we get federal money? I am not about to sell my soul and I am not about to misrepresent my constituents for that. Thank you.

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

Representative DAVIDSON: Madam Speaker, Men and Women of the House. I have sat and I have listened to this debate for a number of days now. I would put my district, as much as I love the Representative from Bath, my good friend on my committee, my district probably has 75 percent that either abuts his town or the Town of Topsham or other parts of Sagadahoc County. I would argue that there is no one whose district stands more to lose than myself in this debate. I support statewide testing. I voted for it the first time it came up. I feel pretty strongly that there are times when our goals for the state and our feeling for the state and our overall outlook has to be statewide and not necessarily what our direct constituency needs or deserves. Throughout the last couple of days, it is kind of amusing, I am not sure amusing is the word to me, but as we have discussed delegations and things, all I have heard from people in the halls and in this chamber is about the teeth of the DEP and the teeth of the EPA and how these supposedly terrible people come into our lives and impose sanctions. That has been

a pretty powerful argument here over the last couple of days. What I am hearing in the halls now and what I heard in a meeting 20 minutes ago with people about this is that let's see how we do. Let's take some sort of interpretive philosophy of whether DEP or EPA is going to react and let's see if they actually have got the guts to come in here and do that. I don't think that is very visionary. I don't think we are really serving people all that well. I am going to vote for this Recede and Concur and I am going to hate every second of pushing that button because I don't think it is overall the right policy. I think that going back home, I personally, I am not speaking for anyone else here, feel like I can hold my head a little higher because I think I will have done the responsible thing by voting that way. Thank you Madam Speaker.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I just stand to respond to the comments made by the Representative from Raymond, Representative Bruno. I understand he finds this baffling and I share some of the comments made by the Representative from Brunswick. I voted for a statewide program. I would prefer a statewide program. We don't have the support for a statewide program. We didn't in this body nor the other body. We may not have support for Cumberland County only program. I don't know. I do know that if the sanctions are applied and I think they will according to the Department of Transportation Commissioner and the folks I have spoken with at the EPA, June of 1999, our federal highway dollars will be affected and there is a great chance that Cumberland County will receive the impact of that first. There is also the issue of the curtailment of industrial development and the Portland metropolitan statistical area stands to receive the brunt of that first in terms of development in Cumberland County. I know I have a lot of constituents who have called me who oppose this who ask me if this is fair. I say, I don't know if it is fair, but under the circumstances, I think it is the right thing to do. I think a statewide program is the right thing to do. It is not only fair and equitable, but if we are going to get benefits from reduced auto emissions in one county, then we are going to get the same reduction in the other 15 counties. I stand here today and I am not jumping up and down with excitement voting for this, myself, nor do I think any other legislators from Cumberland County who are voting for it are. I want to just dispel that. It is all we have left. That is why I am voting for it. 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. 640

YEA - Bagley, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Chartrand, Chizmar, Colwell, Cowger, Davidson, Desmond, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Lemaire, Lindahl, Mailhot, McKee, Mitchell JE, Muse, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Tessier, Townsend, Tuttle, Volenik, Watson, Winn, Wright, Madam Speaker.

NAY - Ahearn, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Driscoll, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Kontos, Labrecque, Lane, Layton, Lemke, Lemont, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD,

Plowman, Poulin, Rines, Sanborn, Sirois, Snowe-Mello, Stanley, Stedman, Taylor, Thompson, Tobin, Treadwell, Tripp, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Baker, Bodwell, Bryant, Dutremble, Etnier, Fisk, Lovett, Paul, Savage, Spear, True, Underwood.

Yes, 58; No, 81; Absent, 12; Excused, 0.

58 having voted in the affirmative and 81 voted in the negative, with 12 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Representative KONTOS of Windham moved that the House **RECEDE**.

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

#### COMMUNICATIONS

The Following Communication: (S.C. 711)

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

April 8, 1998

The Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Adhered to its previous action whereby Bill, "An Act to Provide Computers for Use in the Legislature" (H.P. 416) (L.D. 566) and accompanying papers was indefinitely postponed.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

#### ENACTORS

##### Act

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; S. "C" S-779)

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

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

The SPEAKER: The Chair recognizes the Representative from 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. If someone could correct me, I understand Senate Amendment (S-779) does is that the Senate stripped, correct me if I am wrong, Representative Kerr's amendment that took the State House out of the bonding piece. All this does is go from two-thirds vote to a majority vote.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. While you ponder that question, men and women of the House, if that is the case, I won't belabor this, we have had lengthy debates on this, articulated debate on it, what I do want to say is if that is the case, I just want to let this House

know that you are pledging the State Capitol as collateral for this bond. Thank you.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

#### ROLL CALL NO. 641

**YEA** - Ahearne, Bagley, Belanger IG, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McAlevey, 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, Wheeler EM, Wright, Madam Speaker.

**NAY** - Barth, Belanger DJ, Berry DP, Bigl, Bragdon, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gerry, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Marvin, Mayo, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Skoglund, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler GJ, Winglass, Winn, Winsor.

**ABSENT** - Baker, Bodwell, Bryant, Dutremble, Etnier, Fisk, Honey, Lovett, Paul, Poulin, Savage, Spear, True, Underwood.

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

73 having voted in the affirmative and 64 voted in the negative, with 14 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

#### REPORTS OF COMMITTEE Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Have a Referendum on Whether or Not an Independent Public Commission Should be Established to Set Legislative Pay"

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

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

That the Senate **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630)** and **SENATE AMENDMENT "A" (S-694)**. **RECEDE** from **ADOPTION** of Senate Amendment "A" (S-694) and **INDEFINITELY POSTPONE** the same. **READ** and **ADOPT** Committee of Conference Amendment "A" (S-781) and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630)** and **COMMITTEE OF CONFERENCE AMENDMENT "A" (S-781)** in **NON-CONCURRENCE**.

That the House **RECEDE** and **CONCUR** with the Senate.

Signed:

Senators:

NUTTING of Androscoggin  
KILKELLY of Lincoln  
CASSIDY of Washington

Representatives:

THOMPSON of Naples  
QUINT of Portland  
McALEVEY of Waterboro

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630)** and **COMMITTEE OF CONFERENCE AMENDMENT "A" (S-781)** in **NON-CONCURRENCE**.

**READ.**

Representative THOMPSON of Naples moved that the House **ACCEPT** the Committee of Conference Report.

Representative BUMPS of China **REQUESTED** a roll call on the motion to **ACCEPT** the Committee of Conference Report.

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

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Please forgive me for asking so many questions. It may have rubbed off from my three year old. May I pose a question through the Chair?

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

Representative DONNELLY: Thank you Madam Speaker. To anyone who may choose to answer, what exactly does this acceptance of the report mean? What are we voting on?

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 Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. The conference committee met and made a number of changes to the committee report and reached a unanimous conclusion on the conference committee report. As you may remember, this bill did not pass in the House, but passed in the Senate. The changes we made were fairly substantial. What we did was we set up a more specific process where the commission would meet twice over the next year or after they are appointed, roughly in the summer, 90 days after we adjourn the law would go into affect. The committee members would then be appointed within 30 days. They would then study the Legislature until the end of the First Regular Session of the 119<sup>th</sup>. The purposes of that is for them to be able to observe what happens in a legislative year while both while the Legislature is in session and while the Legislature is out of session. They would then also be authorized to have two meetings during this time period. Then after the end of the First Regular Session, they would be charged with holding three public hearings throughout the state to get other input into the issue of legislative pay and benefits. We were more specific on the issues that they should look at. That is the time put in by legislators in the session, out of the session, the things that we are doing both while we are here in session and the constituent work that we are doing and all of those different items. The commission then would hold three public hearings and then would have two other meetings authorized so that they could then put together their report. They could then report back to the Legislature in the following January, which ends up being the January 15<sup>th</sup> of the Second Regular Session of the 119<sup>th</sup> and would submit their report to the Legislative Council. The Legislative Council would be charged with introducing a Joint Order implementing the recommendations of the commission. Now we deleted the portion of the bill that said the Joint Order must be referred to the Committee on State and Local Government to hold a public hearing, but they couldn't change anything. We thought that would have the appearance of a

sham type of a hearing. Why are we having input if we are not giving them any type of authority to work a bill as any other legislative committee would do.

What we did say was the Joint Order would be introduced and the Legislature would then take up the issue. It is not in the statute, but it would not be hard to envision that since the Legislature itself, both the House and the Senate, would then be voting on the issues presented by the commission that it may be appropriate for the chairman of the commission to possibly address a joint caucus of the Legislature to go over what they had proposed. We did not feel that was appropriate, however, for us to get into such a minute detail telling the next Legislature what procedure they should take when they had the bill in front of them. The date for the committee report was changed to January 15, 2000 and as I indicated we had gotten into more specifics of what they should consider both from what they should consider as far as looking at what we are receiving and making that clear to look at that whole package and also to look at both in and out of session what is happening. We were able to reach a unanimous agreement in the committee.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. Let me just be clear. I do want to commend the Committee of Conference for an outstanding job at improving the bill. Before when I stood and talked on this bill called a thoroughly flawed vehicle. They have taken a thoroughly flawed vehicle and made it better. I don't dispute that. I commend their work and would accept the fact that the amendment is probably a bit better than the original committee amendment. I simply want to bring to your attention to a Public Law which I don't seem to have the number. I cleaned off my desk earlier and I don't seem to have the number. In the last session this body and the other passed a Public Law which was then signed into effect by the Chief Executive, which established a State Compensation Commission and that commission was charged with studying issues about legislative pay as they were charged with studying a number of other state compensation issues. My understanding is that the Speaker and the President of the other body made their appointments as would have been expected and pursuant to law. However, the Chief Executive failed to make his appointments to that commission. As a result, that commission never came into fruition and never made their recommendations on state compensation. The committee amendment and now as it will be amended by the conference amendment, requires that that same Chief Executive, who, again, it is my understanding failed to make those initial decisions, will now require that that Chief Executive make five appointments to this Legislative Pay Commission. My concern with this bill remains. It is a flawed vehicle for getting to where we want to go. I don't dispute the need for having the public involved in this dialog over legislative pay. I simply contend that this vehicle isn't the right way to get there. Don't take my request for a roll call as disparaging toward the work of the Committee of Conference. I respect their work. They now have at least six more members of these bodies who are familiar with the complexities of these issues. I just think that this is the wrong way to get there. Thank you.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. Just briefly, the conference committee discussed the issue of who should appoint the members of this commission and felt quite strongly that it is not in the best interests of this type of a commission to be appointed, in any way, by members of the Legislature. We have to hope that if this is going to be something that is going to come back with a

reasonable report and something that would pass muster, both by us and by the public in any direction, that there has to be independence. Absent the fact that the Legislature is not going to appoint the members, then it kind of limits where you go from there. I can't speak to why the prior law did not work, but I think we are trying to set up a process that is going to be independent and is going to have, hopefully, some people of the highest quality on this commission. I know that in the past we have had a Judicial Compensation Commission where we have had some people from the business sector that have volunteered their time, basically, to serve on that commission. They were independent. They did a very thorough job. Their report was well received. I am hopeful that this commission will follow along those lines. I urge you to support the report.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. Being the person that did sponsor the legislation last year, I did so because there was a similar commission started previously 10 years before that worked very good. I personally will be voting against the present motion to accept the Committee of Conference. As Representative Bumps said, I think the Committee of Conference did a better job than the original bill, but in my opinion because there was a problem with the Executive not appointing a position last year, I would hope that we would defeat this and encourage the Executive to appoint the commission that is presently on the books and allow the process to continue as it has done for a decade before. In my opinion, that is the best way to proceed. I would encourage you to vote against the present motion.

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

#### ROLL CALL NO. 642

YEA - Ahearne, Bagley, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mayo, McAlevey, McKee, Mitchell JE, Muse, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler EM, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Donnelly, Foster, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, McElroy, Meres, Morgan, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Tuttle, Vedral, Waterhouse, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Baker, Bodwell, Bryant, Dutremble, Etnier, Fisk, Honey, Lovett, Paul, Poulin, Savage, Spear, True, Underwood.

Yes, 75; No, 62; Absent, 14; Excused, 0.

75 having voted in the affirmative and 62 voted in the negative, with 14 being absent, the Committee of Conference Report was **ACCEPTED**.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

The House recessed until 6:30 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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**COMMUNICATIONS**

The Following Communication: (H.C. 503)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

April 8, 1998

To the Honorable Members of the 118th Legislature:

Enclosed please find H.P. 875, L.D. 1192, "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers," which I am returning without my signature or approval.

This proposal seeks to implement retroactive cost-of-living adjustments to workers' compensation benefits for workers with total or partial incapacity. I cannot approve this legislation for a variety of reasons.

I believe we are at an economic turning point. Maine's economy is on an upswing, bolstered by a strong national and regional economy. However, our economy is still fragile and the continued stability of our workers' compensation market is crucial to ensuring our economic viability in this increasingly competitive global marketplace. Increasing workers' compensation benefits, as proposed by L.D. 1192, would undermine our goal of creating and maintaining quality jobs in Maine.

Providing these additional benefits to injured workers has a strong appeal, but maintaining and expanding job opportunities for all Maine workers simply must take precedence.

The Maine worker's compensation system had cost-of-living adjustments prior to the 1993 Blue Ribbon Commission reforms. The last iteration of those adjustments applied only to death and total disability benefits, which is a narrower class of injured workers than that which this bill would cover. Annual adjustments were cited by the Blue Ribbon Commission as a significant cost driver in that troubled prior system. The 1993 reform effort was a carefully crafted compromise designed to reinvent Maine's out of control workers' compensation system. An important component of those reforms was the elimination of yearly benefit adjustments.

Nationally, only 15 states provide cost-of-living adjustments. Most of the adjustment clauses in those states apply only to total disability or permanent total and death. Only three states provide for escalation on partial incapacity benefits, as is proposed in L.D. 1192. Though Maine's workers' compensation system has improved considerably, the costs of our system are still above the national average. I cannot support a significant increase in benefits under these circumstances.

I am particularly concerned that this bill applies cost-of-living adjustments retroactively to injuries occurring on or after January 1, 1993. Our workers' compensation system is prescribed by statute. Rates for a particular year are set based on the process and benefit levels in law at the time of assessment. The substantive rights of the parties under the workers' compensation law are fixed as of the time of the injury to the employee. Thus, it is not good policy to apply statutory amendments, such as the proposed cost-of-living adjustments, to existing injuries, because the rates previously charged to

cover injuries would not have contemplated these benefit increases. In fact, the retroactive application of cost-of-living adjustments may be an unconstitutional impairment of the underlying contract.

The retroactive provisions of this bill also significantly impact costs to self-insured employers, Maine's employer owned mutual workers' compensation insurance company and commercial insurers. Insurers and employers have not reserved for the escalation of benefits proposed by this bill. Prospectively, the provisions of L.D. 1192 would add approximately 2.5% to system costs, or \$6.6 million per year. Having cost-of-living adjustments apply retroactively to injuries that occurred on or after January 1, 1993 will add an additional \$29 to \$39 million dollars to system costs. With over 80% of Maine workers' compensation market self or mutually insured, the increased system costs will be borne directly by Maine employers, hampering their prospects for growth and making Maine a less attractive place to do business.

It is unclear from the bill what the funding mechanism will be for the proposed cost-of-living increases for previous injuries. In a competitive market, an insurer cannot recoup the cost of retroactive benefits. Funding either through additional premiums or through a specially assessed fund may inequitably shift the cost of these benefit increases from former to current employers in the state.

As in the bill increasing our minimum wage, this decision has been extremely difficult. Helping all Maine workers - including those who have been injured - is my primary goal as Governor; my fear is that this bill, although well-intentioned, will ultimately have the opposite effect. We cannot at this time put the future of Maine workers at risk, no matter how appealing the short-term benefit.

Because of the objections outlined above, I am in firm opposition to L.D. 1192 and I respectfully urge you to sustain my veto.

Sincerely,  
S/Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers" (H.P. 875) (L.D. 1192) (S. "A" S-639 to C. "A" H-1005)

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

Representative SAMSON: Madam Speaker, Men and Women of the House. I stand this evening to hopefully override the veto of the Executive. This bill that has been vetoed merely gives the most injured workers in this state a small increase in pay after six years. This pay is capped at 3 percent. I didn't want to have to get up and speak again on this issue this year. I didn't want to have to speak today. I am not going to speak very long, but I can tell you right now that I am truly upset that anyone, as I said last week, ashamed that anyone would vote against this or veto this bill. I just can't understand it.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. We had a long debate. I am not going to go back and review all of the things that we debated on this bill. I think that one of the major points that was made during the debate was the fact that pre-1992 before the reform of the Workers' Comp System, the COLA was one of the major inflations or one of the major problems with the comp system at that time. It had gotten to the point where there were only two companies willing to write insurance, comp insurance, in the State of Maine. It was on an assigned risk basis, an assigned risk pool, and it was killing the employers of the state. We finally

got something done about it. The workers' comp rates are going down. We have a better system now. The workers are being returned to work at a much faster rate. Granted, we do have some people who are seriously injured and disabled, but I would plead with you not to return to the old system that is going to drive the companies out of state again. It is going to run the comp rates through the roof again. We are going to be back to where we were before 1992. Please sustain the veto.

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

Representative HATCH: Madam Speaker, Men and Women of the House. We always hate those words when people say I will be brief. I want you to know that a little bit of heart and soul has gone into this bill. We looked at a way to only address those most seriously injured workers. Sure, we can talk about the high cost of workers' comp or we can also talk about the minimum wage going up in the last couple of years and people getting increases. People on workers' comp who have been there since 1993 have not had a cost of living increase. These are the most seriously disabled workers in the workforce. I don't know about you, but I would feel pretty badly treated if the people of the state forgot about me. We do a lot of talking about pulling yourself up by the bootstraps. Well, I got news for you folks, these people don't even have boots. I would ask that you vote to override the Governor's veto. This is a very small amount. It only involves about 300 people. Sure, there may be more people in the future in this pool, but believe me, the insurance companies are here for only one reason. They are making big bucks. I think the insurance companies could take this and still give a rebate this year again. I ask you to override this veto. Madam Speaker, when it is taken, could I request a roll call.

The SPEAKER: The Chair would advise that this is an automatic roll call because it is a veto issue.

The Chair recognizes the Representative from Auburn, Representative Bolduc.

Representative BOLDUC: Madam Speaker, Men and Women of the House. I also rise today in strong support of overriding the Governor's veto. So few things in the Labor Committee this past session, my first term as State Representative, really made a profound impact on me as much as this particular issue during the public testimony that we had on this issue in the Labor Committee. I remember sitting there the day we took testimony for this particular bill and I noticed that there were several individuals who came before the committee to testify who were personally affected by very severe injuries that they had sustained at the workplace. It really was a touching sight to see these people come before our committee to testify. They made the trip, some of them, from quite a distance. Without sounding over emotional or traumatic about it, there were people in the room who could not walk and some of them did not have the use of their limbs to their bodies. They were asking for a basic increase, a cost of living increase for their benefits.

There may have been two or three of them that came that day to testify on behalf of this bill. The rest of the people in the room who testified on this bill, against the bill, many of them were from the insurance industry and other corporations and organizations which had the power to send these people here and to pay for their expenses. You could see the difference between the two groups, those who opposed and those who favored it. It really made a very profound impression on me when I was sitting there listening to this testimony. I have only been here for a couple of years and I am well aware that the workers' compensation system was jeopardizing a lot of businesses in the state earlier. I guess in 1990 before we had reform. It was an issue that should have been addressed. Of all

the bills that the Labor Committee heard on this particular issue of workers' compensation, this was the one bill it seemed to me, at the very least, which was justified. To stand up and to have a knee jerk and reactionary feeling for all of workers' compensation reform because of the condition it was in the early '90s is really irrational. If I could choose one of the bills of the many that the Labor Committee heard on workers' compensation reform, I would say that this is the one that deserves the most attention. I would say that this would be the bill.

I really can't begin to express how I am baffled by how you can justify not creating a cost of living adjustment for these people. They are not many people. Surely we have debated, in the past two years that we have been here, approximately 2,000 bills, I believe, that have gone through the committee. We have spent many hours on issues which will effect the people of Maine in less ways than this. We have spent many hours on issues that will effect virtually no one and debated them. If there is a reason for government to exist, this is the reason. To help those at the very bottom of our social ladder. Surely these people meet that criteria. I really hope that this body takes the opportunity to show some leadership. It did pass through the House and Senate with a majority. We reflect the people's desires in this body, I think more than the Chief Executive or the Judicial Branch of government. These two branches reflect what the people think is just, I believe. I really hope we take this opportunity to set aside any reactionary fears we have on tampering with the workers' compensation reform and override the Chief Executive's veto on this issue. Thank you very much.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I shall be brief. We have gone over some of these grounds before at length. I will just touch on a couple of the things in case too much time has gone by since we last reviewed them. Workers' comp is a balancing act. I think everybody knows that. Management and labor knows that it is a balancing act. I certainly think that there may be a time when a cost of living adjustment may be justified in Maine's Workers' Comp System. That day has not yet arrived. The benefit levels in Maine are in the top third of the country. This is compared with some other states, which do, in fact, have cost of living adjustments. By the way, it is not a cost of living adjustment. It is an adjustment based on an increase in the average wage in this state, which has been, contrary to what you may have heard in the media, is greater than merely the cost of living over the past 10 years. We are in the top third of the country still in the size of benefits, this bill applies retroactively. It is going to create a multimillion dollar unfunded liability and I get scared when I hear about us creating those types of things.

Finally, we have gone through the issue of insurer profits, which has been mentioned. At least three-quarters of Maine's employers do not pay to out of state insurance companies. Most of them insure through their own mutual insurance company called MEMIC. I hope you will vote to sustain this veto.

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

Representative STANLEY: Madam Speaker, Men and Women of the House. Being new to this and coming about 15 months ago and not really knowing that much about workers' comp and sitting here listening to testimony that I listened to and seeing people come in with their different things, you know, the way they work. I took it upon myself to take the time to really do a little investigation in how the system really works and some of the things that it has done to the people for the system. I took it upon myself to attend the Workers' Compensation Board meetings to find out all I can find out about this subject because

it is a subject that effects everybody sitting in this room. It might not effect you today, but if you get hurt tomorrow, you are going to get affected by it. We sit here and talk about all the bad things and how back in '92 when we only had two companies doing business in the state. Today, we have 138 companies registered to write insurance in this state, which is something which we can be proud of. The thing is, we talk about not touching the system and leaving the system alone. Last year alone we put an advocate program in the system which seemed to be working. The people are getting the representation that they feel they should be getting. It is getting to be a better system. We are making changes that are better for the system. One of the changes that we should really make to make it a better system is the cost of living adjustment for injured workers. The reason why I say this is the reason you don't want to put lawyers in here, this is one of the reasons why lawyers are in this. You have to be able to provide for the people that are hurt. Not everybody gets this. It is just 25 percent to meet the threshold. These are the people that we have to look at. You want to put the lawyers or keep running the way we are. If you keep running the way we are, your system is not going to work worth beans for you.

I will tell you. We have to take a look at the people that are being hurt out here and I will tell you what. If you go five years, I don't care what kind of a job you are living on, you may be making \$30,000 a year, but after five years you may want to make \$31,000 and do a little more for you so you can buy a loaf of bread or something a little extra. That is what it is all about people. You want to keep the lawyers out. Keep going the way we are. I will tell you, people have to make a living. They have to live. They are not out there because they want to be hurt. They are there because they got hurt. That is the question. They are not on this because you want to be there. The people who are on there that want to be there, the system is taking care of it. They are weeding them out. The system is starting to take a direct step in the right direction. This, right here, is just another step that has to be done in order for this system to be a more successful system. You have the Cooper and Lambert study that is going to show you down the road the other changes that have to be made for this system to make it a more feasible system. I will tell you, as working men and women of this state and as legislators, we have to look out for the people that are out there that have no control over what their destiny is. If you want to keep the lawyers in the system, well, let the Governor have his veto. If you want to keep the lawyers out of it, this is one step right here. I recommend you turn down his veto. Thank you.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. The Governor in his message in the third paragraph of this message says our economy is still fragile. Look around folks, it is. We are having plants that are up for sale. Plants that have left and scaling down and we are still looking, in this state, basically, at a two economy state. One in southern Maine and one in northern Maine. Those economies are extremely fragile. One of the things that we would do if we enacted this bill would be to make that even more fragile and more entertaining for employers to flee the State of Maine. We do not need that type of an economy. We need to protect the market that we have and try to strengthen it and allow this current workers' comp bill to work longer so that we have an opportunity to clean up some of the problems that started prior to 1993 and work down that bill that we accumulated prior to 1993. That bill is still great. The current people paying into the Workers' Comp System are still paying on it. It is something that we need to work down. This would bring us back to one of the steps that was causing the problems in the past. The Governor

says we need to ensure our economic viability and to sustain his veto will. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Madam Speaker, Men and Women of the House. To anyone that may answer, as the previous speaker just said, if our economy is so much shaken, why do we allow people with credit card companies in here to make people more in debt?

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. The answer is to create jobs that do not have an impact on the environment and are not found if there is a great highway to transport goods. It is utilizing some of what Maine does have a good system of, an infrastructure of telephone wires and information data transmission lines. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I am just frustrated. This is one vote that this body can override that just is right. Give me a break here. The people we are talking about here are the ones that are most abused, the ones that are the most damaged, the ones that can't return to the workforce. This is not the people who are abusing the system that we all love to hate. This is not the ones in the system that are driving the costs through the roof. These are not the ones the system or the changes we made in the past that have capped and made our Workers' Comp System more efficient and more cost efficient for our people. These are the people, ladies and gentlemen, that don't have a lobby, don't have a constituency. You and I are the only people in this whole body that can vote to override this veto to say that when you were the ones most in need, we will look at you and give you that potato chip raise next year so you can buy the bread and the necessities and the things. We all talk about snack tax here. We all talk about cutting this and cutting that. What are we doing to these people here? These are the people with two legs and one arm. The people that can't go back to work. We are saying you aren't important, ladies and gentlemen, you don't count. You got hurt. You are the only people in the whole system that everybody in this body can say you have a bonafied injury that we all agreed to and you don't deserve a pay increase next year. Ladies and gentlemen, if there is one vote in this whole body that we should override, this is the one. I would ask you for your support for this.

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

Representative DUNLAP: Madam Speaker, Ladies and Gentlemen of the House. I had not intended to speak briefly on this bill, but I will. I have already used my Piggy Milligan story today, so I won't revisit that one. I think part of the issue that we haven't really looked at, the side of the question that we have not addressed, is the underlying message of the veto that the Executive is bringing forth. He does not want to create, essentially, a hostile climate to business in the State of Maine, which is understandable. The side of the question that we have not looked at is what about attracting some of these skilled workers to the state and the children that we are educating today to become skilled workers. What about attracting them to stay in

the state? Are we not creating, essentially, a hostile climate for labor in the state. I say labor. I don't mean organized labor. I mean anyone who wants to work for a living. That is something I think we should think about.

Years before I ever thought about joining this body, I was sitting in my living room window watching the ambulances outside the paper mill treating someone who had been crushed up to their hips by a loose paper roll. That man will never work again. I don't remember his name. I don't think I ever knew his name, but that person will never work again. I think of that person every time I think of this bill. I think that we should all think about people that we know who have lost jobs or have been hurt or almost killed. We take care of our veterans. Weren't they working for us? I think we should think about our neighbors and think about ourselves, our families and our children. Everyone could be in this situation. We may not always be able to help them ourselves, but as a society we can reach out to these people and help them. I think we should.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I probably am the best example of an area that is in dire need of jobs, keeping jobs or returning jobs that have left. When you get right down to it, ladies and gentlemen, the reason they have left is because they can make the same product in another area cheaper. Whatever the reason, whatever the forces, that drive this, they have been driven away. It is not an issue of giving additional benefits. The benefits are gone. The jobs are gone. I don't know how we are going to bring them back, but ladies and gentlemen, what we are doing here is working towards getting these jobs out of state and leaving the area. We are now competing internationally. Jobs are not only depending on dollars that we pay out in this country. That was a simple thing until a few years back. Now we are competing with the world. I will tell you what, if we continue doing this, we won't have to worry. I won't be the only one that is going to be without these jobs. These are the only good jobs I had in my town. They are gone. There are a couple of other mills in the state that are at risk. Believe me, bring up the workers' comp costs and, ladies and gentlemen, you are going to be doing the same thing. You are going to drive them out. You will be trying to bring the jobs back in to your town. Ladies and gentlemen, I am going to sustain the Governor's veto and I urge you, on behalf of the working people, to sustain his veto. Thank you.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. I would like to take a little different approach in the debate about the workers' comp and the COLA benefit that we are discussing here. You have an insurance policy on your life, your house and your car and if you have an accident or die or something happens, you have to collect on that policy. It has a face value. You collect that face value. Workers' comp is an insurance. When a worker is injured or killed on a job, the policy that the employer has, pays that face value. If, later on, after the accident occurs, we crank in another aspect into this thing, as the Representative from Wells said, we create an unfunded liability that was not planned at the time of that injury. It is a blind side against the insurance company. Somebody is going to have to pay that unfunded mandate. I don't know how they would go about doing it. It would have to be distributed among the remaining insurers or the insurers currently writing business in the State of Maine. I think if you look at it for what it really is, it is an insurance and you can't

change the face value of that policy six years after the injury occurred. It is really not a sensible thing to do.

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

Representative JABAR: Madam Speaker, Ladies and Gentlemen of the House. I guarantee you the working people of this state are in favor of this bill and not opposed to workers' compensation reform. In 1992, workers' compensation did need reform. There is no question about that. I don't think anybody argues that. The pendulum has swung too far in the other direction. Even one of the architects of the bill in 1992, which by the way, was passed only through the threat of a shutdown. One of the architects of that, a Republican Representative, has indicated that it has gone too far the other direction. At some point and I don't know when it is, it is probably not going to be this year, but at some point the Chief Executive and this Legislature has to look at what has happened in workers' comp and make some adjustments in the other direction. I know my good friend from Wells made an indication that the reference to the millions that the insurance company are making, only make reference to a very small percentage of the market. The Chief Executive in his message made reference to the fact that 80 percent of the market is self-insured and only 20 percent are from companies who make a profit in this business. If that is the case, how do they explain the profits in 1996, \$51 million was made in profits on workers' compensation benefits. Incidentally, the same amount of money, \$51 million, was paid to workers benefits for 1996. So, \$51 million is coming out of only 20 percent of the market, there is something wrong with the system and somewhere along the line we have to take a close look at it. Thank you.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. This is an agonizing issue. This is a difficult issue for a lot of us. Over the past debates, I can envision the poor injured workers and I would feel I am going to vote that way and I would hear about workers' comp and I would feel that I should vote that way. I don't know if any of the rest of you are having that trouble. It didn't go less with me until this last time we voted on it. I let my mind go back into my district. I thought of four years ago campaigning. I thought of two years ago campaigning. I think of times when I go back there now. I thought, wait a minute, have I ever heard anybody say we need to do something for the injured workers? Have I ever knocked on the door of an injured workers home and they said we need help? Have I ever gone to a neighbor who said their neighbor needs help? Not to say there aren't those poor individuals out there. I know there are, but I am just suggesting that if you are agonizing like I was, we do represent 8,500 people or so in each district. I would just hope that we would all do that.

The other thing that I would like to suggest maybe is when will it be time to make an adjustment? Will it be when we are exactly 50 percent in the country or average in workers' comp rates. How will we know? Can we tell by seeing how much the insurance companies make? I am not sure. I think if we listen to the people back home, maybe they are not in my district, maybe they are kind of concentrated in other districts. Although, a lot of the mill workers work in my district and live in my district for the Champion Mill. I worked there myself. Four of us in my family, at one time, two brothers and father all retired from there. All I am saying is if that is what you are hearing from back home, then it should be a little easier to vote. Thank you.

The SPEAKER: The pending question before the House is Shall this bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers" become law

notwithstanding the objections of the Governor?. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 643V**

YEA - Ahearn, Bagley, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, 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, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Skogson, 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, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Baker, Bodwell, Dutremble, Etnier, Fisk, Honey, Lovett, Meres, Paul, Poulin.

Yes, 81; No, 60; Absent, 10; Excused, 0.

81 having voted in the affirmative and 60 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

**COMMUNICATIONS**

The Following Communication: (H.C. 504)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

April 8, 1998

To the Honorable Members of the 118th Legislature:

Enclosed please find H.P. 418, L.D. 568 "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage," which I am returning without my signature or approval.

L.D. 568 would increase the State minimum wage to \$5.40 per hour, 25 cents above the Federal minimum wage of \$5.15. I agree with supporters of LD 568 that we must do all we can to increase the earnings of low wage workers. However, I must veto this legislation because I believe that raising Maine's minimum wage above the Federal minimum will hamper efforts to create a business climate that attracts new employers and high wage jobs.

Due to increases at the Federal level, Maine's minimum wage has gone up twice in the last 18 months, representing an increase of more than 20 percent. Enacting the increase called for in LD 568 would cause Maine to have the fourth highest minimum wage in the nation behind only Oregon (\$6.00), California (\$5.75) and Alaska (\$5.65). Maine would be one of only eight states nationally to set the minimum wage above the federal level.

Although this legislation would improve wages for a small number of Maine workers, it would have an adverse effect on these same workers, and tens of thousands of others, if it

discourages job creation. This is not because the jobs we are seeking pay minimum wage. Rather, it has been our experience that businesses looking to locate or add jobs in Maine look at the full range of business issues as part of their decision-making process. Typically these issues - such as wages, workers' compensation rates and tax burden - are ranked and used to compare one state to another in terms of business climate. A minimum wage that is higher than 46 other states will be seen as part of a cumulative package, and would put Maine at a competitive disadvantage. This is a chance that I am unwilling to take.

This is not an easy decision. I recognize the value of a 25 cent per hour increase for workers at the lower end of the wage scale. However, my overriding goal is to ensure that our economy is strong enough to offer these workers, and all Maine workers, employment choices that pay more than the minimum wage. It would be ironic if our well-intentioned efforts to help low-wage workers resulted in job losses or diminished opportunities for those same workers.

Fairly or unfairly, Maine has had a reputation in the past of being a difficult state in which to locate or grow a business. We have been working hard to overcome that perception. I am concerned that another increase in the minimum wage -- which would give us the highest minimum wage in New England -- would hinder those efforts.

Because of these concerns, I must oppose LD 568 and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.

Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage " (H.P. 418) (L.D. 568) (C. "A" H-829)

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

Representative HATCH: Madam Speaker, Men and Women of the House. I am a little bit shaken by the last vote. I just want you to know that the working men and women of the state will know what your feelings are about them by these votes that we are taking tonight. Think of all the tax dollars we have spent in the last two years, four years, six years for economic development in this state, whether it is TIFS, ETIFS, that TIF or whatever. Think about the tourism dollars to bring in people to spend money in this state. Think about the economic development grants that you have handed over. Do you know what folks, the poorest of the poor, who are earning minimum wage pay for taxes in this state. Although on a greater plane they probably get most of their tax money back. There are a lot of people out there who don't apply for any government programs, who have two working parents who are still under the poverty level. I want you to think long and hard about this.

In the letter I have before me, it would say that Oregon is \$6, California is \$5.75, Alaska is \$5.65. Eight states have nationally higher minimum wages than we do. I think the motto of this state is "Dirigo," I lead, not I follow. I would hope in your heart of hearts that this will be the day that you decide to override a veto for the first time in four years on a bill that will mean a lot to the poorest of the poor in the state. While we are down here making laws, what are they doing? They are working for McDonalds. Yes, go there some evening it doesn't seem to be so many high school people anymore. It seems to be women supporting families. Seventy-one percent of the working poor 60 percent are women supporting families. Scary isn't it? When you look at this bill, you think about those women in the workforce, many of

them single, not by choice, trying to support a family and trying to do it on their own. We sit here and call for welfare reform. Folks, there are not many jobs left out there that pay a living wage anymore, not especially in my area.

The good Representative from Winslow keeps bringing up the fact that he has a number of workers who were displaced. I would bet you that most of those jobs are not anything like they used to be paid. Probably both mom and dad are now working trying to support a family. You think about this. Remember the motto of the State of Maine is "Dirigo," I lead, not I follow. Thank you

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. When we had this bill before us we debated it long and hard and there was a lot of heartfelt discussions, experiences shared. I just want to reiterate for the record and for my colleagues why I will be voting to sustain this veto today. Outside this chamber, I work everyday with small businesses, but the small business owners who have leveraged their houses, their retirement funds. They go out and take another loan against their cars. They take no wages for months to make sure their employees are able to get their payroll paid. They make sure their obligations are paid so that they have some place to operate their business in. They are not making oodles of money. There are a lot of differences between some of the other states that have been listed in the State of Maine. It is true that our overall unemployment rate is down. If you take out the two most populous counties, it is a whole different story. It is a fragile economy. It is an economy built on small businesses who are leveraged. Those small business owners whom I am talking about. Those are the folks who really make Maine what it is. They provide jobs. They participate in their community. They make donations to Potato Blossom Festival or queens or whatever our local charity or important event is, even though they really can't afford to. They give an extra couple pieces of candy to our kids when they come in the store so that they leave smiling. They are the real heroes of Maine's economy that aren't represented by any big lobbying firms. They are not paying big bucks for someone to come in here and slam dunk bills. They are too busy at home trying to eke out a living and get by.

What we would be doing with this bill, even Senator Ted Kennedy, has questioned at the federal level if we ought to be increasing further. If increasing the minimum wage further at this point is prudent, is seriously in doubt. I understand members of this body are committed to a particular point of view. I don't challenge anyone's point of view. I think that when this debate occurs everyone is here for the best interest of, from where we come from, what the State of Maine is all about. There is no doubt when this vote is taken that if this veto is not sustained, there will be some businesses that close, property taxes that aren't paid and some people who are unemployed. That would be a real shame.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. We have recently heard a great deal about OneMaine. OneMaine is all the people of the State of Maine as I understand it. It is not simply special interests. The vast majority of the people of the State of Maine are hardworking people. They are Republicans. They are Democrats. They are Independents. They are Greens. They are north. They are south. They are east. They are west. They are working people. This veto is not in the best interest of OneMaine. It is not in the best interest of a working Maine, a growing Maine, a Maine that is truly on the move. Ladies and gentlemen of the House,

OneMaine should be more than a slogan. OneMaine should be a reality and we should be working toward that. In the final analysis, this should not be an issue of business versus labor or Democrat versus Republican. That is all very, very tired stuff.

This is basically an issue of simple economic justice. You don't have to be a free market economist or college professor to understand it. Any working person who tries to balance a checkbook at the breakfast table understands it. Any working person who tries to buy groceries to put them on their table understands it. Every working person knows that in the final analysis when you get away from the tortured reasoning and the verbiage and the rhetoric and, Madam Speaker, I am not going to violate the rules, you will have to take this on faith. What I have in my hand is a quarter, two bits. That is what this about. Every working person in the State of Maine understands that. I think they also understand that the Chief Executive, the author of this veto, apparently doesn't understand these simple facts. This does not reflect the politics of real consensus. This reflects, once again, the tired politics of divide and conquer. We can do better. We should do better. We are a poor state. The one thing I learned working on the Commission on Outstanding Citizens is one thing we are not poor in at all and that is in our people. Our people have always been our greatest resource. That is where our investment should be. This will probably be my last conversation with you on the floor in this particular session and from Representative Usher's seat.

I would like to close. I am a "victim" of my background by quoting three Republicans. As I say, this should not be an issue of labor versus capital, but if that is the way it is going to be framed, I would like to place on the record this quote. "Labor is prior to and independent of capital. Capital is only the fruit of labor and could have never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration." Karl Marx, no -- President Abraham Lincoln, a working man himself, in his first message to Congress on December 3, 1861. In his second message he said, "If there ever could be a proper time for mere catch arguments, that time surely is not now." I think the same is true of this issue.

Second quotation from a Governor of the State of Maine in 1870, who said, "The great requirement of all of us who serve the public is moral courage." I ask all of you, Republican or Democrat, to transcend the old arguments and the old politics and vote against this veto.

Finally, I quote the man I admire most. It is not Joshua Chamberlain despite the fact that I can understand why you might believe that. It was also a Republican who worked all of his life. We had an earlier discussion of a bill involving immigrants. He came from a family that didn't even speak English when he went to school. He worked his way through all of the mills of the Androscoggin, you name them, in Lewiston or Lisbon Falls or whatever. He went on to get an education on the GI Bill after being wounded in action in the South Pacific. He got an education and became a teacher and contributed to his community. He never, never once in his life ever asked for a handout. I think the memory I have of him most is of his hands. They are not like my hands. These aren't the hands of a working man. These are the hands of a professor. They were very strong hands. They were the hands of a man who would have no doubt whatsoever if he was standing here tonight what to say to you and what to ask of you. So, in my last, hopefully, address to you, I will urge you to vote the way my father would have voted and overturn this veto.

Governor, have mercy on the working man.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. This also will probably be my last time that I address you. The minimum wage is not a living wage. It was never designed to be a living wage. It is not intended to be a living wage. It would have to be two to three times more than that to be such. It was designed to be a starting wage for people with few skills, little education to get working experience and hopefully to be able to move on from there. What is the key to getting out of a low paying or minimum wage job? The key is training and education. I am very proud that this Legislature has done a great deal to see that that education and training, through the budget that was passed, the increase to GPA to elementary and secondary education. The support for higher education and research, scholarships, etc. will help people pull themselves up by their own bootstraps.

Who is pushing the minimum wage? One of the big pushers are, of course, the unions. You might say, why? They are paid much higher wages than that. It is the dilemma facing every, not only large businessmen, but small businessmen. When you raise the minimum wage it escalates all the way up through the higher paying jobs and they also have to increase and that increases the overall costs of doing business. "Dirigo" does mean I lead or we lead, but it seems like we have led ourselves down a path or a slippery slope of little economic development of stagnation of businesses leaving, businesses not wanting to come into the state. Our Chief Executive is very proud to announce, and he has done so, that we have gained back all of the jobs that we lost and then some during the recession. I say, at what cost? Many of the jobs that we lost were better paying non-minimum wage jobs. Jobs with benefits. Now they have been replaced with service sector jobs. Jobs with few benefits and much lower paying wages. Coupled with all of the other, what I would consider anti-business bills, that this Legislature considered and some of them passed, whether they be dealing with our forests, CarTest or whatever you want to call it, auto emissions or air emissions and other environmental laws, etc. Maine still is struggling with an image. An image that tells business that this is not a particular place that you should consider. If you look around, you find companies are constantly wooed by other states. Come south. Come here. Come there. Come west, look what we can do for you. Lower this cost or that cost and startup costs or whatever, quicker permitting or whatever. Multiply that by the fact that we have a global economy. We are competing with jobs in Mexico, Puerto Rico, Indonesia, Vietnam and China. We have got some work to do to try to make Maine as competitive as possible.

Finally, because I come from the western mountains of Maine, the ski areas, the lakes, vacationland, tourism, etc. and I asked people who run those businesses, the inns, the motels, the hotels, the restaurants. They don't pay minimum wage. They pay above that. Already many jobs, at least in my area, are above minimum wage, even above the proposed increase that this bill that the Governor has vetoed would provide. I am going to sustain the Governor's veto. I would urge all of us to do so.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. The cost of the minimum wage is one of the few costs of doing business that has gone down with respect to inflation over the last 30 years. This has been a boom to business. Whether or not the minimum wage was designed to be a living wage, the minimum wage has declined over that past 30 years in respect to inflation. I very much take offense at the Executive's line in his communication, which says, "Due to increases at the federal level, Maine's minimum wage has gone up twice in the last 18 months representing an increase of more

than 20 percent." That 20 percent over that 18 months, with inflation, is only 16 percent. That 16 percent increase spread out over the previous five years is zero or nearly zero. In effect, there has been no increase for the minimum wage earner since the 1991 or 1992 increases in the minimum wage. The minimum wage worker a year from now will be earning 2 to 3 percent less than he is now. The year after that he will be earning 4 to 6 percent less than he is now. By the end of next year, even if we pass this bill over the Executive's veto, the minimum wage worker will be earning less than he was two years ago. I think it is absolutely a necessity that we override the Executive's veto on this. Thank you.

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

Representative BOLDUC: Madam Speaker, Men and Women of the House. It is at times like this when I wish so desperately that I was 30 years old and able to run for Governor. Prior to beginning this debate, I walked through the halls here in my usual manner. I noticed that the halls were pretty empty. The majority of the lobbyists who we have been surrounded by for the last few weeks are gone. That is, in many ways, a symbol of what is occurring today in the State of Maine. This is, without a doubt, one of the most fundamental issues of human equality that we can address in this session. You will not find high paid lobbyists pulling your ear to hear their arguments on this issue.

On this particular issue, we are the lobbyists for the people of the State of Maine who have no voice in many cases. Again, this is one of the most important issues to come before the Labor Committee in this session, in my opinion. So few bills have as much of a profound impact on the way we view human equality as this bill. What we are saying, by rejecting this bill, is that an individual who works 40 hours a week, gives up a third of their life for a cause or an endeavor of a private industry or concern, is not worthy or making enough of an income to provide health care for their family. It is not worthy of making enough of an income to provide their family with the basic necessities of human existence in this country. It demeans our treatment of the human experience in this state, by not accepting a minimum wage.

I would like to know when we are going to begin to equate one's energies and efforts with their true value in our society. This is one of those very fundamental issues, which can address that and bring some justice into that area. We live in the wealthiest society in the world. I had an opportunity to travel to China last October. When I came back home, when all is said and done for all the inequalities that I see in our country, I had a tremendous appreciation for being an American citizen. I really believe that we can do better. There is so much wealth in this country. We see it every day. It is difficult to understand how we can justify resisting a 20 cent an hour raise for people making \$5.25 an hour.

It is also one of the great ironies of the political right wing movements in this country that preach to us morality, to divide the families in this country, to distract the focus of the American people and the people of Maine by focusing on issues of false morality. This is what we like to say in the Labor Committee is where the rubber hits the road. Put your money where your mouth is. If you want to be moral about something, then it is time to provide to people working 40 hours a week, a decent standard of living. That is why the Catholic Church supports this. It is not one to support everything that comes out of the Democratic Caucus. Every argument against the minimum wage increase is based on an ability to grasp the injustice of this issue. It is a fundamental issue. What is a human life worth? What is 40 hours of sweat and toil worth? We can justify not increasing the minimum wages in many ways. There is always a reason to

say no to progress. There is always a reason to say no to justice.

The Chief Executive of the state is a millionaire. I would like to challenge him this evening. Mr. Chief Executive, can't you spare 20 cents for Maine's working men and women? Maine is, when you are driving into the State of Maine you see the signs that say, "Maine, the way life should be." Maine is the way life should be because we have always been willing to address these issues with candor, honesty and truth, to look at the heart of the matter, to not be distracted by powerful interest groups. I would like to see economic development in my state as much as anyone would, but not at the cost of the quality and the standard of living, which we have fought so hard for in this state to create. Thank you very much Madam Speaker.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. Let's put this proposal in context for a moment. This bill was the product of the Commission on Poverty. This was a commission that looked at the extent and impact of poverty among our people here in Maine. We all know what poverty does to individuals and families and the devastating costs that society eventually pays. Ladies and gentlemen, it is pay now or pay later. We cannot avoid paying the cost of poverty. The recommendations of this commission was the single most important legislative action what we could take to deal with the impact of poverty was to raise the minimum wage. Our failure to overturn this veto is a failure on our part to take a first minimum step at addressing poverty among our people in Maine. Let's remember what we are doing when we act either to sustain or to override this veto. 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. Throughout the debate tonight we have heard what we should do and how we should give a raise and how we should do these things. Let's put this in perspective. We are not giving anyone a raise. We are doing the largest unfunded mandate that any Legislature does. We are dictating to someone else to give somebody else a raise. For somebody else to pay more taxes on a raise. We are telling someone who may be barely getting by, that provides those jobs, you have no choice. If you have two employees in your employ and you have an extra 10 or 15 cents an hour and you have one employee who excels and does really well, you don't have the option on who you are going to give a pay raise to because we, the Legislature, although we don't want to back it up with money, think in our infinite wisdom that you must give a raise. The perspective here, the we, is that we want to dictate an unfunded mandate on the people across the State of Maine. I understand the minimum wage debate. It is very frustrating to sit here and listen as we want to take the moral high ground on what we demand that somebody else do. We want to go home and say we gave you a pay raise, but Joe the local country store guy is the one that is actually paying it.

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

Representative GAGNON: Madam Speaker, Men and Women of the House. I guess we all look at this issues through our own perspectives. I had the honor this Legislature to serve on the Taxation Committee. I thank the good Speaker for appointing me to that. I enjoyed it very much and I enjoyed the people I worked with. One of the things that I truly believed in listening to the Chief Executive when he was running for office was his perspective on tax burden as a percentage of people's incomes. I worked really hard to try to do something about that

this session. I always said, in spite of what you felt the tax relief package ought to be, I have always said that it will be a job for anyone in this House to be able to cut taxes regardless of what it ended up being. I truly felt that when we did that. We did lower the tax burden on Maine working people a little bit.

I also supported the Chief Executive in his efforts on revenue targeting. Despite what many others in my caucus in particular felt, they felt that it was an approach that we could take with our eyes open when answering budgets and looking at the tax burden on Maine people. Men and women of the House, there are two sides of this equation. It is not just the taxes that are applied to people's incomes, but it is what those incomes are. The arguments I have heard, this concept that the lowest wage earners are going to get a small increase and it is going to somehow explode all the way up the income scale. It is just not true. I guess we would call it trickle up. There is going to be some trickling up a little bit. It is not going to reach any of us. We are way beyond that. I hope we are beyond that. There will be a little bit. That is what really gives us a big bang for the buck in this. We can raise those incomes a little bit so it is a percentage of income and with the tax relief that we can provide, we can narrow that gap a little bit more.

Businesses don't avoid this state because of the quality of the workforce. There has been discussion quite a bit. We have flirted around the issue of Kimberly Clark closing in Winslow. Kimberly Clark didn't leave this state because of the quality of that workforce. They left because of greed. This was a profitable mill in Winslow. These people were making very good money and now these people are going to be destined to much lower incomes. That action by that one greedy corporation just increased the taxes percentage to income in our area dramatically. We can take a macro view of this and realize what we are doing to the people of the state overall. That is who we represent, the people of the state. Businesses will come in. We have got better. We have ETIF. We just about give away the farm to get businesses into this state. We are looking for quality jobs. We are not looking for low paying jobs. I read the other day that McDonalds is now going into robotics so they can even eliminate jobs at McDonalds. Maybe we can give them a better deal on that when they buy that equipment. I don't know. This is who we are working for, working men and women of the state. Bring businesses in because of the quality of our workforce. They deserve this small incremental increase. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This noon I happened to have lunch with a friend of mine, Representative Kerr. We were in a restaurant and the owner came and sat with us. The one question he asked us is, what are you guys trying to do to me? In 1996 you raised the minimum wage and it cost me \$20,000 and now you are going to raise it again and it might cost me \$25,000. My waiters and the boys and girls that clean up the tables all make more than the minimum. I know for a fact because my son, at 16 years old, and my daughter, at 16 years old, worked at this particular restaurant. He says what you are doing is increasing my costs. All my waiters and waitresses make well above the minimum. Why pick on me? It gives you a little different perspective. What you are doing is taking money from this person and not really increasing the amount that goes to the waitress or the waiter, what have you. What we are doing, ladies and gentlemen, we are restricting the ability of this person to generate additional jobs and to provide new jobs for people coming in. This is an entry level job. I don't think people want to be waitresses for 40 years, but we are increasing their costs, on this particular person, \$20,000 to \$25,000. I couldn't give them

an answer. Trust me, I am not one of the people that is going to cost you this money, but if it does happen, this would be the cost that you are going to tack onto this business. I don't feel comfortable tacking on costs in my area where I am going to restrict the capability of replacement jobs that I have lost. I feel very uncomfortable doing this. Ladies and gentlemen, I am going sustain the Governor's veto. I urge you to do the same.

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

Representative MACDOUGALL: Madam Speaker, Ladies and Gentlemen of the House. An earlier speaker had asked the question, can't the Chief Executive afford this 25 cents? Some others have eluded to the fact that he doesn't pay for it, it is the businessmen out there that are meeting a payroll every week. We mustn't forget that as we approach our vote. I did a little figuring because I talked with one of our officers at my company back a few weeks ago when we first debated this bill. His first thought was he couldn't understand why they didn't just pass that. Our starting wages are much higher than the minimum wage. I said to him, what if instead of the current amount, it took our lowest wage and raised it 25 cents? That would have affected 200 employees. Of 200 employees, if it was mandated to us to give a 25 cent raise, it would translate out to \$2,100 a week or \$109,000 and some change a year. Because the Governor nor us are meeting \$109,000, we have \$109,000 less dollars to invest in our expansion. Just maintaining our current status we would have \$109,000 less dollars to provide education and training for our entry level workers. Indeed, we may even need to eliminate some positions. The money doesn't grow on trees. I understand the compassion and the sincere desire of many members here to help people who are on the lowest level of the economic ladder. I submit to you that business, when given the ability to grow and develop their product, need a good workforce and will do those things to encourage that growth. This will have the exact opposite affect that we are seeking. Please sustain the veto.

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

Representative STANLEY: Madam Speaker, Ladies and Gentlemen of the House. I don't believe that raising Maine's minimum wage above the federal minimum wage will hamper efforts to create a business climate that attracts new employers and highway jobs. The reason why I don't believe that is because I have been down the main street of Presque Isle and there is not much there. I have been to the main street of Houlton and there is not much there. I have been to the main street of East Millinocket and Medway and there is not much there. I have been to Milo and there is not much there. I have been to Guilford and there is not much there. These are all jobs, according to what was read from the communication, that if I raised the minimum wage above the federal minimum wage it will hamper efforts to create a business climate. I don't think we are doing a very good job by hindering the business climate by the minimum wage that we have. What we have to do is go ahead and increase the minimum wage to make these jobs better because when the Chief Executive rides around, I think he ought to open up his eyes and see how some people are living and what things are going on there. You ride through these towns that I have mentioned, these are just towns that I have rode through. Take Lincoln, Lincoln is another one. Howland is one. Open up your eyes. See what is going on. Your businesses are dying. It is not because of the minimum wage. The minimum wage is not killing us. We are going to have a \$1.5 million OneMaine. I would like to see something happen out of it pretty quick here, but I don't believe that by raising the minimum wage it is going to make much business.

I think if we did raise the minimum wage that we are going to provide a better standard of living a little bit more for a certain class of people, maybe 20,000 people that are being paid that right now. Most of these people making minimum wage are not working 40 hours a week. They do not have benefits. They do not have retirement. They do not have insurance. I think just a little 25 cents, which most people work 26 to 30 hours a week. That is not much money about \$7 more a week. That is not very much at all. I think that \$7 a week might buy two loaves of bread, a gallon of milk and maybe some candy for your child. Let him enjoy a little bit of life too. I will tell you, as the good Representative from Saco said, we had the thing on the unemployment, the big study, they recommended to work on the poverty part of this. I will tell you, the more people we have working and making a little bit of money, the less poverty we are going to have. The better off people as a whole will be and the better off the state is going to be. I tell you what, you go up past Bangor or the other side of Newport or on the other side here and open up your eyes and see what is going on here. There is not much there. A lot of the people that have worked in these jobs are working real minimum wage jobs. These are people that could use all the help they can get and by 25 cents, I don't think 25 cents is going to break anybody. Thank you.

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

Representative CLARK: Madam Speaker, Men and Women of the House. I rise this evening and hope that you will vote against the pending motion. Like the previous Representative from Winslow stated that he and the Representative from Orchard Beach went out to dinner and this restaurant owner says it will put him in poverty. I have heard from different area restaurants and businesses in this area that they support the minimum wage. They would be happy to add more people. They would be happy to pay more out to the people that help them run their business. Like the Representative from Presque Isle stated earlier, people do mortgage their lives to help run small business. They also would like to pay more for those people to help them. I hope you help us. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Following the first votes on this, I went through my district and spoke with my small businesses. I found very distressed business owners wondering how they were going to deal with this. I also took the opportunity to talk to some of the clerks. One of the clerks, a young lady had just received a raise. She was quite upset to think that the next person who was going to be hired after she had worked there for her six months, was going to start at the same amount of money that she was at. Her merit raise was essentially going to be just given to the next person who walked through the door. Twenty-five cents an hour sounds great. It is very small. If you want to cook numbers, it is the best way to do it. If you want to really understand what it costs for a small employer to give a 25 cent an hour raise to an employee, you have to add in FICA, which is over 7 percent. You have to add in unemployment. You have to add in workers' comp costs. Do you think conservative figures based on estimates that I have received on workers' comp on my employees and based on average unemployment costs in the State of Maine, it costs the average employer \$140 and some change per year on top of the raise. You are now talking the raise costing the employer \$660 and some odd change per person. That is the real number per year and that is how people in business prepare budgets for the year.

Not one part of our law says that an employer may not pay above the minimum wage in the State of Maine. People who can

pay above minimum wage and wish to will not be held back by the lack of passage of this bill. Persons who do have to foot the bill will have to make enough profit off of the items just to cover costs of \$660 per person. In a mom-and-pop store that is a lot of Coca-Colas and a lot of cups of coffee or that is one less employee and mom works extra hours or dad works extra hours. Twenty-five cents doesn't sound like a lot. When it adds up to a business owner, it can be the difference between somebody making minimum wage and applying for unemployment. I ask you to sustain the Governor's veto. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I have heard some compelling arguments to vote to sustain the veto, but none of them hold water. I have one good Representative stand here and speak and say that in the restaurant business it is going to cost him \$20,000 if we pass this. I own a restaurant. I did some quick math here and it is just impossible. If this person owns a restaurant, he is going to lose \$20,000 a year, I want you to know he works for McDonalds or some multinational corporation because even figure that kind of large number in a small scale operation or a reasonable scale operation to any one of the towns or cities that you and I live in, it is just unbelievable. The other side of it is, ladies and gentlemen, is I come from Washington County with a 12 and 14 percent unemployment rate.

I want you to know that the Governor might feel really good about having a 2 or 3 percent unemployment rate in vast parts of this state. I feel good about that, but to be honest with you, ladies and gentlemen, I don't mind the surplus that we had to deal with this year. I think it is wonderful, but I want you to know it is not in the woods and the trees. When you give somebody a pay raise in the woods and the trees, I want you to know I told you this a couple years ago, my first two pay raises in my whole life was because somebody in this body decided that I deserved a pay raise. It wasn't because I was a bad employee or that I worked hard. It is just because they are not going to pay you in certain jobs in this state. That is what the Governor is supporting here. We have gone from high paying jobs to service industry jobs that pay minimum wage, ladies and gentlemen. That is where we are hanging our hat on the last couple of years and that is what the Governor is taking pride in. That is wrong. What we need to do in Washington County, Piscataquis County and Aroostook County is to send a clear message, whether you are a Democrat or Republican, that if you are working and you are trying to carry your water and to hold the respect of your family and your children and to stay off unemployment and to stay off the dole and all those other things that the people from where I represent take pride in.

Ladies and gentlemen, you have to set a threshold at the bottom level that is reasonable. This threshold is not unreasonable, ladies and gentlemen. This threshold is how I got my first two pay raises. It was because people like yourselves sat here and said that we have to have a bottom threshold. Be honest with us, there are certain people and there are certain business, I have two or three or four businesses, that only will pay what government tells you have to pay. There are other businesses. Everybody in here seems to stand up and say, I don't pay minimum wage, but. Then I hear this ratcheting up thing. I will challenge any member of this body to bring their payroll and their books to me and show that the last three or last five or last 10 increases in minimum wage, whether it was by state or by federal, bring your books to me and prove to me on paper that everybody in the chain of command and every employee you have has a 25 or 30 or 40 or 50 cent pay raise. I

want to see them on my desk before you vote to sustain this veto. Thank you.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. In terms of bringing my payroll and put it on the good Representative from Kossuth Township's desk before I vote, I think we would have to adjourn. I guarantee you, good Representative, that I had an entry level wage in the hotel business. They were there for one week. Each one of them ratcheted up in 30 days, six months and one year. Just before the last minimum wage, I spent the time methodically raising each one of those employees at the same amount. You might want to challenge me, but I will tell you small businesses, I consider that little 56 room hotel, a small business that treats their employees very well. They spend a lot of time analyzing that payroll. It was a mandate from people like you who made me look at each one of those employees and raise them all accordingly. My wages were going up because of people like you, while my room rates were going down because of the market in Bangor, Maine. I was trying to maintain an average of \$39 a night for my hotel room when I was competing with \$35, \$29 and \$25 a room. I will tell you that minimum wage drives those entry levels to a point where I had to analyze my payroll and I had to in order to maintain my bottom line to break even. I had to eliminate one position. Yes, it is fun to challenge people. It is fun to have it come across my desk, but I will tell you when you are working with those employees and you are trying to maintain those positions, it is very difficult when we, as a body, mandate the lower entry level wage increase and expect that it doesn't affect every employee all the way up. I would challenge you to sustain that veto. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is shall this bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage" be approved notwithstanding the objections of the Governor. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 644V

YEA - Ahearne, Bagley, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, 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, Perry, Pieh, 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, Carleton, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Baker, Bodwell, Dutremble, Etnier, Fisk, Honey, Lovett, Paul, Poulin.

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

80 having voted in the affirmative and 62 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

# SENATE PAPERS

## Non-Concurrent Matter

Bill "An Act to Promote Access to Public Higher Education"  
(H.P. 1453) (L.D. 2044)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-1157)** thereto in the House on April 8, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) in NON-CONCURRENCE**.

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

## Non-Concurrent Matter

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

(H.P. 735) (L.D. 999)  
(S. "A" S-645)

**FINALLY PASSED** in the House on April 1, 1998.

Came from the Senate **FAILING OF FINAL PASSAGE in NON-CONCURRENCE**.

The House voted to **ADHERE**.

## Non-Concurrent Matter

An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

(H.P. 1543) (L.D. 2170)  
(C. "A" H-1067)

**PASSED TO BE ENACTED** in the House on March 27, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067) AS AMENDED BY SENATE AMENDMENT "A" (S-736)** thereto in **NON-CONCURRENCE**.

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

## Non-Concurrent Matter

An Act to Correct and Supplement Funding for the Maine School of Science and Mathematics (EMERGENCY)

(H.P. 1450) (L.D. 2041)  
(C. "A" H-927)

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

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-927) AS AMENDED BY SENATE AMENDMENT "A" (S-778)** thereto in **NON-CONCURRENCE**.

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

# ENACTORS

## Act

An Act to Establish an Independent Public Commission to Set Legislative Pay

(S.P. 781) (L.D. 2108)  
(C.C. "A" S-781 to C. "A" S-630)

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

On motion of Representative TUTTLE of Sanford, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

## ROLL CALL NO. 645

**YEA** - Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Donnelly, Driscoll, Dunlap, Foster, Frechette, Gamache, Gieringer, Goodwin, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McElroy, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Shannon, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Winglass, Winn, Winsor, Wright.

**NAY** - Ahearn, Bagley, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Dexter, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, LaVerdiere, Lemaire, Lemke, Lemont, McAlevy, McKee, Mitchell JE, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Madam Speaker.

**ABSENT** - Baker, Bodwell, Dutremble, Etnier, Fisk, Honey, Lovett, Paul, Poulin, Samson.

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

# ENACTORS

## Acts

An Act to Clarify the Tax-exempt Status of the Maine School of Science and Mathematics

(H.P. 1488) (L.D. 2087)  
(C. "A" H-843; H. "A" H-928)

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 Give Collective Bargaining Rights to Legislative Employees

(H.P. 1497) (L.D. 2096)  
(H. "A" H-1166 to H. "C" H-950)

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

On motion of Representative JOYCE of Biddeford, 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. 646**

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

**NAY** - Barth, Belanger DJ, Belanger IG, Berry DP, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, MacDougall, Mack, Marvin, McElroy, Meres, Mitchell JE, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Thompson, Tobin, Townsend, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

**ABSENT** - Baker, Bodwell, Dutremble, Etnier, Fisk, Honey, Lovett, Paul, Poulin.

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

80 having voted in the affirmative and 62 voted in the negative, with 9 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**COMMUNICATIONS**

The Following Communication: (S.C. 713)

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

April 8, 1998

The Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 789, Legislative Document 2116, An Act to Limit Mandatory Overtime having been returned by the Governor together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 voted in favor and 12 against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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:

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)

Which was **TABLED** by Representative KONTOS of Windham pending her motion to **RECEDE**.

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

Representative WHEELER of Bridgewater **PRESENTED House Amendment "D" (H-1168) 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. I can guarantee you that this will be the last time that I speak to the House on amendments for this bill. When I first put an amendment to this bill, I certainly wasn't doing it to kill the bill. I was doing it to protect my constituents from unnecessary regulations and to provide sensible legislation. I want to be honest with you though, if this bill goes to the other body and is not Receded and Concurred with, I will be voting to kill the bill. I just wanted to be honest with you. What this amendment does is it changes the weight of trucks covered under this amendment from 10,000 to 26,001 pounds. It requires the Commissioner of Environmental Protection to establish procedures and standards to implement the program. It eliminates the punitive aspects of the program and instead requires the department to give the operator of the vehicle that has not complied with the standards established by the program educational material describing the benefits of a vehicle that does comply with the program. It also repeals this provision on June 30, 1999. I would ask for your support on this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Gagne.

Representative GAGNE: Madam Speaker, Men and Women of the House. I didn't have the chance to speak every other time it came up, but I feel I would like to rise to support the amendment only so that we can get this bill passed. Last year I went before the Transportation Committee with a bill that would work on a particular part of a diesel truck to adjust it in such a way that the emissions would not be as bad as they are. Transportation listened and when they were done they said, you know, you really don't belong here at this committee, we are going to send you to another committee. As a freshman legislator, I thought I would keep moving around. I went upstairs to the Natural Resources Committee and then I gave my spiel again about how diesel truck emissions were bad. I had people in my district as I went around talking to me about it on a nice summer early morning, 4:30, logging trucks would come by the house and the diesel fumes would kind of lift through the screen of the window and kind of wake you up in the morning really early. Things like that really offended people. I went ahead and did my presentation and many on Natural Resources said it is a really good idea, but Ought Not to Pass. What do I know, I was still just beginning. They did make a promise to me and the promise was that they were going to include it later in another bill. This year comes along and by golly it is on a bill. As a

freshman legislator who had all Ought Not to Pass with two that were incorporated in other bills, this is one of the two. Oh this is terrific. I let the Natural Resources Committee take the brunt of this. They got up and talked and Representative Rowe worked really hard even with his cold to convince you to go along with it. What happens but some other Representative gets up and puts on an amendment that knocks that one little piece out and there goes that bill that I had dreamed up and the bill that I talked at two committees down the drain.

I wasn't too happy with that Representative who gave me a flower sometime today, which I quickly returned. If that wasn't enough, then the rest of you thought his idea was good too and it takes off. Now, we have him come back with something a little bit more palatable, perhaps, not to me because I would have really liked to get those diesel trucks, but we need to at least get their attention. You want to believe that if you are stopped by the police for anything, even if they don't give you a ticket, you sweat. So will they when they stop that diesel truck that is emitting bad polluting air. To me, I don't know how any of you can stand the smell of being behind one of those because it isn't just that, I came last year over here and I saw this black, black smoke in the distance and I thought there was a fire, what happened? By the time I got there, it was a lumber truck that was so black, I was behind him and couldn't see the truck. Those are the kind of vehicles that have to be stopped and checked and fined, as far as I am concerned, but I know this amendment won't do that. I urge you to support this amendment "D," it will get us on the road to even getting our federal transportation money and it will give me a little bit of good will to leave here tonight. Thank you.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I can't support this amendment. I hope you will not also. It really does nothing about the problem it purports to. You have to read the amendment to see that if somebody is found in violation of the conditions, they are given educational materials. I guess maybe a brochure telling you how to tune up your truck. There are no enforcement provisions at all. The entire program ends June 1999. What we have is a program that does nothing and ends in a year. If we are talking about doing anything about diesel emissions, I hope we don't think this amendment will do it. In my mind, compared to the work that has gone into this bill as a whole, this is not much at all. It is a bit of an affront to the work that has gone into this bill. I hope you will not support this because it is going to do nothing for the problem. I would ask you to join me and I ask for a roll call vote on this Madam Speaker.

Representative CHARTRAND of Rockland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-1168) 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 "D" (H-1168) to Committee Amendment "A" (H-1050). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 647

YEA - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brooks, Bryant, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Lane, LaVerdiere,

Lemaire, Lemont, Lindahl, MacDougall, Madore, Mailhot, Marvin, Mayo, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Taylor, Tessier, Tobin, Treadwell, Tripp, True, Tuttle, Underwood, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Brennan, Bruno, Buck, Bull, Chartrand, Clukey, Davidson, Farnsworth, Gerry, Goodwin, Joyce, Labrecque, Layton, Lemke, Mack, McAlevey, Meres, Perkins, Pinkham WD, Stedman, Thompson, Townsend, Usher, Waterhouse.

ABSENT - Baker, Bodwell, Dutremble, Etnier, Fisk, Honey, Lovett, Paul, Poulin, Saxl JW, Wheeler EM.

Yes, 116; No, 24; Absent, 11; Excused, 0.

116 having voted in the affirmative and 24 voted in the negative, with 11 being absent, **House Amendment "D" (H-1168) to Committee Amendment "A" (H-1050) was ADOPTED.**

On motion of Representative WHEELER of Bridgewater **House Amendment "B" (H-1083) to Committee Amendment "A" (H-1050) was INDEFINITELY POSTPONED.**

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I have consistently voted for this piece of legislation as it has made its way through the process and become whittled and whittled and whittled down. I am going to vote against it now. It has become limited. It affects only my constituents, unfairly I think, so that other areas of the state can receive their highway funds. Worse yet, we have just squandered over \$200,000 worth of highway fund on an officer friendly program. This is coming from a fund that was so broke that it needed to borrow \$12 million from the general fund. I think it is a colossal waste of state money. I think it is a real waste of time at this point. I will be voting against adoption and I ask you to join me.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-1050) as Amended by House Amendment "C" (H-1165) and House Amendment "D" (H-1168) thereto.**

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 Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. Very quickly, basically the good Representative from Portland, Representative Townsend, just said everything that I feel right now. I feel what we have in front of us today is unfair and a program that is going to do very little to address the real concerns of clean air here in Maine. It unfairly targets one county of the state. I will not be supporting this even though I have worked very hard all along from the committee process up to now to support a fair statewide program that truly gets to addressing this issue of clean air in Maine's environment. I can no longer support a bill so limited in scope. Thank you Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-1050) as Amended by House Amendment "C" (H-1165) and House Amendment "D" (H-1168) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 648

YEA - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry RL, Bigl, Bouffard, Bragdon, Brooks, Bryant, Bumps,

Bunker, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Dexter, Donnelly, Dunlap, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joy, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, MacDougall, Madore, Mailhot, Mayo, McElroy, McKee, Murphy, Nickerson, O'Brien, O'Neal, O'Neil, Pendleton, Perkins, Perry, Plowman, Povich, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Tobin, Treadwell, True, Tuttle, Underwood, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Berry DP, Bolduc, Brennan, Bruno, Buck, Bull, Chartrand, Chizmar, Cianchette, Davidson, Farnsworth, Gerry, Goodwin, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemke, Mack, Marvin, McAlevey, Meres, Morgan, Muse, Nass, Ott, Peavey, Pieh, Pinkham RG, Pinkham WD, Powers, Quint, Stedman, Taylor, Thompson, Townsend, Tripp, Usher, Vedral, Waterhouse.

ABSENT - Baker, Bodwell, Driscoll, Dutremble, Etnier, Fisk, Honey, Lovett, Mitchell JE, Paul, Poulin, Saxl JW.

Yes, 97; No, 42; Absent, 12; Excused, 0.

97 having voted in the affirmative and 42 voted in the negative, with 12 being absent, **Committee Amendment "A" (H-1050) as Amended by House Amendment "C" (H-1165) and House Amendment "D" (H-1168)** thereto was **ADOPTED**.

Representative LEMKE of Westbrook moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

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

#### ROLL CALL NO. 649

YEA - Bolduc, Bragdon, Brennan, Bruno, Buck, Bull, Chartrand, Chizmar, Cianchette, Davidson, Farnsworth, Fuller, Gerry, Goodwin, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemke, Lemont, MacDougall, Mack, Marvin, McAlevey, Meres, Morgan, Murphy, Nass, Ott, Peavey, Pieh, Pinkham RG, Pinkham WD, Powers, Quint, Stedman, Taylor, Thompson, Townsend, Tripp, Underwood, Usher, Vedral, Waterhouse, Wheeler GJ.

NAY - Ahearn, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Brooks, Bryant, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Fisher, Foster, Frechette, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lindahl, Madore, Mailhot, Mayo, McElroy, McKee, Muse, Nickerson, O'Brien, O'Neil, Pendleton, Perkins, Perry, Plowman, Povich, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Tobin, Treadwell, True, Tuttle, Vigue, Volenik, Watson, Wheeler EM, Winglass, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Baker, Bodwell, Dutremble, Etnier, Fisk, Honey, Lovett, Mitchell JE, O'Neal, Paul, Poulin, Saxl JW.

Yes, 48; No, 91; Absent, 12; Excused, 0.

48 having voted in the affirmative and 91 voted in the negative, with 12 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1050) as Amended by House Amendment "C" (H-1165) and House Amendment "D" (H-1168)** thereto in **NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

At this point, the Speaker recognized all members who have served as Speaker Pro Tem during the 118th Legislature.

The SPEAKER: At this time I have a very distinct privilege and honor. It is a chance to thank people who helped me and who helped you. People who served as Speaker Pro Tem. I think they will agree with me. Sometimes when you are Speaker, you forget the names. I know the Representative from Carmel and Hartland know what trouble the Speaker has with remembering what towns you are from. Representative from Bridgton was always Bridgton from Waterhouse. You stand here and you forget your own name sometimes. These individuals, many had no notice, they were simply called up to the podium. They all came very gamely and did an extraordinary job. We have a wonderful tradition here by thanking them by awarding them their own gavel to take home. I would like to call forward at this time. The Honorable Randall L. Berry of Livermore who served as Speaker Pro Tem on March 19, 1998. The Chair would also like to thank another distinguished Speaker Pro Tem, the Honorable Thomas M. Davidson of Brunswick, who served on May 27 and March 27, 1998. Unfortunately, Representative David Etnier could not be here this evening. We will save it for him. He was distinguished. He was quite nervous about it. He did a marvelous job, I must add. He served on May 16, 1998. The Chair is pleased to recognize another distinguished Speaker Pro Tem, the Honorable Bonnie Green of Monmouth, who served on March 23, 1998. We have another distinguished Speaker Pro Tem. A gentleman who can do most anything, the Honorable George Kerr of Old Orchard Beach. He served on March 24, 1998. A gentleman I called on many times and never failed, the Honorable G. Steven Rowe of Portland, March 20, 25 and 30, 1998. My very good friend, the Honorable Richard Thompson of Naples, who served on March 20, April 17, May 21, May 28, May 29, May 31, June 20 and this year March 23, 1998. Thank you very much Representative Thompson. Another old friend who is recycled like me, the Honorable Ron Usher of Westbrook, who served on May 1, 1997. I hope he doesn't think it was punishment because he presided over a very, very long debate, the Honorable James Donnelly of Presque Isle, who served on May 2 of last year and on April 2, 1998. The irrepressible and always helpful Assistant Floor Leader, the Whip of the House, Michael Saxl. Last, but certainly not least, my right arm throughout this session who served many times both the first session and the second, the Honorable Carol Kontos of Windham.

#### ORDERS

On motion of Speaker MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1682) (Cosponsored by President LAWRENCE of York and Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, KONTOS of Windham, SAXL of Portland, Senators: AMERO of Cumberland, KIEFFER of Aroostook, PINGREE of Knox, RAND of Cumberland)

**JOINT RESOLUTION RECOGNIZING JOHN D. WAKEFIELD**

WHEREAS, during his 26 years of service in Maine State Government, including the Department of Mental Health and Corrections, the Department of Human Services and the Legislature, he has shared his expertise, his dedication, his boundless energy and his unique sense of humor with all with whom he has worked; and

WHEREAS, John has served in the Office of Fiscal and Program Review since the fall of 1987, the last 8 years as its Director, working often under arduous conditions and demanding circumstances; and

WHEREAS, John has served the Town of Livermore equally well with more than 27 years on the SAD #36 School Board; and

WHEREAS, he has been a friend and trusted colleague, has demonstrated the highest level of integrity and nonpartisanship and has shown a special ability to bring out the best in people; and

WHEREAS, his expertise in both state and federal budgetary matters and policies have made him an invaluable asset to the Legislature and a valued and vital member of the nonpartisan staff; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Special Session, do pause in our deliberations to express our sincere appreciation to John D. Wakefield and to recognize his years of dedicated service to the Legislature and the State; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to John D. Wakefield.

**READ.**

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

Representative KERR: Madam Speaker, Men and Women of the House. John is just a unique individual. He is so hard to describe. He just holds the highest level of integrity in the staff that he has developed. His work with the committee is just superb. I would just like to share one little exciting moment for us down in the Appropriations Committee. Sometimes it is the little things that can break up a night or a day of intense debate amongst the committee. In this session, a few months ago, we were discussing a bill dealing with the Revenue Forecasting Committee on whether or not we should add one new member or two new members. We had asked John to come to the mic so that we could get his opinion of adding or potentially adding two members of the Revenue Forecasting Committee. John came to the mic and we were concerned, all members of the committee, and just asked John, John how do you feel whether it is seven members that can reach a consensus or six members? John very bluntly looked at us and said, "It really doesn't matter because I am not going to be here?" I can totally say John that you and your staff that you have put together are really the heart and the soul of this Legislature. From the committee, I want to thank you personally for all your help and your indulgence in drafting the many amendments that we put upon this path and always being there when we need you. Thank you very much John.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Having been previously as I liked to brag on the floor of the House, been a member of the great committee of Appropriations and Financial Affairs Committee and now a member of leadership who put plenty of amendments on the staff for budgets, I wanted to take a moment to thank John for his hours of dedication, his patient and consistent leadership. It

takes a real leader that can lead a group of very intelligent, articulate, hardworking people to get them to work together and have fun. When they put in the hours they put in after we leave each night at 2 or 3 in the morning and they work through the next day so that we can go home to see our families, they sacrifice seeing theirs and sometimes speaking to theirs so that we can do the business for the people of the State of Maine. For that, we thank you John and the rest of the staff. You can't leave these things on a serious note, the one thing that I will always remember about John is I never ever made a pot of coffee that John did not wear a piece of it on his shirt. John tends to talk with the hand that has the coffee. There is a hazard zone we draw around his desk that you must wear asbestos suits. John, in all seriousness, it has been a pleasure. You are an absolute gentleman and the state has been honored by your presence here, personally and as a State Representative.

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

Representative BERRY: Madam Speaker, Men and Women of the House. It is a great honor for me to speak on behalf of John Wakefield. I grew up across the street from John. I always wondered why we didn't see much of him around and now I know. It is a pleasure to work with John. It has been a pleasure for me to be able to serve on that committee and learn more about John, who I grew up across the road from. He has a great staff down there and they admire. I am not sure what they mean still when they say that it must be something in the water in Livermore. I don't understand that. We had the pleasure, Senator Nutting and I, of recognizing John when he retired from the school board. He has been involved in the community as well as the state. We really appreciate that. It is just a pleasure, again, for me to be able to work with you in this capacity. I hope I get a chance to play a little golf with you down in Livermore when you retire. Thank you.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. John, on behalf of everyone in this body, we thank you for making public service a noble activity. You lead by example. As people have said, you have put together a terrific staff. Those of us who worked with you on Legislative Council issues know, as others have said, that we can trust your good judgment and your candor and your good will. I know I speak for everyone in this body when I say thank you for all you have done and to tell you that you will be missed.

JOHN WAKEFIELD: Thank you. I am speechless in Augusta. I truly thank you. This is the best job I have ever had. It has certainly been an honor, something I always wanted to do, to work in the Legislative Branch, despite our little disagreements, I still feel that it is a great place to work. I would also like to thank the staff in both the partisan and nonpartisan offices. It has been a pleasure working with them. I would like to say a special thanks to the Legislative Council that has seen fit to renew my contract year after year. My boss, Sally Tubbesing, I don't know how she has put up with me. Particularly, to the staff people in the Office of Fiscal and Program and Review that have carried me for the last 10 years. Thank you very much.

The SPEAKER: Before we adopt the Resolution before John leaves, I think a tribute to John are all the people standing behind the glass and many who are listening to us who couldn't come up because they are still working. I will tell this very quick story on John. In the old days when we worked until the sun rose, at the end of every session all the poor staff people who were more haggard than we came upstairs for their, so-called, thank you. John called that the parade of horrors. I think that is why Jim Clair is laughing so hard that John has to stand up here

all by himself for the parade of horrors. There is no way to thank someone with John's talent and dedication enough, but we will try John. We are very, very grateful to you for all your work.

**ADOPTED.**

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

At this point, the House performed the Ceremony of Lights.

The SPEAKER: At this time the Clerk will read the names of each retiring member. As the name is called each member will vote green. As he calls your name, please vote green.

The CLERK: The Representative from Brunswick, Representative William E. Bodwell, II, two years of legislative service. The Representative from Falmouth, Representative Robert F. Fisk, Jr., two years of service. The Representative from Greenville, Representative Sharon Libby Jones, two years of service. The Representative from Bucksport, Representative Joseph H. Bigl, four years of service. The Representative from Rockland, Representative Paul Chartrand, four years of service. The Representative from Hollis, Representative Jeffery G. Joyner, four years of service. The Representative from Enfield, Representative Priscilla Lane, four years of service. The Representative from Cherryfield, Representative James D. Layton, four years of service. The Representative from Unity, Representative Rodney W. McElroy, four years of service. The Representative from Norridgewock, Representative June C. Meres, four years of service. The Representative from Portland, Representative J. Elizabeth Mitchell, four years of service. The Representative from Mechanic Falls, Representative John H. Underwood, four years of service. The Representative from Auburn, Representative Robert J. Winglass, four years of service. The Representative from Houlton, Representative Dean F. Clukey, six years of service. The Representative from Crystal, Representative Henry L. Joy, six years of service. The Representative from Cumberland, Representative Joseph B. Taylor, six years of service. The Representative from Glenburn, Representative Julie Winn, six years of service. The Representative from Winslow, Representative Marc J. Vigue, seven years of service. The Representative from Bethel, Alvin L. Barth, Jr., eight years of service. The Representative from Wells, Representative Joseph G. Carleton, Jr., eight years of service. The Representative from Presque Isle, Representative James O. Donnelly, eight years of service. The Representative from Old Orchard Beach, Representative George J. Kerr, eight years of service. The Representative from Windham, Representative Carol A. Kontos, eight years of service. The Representative from Westbrook, Representative William Lemke, eight years of service. The Representative from York, Representative David N. Ott, eight years of service. The Representative from Oakland, Representative Thomas E. Poulin, eight years of service. The Representative from Waldoboro, Representative Robert W. Spear, eight years of service. The Representative from Biddeford, Representative Lucien A. Dutremble, 14 years of service. The Representative from Vassalboro, Speaker Mitchell, 18 years of service.

**ORDERS**

On motion of Representative SAXL of Portland, the following House Order: (H.O. 48)

WHEREAS, Elizabeth H. Mitchell of Vassalboro has served the people of her District and the State of Maine for 18 years as a member of the Maine House of Representatives; and

WHEREAS, Elizabeth H. Mitchell was elected House Majority Leader in 1980, the first woman ever elected to that position; and

WHEREAS, on December 4, 1996, Elizabeth H. Mitchell became the first woman elected Speaker of the Maine House of Representatives in the 176-year history of the State of Maine; and

WHEREAS, throughout her career, Speaker Mitchell has served the state with dignity and grace; now, therefore, be it

ORDERED, that the chair used by Speaker Mitchell at her desk in her office be given to her as a token of the esteem in which she is held by her colleagues and the people of the State of Maine.

**READ.**

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

Representative SAXL: Madam Speaker, Men and Women of the House. A new era in Maine government began on December 4, 1996 when Libby Mitchell became the first woman Speaker in Maine's 176 year history. On that day, Elizabeth H. Mitchell became the highest ranking woman ever to serve in the state office. In her speech nominating the Speaker, Representative Linda McKee, eloquently captured all that is Libby. She said, "Libby, this great woman of Maine politics defines the cultural role model southern women are brought up to emulate, capable, gracious, principled, loyal, dedicated, girded by faith, loved by her family, revered by her community and respected by all." For her incredible service to the people of the State of Maine, we owe Libby Mitchell our thanks and our appreciation.

I always get a kick out of the story that Libby has told me many times about how she got her start in electoral politics. As many of you know, Speaker Mitchell was first elected to the House of Representatives in 1974. It was how she got there is what I like. Apparently a local Democrat came around the Mitchell house to talk to Libby's husband, Jim, about maybe running for office. Libby was on her hands and knees in her living room pregnant and painting. When the suitor came to the door Libby's husband, Jim, was reluctant to answer the political fray. He had recently established his legal practice and was starting his family. Libby volunteered to stand in as the candidate. To everybody's surprise, she won the race. A phoenix from our ashes. Since then, Libby Mitchell has been re-elected by her Vassalboro constituents to five consecutive sessions.

In 1980, was elected House Majority Leader. That was only Libby's first legislative career. From 1986 to 1989, Libby served as Director and Chair of the Maine State Housing Authority. In 1989, she was appointed Chair of the National Task Force on Low Income Housing Tax Credit by then United States Senator, George Mitchell. In 1990, the beginning of Libby's second Legislative career began. Speaker Mitchell returned to the Legislature and Chaired the Banking and Insurance Committee where she was a critical player in resolving our workers' compensation crisis. Throughout her career Libby Mitchell has been champion also of education. She served for six years on the Joint Standing Committee on Education a Chair of the Committee from 1992 to 1994. In 1994, she was elected Assistant House Floor Leader.

I just wanted to remind all of us of the length and of the distinction of Libby's commitment to public service and contribution to our state. She has devoted her professional career to helping the citizens of Maine who most need an effective and articulate advocate. Libby has not confined her activity to legislative affairs. She also serves as a Chairman of the Board of Directors of the Federal Home Loan Bank of Boston. She has been a Director of the Maine Homeless Coalition, the Home Resources of Maine, Kennebec Health Association, Kennebec Valley Medical Center and many, many others. The Speaker's forceful, yet gracious manner at the

rostrum has been widely heralded as the new dawn in Maine politics. Personally, I have been in awe of her stamina at the rostrum. We often keep her standing there for lengthy debates. Wasn't it three days on the chickadee plate last session.

Really, one of my fondest memories of Libby is watching her on "Take Your Daughter to Work Day." I enjoyed seeing Speaker Mitchell with her daughter, Representative J. Elizabeth Mitchell and her granddaughter that is here today too, Hannah. I had this wonderful sense of tradition passing from one generation to the next. Libby Mitchell has created a culture where anything is possible for the young women of Maine. She has demonstrated that women can play a much larger role in public policy, not in the old days of getting out the vote or stuffing envelopes, but of surpassing gender itself and becoming a great and profound stateswoman for all of Maine.

Libby is not just a role model for the children, the young women of the State of Maine. She is a role model for all the people of the State of Maine. I have no doubt that her commitment to public service will continue down the family tree. I have been impressed with Libby's true commitment to this institution. In this age of term limits, there will be fewer and fewer of us who have a deep understanding of the history, complexities and subtleties of this body. We will miss Libby's charm. We will miss Libby's cheerfulness and her knowledge, but most importantly, her leadership. Please join me in honoring my Speaker, Elizabeth Mitchell.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. I feel like I have come full circle here in the 118<sup>th</sup>. Almost two years ago I had the honor of standing here and nominating my friend, Libby, to the Speaker of the House of Representatives. At that time I made a number of statements about what I expected you would see from Libby as a Speaker. I am standing now, I think, simply to confirm that everything that I said was true. All of us are aware of Libby's steady ascent through leadership being the first woman to be Majority Leader also in the State of Maine. The first woman Speaker. That rise to that position was, as I had said before, something that I could talk to my daughter about and show her that all things are possible for her. It was a personal victory for Libby to be elected Speaker. It was a victory for young woman across the state and I believe a victory and an honor for all of us to have Libby elected as Speaker.

Her rise to Speakership also carried with it somewhat of a burden. She assumed the Speaker under a microscope. People wondered if she could handle the job. Was she tough enough? Was she too nice to handle this tough and sometimes fractious body. Clearly she has shown that she had what it takes to lead this institution. She has done so with toughness when necessary, but also with grace and dignity and fairness. She has the ability to relate to people and probably, most importantly, the ability to maintain a sense of humor in the face of adversity. If you spent any time around the Speaker's Office, you will know that Libby had an accommodating style and an open door policy that was much like Grand Central Station. Every legislator was welcome to come in and request time with her, which she always gave freely of her time no matter how busy she was. She also possesses a great sense of timing. I think that has often worked to her benefit. I have often heard her say, "No wine before its time," when we were wanting to jump ahead and act on something that wasn't quite ready to be acted upon.

She also believed that politics was the art of the possible and no one had a better sense of what was possible than the Speaker. She knew it took hard work, persuasive arguments and passionate convictions to succeed in advancing her ideas. If

there is a dominating characteristic, it is her passionate advocacy for what she believes in, especially in the area of education. She advocates, but she also understands that she cannot be rigidly ideological or immovable.

As a champion of education, Libby has no peer. Advocacy dates way back to 1970 when Governor Brennan named her Vice-Chair of the Governor's Task Force on Educational Excellence. In 1984, she gained recognition for guiding Maine's landmark education reforms. Her determination to support education is probably one of the major factors in why we are able to provide an increase in GPA funding in this year's budget. Her support for the university and technical colleges is well-known. She proposed a new idea of the 13<sup>th</sup> year of education. A bold new idea, which perhaps was not accepted this year, but maybe in the future. Even though that proposal wasn't accepted, it provided or helped in providing additional funding to the university and technical colleges.

I often think of her determination to do what was right and I think back to last year's fight with the Executive Branch over the cigarette tax and what to do with the proceeds. She was determined that money would go forward for children's healthcare and prescription drugs for the elderly. Ultimately the Governor vetoed that bill, but ultimately her fight was successful. She was able to, with the help of many others, to set aside money for children's healthcare and that has led to the advances we have made this year in helping to provide healthcare for many, many thousands of children in the State of Maine and to providing prescription drugs for our neediest elderly.

She believes in the adage that you should leave a place better than the way you found it. That is clearly exemplified by her determination that the people's building would be repaired and restored to the condition which it should be held in. All of us have heard her giving passion pleas for this building for funding the necessary repairs. Often it was a lonely voice over the years, but ultimately, as in most endeavors, she was very successful. Her advocacy for the State House is a reflection of her love for this institution. There are few of us that have the respect for this institution that Libby has.

As Chair of the Legislative Council, she handles probably the most unappreciated job in this building, supervising the day to day operations of the Legislature. Few of us are aware of the many hours that it takes just to do that task. She has endeavored to maintain and encourage cordial relationships and keep both parties informed of actions that are taking place. Her convictions that partisan differences must never lead to a loss of respect for individuals, for the institution or the legislative process. In fact, she even let Representative Donnelly be Speaker Pro Tem twice to keep him off the telephone. I think one of the greatest testimonies to Libby's leadership is the fact that the Legislature now has a high favorability rating with the general public. They believe we are up here doing the people's work. She has done her best to keep us on that even keel. Libby will most likely be the last of the legislators to enter the Speaker's Office with 16 years of experience. Whether you agree with term limits or not, I think you will have to agree that this Legislature will be a lesser place because of the loss of Libby Mitchell. I stand here and I pay my respects to my friend. I ask you to join me.

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

Representative USHER: Madam Speaker, Men and Women of the House. Most of you here tonight heard about our Speaker's political career. You can't forget old friends. Libby and I started serving in this House together. We served on the Education Committee together. If you recall back in the '70s that 1994, that is what started the education formula and the

educational system we have today. Libby was very instrumental in helping out our Senate Chair and our House Chair. She helped out the young legislators as we sat on that committee. That was a very tough issue to step into in the State of Maine. Pieces of it still remain. There is always amendments to every piece of legislation that we have. You are probably wondering how a person with that accent, how did she get into Maine. Everybody talks from 1974 on. Well, I did a little checking. Back in 1965 newlyweds came to this great state on their honeymoon. They stayed in one of these fancy hotels that we have in Augusta. Now picture Augusta in 1965. They stayed over by the old Cony High School, it must have been a great motel, and I won't go into all the details what she really thought of the state. Later on in 1971 they returned to the State of Maine. It was the end of March. If you recall in 1971 there was about 30 inches of snow on the ground and the state really looked beautiful as it always does with snow on the ground. She said, "Boy, this is beautiful. I wouldn't mind staying here provided her southern husband from Arkansas got a job with Governor Curtis." Well, he did and they stayed.

The Speaker was from a big town of Gaffney, South Carolina. They settled in Maine and they wanted to have a little farm so they could raise horses. They found a little farm over in Vassalboro. They raised a family of four. They had two horses, Clarence and Silver Council. I can remember young Elizabeth riding horseback. I can hold her up on the horse so she won't fall off. We used to have some of our fundraisers over there on the farm. This is why I think she is like she is today because she is a down to earth person. She lives on a farm and she is, I would say, a Maniac right now. Thank you Elizabeth.

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

Representative ROWE: Madam Speaker, Men and Women of the House. Madam Speaker, I first want to thank you for giving me an opportunity to rise to speak to something other than a Natural Resource bill today. It feels good. First, I just want to agree with what everyone else has said. Like Representative Thompson, I was also honored to participate in the nominating of Elizabeth Mitchell as Speaker back in December 1996 and she obviously made history as the first female Speaker and the first Majority Leader. You can read all about it in the book I did, Page 102. It is very impressive. I won't go over that, but I just want to say that I am continuously impressed with the way Speaker Mitchell carries herself in this body and the way she performs her duty as Speaker. She broke six gavels and she can really make that thing crack. You have received a lot of accolades in the last few days and today across my desk many of you saw the newspaper I was reading. I was reading the comments on Libby. These are quotes. "Magnetic and charming one moment, passionately sensitive in the next, tough, but fair." There was a certain occupant of the second floor that said she keeps her word. She is smart. Gary Crocker would say she is smart. She is focused on what she wants and she is publicly spirited. I am sure we would all agree with that.

I know I personally learned a lot from you, Speaker Mitchell, as I am sure many of us had here. You have provided strong consistent leadership. From time to time, we agree with one another and we get in disagreements, but Speaker Mitchell has, at all times, I think, never ever publicly embarrassed any one of us. Even though when we stood to address the body and made mistakes, you always seem to put us at ease by allowing us to collect our thoughts, our papers and sometimes our scripts to get organized. When we couldn't you would put us at ease and calm us down. For that, we appreciate it. I am sure I speak for many of us. You treated us with respect throughout the two years, as throughout your career and as professionals. For that, we are

thankful. I think you have set a new standard, a high standard, for leadership in this position. I just want to say in closing, Madam Speaker, I think I speak for all of us when I say, thank you for your commitment, your understanding, your patience, your sense of duty, your encouragement, your example, your conviction, your compassion and your friendship. It is obvious, Madam Speaker, that you love this institution and what it stands for. You will be sadly missed. We salute you for a job well done. We thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. Very briefly, I really wanted to share this story on this event. We have heard about a couple of the folks that stood to nominate our Speaker a couple of years ago. The one that stood out in my mind the most and, in fact, I remember it to this day because I have that speech hanging in my office on my wall, a portion of it anyway. It was given by Representative Rowe, actually it was a quote, the difference between a boss and a leader. My young daughter who has come up here many times and has managed to disrupt this entire House without receiving a gavel. It is something her father hasn't been able to do. My daughter, unbeknownst to many people always refers to Madam Speaker, the "Boss Lady." I think she gets most excited about the mere mention of coming to Augusta with me. The first thing she wants to know is if she will get to see the "Boss Lady," every single time. It might have something to do with first time that she met her when Madam Speaker sat her down at her desk and put a piece of cake that was about this big in front of her. She always remembered that and always refers to her as the "Boss Lady." Since my daughter isn't here, I can contradict her now and correct her. I don't believe you have been the "Boss Lady," I believe you have the "Leader Lady." I appreciate that and I thank you.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I didn't intend to speak tonight, but I never intended to run for office either. From Representative Usher's speech that my mother got into politics in 1974, if you count, I probably have more bean suppers and more parades under my belt than any one in here. I hated them at the time. Here I am. Something stuck. An inherited love of this institution. A real respect for public service. Just recognizing the honor of serving in this great body. Everyone thinks you get special attention as the Speaker's daughter, let me tell you, it goes both ways. I have had the opportunity to serve here. I have been given the opportunity to lead, to become a leader and to Chair a committee that I greatly value and respect. Mom, you even impress me.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I also didn't intend to rise. I didn't even realize that this was coming. As a member of the Augusta Delegation, I want to thank you very much. I want everyone to know that across the street from me is Libby's district. If you don't think that I had something to do with that redistricting, I never have to run against Libby. I want to tell you that we haven't always agreed and we probably won't always agree, but I very much admire your strength, your compassion and you have really made me feel welcome in the Augusta Delegation. I want to thank you very much. You have my undying respect. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. As the good daughter of the Speaker said, I didn't intend to stand and speak today. She said something that sparked a little bit into me. First of all, I would like to thank you for your leadership. As many people in this body know, when I have a mind to something, I tend to go the extra mile. I have to commend the Speaker for allowing me the latitude on various occasions to do that. What is really neat is what her daughter happened to say on the floor today that she is a generation of the Speaker in front of us. Jim is standing in the back of the room and he will be the first one to tell you that just a couple of days ago there was a young lady behind the glass that was bouncing around. I came in the middle of a vote and she goes, I think her name is Hannah. She says, "Vote green. Vote green." I kind of bounced in and I went, huh. Just to let you guys know, we won 72 to 70. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Madam Speaker, Men and Women of the House. I did intend to speak tonight. I have saved up all my time for two years so I could speak at great lengths. Unfortunately in the back of my mind is a voice of Sam DiPietro so I will just say thank you very much. I will sit down and shut up.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. One thing that I have always learned is that when you are looking at a person and you want to know whether that person is a great person, you have to look at the fruits of what they do and you have to look for balance. I have had the opportunity to serve in both caucuses. Actually they are good and bad depending on how you look at it. I had a wonderful experience when I was in the other caucus because Libby was always just like she is today. She was kind. She was a good listener and she was helpful. I appreciate that. One of the things that I have noticed that many of you might not get to notice is the other side. I know how hard it is to balance your life. When you are a busy person and you are focused, like you have to be down here, often times it is easy to let other things go by. I have the fortunate opportunity of viewing Libby in another role because our children go to the same school. We both live out of town and we both have to commute to get into Waterville for our children. Darn it, I cannot get to an event before our Speaker is there. I don't know how she does it. I do everything I can to get to the hockey field on time and she is already there. I go all the way down to something in Portland and she is already there. She is always committed. At every event, she is not only there, she is cheering and she is loud and she is happy. She is a great participant. Her family is there. I go to church on Sunday and I drive by the Congregational Church and their suburban is already there. So, I have to tell you that the balance that exists is awesome. She never neglects her community. She never neglects an opportunity to volunteer at the school. She never neglects her children and everyone else's children because when she cheers she is cheering for everyone. She is wonderful. I really appreciate you as a total person.

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

Representative CLARK: Madam Speaker, Men and Women of the House. I remember coming in this body in 1980 when my father first got elected, being just a little runt and running all over like Representative Muse's daughter. I am probably the second one in this body that has had the most bean suppers. That is why I can't stand beans now. Anyway, Libby, you have shown

great friendship and compassion and great leadership. I am very proud and very honored to be serving under you. Thank you.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I have known Libby Mitchell for a great many years. When someone mentioned earlier that she was under a microscope and the people were watching to see what kind of a leader she would make. It never entered my mind that she wouldn't be exactly as you see her today, an excellent leader for all of us, for this institution and for the State of Maine. The reason I really stood up is I have been in education for a great many years. I don't even want to say how many years. It is a profession that I take great pride in. It is a profession that I have come up here and advocated for long before I ever came in here. Libby Mitchell has given unwavering support all of her adult life to education, whether it be K-12 or college or the university system or the technical college. I think that probably is the highlight of your life. I cosponsored that 13<sup>th</sup> year and by God it is coming back. Thank you Madam Speaker.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. As many of you know, I started my career in this body by sitting up there in the balcony for 10 years. That was from 1980 to 1990. At that time, Speaker Mitchell was serving part of that time as Majority Leader. One day her mother was visiting and she was sitting across the aisle from me. Libby gave one of her powerful speeches from down there in the corner. I turned to her mother and I said, "She will be the first woman Governor of Maine." Her mother looked at me and she said, "What?" I repeated my statement. I am pleased Libby that I have had the opportunity to come downstairs and serve in this body. I thank you for giving me the challenging opportunity to serve as Chairman of the Education Committee under your leadership. Maybe I will live long enough to see my predication come true.

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

Representative VIGUE: Madam Speaker, Men and Women of the House. I probably have tried your patience more than anybody in this chamber over the years that we have served together. I will tell you that I have the greatest respect for you. I thank you for being my friend.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Like most of the time in this corner, I am not going to let you off the hook that easy. Madam Speaker, I will not say it has always been a pleasure, but I have always held you in high regard. A lot of words come to mind and none are quite accurate when you describe a person, especially a complex person who gives their all to achieve their goals. A complex person who is interested in really seeing a vision of the future of the State of Maine and driving hard and forcefully toward that goal. A lot of words appear in the paper and some quotes from different people, but we all know that they are not exactly 100 percent accurate. I know I have said that you are fiercely partisan and tough. I have also seen you be tender and pleasant and strong and focused and a friend. For eight years I have appreciated serving with you and God speed Libby Mitchell.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I had promised not to speak again. I would be remiss not to speak this time. I am not sure the good

Representative Vigue is right when he said he is the one that tried your patience the most. Whether we agree or disagree, Madam Speaker, you are a fighter. I always appreciate a fighter. It has been a pleasure.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. A lot of accolades have been bestowed upon you and they are all true, absolutely true. There is one thing that this band of brigands here has forgotten. In the four years that I have known you, you have always been a gracious lady with an unceasing radiant smile. I appreciate that every day. When Jim wants to take some more French lessons, the Mitchells are welcome at 44 Bushey Circle in Lewiston anytime.

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

Representative SHANNON: Madam Speaker, Men and Women of the House. Unlike many of the people who rose tonight, I have waited nearly two years for this opportunity. I could not let it pass unfulfilled. Until a serious tragedy struck my family, I probably could have cared less about what went on in this chamber. It was not part of my life or one of my concerns. During that tragic time, I met a lady who exhibited care and concern for my family's feelings of loss and need. For no other reason than that, I want to extend my thanks to you Libby Mitchell. You helped the healing start.

The SPEAKER: Thank you very much. If I may say very briefly, I heard someone say earlier today they were speechless, I think that was John. So am I. You will be grateful to know. One thing that I have learned in my many years in this chamber, you never make a long speech at 10:10 p.m. when people are absolutely exhausted. I have to thank you very, very briefly. This is the hardest moment I have ever had as Speaker. The rest of it was a piece of cake. Standing here listening to all your wonderful comments, I am extraordinarily grateful. I truly am. That is the hardest part about leaving. Those of you who voted green tonight, even Al, will miss this place. You will miss the family and the friends. This is a family. As Representative Shannon mentioned, we are part of each others lives when death strikes. We are part of each others lives when birth comes along as in Representative Perry's case. It is a family. These are friends and faces that you will take with you forever. It is an absolute joy and a privilege to serve in this room. I served with the fathers of many of you. I served with the father of Joe Mayo. I served with the father of Joey Clark. In fact, sometimes I call him Herbie. I know he must hate that. I served with Shirley Richard's husband with great pride. June Meres is right, I can scream "Go Panthers" as loud as anybody. We had a great time at all those field hockey games in Waterville because we do understand the importance of our families. There simply aren't enough words. I will take a few from good people who don't speak too long and thank you so very much.

I want to leave you with one thought though because I read it the other day. This is the one thought that I would like to leave with you because many of you are coming back. Some of you may be recycled and come back again later. When you do, I hope you will join together for this vision. Whatever your vision is that drives you here, I have always said to everyone that every person in this building is here because they want to do the right thing. We may not always see the right thing as the same, but we are here because we want to make a difference. I want to share with you a quote that came from Robert Kennedy. I would like for you to think about this as you come back next year. "Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against an injustice, he sets out a tiny ripple of hope and crossing each other from a million different

centers of energy and daring, those ripples build a current which gets swept down the mightiest wall of oppression and resistance." I hope you will all be sending out those ripples and those currents. If it doesn't sound too smoltzy, I love you all.

**PASSED.**

Representative CARLETON of Wells assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

## SENATE PAPERS Non-Concurrent Matter

An Act to Establish an Independent Public Commission to Set Legislative Pay

(S.P. 781) (L.D. 2108)  
(C.C. "A" S-781 to C. "A" S-630)

Bill and accompanying Papers **INDEFINITELY POSTPONED** in the House on April 8, 1998.

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

Representative TUTTLE of Sanford moved that the House **ADHERE.**

Representative AHEARNE of Madawaska moved that the House **RECEDE AND CONCUR.**

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

The SPEAKER PRO TEM: 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. 650

YEA - Ahearne, Bagley, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gerry, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, LaVerdiere, Lemaire, Lemke, McAlevey, McKee, Mitchell JE, Muse, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler EM, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Bragdon, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clukey, Cross, Donnelly, Dunlap, Foster, Frechette, Gamache, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McElroy, Meres, Morgan, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Shannon, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Waterhouse, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Baker, Bodwell, Carleton, Dexter, Dutremble, Etnier, Fisk, Gooley, Honey, Lovett, O'Neal, Paul, Poulin, Saxl JW.

Yes, 63; No, 74; Absent, 14; Excused, 0.

63 having voted in the affirmative and 74 voted in the negative, with 14 being absent, the motion to **RECEDE AND CONCUR FAILED.**

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

**COMMUNICATIONS**

The Following Communication: (S.C. 714)

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

April 8, 1998

The Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has adhered to its previous action whereby Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (H.P. 735) (L.D. 999) Failed final passage.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ENACTORS**

**Acts**

An Act to Correct and Supplement Funding for the Maine School of Science and Mathematics

(H.P. 1450) (L.D. 2041)

(S. "A" S-778 to C. "A" H-927)

An Act to Promote Access to Public Higher Education

(H.P. 1453) (L.D. 2044)

(C. "A" H-842)

An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

(H.P. 1543) (L.D. 2170)

(S. "A" S-736 to C. "A" H-1067)

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

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

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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At this point, the Speaker recognized Representative Joseph G. Carleton, Jr., of Wells, for having served as Speaker Pro Tem during the 118<sup>th</sup> Legislature.

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

Representative **KONTOS**: Madam Speaker, you have given all of us gavels tonight. I get to give you one. This is one of the dozen or so gavels, I get to use a prop don't I Madam Speaker, that has major pieces missing. They are here in the envelope in case you want to glue them back together. They are a symbol, a token, if you will, of part of what you leave behind this chamber, which is your energy and compassion and respect and optimism

and all of the wonderful things that you have heard folks say about you tonight. I particularly want to thank you for being a very good comrade. Those of you who wonder what we talk about on the phone, it is often what we are having for dinner and whether we are going to be able to get home in time to make certain commitments. She and I often commiserate about the Democratic caucus being a bit like herding cats. We have great conversations that sometimes have very little to do with the issues before us. It is my understanding that the Representative from Bridgewater, Representative Wheeler, intends to take this gavel from you after I give it to you and do something appropriate with it, mount it or throw it. I think he has something in mind to make it a permanent part of your collection. I think when I think of the two years that we have shared, most of it has been around meals, either breakfast at the Blaine House or working lunches in your office or pizza somewhere on the run throughout the building. It has been a wonderful opportunity for me to think about the kinds of legacies that people leave in this chamber. You will appreciate with me how important it is for me to think about the kind of historical and personal and professional legacy that Libby leaves behind. I told the caucus a couple of days ago how important this chapter is in my life. I want to say to you Madam Speaker that I am truly grateful that this particular chapter that each of us has shared has overlapped. I have truly enjoyed this experience with you. I will be asking your permission to approach the rostrum in order to present this really mutilated gavel. It says, "This is gavel Number 5. Broken on March 31, 1998." The Clerk can probably remember it better because he usually finds the pieces flying near his head. I ask leave of the House to approach the rostrum and present this to you Madam Speaker.

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**COMMUNICATIONS**

The Following Communication: (H.C. 507)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

April 8, 1998

Hon. Elizabeth Mitchell

Speaker of the House

State House

Augusta, Maine 04333

Hon. Mark Lawrence

President of the Senate

State House

Augusta, Maine 04333

Dear Speaker Mitchell and President Lawrence:

In light of the importance and complexity of the many issues underlying L.D. 2145, "An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe," I am writing to communicate the reasons underlying my decision to sign the bill. Please include this communication in the legislative record.

First, I wish to express my great appreciation for the efforts of the Legislature and Passamaquoddy Tribal leaders to resolve a point of ongoing conflict concerning the application of Maine law to tribal saltwater fishing activities. The bill takes a new approach to old conflicts, by avoiding any amendment of the Maine Indian Land Claims Settlement Act of 1980, and instead amending Title 12 fishing license and conservation laws. While there may be doubts about whether this type of arrangement can be crafted without a formal amendment of that Act, and about whether the language of L.D. 2145 is sufficiently clear to assure consistent application of Maine license and conservation laws, I

have chosen to focus instead on the potential offered by this bill for a new working relationship with the Tribe, within the existing framework of the Maine Indian Land Claims Settlement Act of 1980. The bill's approach allows us to explore this new approach without concern that there is a permanent amendment to the Maine Indian Land Claims Settlement Act of 1980.

Second, I wish to acknowledge the work of the Tribe to address my concerns and to assure me that they intend to assure a consistent and even-handed interpretation of licensing and conservation laws by the State and the Tribe. Special thanks go to Tribal Governor John Stevens and Passamaquoddy Tribal Representative Fred Moore, who provided me with the attached formal communication from the Passamaquoddy Tribe, through its Governors and Joint Tribal Council members, outlining their commitments in these important areas. Tribal representatives have assured me that they will work with the State to assure that our mutual goals are obtained: First, that the State's conservation laws will be applied to assure the protection of the marine resources that are so important to our coastal economy and community and; Second, that we can administer this new law without creating friction between Indian and non-Indian members of our community. Legislators and Tribal leaders alike have told me that they understand that any failure by the State and the Tribe to faithfully work to secure these important goals will render the experiment vulnerable to failure, and the underlying law vulnerable to repeal.

It is my great hope that this bill will bring about a new era in Passamaquoddy Tribe and State of Maine relations. An era in which we work closely together to solve issues of mutual concern, while respecting and celebrating our differences. An era marked by trust and respect, as we go forward to find pragmatic solutions to old problems.

The Passamaquoddy Tribe has expressed their appreciation to me, and I share this with the Legislature:

"Nuli Ntolonapemotuk:

Nilun Peskomahkatyik nkoti wolasuweltomunannuk psite mawsuwuwok Woponahkik eli nomihtuhtit elapeksit skiein naka skat kshikehew naka wonitahamawon. Yut tpaskuwakon LD 2145 itomuwiw kuleyawotultinen kiheitomiwhqehtunen eli pomawsultihiq, amante psite wen ulapetomon kisi punasikpon skitkomiq."

"We the people of the Passamaquoddy Tribe would like to express our appreciation to the People of the State of Maine, for the recognition that the history and tradition of Native People is not lost and forgotten. L.D. 2145 recognizes, respects and honors the differences in our cultures. It is our hope that the natural resources will be here for eternity for all to enjoy."

Thank you for your consideration.

Sincerely,  
S/Angus S. King, Jr.  
Governor

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

#### REPORTS OF COMMITTEE Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Opt out of the Federal Requirement to Use Reformulated Fuel"

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

That the Senate **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1037) AS AMENDED BY SENATE AMENDMENTS "A"**

**(S-714) and "B" (S-770) thereto. RECEDE** from **ADOPTION** of Committee Amendment "A" (H-1037) as Amended by Senate Amendments "A" (S-714) and "B" (S-770) thereto. **RECEDE** from **ADOPTION** of Senate Amendment "A" (S-714) to Committee Amendment "A" (H-1037) and **INDEFINITELY POSTPONE** the same. **RECEDE** from **ADOPTION** of Senate Amendment "B" (S-770) to Committee Amendment "A" (H-1037) and **INDEFINITELY POSTPONE** the same. **READ** and **ADOPT** Committee of Conference Amendment "B" (S-783) to Committee Amendment "A" (H-1037). **ADOPT** Committee Amendment "A" (H-1037) as Amended by Committee of Conference Amendment "B" (S-783) thereto, in **NON-CONCURRENCE. PASS TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1037) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "B" (S-783) thereto, in NON-CONCURRENCE.**

That the House **RECEDE** and **CONCUR** with the Senate.

Signed:

Senators:

TREAT of Kennebec  
RUHLIN of Penobscot  
BENNETT of Oxford

Representatives:

ROWE of Portland  
COWGER of Hallowell  
CIANCHETTE of South Portland

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "B" (S-783).**

**READ.**

On motion of Representative ROWE of Portland the Committee of Conference Report was **ACCEPTED.**

Representative DONNELLY of Presque Isle asked the Chair to **RULE** if **Committee of Conference Amendment "B" (S-783)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR.**

#### REPORTS OF COMMITTEE Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on An Act to Authorize a General Fund Bond Issue in the Amount of \$12,500,000 to Construct Water Pollution Control Facilities; to Clean Up Tire Stockpiles; to Investigate, Abate, Clean Up and Mitigate Hazardous Substance Discharges; to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program; and to Make Drinking Water System Improvements

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

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

That the House **RECEDE; READ** and **ADOPT** Conference Committee Amendment "A" (H-1169) and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-1169) in NON-CONCURRENCE.**

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

DONNELLY of Presque Isle  
CAMERON of Rumford  
McALEVEY of Waterboro

Senators:

TREAT of Kennebec  
CLEVELAND of Androscoggin  
SMALL of Sagadahoc  
**READ.**

On motion of Representative DONNELLY of Presque Isle the Committee of Conference Report was **ACCEPTED**.

The House voted to **RECEDE**.

**Committee of Conference Amendment "A" (H-1169)** was read by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee of Conference Amendment "A" (H-1169) in NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

## ENACTORS

### Acts

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)

(H. "C" H-1165 and H. "D" H-1168 to C. "A" H-1050)

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

On motion of Representative BULL of Freeport, 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. 651

YEA - Ahearne, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brooks, Bryant, Cameron, Campbell, Carleton, Chizmar, Clark, Colwell, Cowger, Desmond, Donnelly, Driscoll, Dunlap, Fisher, Frechette, Gagne, Gagnon, Gamache, Gieringer, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Kane, Kerr, Kneeland, LaVerdiere, Lemaire, Lindahl, Madore, Mailhot, McKee, O'Brien, O'Neal, O'Neil, Pendleton, Perkins, Perry, Plowman, Povich, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Tobin, Treadwell, Tuttle, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Berry DP, Bodwell, Bragdon, Brennan, Bruno, Bull, Bumps, Chartrand, Chick, Cianchette, Cross, Davidson, Farnsworth, Foster, Fuller, Gerry, Goodwin, Green, Joy, Joyce, Joyner, Kasprzak, Kontos, Labrecque, Lane, Lemke, Lemont, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, Ott, Peavey, Pieh, Pinkham RG, Powers, Quint, Snowe-Mello, Stedman, Taylor, Thompson, Townsend, Tripp, Usher, Vedral, Waterhouse, Winsor.

ABSENT - Bagley, Baker, Barth, Buck, Bunker, Clukey, Dexter, Dutremble, Etnier, Fisk, Gooley, Honey, Layton, Lovett, Paul, Pinkham WD, Poulin, Saxl JW, True, Underwood, Vigue, Volnik, Winn.

Yes, 72; No, 56; Absent, 23; Excused, 0.

72 having voted in the affirmative and 56 voted in the negative, with 23 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session pending a **RULING OF THE CHAIR**:

**COMMITTEE OF CONFERENCE REPORT** - on Bill "An Act to Opt out of the Federal Requirement to Use Reformulated Fuel"

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

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

Representative DONNELLY of Presque Isle **WITHDREW** his request for a **RULING OF THE CHAIR**.

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

Representative CAMERON: Madam Speaker, Men and Women of the House. I am not sure if this is the right place to ask the question, but could somebody tell me what this does now? I am thoroughly confused.

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

Representative ROWE: Madam Speaker, Men and Women of the House. This bill, the Committee of Conference Report or Committee of Conference Amendment "B," which amends Committee Amendment "A," does two things. Number one, it directs the Department of Environmental Protection to conduct an evaluation of alternative fuels to reformulated gasoline with MTBE and to report back to the Legislature. It puts some requirements into who they are supposed to check with in doing that. The other thing it does is it provides incentives for clean fuel vehicles. The bill defines clean fuel and it provides these incentives through a sales tax exemption of the differential between the costs. Secondly, there is a tax credit for certain expenditures that are incurred by a service station or a filling station in having appliances or capital equipment to supply the clean fuels. For example, whether it be propane or natural gas or battery rechargers. There would be a credit for that. Basically, the bill would encourage the development of clean fuels and alternatives to RFG with MTBE. Thank you.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

## SENATE PAPERS

The following Joint Resolution: (S.P. 876)

### JOINT RESOLUTION RECOGNIZING THE UNITED STATES NAVAL ARMED GUARD

WHEREAS, the United States Naval Armed Guard was created as a branch of the United States Navy during World War I to protect the merchant ships of the United States by maintaining weapons on 384 merchant ships; and

WHEREAS, the Armed Guard was reactivated during World War II as a response to the German strategy of attacking and sinking merchant ships, even those of neutral countries, that appeared to be bringing goods to the allied nations in Europe; and

WHEREAS, members of the Armed Guard served on 6,236 merchant ships during World War II, losing only 710 ships to the war, and over 144,900 men served in the Armed Guard as officers, gun crewmen, signalmen and radiomen and were supported by additional land-based personnel; and

WHEREAS, members of the Armed Guard earned 58,186 commendations and awards, including the Navy Cross, Legion of Merit, Silver Star and Bronze Star, and over 1,810 lost their lives in the ultimate sacrifice of war; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Special Session, on behalf of the people we represent, pause in our deliberations, to honor and to give tribute to those members of the United States Naval Armed Guard who sacrificed and who served to protect the merchant ships during the 2 World Wars; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of Defense, the Secretary of the Navy and to each member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED** in concurrence.

### ENACTORS

#### Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Construct Water Pollution Control Facilities; to Clean Up Tire Stockpiles; to Investigate, Abate, Clean Up and Mitigate Hazardous Substance Discharges; and to Make Drinking Water System Improvements

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

(C.C. "A" H-1169)

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

On motion of Representative KERR of Old Orchard Beach, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee of Conference Amendment "A" (H-1169)** was **ADOPTED**.

The same Representative moved that **Committee of Conference Amendment "A" (H-1169)** be **INDEFINITELY POSTPONED**.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee of Conference Amendment "A" (H-1169)**.

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. We had a lot of debate and a lot of discussions on the environmental bond issue. The House and Senate disagreed and hence we had a Committee of Conference. The Committee of Conference picked out the items that would maximize the match on the federal funds that were available and take care of the most egregious environmental hazards that needed to be taken care in this fiscal year and leaving those that could be taken care of by the 119th Legislature to be done at that time. The way this breaks down is there is \$1 million in there for the remediation of tires for places like Bowdoinham and many, many other places around the state. That just happens to be the largest one in New England. That is why I mentioned it. For superfund hazardous cleanup there is \$1.15 million. For public drinking waters maximizing the match of the available dollars that we can get this year, \$1.5 million brings down approximately \$10 million in match. Half a million for small communities grant. Two million dollars for wastewater, which brings down about \$7.5 million in match and \$850,000 for the grant program. In total, it amounts to \$7 million. I hope you will vote against the pending motion and move forward to adopt,

readopt, the amendment so that we can forward to take care of these projects.

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

Representative KERR: Madam Speaker, Men and Women of the House. I urge you to vote along with me for Indefinite Postponement of the Committee of Conference so that I can offer a friendly amendment dealing with how we are going to pay for this \$7 million bond issue. That is why I am urging you to vote for Indefinite Postponement to give me an opportunity to offer an amendment that I believe will be fiscally responsible in paying instead of bonding. We will be able to pay out of surplus for this bond. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone Committee of Conference Amendment "A" (H-1169). All those in favor will vote yes, those opposed will vote no.

### ROLL CALL NO. 652

YEA - Ahearne, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, 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'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Watson, Wheeler GJ, Winsor, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bull, Bumps, Campbell, Carleton, Chick, Cianchette, Cross, Donnelly, Foster, Gerry, Gieringer, Goodwin, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Plowman, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winglass, Winn.

ABSENT - Bagley, Baker, Barth, Bigl, Buck, Bunker, Clukey, Dexter, Dutremble, Etnier, Farnsworth, Fisk, Gooley, Honey, Jones SA, Layton, Lovett, O'Neal, Paul, Pinkham WD, Poulin, Saxl JW, Taylor, True, Underwood, Vigue, Volenik.

Yes, 69; No, 55; Absent, 27; Excused, 0.

69 having voted in the affirmative and 55 voted in the negative, with 27 being absent, **Committee of Conference Amendment "A" (H-1169)** was **INDEFINITELY POSTPONED**.

Representative KERR of Old Orchard Beach **PRESENTED House Amendment "C" (H-1171)**, 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. What this amendment does is it authorizes, instead of bonding, we are going to require the state controller to transfer \$7 million of general fund revenue surplus at the close of the fiscal year to the Department of Environmental Protection and then the Department of Services to be used for certain environmental cleanup programs. The \$7 million is to be deducted from the amount that would otherwise be first transferred into the Rainy Day Fund. Today, there is approximately \$65 million in surplus over and above the two reprojections that have taken place this year. I think at the very least when we leave here that if there is a surplus, it should go toward paying off a potential bond. If we can afford the \$7 million, that is where the money should be best used. We shouldn't be bonding when we have cash in hand. We heard

that debate repeatedly over the last week or so. I would urge your support of the adoption of House Amendment "C." Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. They say if you hold a position long enough, you will eventually be tried for treason. I never did quite know what that meant until just now. Having been involved in the Committee of Conference and looking for a way of both dealing with the environmental remediation and dealing with our fiscal conservatism that we need to do, let's see her transcribe that one, and the other things that we need to do to make sure that we keep Maine on the right and narrow and that we don't overbond. I would ask for a roll call and that everyone join in supporting this amendment.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1171)**.

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 Buxton, Representative Vedral.

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

The SPEAKER: The Representative may pose his question.

Representative VEDRAL: Madam Speaker, Men and Women of the House. I stand because I have just one question. I would like to place this question to any member through the Chair. I see that this treasurer's \$7 million of general fund revenue surplus at the close of the fiscal year. Would that, in fact, occur before this bill takes affect if it were passed into law?

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. If we had an emergency clause on this, it would be perfectly within the right of the House to do so.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I think you may recall a couple of times in the last few days that I have expressed my concern about tire piles and have expressed an opposition, but I would encourage you to support this amendment. I will be voting for it. It addresses the issues. We get the federal match money. We pay our bills. We are not borrowing money when we don't have to. While I still have some issues with the tires, I think this is a good compromise. I want to thank Representative Kerr for bringing it forward and I appreciate the effort and I hope you can all support it.

The SPEAKER: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "C" (H-1171). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 653

YEA - Ahearn, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Green, Hatch, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Usher, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Goodwin, Joy, Joyce, Kasprzak, Lane, Nass, Vedral.

ABSENT - Bagley, Baker, Barth, Bigl, Buck, Bunker, Clukey, Dexter, Dutremble, Etnier, Farnsworth, Fisk, Gooley, Honey, Jones SA, Layton, Lovett, O'Neal, Paul, Pinkham WD, Poulin, Saxl JW, Taylor, True, Underwood, Vigue, Volenik.

Yes, 117; No, 7; Absent, 27; Excused, 0.

117 having voted in the affirmative and 7 voted in the negative, with 27 being absent, **House Amendment "C" (H-1171) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "C" (H-1171) in NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

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#### Act

An Act to Promote Clean Fuel Alternatives

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

(C.C. "B" S-783 to C. "A" H-1037)

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.**

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Midnight

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,000,000 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)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-1171)** in the House on April 9, 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 OF CONFERENCE AMENDMENT "A" (H-1169)** in **NON-CONCURRENCE**.

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

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. 86 voted in favor of the same and 27 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

At this point, a message came from the Senate borne by Senator RAND of Cumberland informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker appointed Representative KONTOS of Windham on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor Angus S. King, Jr., and inform him that the House has transacted all business before it and was ready to adjourn without day.

Representative KERR of Old Orchard Beach  
Representative CHARTRAND of Rockland  
Representative JONES of Greenville  
Representative MITCHELL of Portland  
Representative OTT of York  
Representative DONNELLY of Presque Isle  
Representative SPEAR of Nobleboro  
Representative MERES of Norridgewock

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

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of Representative GAMACHE of Lewiston, the House Adjourned Without Day at 2:12 a.m. on Thursday, April 9, 1998.