

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
63rd Legislative Day
Wednesday, June 2, 1999

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

Prayer by Honorable Elaine Fuller, Manchester, Lector, St. Matthew's Episcopal Church, Hallowell.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Enhance the Payment Options for Certain Employers"

(H.P. 214) (L.D. 292)

Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in the House on May 26, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) AS AMENDED BY SENATE AMENDMENT "A" (S-361)** thereto in **NON-CONCURRENCE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

Representative MARTIN of Eagle Lake moved that the House **RECEDE**.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Michael D. Higgins, of Raymond, for his dedicated service to the State as Director of Special Projects and External Affairs for the Department of Education and previously as legislative analyst for the Legislature's Joint Standing Committee on Education and Cultural Affairs. Mr. Higgins has served the department since May 1996, after 6 years with the Legislature. During his time in state service, he has been instrumental in the formulation and implementation of Maine's Learning Results, which establishes for the first time clear standards for what every Maine child should know and be able to do at each grade level. He also has worked on a number of critical initiatives to raise the educational aspirations of Maine children. The diligence, intelligence and moderation he has brought to his work is exemplary. We extend our appreciation to Mr. Higgins for his service to two branches of State Government and extend our best wishes to him in his new position with the Spurwink Institute;

(HLS 543)

Presented by Representative BRENNAN of Portland.

Cosponsored by Senator BERUBE of Androscoggin, Senator SMALL of Sagadahoc, Senator MURRAY of Penobscot, Representative RICHARD of Madison, Representative DESMOND of Mapleton, Representative SKOGLUND of St. George, Representative WATSON of Farmingdale, Representative BAKER of Bangor, Representative STEDMAN of Hartland, Representative BELANGER of Caribou,

Representative ANDREWS of York, Representative WESTON of Montville, Senator KONTOS of Cumberland, Representative BRUNO of Raymond

On **OBJECTION** of Representative BRENNAN of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Charles Cochran, a longtime resident of Limerick and a well-respected member of the Maine Warden Service for over 3 decades. Mr. Cochran received a citation for bravery from the National Police Officers Association for his actions during the "Limerick Shootout" in 1959. He was involved with numerous organizations including the York County Law Enforcement Association, the Committee for the Handicapped in York County and York County Search and Rescue. Mr. Cochran will be remembered fondly by his family and friends;

(HLS 520)

Presented by Representative McALEVEY of Waterboro.

Cosponsored by Senator LIBBY of York, Representative TUTTLE of Sanford.

On **OBJECTION** of Representative McALEVEY of Waterboro, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **McALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. We are here today to recognize Charles Cochran for his over 30 years of public service to the people of the State of Maine and to celebrate the accomplishments that this individual has achieved in his lifetime. I first met Charlie when I was in high school as a junior hunting with a group of friends. All of a sudden out of the bushes come a huge bear of a man wearing a red jacket and a green hat tilted back on his head. There were four of us. He stopped and talked to us, checked our licenses, checked our weapons and checked our safety cards and then he proceeded to give us about a half hour tour of how to hunt successfully. He also gave us some tips of where to go. I next met Charlie when I worked as a patrol deputy. Many times we would have car/deer accidents at night. Back in those days if the person who hit the deer didn't want it, the police agency could dispose of the deer anyway they wanted. Many was the time when I would call Charlie and he would say that Mr. Smith over on so and so road is out of work this week, why don't you take the deer over to him. Many times it has been the case that he has come out to pick up the dead animal and we have gone and delivered to numerous other places. Charlie was larger than life to me and to my peer group. He was our Roy Rogers, Gene Autry, Sergeant Preston of the Yukon Police all rolled into one. He was large in his life and he had a large heart. Not because of the way he wore himself or the way he acted, but because of the compassion that he had for a number of people in his community that he served.

Charlie taught me a lot about public service and how to do constituent work. He was my man in Limerick who had his pulse on the sense of the community. What started out as a weekly phone call of did you know Mr. So and So is having a hard time with the dentist to calling me. We talked upwards to three times

a week for five years concerning the various needs of men of women in the community in Limerick as well as the surrounding area. I have learned a lot from Charlie. I want to thank his family for sharing him with me as well as those many, many nights when Mrs. Cochran stayed at home alone while Charlie was out in the woods looking for lost kids or lost hunters. There have been two heroes in my life. First my father, George McAlevey, and second, Charles Cochran. May you rest in peace Charlie. Thank you for all the wonderful acts of kindness that you have expended to many people in the state many, many acts that his family will never even know about.

ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-728)** on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)
(H.P. 690) (L.D. 957)

Signed:

Senator:

CASSIDY of Washington

Representatives:

COLLINS of Wells

SANBORN of Alton

CAMERON of Rumford

WHEELER of Eliot

LINDAHL of Northport

SAVAGE of Union

WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-729)** on same Bill.

Signed:

Senators:

O'GARA of Cumberland

PARADIS of Aroostook

Representatives:

FISHER of Brewer

JABAR of Waterville

BOUFFARD of Lewiston

READ.

Representative JABAR of Waterville moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-730)** on Bill "An Act to Establish the Waste Motor Oil Disposal Site Remediation Program" (EMERGENCY)
(H.P. 1141) (L.D. 1626)

Signed:

Senators:

LIBBY of York

NUTTING of Androscoggin

Representatives:

JOY of Crystal

TOBIN of Windham

MARTIN of Eagle Lake

DUPLESSIE of Westbrook

CAMERON of Rumford

CLARK of Millinocket

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-731)** on same Bill.

Signed:

Senator:

TREAT of Kennebec

Representatives:

ETNIER of Harpswell

McKEE of Wayne

DAIGLE of Arundel

COWGER of Hallowell

READ.

Representative MARTIN of Eagle Lake moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. I want to thank the Representative from Eagle Lake to put a few comments on the record and to talk a little bit about where this bill comes from and why it is before us today. It is an incredibly complex bill that has probably had no less than 12 work sessions throughout the course of this legislative session. I would also thank the committee for their work because I think it makes an important statement when we are dealing with issues like this with the unanimous Ought to Pass report that the state absolutely unequivocally has a role in these cleanup projects. The issues that will come before you today, I think, will show that.

Just to give you a little background on where this bill comes from. In 1950 a man named George West purchased 6-acre gravel pit sites in Wells. He began collecting waste motor oil. He got the motor oil from state government, the federal government, from municipalities, other state agencies, towns, businesses and individuals. The oil came from school buses, trooper vehicles, industrial machinery, municipal trucks, and automobile dealerships who changed the oil in their customer's vehicles. West was paid to take the oil away from these places. He then sold it to municipalities and others to spread on their dirt roads and went to paper companies to burn in their boilers. It was used as a bonding agent between layers of tar for road buildings. The oil that couldn't be immediately recycled was gathered in holding lagoons in Wells.

In 1953, the state told them to build an earthen dike and he did. People were recommended many times by state government to Mr. West for disposal for their oil. The state was always encouraging people to take their oil to him. There were few laws and very few regulations in relation to the waste oil and Mr. West obeyed all of them. After the fact, however, as we have seen many times in government, the rules were changed. Long after these businesses for 30 years played by the rules, the state enacted standards saying that the sites had to be cleaned up and that people that put the oil in the sites had to pay to remove it and that is the classic double dip. Of course, it set a bad precedent.

We are sending a message today if we do nothing on this piece of legislation on the Majority Report that even if you play by the rules, we will still impose crippling financial penalties after the fact if it seems expedient to do so. Interestingly and what I think is so illogical about this situation that we are in right now is that only the people who do not have the pay, the people that are getting away scott free on this, are the ones who cheated. The ones who poured oil down storm drains, dumped it in rivers, dumped it on their back lots and let it get into our groundwater. The current cleanup laws, as they stand, punish those who were the most environmentally responsible for 30 years.

The waste oil site in Wells, and it is funny that we talk about this, it is kind of the school funding formula, I encourage you all to get a copy of this list and look at how many businesses in your town are involved in this, but they range from towns and cities to state government to individuals and business in and outside of the state. What shocks me the most is there are a couple of cases in my district and in districts throughout the state where many retirees who operated businesses 30 years ago who one day walked outside to their mailbox and with their *Reader's Digest* and *Newsweek* and their CMP bill all of a sudden got a bill for \$100,000 or \$75,000 and they had been out of business for 20 years. In many cases it is their grandchildren of these business owners, retirees who never set money aside because they never thought in a million years that state government would come back and absolutely rip the rug out from underneath them like they have. These businesses are in my town. You say, okay, I can understand the plight of those so maybe we will set up a loan program and we will help those people pay off. Maybe we will just make them pay it. We will just make them pay more over the course of the next 20 years or however long these loans would run, administered by FAME. What do you say about the folks who were still in business, like a Frank Goodwin in my district, a tire shop in your district or other people across the State of Maine?

We have this incredible economy that is raging and growing right now and I hope it continues to grow. What has happened in this economy that I think is so important about this bill is it has allowed businesses to do the things that I know we would all like them to do, benefits, dental benefits, retirement benefits, IRAs, 401Ks and things like that. All decisions that businesses are making now because they have more money coming in, in many cases than every before. What do you think is going to happen when you get a guy like Frank Goodwin in my district who gets a \$50,000 or \$60,000 price tag on this thing? Where do you think he is going to have to cut? What tough decisions do you think he is going to have to make? I don't know. People who were not even alive at the time George West was operating his business are taking the hit for this now. It was our parents, in many cases, oil and this generation, I think, has to do something to pick up the tab.

The scope of the problem just to go into it, the costs are known at this site that we are talking about right now, the Wells site. It is roughly \$16 million. There are 2,900 responsible parties who have to pay the cost of this cleanup. Just to give you a little background on what we call the orphans share, the orphans are those businesses who are no longer around. Their oil is still on the ground and must be cleaned up. The cleanup laws require that those businesses and governmental entities which survived over the last 50 years to pay the shares of those who did not survive. To me, it is just patently unfair to ask cities and towns like Brunswick and other places, state agencies and

retirees in small mom-and-pop stores to pay for those who are no longer in business. Those who got out and used the system to their advantage are the orphans and included, for example, Merrill Transport, an extremely successful business and the former owners claim they have no responsibility at the site. Those owners who played by the rules that we enacted avoid any responsibility. The orphan's share of Wells is 30 percent of the volume of the oil in the ground and this is in millions of gallons.

I think the issue today is fairly simple. I feel very strongly about this. We are in a position right now to help a number of businesses. I am firmly convinced and we saw people at the public hearing and I have talked to a number of people who, without a doubt, no doubt in my mind, will go out of business if we don't do something. There is absolutely no doubt in my mind whatsoever. There are businesses that will take a huge hit and may survive, but they will limp along if we don't do this. I think that this is one of the most responsible moves that we can make. I appreciate all of the members of the committee and the fact that they all agree that the state has a major share and all agree, all 13 members on the committee, that there should be a precedent set today. There should be absolutely 100 percent on both sides of the argument on this. There should be a precedent today. They agree that just because there is a precedent that was set a long time ago, that was the wrong one. It doesn't mean that we can't jump in right now and do the right thing. I encourage you to support the Majority Ought to Pass Report for Maine businesses, for the environment, for all the things that we say we are here to do to help and not change horses in mid stream and not change the rules and punish people who played by the rules and did the right thing and encouraged businesses to do the same and the state to do the same in years to come. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. This has been an interesting piece of legislation that our committee dealt with this session. I am going to try to walk you through what we have done. Before we do, I would call attention to a couple of handouts to help you, perhaps. The first one is the one that was put out a couple days ago by the Representative from Arundel, Representative Daigle, with his ability to use the computer to draw little pictures, some better than others, I might point out. That is the yellow sheet that you got with both sides. I would say it is very accurate until you get to number 12 and 13. Then, of course, I do want to also mention and I will be using this as a guide, the green sheet that I asked the staff of the Office of Policy and Legal Analysis to put together that would not be from either the majority or the minority members, but simply be the staff analysis of the Majority and Minority Reports so you would have something that was not biased. Finally, the one I do want you to disregard is the one that was passed out today by the good Representative from Arundel, Representative Daigle. He has now moved to a new school of programming with Chinese symbols. I will tell you that frankly the rescue that he is talking about is one that he ought to be concerned with in the Minority Report. I will be talking about that as well.

I would ask you know to take a look at the sheet, which is three pages, and go through the bill, because I think this will help you to understand what it is that we went through. There were some basic points that I think we were concerned about. What is it that average Mainers that have not been involved should not be paying for? First of all, the original bill called for a tax or a fee

to be imposed on every gallon or quart of oil that was going to be sold in Maine and used in Maine from now on. That, in effect, meant that companies who were not in existence and started new companies, people would, in effect, be playing a fee on every quart of oil. We thought that was not probably the way to go because remember it is for things which have been in the past as opposed to things that are coming in the future as what is happening today.

The second thing that I think we were concerned about was basically trying to figure out a way that we were going to help Maine people and Maine companies. When you go through the list of individuals, Mr. West, unfortunately kept for those people very good records by gallon of how much oil he picked all over the place. We were able to document that a lot of it came from out of state. For example, the number one violator, as it is now called, remember they weren't violators at the time, but the number one party was actually the Portsmouth Naval Shipyard, it is called that with all due deference to my seatmate behind me, but that is what it is called on this chart, the Department of Defense for 685,000 gallons. Frankly as a state I didn't want to commit the state nor did anyone on the committee want to pay the amount of money for \$5.88 a gallon for the cleanup of every gallon that the Department of Defense was responsible for. Basically we made the decision that whatever we would do, we would attempt to limit that liability, the cost to the state, to those people who were Maine companies and Maine individuals. Having said that, the one thing we also discovered in this process is even if you wanted to do that, then because of the so-called orphan share, people who have died, moved away, sold their business and I will talk about that in a minute, that accounted for about 38 percent. Everyone, even though you had your oil, which came from your place and you were going to legally have to pay for it, you would also have to pay about 38 percent more because someone is out of business or they are able to change their legal structure. So, not only were you paying for your stuff that you sent through Mr. West, but you are paying for everyone else, that 38 percent. We felt that wasn't fair.

The Majority Report basically says that we ought to cover the first \$2,000 of everyone who is a Maine business and a Maine corporation, large and small. What that does is eliminate a tremendous number of people that will end up having to pay, because of the vast majority being in that category in terms of total numbers. What we were able to do by using the Majority Report was to, again, \$2,000 would go to every single Maine business and individual so that no one would pay for the orphan's share. That 38 percent would not be absorbed by Maine people. They would get the bill for the rest of it, what it is, in fact, they sent, but not that extra. That is, in my opinion, very important.

If you look at the first page, keep in mind that the Majority and Minority Report both contain a loan program. They both contain a loan program. You would be able to borrow up to \$50,000 to pay and then it would be repaid over a period of time back to FAME. There is however, two differences between the Majority and Minority Report on the loan program. In the Minority Report if you could solve a way of diversing all of your income and assets that \$50,000 could be a grant and you would never repay it. The Majority Report says it is a loan. You have the \$2,000, the rest you repay in small interest. Whether you are a large or a small, once the \$2,000 is paid by the state, you are going to have to pay back that loan.

The Minority Report says to divest yourself of your income assets and you won't have to pay that back, it is going to be a gift from the State of Maine. To me, that is a substantial difference. The second thing on the Loan Guarantee Program that you ought to know is that on the Majority Report if this plan that has been structured by private enterprise falls apart, this bill goes nowhere. Remember that is what they have done in Wells and this basically is to put together a program with the people who were involved and put the responsible parties together and they are contracted with a firm who has guaranteed them with insurance policies etc., that they will not go beyond that figure and they have capped the cost. Our program says that if this program doesn't work, the state's liability is now zero and they are back to us to help them. Under the Minority Report even though the responsible party's system does not work, this giveaway of up to \$50,000 will continue and the potential liability from the FAME account is substantial. Keep those two things in mind.

If you turn the page, basically it continues what I just described and indicate to you where the money is coming from. Part of the money is coming from FAME from the money that is now there from the Groundwater Fund. That is the account a number of years that had been created for underground fuel tanks. Most of the people have done away with the underground fuel tanks in business, so that doesn't appear to be used in the amount that is there so we can use and access that. The \$3.2 million or so that is necessary to pay that \$2,000 for the vast majority of Maine people involved in this mess will be coming from the Rainy Day Fund. As you know, the Appropriations Committee in the budget, I think on three occasions as I remember used the Rainy Day Fund for items in the budget. In addition to that raise, the percentage, which automatically will increase the amount that will occur in the Rainy Day Fund, which will come from the unappropriated surplus at the end of the fiscal year.

There has been the assumption that we are opening up a floodgate. I want to talk about that because what we have done with this bill is just the reverse in the Majority Report. This bill applies only to Wells and it applies only if the responsible party structure works and it does not apply to anyone else in the potential future unless they come back to us. Frankly what this does is provide us an opportunity to learn if there are mistakes in this system that we have structured for the first time and to see what happens. There are, in fact, three other sites in which we are asked to fund. There was Casco Plymouth in Ellsworth and we said no at this time because they have not gone through the process of getting to where they ought to be. We believe as a committee, that is unanimous, that if the government, i.e. federal or state, is to do the cleanup themselves and we give them a blank check, the cost will be substantially higher than if those people who have monetary responsibility are involved. The department has just about hounded every place where there is a gallon of oil that has been dumped and someone has reported it and they are now listing that in somewhat close to 500 potential hazardous sites. That can be all the way from a few gallons to a lot. No one knows. We believe the possibility exists that we have 30 some odd at some point down the road. We don't know that. No evidence was submitted which went that far. We do know about Casco Plymouth in Ellsworth and those, frankly, will be forthcoming. We want to make sure that whatever structure we establish we do so that one, it is not precedent setting and

two, it is not going to bankrupt this state. That is basically what we tried to accomplish here.

Finally, I will simply say this, if you look at the makeup of the report of this committee, I repeat, look at the people and how they signed the report. I think you will find that you have got some very conservative individuals who have basically agreed that the state has a responsibility that there is a fairness issue and there is a way in which it ought to be done. It ought not to be giving money away, which is what the Minority Report does. I repeat, the Minority Report allows the ability for someone to get away with \$50,000 and not paying. Let me describe to you how. Many of the people who now have oil that are now in the orphan share, that 38 percent, are some of the biggest businesses in the Portland area. They are classified as orphans because they restructured their corporations and the corporations don't exist anymore and they have no individual liability and therefore they don't pick up one dime of the cleanup even though they are responsible in one instance close to 5 percent of the total cost. There is a possibility for that to occur and has occurred.

Let me describe something else to you about how some of these people got caught. Let's say you had a filling station 10 years ago and you sold the filling station to me and I simply took the assets and did not take the liability. I go along my merry way and the person at the time of sale froze that, the former owners 20 years are liable and part of this problem that we have here. We had a number of people testify before a committee to that affect. They got themselves caught because they didn't i.e. they didn't have a good lawyer at the time or they didn't know it was an issue and they just sold the business, but didn't sell the corporation per say. That, frankly, men and women of the House, is something that we have been able to, I think, solve by doing the \$2,000. I think I have laid it out as simply as I can in demonstrating to you that what the Majority Report does is try to meet the needs of the vast majority of the people and be fair to all persons in this state who have been caught up in what they thought was legal at the time and subsequently the Department of Environmental Protection was formed, federal laws were passed, state laws were passed and now they are stuck with the liability. I would hope that today you would vote for the Majority Report and I would ask that when the vote is taken, it be taken by the yeas and nays.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative AHEARNE of Madawaska assumed the Chair.

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

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. My following in this issue and I am sure the people on the committee will correct me if I am wrong, back

when all this happened a lot of people were following the rules that were existing at the time. Since then, rules through DEP or other environmental agencies have changed so, therefore, the people are in violation of certain environmental rules. My rhetorical question would be, in a sense of fairness, why should people who follow the rules now have to be liable for something that was no fault of their own?

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

Representative **MARTIN**: Mr. Speaker, Members of the House. The Representative is absolutely correct. At the time the oil was being placed there, there, in fact, was no state DEP at the beginning. There was something that was known as the Water Bureau. Very often, people would call and say we have this oil we don't want to put in the lake and they would say to call Mr. West. In fact, Mr. West was often referred to them by the state. In all reality that is an accurate statement. However, the question of liability goes to the same issue as murder. There was no statute of limitation. So, those who own the land or put the oil there are stuck with the bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. The previous speakers have outlined the situation pretty well for you. I appreciate those of you who are staying on the floor today to hear the other side of the argument. I don't disagree at all with what has been said about the serious problem that people thought they were doing the right thing and they put their oil in the hands of George West and there is a sense of unfairness. I think one of the most remarkable things that has happened from this discussion is that there seems to be overwhelmingly in the House a willingness to get involved. That is different. There was never previously a willingness for this Legislature to take out our checkbook and get involved with the cleanup of waste sites. When you vote on this issue today, I hope that whatever way you vote, you find it a very difficult thing to do. If you find it hard to press either the red of the green button, it will indicate to me that at least you understand what we are dealing with. If any decision you make today is an easy one, then please stop and question this because you don't understand the ramifications of the entire issue. It is gut wrenching. It is a huge public policy issue with many hundreds of millions of dollars at stake over the next couple of years. We are changing the direction of the state based upon how we vote on this bill.

A couple of decisions have already been made for us. We are not here to debate those today, but let's acknowledge what those decisions are. First we acknowledge that there is a mess out there in Wells and it has to be cleaned up. That is, in fact, a default decision. You could make the case that we should just put a big fence around it and just walk away. Of course, I don't think anybody really wants to do that. The substances that are in Wells that are causing contamination are very serious chemicals. They are not, in fact, the waste oil. Waste oil is what they said was put onto the ground in this old abandoned gravel pit. What it really was was every liquid waste product generated by the facilities that contracted with George West. Waste oil was predominately in there, but so were anti-freeze, break fluid, solvents used to degrease parts, the cleaners and so forth. It

was any liquid product that was used by these industries they hauled waste oil in the truck and they dumped it on the ground. The most hazardous components right now are degradation products of the solvents that were used, very similar to dry cleaning fluid, but unfortunately when those products sit in the ground for 20 years they degrade into chemicals, which cause cancer. They are very serious.

I think we all understand and acknowledge here that the first thing we decide to do is we have to go in there and do something. We can't leave it alone. The second decision, which has been by all previous Legislatures by default, was the state is not going to pay for it, the generator was. If you are going to do something by cleaning it up then somebody has to pull out their checkbook and pay for it. We have always said the person who created the waste is financially responsible. The term used was cradle to grave. If it was your cradle and George West site in Wells was the grade, you are responsible. The decision was made that the generator was responsible and now we want to change that. We want to make the state responsible. I don't disagree with that decision, but you have to understand what kind of a game you are playing in here. It is a game I understand very well.

Prior to being elected my job was environmental manager for a large chemical company in southern Maine and before that I was with a defense contractor. I have handled several of these cases. I have personally watched the expenditure of perhaps \$20 million to \$30 million on sites both in Maine and outside in investigations and cleanup. Let me tell you what that world is like. When you get the letter in the mail saying you are a potentially responsible party and you go to the meetings and you start to decide who is going to pay and how much you are going to pay, it is a very, very hard ball game. I was very good at. I am not trying to brag, but as a ball player once said, it ain't bragging if you can do it. My point of telling you that is that it is a game that is managed by professionals, lawyers and professional managers who get in there and do some real hardball negotiating. The mom and pop guy who is also involved is at a real loss. He is helpless because he is outgunned tremendously by the people who are the big players in this. They decide who is going to play in this game.

In the early years the first thing we did is challenge these rules because the generator shouldn't be legally required to pay. The idea of joint and several liability was our big challenge. This is a phrase, a legal phrase, joint and several liability. Joint meaning everybody is responsible, every generator. Separable meant that you could isolate your responsibility from somebody else. If you had 2900 PRPs and you found 10 of them, legally, you could make just those 10 pay for the whole thing. Those 10 people were told to go into court and find the other people and sue them. The first thing we did was we were not going to get a lawyer. We are going to stall this process. I am not going to do the cleanup. I can keep this thing tied up in court for three or four years. Contamination was spreading. No one was doing any work. We were delaying. That is always one of the options you had on the table when you go to your boss you can say that I can go to court and try the legal mechanism and I can delay today. Thank God we worked ourselves through this and said that is a terrible public policy to do because ultimately decision number one holds. You have a mess out there and you have to clean it up. You start to work with the system and now you get a letter in the mail saying you are a responsible party and you

assign somebody and you immediately accept the reality and start to negotiate what you are going to do.

Let's get into some of the options we have before us for Committee Amendment "A" and "B". I have two problems with Committee Amendment "A" and that is the reason I am not signed onto it. I am grateful that we are agreeing to do something because we have a loan program to get in tandem. I will discuss some of the points about the loan program in a minute. There are two problems. One, if we agree the state is going to play in this game, you have changed the whole equation. You have changed a lot. You cannot throw \$3.1 million into a fund like this without changing a lot. You have a \$16 million total cost and a \$7 million acknowledgement by the Department of Defense. That is \$9 million left. Now you are talking about one-third of it being from the state. The orphans share concept, the people who, yes, they have died, they have gone out of business and they are also people who just say they won't pay. If you are one of those mom and pop people and you have some good legal advice, you get an invoice in the mail for \$1,150, you have another option. You can throw it in the trash. You can tell them to sue you. If that is the case, you become an orphan's share. What you get is a cycle of the number of people who you think are going to pay and that determines the pricing structure. You try to collect that money and you see who you can actually get and then the people who actually commit to you and tell you whether or not you go back and adjust that pricing structure. You go around in a big circle over and over and over. You throw \$3.1 million in here and you are probably lowering the cost to a lot of people. Maybe they come forward and say they are going to pay. You pull it out and the orphan's share goes up. For the Wells site you can say we are really doing a really good thing aren't we? Think of how all the sites work. That is what I am worried about. That is the perspective. I think we have got to talk about that. Yes, this bill says only the Wells site. Let me tell you about how all the other PRPs are going to be handling this for the next Wells site, the person just like me on the negotiating committee is going to tell his boss that the next tactic is we should stall. We should get a bill. We should get another \$3 point whatever million or one-third of the actual cost to the people other than the Department of Defense. Let's go for that issue people who are going to be PRPs say they don't know if they want to sign up just yet. If I sign up now, I should wait and see if I can get a state bailout because that will be one-third less and now I have gone from a contributing negotiating player to an orphan share. That, of course, changes the formula so that now more people have an orphan share and you see how it just keeps getting rolled around. It just really makes a total mess out of things. I am not talking about the Wells site; I am talking about the next one. Whether you say this is precedent setting or not, I know how people will behave in the regulated community when all of a sudden in 1999 we decide to pay for this one. We will go back to the early days of saying hold on and I am not going to play in this game until I know whether or not I can get out of it. It is a major problem I have with that.

The second issue I have is that this is precedent setting. The Wells site contains 2,900 people. The McKin site cleaned up a few years ago had approximately 400 people involved. Seventy-eight of the people paying for the McKin site were also responsible to the Wells site. Nobody paid for them. Nobody submitted a bill. What is the difference in that? The big difference is they didn't have a lobbying firm. Don't get me wrong, I think the lobbying firm that brought this bill to us today

did a great job and did tremendous public service because that is exactly what the difference was. People didn't get the word. They were not made to understand that back on the McKin site or perhaps people would be trying. Today we understand. If you have a school district that paid money to the McKin site, are you going to be submitting a bill next session asking for public policy to say that we owe them whatever their orphan share was? I know I am going to look at my school districts and if my school districts are responsible, that is exactly what I am going to do. It would be irresponsible not to do that. If you have a site in your district that is committed to the Ellsworth, Casco or Plymouth sites or any of the other 35 total sites that are like the Wells site, are you going to submit a bill for that too? Of course you are. You have to. If you don't, then somebody else will, that will be the contract. You are not taking care of your constituents. You will bring it here to the Legislature. You will be flooded with precedent setting bills. My point is that I am very sympathetic to us going on the Wells site. I am glad that we want to help. I don't think we can distance ourselves from the big picture and our desire to run in there and do something right now, right quick, for these people without looking at what it is going to do to the process.

I have an analogy to try to describe this. I imagine that this is like seeing a whole bunch of people floating on the ocean. The ship went down. They are in deep trouble and we want to help them. Right now they are collectively trying to organize, negotiate and figure out how they are going to swim to shore. What we are going to do is row in there with a ship of state and we are going to say that we are going to rescue you. People start swimming to shore when they see that ship coming. They think that is going to be the solution to the problems. They will stop and work together until they join with that ship of state. The boat is not big enough. You can't get them all on board. You take on the guys from the Wells site because there is money in the Rainy Day Fund. That handout I had may be graphic, but it is not inaccurate. I got the list on my desk. I will show it to whoever wants to see the list. You find our town and you find our site and see what is in there. You can't pull everybody on board so we are going to have to say no. We are going to have to leave people in the water.

What Committee Amendment "B" does is it gives them a life jacket. It says that we understand you have a problem and we want to help you. If you are going down, you wear the life jacket. You go out and get a FAME loan. Is it perfect? No, it is not perfect. I have an amendment coming to both reports, whichever one passes, which will give you the option to consider whether or not we put a group together this fall and we come in next year while all of us are still in our seats and we decide what we are going to do for all of them. Maybe that loan they get is a one-year loan and we give it to them next year, but at least there will be a plan. What we have to do is give those people a life jacket, we stabilize them and we decide to go back and get a plan, a bigger boat. You want to run in there and you want to help these people. That is commendable. I think we should walk in there with a plan and help them all, but we can't with what you got now.

The last thing I want to bring up is the mention of the loan program. Will somebody apply for this loan, shift their assets and somehow get out of paying it? Of course they will. I have no doubt that they will do that. Is it a problem? I don't think it is a problem in perspective. One of the things that I talked about when I spoke to FAME about this is to say how have you been

doing this program already? What we are doing here is we are paralleling a loan program run to cleanup underground storage tanks that were leaking. This program has been in place for many years. The reason why we have money to capitalize a loan program is because we are essentially done with this program. Out of \$9,986,000 loaned out in this program, only \$220,000 has been defaulted. It is a very small fraction. It is a little over 1 percent. That is not bad. They have rules. They don't just give money to people who just walk up and say give me a check. We have rules here of writing procedures on how to get that money out of here. FAME has been doing a good job. While I know what will happen to some extent, that is not a reason to make it bad public policy to throw these people a life jacket.

The reason why I urge you to vote against the pending motion and consider Committee Amendment "B" is because you know what you are going to do for your districts and for those other sites. You are going to submit bills for them. You are going to hold out hope for them. You will affect the process just by offering to play and that is not a plan. Ultimately, more people will go under and all the sites throughout Maine if we run in and change the dynamic without a plan.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. This bill, as amended by Committee Amendment "A" is a wolf in sheep's clothing, and this wolf, rather than a camel, is putting its notes under the tent, big time.

Please forgive the combined analogies, especially this late in the session, but I really want to get your attention and I urge you to listen closely to what I have to say today. I'm sure you have heard about this legislation in the halls and you've probably been contacted by a local business in your area who is upset about the cost to cleanup the Portland-Bangor waste oil site in Wells.

Indeed, hearing testimony before our committee was painful at times. We heard from small family-owned businesses where the owners have been retired for years and who disposed of some waste oil by thinking they were doing the right thing and selling or giving it to an oil recycler named George West. Because of the thorough record keeping of Mr. West, we have many small and large businesses that are responsible for the cleanup under the federal and state model of joint and several liability.

While the Majority Report contains the same loan and deferred loan program for those businesses truly in need of assistance in meeting their costs, as the Minority Report, it also contains a provision for spending over \$3 million of public money from the Rainy Day Fund to help pay for private cleanup costs. A deferred loan is essentially a grant. While the bill ostensibly targets the Wells waste oil site only, it is indeed a major shift in state policy regarding the use of public funds to assist in the cleanup of uncontrolled hazardous waste sites. While what we do here today only affects a single site in the community of Wells, it opens the door to future legislation that will provide public financing to cleanup the remaining 401 identified hazardous waste sites still to be cleaned up and most likely the 72 hazardous waste sites that have already been cleaned up, like the infamous McKin site in Gray.

The site in Wells is not just a simple waste oil site. This site accepted much more than waste motor oil. The list of responsible parties wastes included jet fuel, PCB containing transformer oil, #2 and #6 fuel oil, gasoline, cutting kerosene,

paints and lacquer thinner for some. It is not the constituents in waste oil that have shown up in groundwater underneath the Wells site. It is the PCBs, lead and volatile constituents like TCE that have contaminated the groundwater, not the waste oil itself.

The two professional engineers in the Legislature, the good Representative from Arundel and myself, couldn't agree more than we do on this issue. The concept of joint and several liability is inherently unfair to many, but this has been the policy on the State and federal level for the last two decades. The law is clear. Everyone involved in an uncontrolled hazardous waste site is equally responsible for the cleanup. This concept has broad acceptance from most industries involved and has been very effective in using the ingenuity of private businesses to cleanup these sites in the most cost-effective and rapid manner available.

This bill is a major change in our state's policy toward cleanup of uncontrolled hazardous waste sites. Yes, this bill is specifically addressing the responsible parties at a single site in Wells and is providing funding to pay the orphan share for this site alone, but the implications for future legislation applied to other sites is enormous.

So what businesses benefit under Committee Report "A"? Again, while this report includes the means-tested loan and deferred loan program also in the other committee report, it also includes initial grants of \$2,000 to all Maine businesses involved without any proof of need and payment of up to 38 percent of the cleanup costs to cover the cost of the so-called orphan's share. Please note that a deferred loan is essentially the same as a grant for those businesses truly in need. While both reports provide the \$4 million loan/grant program, look at some of the businesses who stand to gain significantly under Committee Amendment "A" only. They are Prince of Fundy Lines, \$351,000 in state funds; Central Maine Power, \$165,000 in state funds; Saco Steel, \$96,000 in state funds; Maine Yankee, \$90,000 in state funds; W.H. Nichols, \$60,000 in state funds; and Blue Rock Industries, \$58,500 in state funds.

These businesses are not the small businesses that are in need of assistance in meeting unexpected costs. Both committee reports provide loan or grant assistance to means-tested businesses, but only Committee Amendment "A" provides significant outright grant payments to the above companies. The \$3.1 million taken from the Rainy Day Fund, through the \$2,000 initial grants and payment for the orphan share will, in fact, cover 62 percent of the cleanup costs of all identified Maine businesses' at the Wells site alone. I urge you to resist the temptation to help your local businesses with this funding and oppose this Report "A" and I want to continue to explain why.

To all these in this room and to all those within the sound of my voice outside this chamber, please listen carefully, not to just the phone calls from the local garage or car dealers in your district, but listen to the real potential impact of this legislation.

My two terms on the Natural Resources Committee has given me a great understanding of our policies to keep our environment clean and to cleanup when environmental mistakes occur. I am not ready to shift the burden of much of the costs to cleanup hazardous waste sites to the state savings account without a thorough discussion of the policy openly. If we are going to commit to pay a portion of the base cleanup costs plus the entire orphan share of cleanup costs for this site, what will prevent us from paying the orphan share for other sites across our state. Consider this scenario as we consider legislation in

future years, which will likely be introduced for other uncontrolled hazardous waste sites.

First, there are three more sites previously operated by the Portland-Bangor Waste Oil Company, Mr. West's company, these sites are located in Plymouth, Ellsworth and Casco and which are not covered by this bill. If 62 percent of the cleanup costs for all Maine businesses is applied to these other three sites, as it is proposed for the wells site, the cost to the state's Rainy Day Fund will be another \$25 million. This is substantially higher than the Wells site since there are mostly Maine businesses at these other three sites, unlike Wells where only about a third of the 3,000 businesses involved are Maine businesses and the orphan at these other sites is greater than 50 percent. At this point, we would have spent a quarter of the entire Rainy Day Fund and on only four sites.

Next, if we go back and look at the McKin site in Gray, a single site where more than \$26 million has been spent to cleanup a site with similar pollutants as the Wells site and the cleanup is not yet complete. Sixty-two percent of the costs to cleanup this site, the same percentage as the Wells site, would be another \$16 million from the Rainy Day Fund.

Another site already cleaned up would be the Union Chemical site in South Hope, which has cost \$16 million to cleanup. An equivalent state percentage would cost the Rainy Day Fund another \$10 million. The same contaminant, was in the groundwater at McKin and Union Chemical as are at the Wells site.

Another 70 uncontrolled hazardous waste sites across the state have already been cleaned up and the payment of the orphan share for these sites could drain additional millions from the Rainy Day Fund as bills are submitted in future sessions. In addition to the four waste oil sites operated by Mr. West, there are an additional 398 other uncontrolled hazardous waste sites remaining to be cleaned up in Maine. At this point, there is no way to know the entire cost of these cleanups, including the cost of the orphan's share which, under the precedent established in this bill, could be paid for by the Rainy Day Fund. As you can see, we might quickly see our Rainy Day Fund disappear.

One last point, and that is whether Mr. West was operating legally at the time he disposed of the waste oil at his sites. The correct interpretation should be that Mr. West was not operating illegally as there were absolutely no waste oil laws or rules in place when he was collecting and handling waste oil from the mid-1950s to 1980. In fact, the Department of Environmental Protection was not even established until 1972, and initially only focused on cleaning up our polluted waterways as required by the Clean Water Act. DEP only started looking at waste oil disposal in 1979 and adopted the first petroleum disposal regulations in 1980. Since Mr. West's sites could not comply with these new laws adopted in 1980, he then ceased operation at that time. He was never in compliance with any laws, as his operation ceased at the time the first laws regulating his operation were established.

I cannot in good conscience support the Majority Report "A." We are opening the door to draining our Rainy Day Fund in its entirety or spending the equivalent in other state funds. We can say goodbye to our savings account if the precedent presented by this report is accepted. Please vote against the pending motion and go on to accept the Minority Ought to Pass as Amended by Committee Amendment "B" report. We will address those parties with the most financial need, but we will not set a precedent that has an extremely long tail and which changes our

current and effective approach to cleaning up hazardous waste sites.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I think this discussion that we are having this morning is entirely appropriate and it just begins the public discussion that we are going to have over the next 100 years. As my father used to say, what you sow you shall also reap. All across the World, of course, we are now reaping what we have sown. I am also on the Minority Report. I feel that we have an enormous amount of expertise on that committee and it doesn't belong to me. It belongs, I think, to the good Representatives Cowger, Daigle, Martin and Senator Treat from the other body. These are people who have enormous experience in the environmental places in our state with environmental policy, environmental law. A tremendous amount of knowledge has come to our committee through Representative Daigle. The first term we didn't have someone who had actually come from industry and who could tell us like it is. He is tremendously knowledgeable about that. Representative Cowger who has worked as an environmental engineer.

I am going to offer what I can offer. I want to talk to you about three different things. I want to talk to you about my faith in the way we make laws. I want to talk to you about logic. I want to talk to you about responsibility. First of all, I have great faith in the way laws are made. I found my first session here that you can almost never kill a bill. People were resurrecting them from the dead. They were bringing them back from the dead files. If you look at the sheet, the *Path of Legislation*, you see that we do assure Maine citizens that a bill is properly heard and considered and as much data and knowledge as possible has been gathered before decisions are made. I feel very confident today that whatever decision we make, we will live with and we will be able to defend to our constituents and to those bodies, which come after us.

So, I move to the topic of logic. I teach logic. One of the first things we teach children is all about a thing call syllogism. It has two basic premises and then a conclusion. I couldn't help but think as I looked at this particular bill in its original form and then now at the Majority Report that the basic premise is flawed. The basic premise is flawed because we have not established that as the premise to our logical conclusion. The first premise is that society should pay for the degradation and pollution that it creates. The second premise is we are part of that society as Maine citizens and therefore the conclusion is that we should pay for the degradation and pollution that we have created throughout this state. The first one that we are now considering is wealth. That has not been established. We have not, through public forum or public discussion, come to the conclusion or the policy that that is indeed what we are prepared to do.

Other states are a little bit ahead of us. Let me give you some examples. In New Jersey they have decided they want to be a part of it. They have accepted that basic premise. There is now a corporate business tax, which helps to pay for that cleanup. In Vermont there is a tax on hazardous waste. Site by site is considered to be cleaned up through that money. In Michigan unclaimed bottle deposits, the money from those are put into a fund to help cleanup the degradation and pollution that they have created. In New York the biggest commitment of all to cleaning up the New York environment is a \$1.2 billion bond that is more than what we have put into education, as I understand.

We were putting in slightly over a billion. Are we prepared, perhaps, maybe we are not New York and won't have as many sites? Are we prepared to send out a bond to Maine voters for a large amount of money just as New York has? As one auto dealer suggested to us that was not in favor of the original bill, perhaps we should do what Massachusetts does, we should simply have all of our oil or other pollutants send back to the source.

That brings up the question of impact fees. Are we prepared at this point to accept the degradation and pollution that we have created and to access an impact fee on everything that contributes to that pollution? I would argue that we are not. I am going to talk now about responsibility. I don't think that we are being fiscally prudent here. We are not considering what is coming. I have four children and lots of you have children and mine went off to college and I remember even before the first one went, my husband and I had to sit down and have a long conversation. How were we going to pay or help to pay for the college educations of all of our children? I almost cried that first night. I always had dreamed of paying for all of my children to go to college. We value education so much. The first thought was because my mother had offered selling her house and so forth was, yes, let's do that. That will help her get through. We got to thinking about it and we thought, is that fair? Before we even went to the first child, we set down on paper what we could do and what promise we would make to all four children regarding their education.

Before we do anything here, we have got to sit down and think about 35 more waste oil sites, not the least of which are those four major Portland/Bangor waste oil sites that we talk about, Ellsworth, Casco, Plymouth and Wells. We have to think about the other 35 and then we have to think about lots of other sites. The first question we have to ask ourselves is to what extent are we responsible? To what extent are we going to offer ourselves? How much is the State of Maine able to generate if we offer 62 percent to Maine businesses, we have to be able to do that to all of the other sites and the other sites actually have a larger percentage of Maine businesses. We have to think it through completely. I am assured that if we do, we will make a good decision. I believe in you just as I believe in my students and my children if they have enough and if I have enough data, information and knowledge, I will make a good decision. That is why I can go home at night regardless of what the vote is and say that we did the best we could. We learned as much as we could and we voted and that is it. Now we have to go home and defend it. Policy should precede law and I am simply asking all of us to consider the process by which we are here. We don't have four children. We have over 400 children and some of them have cheerleaders. Those cheerleaders are out there for one or two of those children and saying that I deserve more. I deserve first dibs on this. I deserve help even before we have decided how everybody is going to be treated. I don't think that is a fair way to go about it. I think that the fair, responsible, fiscally prudent, logical way to go about this is to have a public discussion followed by public policy and a law that we can support at the Appropriations Table. Most importantly, that will begin to cleanup the degradation and pollution that we have created. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today in support of the Majority

Report on LD 1626. I, too, have been contacted by numerous businesses, individuals and friends in my community who are seriously financially impacted by the cleanup costs associated with Mr. West's Wells waste oil storage and transfer site. In fact, in my community, I have two brothers who were in high school with me who have a bill of \$111,000. In my community or within a small radius, on the list currently for the Wells site, I can identify more than a half a million dollars that is currently owed. There may be those among you who feel that somehow it is okay today to punish those who own or operated businesses or otherwise had Mr. West pick up waste oil. If you feel that Mr. West should be punished and that the Town of Wells should be punished or that those of whom Mr. West picked up the oil should be punished, I submit to you today, ladies and gentlemen, that such a feeling is seriously misplaced. There is no pound of flesh to be extracted from these people. These people who are your constituents and mine played by every rule in the book that we knew how to establish between 1950 and 1980. Mr. West was the collection point for no fewer than seven agencies in our state government. The United States government used him as their collection point. When businesses asked the State of Maine what they should do with waste oil, they were directed to Mr. West.

The two brothers whom I referred to a few minutes ago had an unfortunate experience with a tanker full of oil that became contaminated when two types of oil were placed in the tanker. They sought the advise of the state on what to do with this tanker. They were told to contact Mr. West whom they had already been dealing with previously. It is assumed that while he manifested this particular product into the site that it did not stay there very long, but was burned for energy and heat at an industrial plant. However, they are still liable for the cleanup cost. Every business, every person, every municipality, every retired citizen, every school district, every governmental agency that has been designated as a responsible party at any of Mr. West's sites played by the rules. To say that they ought to pay because they put it there and because somehow they need to be punished is just wrong.

Let me make another suggestion to you. This committee, this Legislature and the Department of Environmental Protection, our environmental community and lobbyists all work today to try to devise appropriate means of dealing with the various pollution related problems that confront us. We all do our best. We ask our businesses today to play by the rules that we established today. I believe the very large majority of them try to do just that. What will happen 49 years from now in the year 2048 when someone says, how could those people have been so wrong in 1999? How could they have possibly thought that their rules or 1999 laws that we had passed during this session would really solve the problem? Do you think in the year 2048 they will say we have to punish those companies, the state and those individuals and towns and others who dispose of their waste and the waste of the citizens of Maine in compliance with 1999 laws and regulations? I think we can all agree that that would be grossly unfair and frankly, very absurd.

Any argument that these people put it there and they must pay is no less shortsighted or no less a game of Monday morning quarterbacking with 20/20 hindsight, which this body so often enjoys playing. This is a statewide problem. It is a problem all of our citizens have to cope with despite our best efforts to have dealt with waste oil between 1950 and 1980 at Mr. West's site. I do not mean to suggest this morning that this bill is

perfect or even close to a perfect solution. In fact, it was not the bill that I cosponsored. It is a partial fix dealing with the orphan's share. I do not think there is a single person in this body who can look me in the eye and say that it is fair or it is right for a businessperson who inherited a business and wasn't even alive when Mr. West was doing his recycling or a retiree who thought they were being environmentally responsible. Now 30 years later is looking at their few remaining assets going up in smoke. I urge your support this morning of the Majority Report of the committee. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. In the words of Groucho Marx and in addition to the spirit of yesterday's events at the Blaine House, "A whole cow is better than heifer cow." I followed this LD as it affected small business owners in Ellsworth. They talked to me about it. They urged me to vote one way and at first I really didn't want to do that. That was the original concept of the sponsor. Today I learned that the effort originally intended by the sponsor from Brunswick has been completely turned around. In today's manifestation it does not resemble what I wanted to support. I can't support this report as it stands now. I thought the initial concept with a modest charge on oil would handle all the trouble spots in the state. It certainly would handle the four or five major trouble spots. This is the whole cow. A couple of years ago a bond issue was put before us to raise some money to cleanup these waste sites or at least that is what I saw in the summary of the bond question. Of course that money didn't go where it was supposed to go, I believe. It went to the illogic of our bureaucracy. I can't support the amended reports. These are the heifer cows. They don't go far enough. I urge this body to go back to its original concept of the sponsor. Thank you very much.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I have been listening to this debate for all the entire morning and I have heard an awful lot about how we are going to pay for this and who is going to pay for that. I haven't heard an awful lot of discussion about the actual problem at hand, which is remediation of these sites. We have had some examples of sterling successes in other states. I think we should remember that there are other models that we could be following and we are sort of falling into that trap today by discussing exactly who is liable and pointing the finger at who caused the problem and who is responsible for it. California had their own Mr. West. His name was Stringfellow. Anybody who has followed the history of the Stringfellow Acid Pits knows exactly what kind of an abyss we could be falling into without the Majority Report in front of us right now. It was a very similar situation where Mr. Stringfellow had bought a played out quarry in California and began doing business allowing chemical companies to dump their waste chemicals there. After about 35 years of this, into the mid '80s, very similar situation, you wound up with a cesspool, essentially, several hundred acres across and the size of a great pond in Maine, filled with toxic chemicals leeching into the groundwater. The path that California has taken on this particular situation is one of litigation toward the responsible parties. Any party that dumped there, no matter how small, any gas station, any chemical company the size of Dupont, would be financially liable and subject to litigation. The conservative estimates are 300

chronological years in the courts dealing with the Stringfellow acid pit problem.

In Butte, Montana, there is a copper mine, a pit mine. My father was a copper miner, but he worked in shaft mines. Pit mines are a little bit uglier and a little bit bigger. The mine got played out because they kept digging deeper and deeper and deeper and finally they hit a spring, several springs, in fact. The remediate, anyone who knows anything about mining knows that there is an awful lot of bad stuff that goes along with mining. When you cut into the ground you get a lot of heavy metals, which form into compounds when they hit water. It is very nasty stuff. It is very toxic. They remediated the problem in Montana by installing pumps, which cost about \$20,000 a year to run. The municipality of Butte, Montana, was running these pumps. They did this until they started to run a little short on cash. The city council decided to stop running the pumps. Wouldn't you know that the pit mine filled up with water, which is now so toxic that if you put a boat in it, the propeller will burn off of your outboard motor? Birds that land in it just sort of keel over and die. They haven't done anything about it because they are so busy fighting about who is going to pay to fix the problem and whose fault it is.

I think we should focus on what our problems are and what they could develop into. Remember we have toxic chemicals in the ground right now. It is not like driving a wooden pole into the ground, which sort of sits there. The chemicals leech around. They go into the bedrock and into the groundwater. The Royal River is an excellent example of what kind of problems we could be facing. The faster we deal with it, the less of a problem we are going to have to deal with the less money it will cost. True, there was no DEP back in the '50s, '60s and into the early '70s. There were no regulations. It is a collective responsibility. I think this is the fairest way to go about doing it. We need to take it on as a collective responsibility and working with everyone involved. I urge you to support the Majority Ought to Pass Report. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. I have resisted getting up on this because I don't want to have this be any more protracted than it has been. As I listen to some of the things that was said this morning, it occurred to me that one of the first signs of desperation is misleading people. I feel that there have been some misleading things said here this morning. We talk about 400 other sites. First of all, we don't know what is in those 400 other sites. Most of them are private sites that won't involve any public money. We have heard that public money is going to cleanup a private site in Wells. Ladies and gentlemen, everybody in this room, everybody in the hallway and everybody in your community contributed to the Wells site. Like it or not, we all drive cars and we all have our oil changed. Some 95 percent of the pollutants in the Wells site are from motor oil. We hear it about the McKin site. People who dumped in the McKin site are now going to come back and they are going to bill us. First of all, this doesn't cover them. There is nothing to send a bill to. Secondly, the McKin site the majority of it was VOCs, volatile organic compounds. I am not a chemist, but I know they are a lot more dangerous than motor oil. The McKin site, a hefty portion of the cleanup in the McKin site was covered by insurance. In the early '90s there was a court decision that insurance no longer covers any of it. It may be politically

unpopular to take our money and pay for this private cleanup. It is the responsible thing to do to take our money and cleanup our mess. It is our mess.

You heard a list of big companies in Maine that are going to get this big windfall. Guess what folks they didn't do it. We are trying to charge them for what somebody else did. Maybe they are making money, but I didn't know profit was a dirty word in this country. Because they are making a profit, does that mean they should be held responsible for what we did and what somebody else did who has now cut and run or passed away. We have heard about Mr. West's records. We don't know if they are accurate. Mr. West has records, accurate records, we don't know if they are accurate or anywhere near right. All we know is he has some records. Guess what would have happened if he hadn't kept any records, we would be paying for the whole thing. There would be nobody to go to. We don't know if the records are accurate. We don't know if we are treating anybody fairly. Therefore, I don't know how we can say that Mr. West numbers should be followed.

I had a personal experience with something like this where the state made a decision that whether you did anything or not; you are going to pay for it. I made the mistake of buying an apartment building. I know some of you have heard. It cost me \$90,000 to cleanup the lead in it. I didn't put the lead paint on. There was no insurance coverage. There was nothing from the state, but I don't want anybody else to suffer that. It is totally unfair to hold people accountable for things that they don't do. These same people that are in a court of law and being defended by an attorney, there are many attorneys in this room, and you know you would not stand to allow your client to be punished for something they didn't do, especially if there was no law that they broke. That is what we are doing here. I don't like the Majority Report and I am on it. I don't like it. I like the original bill. Right now that is not an option for us. The Majority Report tries to treat people fairly. You have heard of the gift for the orphan's share because it is in the majority bill. It isn't a gift. It is taking responsibility for what we all participated in without dumping it on somebody else. It is politically popular to go home and dump it on a business that can't vote, rather than making every one of us and every one of our clients' pay who do vote. I ask you please to vote for the Majority Report and take the first small step to cleaning up what we know we have and not worry about what is coming because we don't know what is in the others. Thank you.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I have sat outside of the chamber and listened to the discussion that has taken place here today and one of the questions that I have pondered was, who was at fault? Because of that question that goes through my mind, I would like to pose a question through the chair to any member who could answer this question. Since this is such an extensive problem and involves all of us who were alive at that period of time, has there been consideration given to this situation to bond this as we have bonded other things from water, sewer, tires, etc.?

The **SPEAKER**: The Representative from Belmont, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. In response to the question, it is an issue that we did talk about and did discuss. The problem that we have is two-fold. One is the amount because we really don't know in the long-term how much it is going to be. There is a danger of simply putting an open well out there for everyone to grab. The fact that it is going to be a lot less expensive and the people who have a monetary investment are going to be helping to keep that cost down, rather than having government just basically hand over a check, for example, like was done at the McKin site. So, basically we had some feelings how much and how would we start doing a bond issue of \$100 million, the long-term cost of that, the long-term commitment. What we have, at least, in the Majority Report is an attempt to establish what this particular site, this method of operation, trying to restrict the cost and aiming it for Maine citizens and Maine corporations.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a long debate. I, for one, want to say thank you. Thank you to the Natural Resources Committee. I testified on the original bill as a representative from the Moosehead Lake Corridor, the businesses that stretched all the way from Newport to Greenville in regards to the Plymouth site. I have watched over the past months the work that my seatmate has done and the chairman of the committee. In my opinion, they have done an excellent, excellent job. I want to thank them very much.

I have also taken this issue to our United State Congressional leaders and have talked to our Congress people and our Senators. I have had quite a bit of dialog, especially with Senator Collins's Office in the Bangor area. They have been very supportive of us, but they have reminded me on several occasions that the United States Supreme Court has found that third parties can be responsible. I am personally going to vote for the Majority Report. I think each and every one of you deserves to say thank you to the Natural Resources Committee. I think they have done one heck of a job. Thanks.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard reference to the fact that this is a major shift in state and federal policy. I think it is high time that we had that shift. We do things down here every single day that are a shift in state policy. I don't think that we should be reluctant to undertake this one. We say that that policy has worked very well for two decades. I wonder how many businesses have been nailed to the cross in this fashion that still no longer exist or are still doing business. We can't continue to put this load on our businesses and say it is all right our businesses will pay for it. We don't have an endless supply of money in these businesses. We do have a mass exodus of our businesses leaving the state. We keep hearing that there is a reluctance to put out a bond for this. We know that the costs of these four sites are roughly between \$52 million and \$65 million. No, I am not a proponent for putting out bonds to allow them to be grabbed off for any other use. If we could have a specific bonding, it would have been done.

We have heard reference to there being people with a slight conservative vent on the Majority Report. I would assume that probably I fall into that category having been called slightly conservative from time to time. If it is necessary to have this come out of this Legislature as the Representative Joy spending bill, so be it. Ladies and gentlemen, we no longer can allow these sites to set there and not be cleaned up. This is the first major statement made by this Legislature that the state has an obligation to assist in the cleanup of these messes. Are we really interested in cleaning up our environment or are we interested in putting a further burden on our businesses that we all contributed to? I think, ladies and gentlemen, that we need to begin to take that first step right now. Accept our responsibility and move forward with the Majority Report. Thank you.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. Have you ever woken up one morning and realized I wish I hadn't cosponsored that bill that I did yesterday? For me, that is one of those. I am sure my former friend, the Representative from Brunswick, Representative Davidson, feels the same way as my former friend, the Representative from Bath, Representative Mayo certainly feels as he nods affirmatively in my direction. Be that as it may, I was a cosponsor of this and have gotten quite an education. I concur with everybody here who said the committee has worked long and hard on this. They have. Both sides of the argument have given it their full attention. Both sides of this argument recognize that there is credibility and concern here that we must deal with as a state. There is one significant flaw and I believe it is actually a flaw with both of the reports. With the Majority Report it is a devastating flaw. The flaw is that both reports pretend to deal only with one site. That is the way they are both written. They both specifically say the Wells site. There is no way, you have heard this here many times so I won't spend a lot of time on it, I could responsibility vote for the Majority Report and tell my constituents that this bill will only deal with one waste oil site in the state. Anybody here should realize that that is no way the case.

I have before me the list of the 400 some-odd sites that have yet to be even considered for remediation in the state. A number of those sites, 30 to 35, we believe, meet the exact definition of waste oil as described in this particular amendment that is before us. Even if they don't happen to meet that definition of waste oil, there are similarities; I am sure, between a lot of these future 400 sites and the ones that are before us today in terms of who paid into them and things like that. In particular, you have heard a lot about the McKin site. I want to say that the Wells site is certainly not a unique site. The Wells site is no different than many others that have already been cleaned; at least 30 or so that we will be talking about in the future. The Wells site is not a unique site. The contaminants were not unique. The contaminants at the McKin site and the Wells site, they share a lot of the same constituents. The responsible parties are not unique to the Wells site. The McKin site, which had 400 responsible parties, 78 of those are exactly the same as at the Wells site. The legal and illegal issue is no different with the Wells site than from the McKin site or a number of the other sites that we have yet to consider as a state how we are going to deal with. A lot of the future sites that we have to deal with and a number of the ones we have cleaned up already were handled in a responsible and legal fashion given the technologies and bureaucracies that were

available at the time in licensing and permitting. They were handled legally. They are no different than the Wells site in that regard.

I believe Representative McKee put it very well in terms of putting the law before the policy. I think the entire committee agrees we have something we have to grapple with here as a state. Where we differ is that as other states have done, we have not looked at the big picture. We have not looked down the road beyond the Wells site. Instead we are rushing headlong to deal with this Wells site largely because it is an extremely well orchestrated campaign. It has been referred to the school funding formula of lists. It has 2,900 approximately potentially responsible parties. All of us have them in our districts. Some of us have multiple car dealers and gas stations in our district. This is an extremely effective way to bring it to the floor. I believe by doing so we would be remiss in not dealing with a long-term state policy towards remediating these sites and I believe rightfully should involve state participation. I believe bonding as brought up earlier may well be something we should do. I believe a fee, an assessment, a tax on hazardous waste disposal or motor oil as was the original bill, may be a very good way to fund the state's share and responsibility in future sites that arrive and the present sites that are before us. Those discussions aren't with us today. All we are talking about at the moment is raiding the Rainy Day Fund for \$3.1 million. What will occur in the future, as you have heard many times, is tens of millions of dollars of future requests coming with all good reason from the parties involved. If we pass the Majority Report today, they will look to this bill as the precedent. I think if we go forward with the Majority Report, we should probably rename the Rainy Day Fund to the Hazardous Waste Cleanup Fund and just kiss it goodbye. In a decade or so when all the other 400 or so other sites that are out there that still haven't been resolved are cleaned up, the Rainy Day Fund, which we have brought to record levels will be gone. We will be the ones responsible for that if we support the Majority Report today. I sincerely believe this and that is why I had to differ with the good chair, the unique chair, from Eagle Lake.

I wanted to specify that the McKin site, again, some of you have heard about that, that there is no difference between that site and this site in a number of ways, with the exception of the insurance issue, which is very real. Let me just list some of the schools that contributed to the McKin site and have paid into cleaning that up. There are at least 43 on the list I have here from Falmouth, Mt. Desert and Waterville, you name it and they are probably on the list. Cities in towns all over the state, Lewiston, Portland, South Portland and Union have all paid into the McKin site and cleaned it up. Hospitals all over the state have paid into that, as did the Waterville Boys and Girls Club and similar things. Again, these are society sites. A lot of the future sites that are out there are sites that I have come to realize are something that we all take responsibility for, whether they predominately have waste oil or whether they have tannery chemicals in there or whether they have industrial cleaning solvents or paper industry solvents. They are all things that we, as a society use and certainly not as obvious and not as easy to get behind as the cars that we all drive. They are all society things. As long as they were handled responsibly given the technology at the time, then it is something that we all bear responsibility for. To pretend that this raid on the Rainy Day Fund is going to be a one-time deal and that the future sites that come forward legitimately will not have every due right to go after

the same source of funding is misleading, I believe, and will serve us poorly in the future. You can never go home again, I guess you can say. Once we take this step today, if you support the Majority Report, we have opened the door wide open to using the Rainy Day Fund as a means for the state to cleanup these future sites. I urge you not to do so. Please don't support the Majority Report. Please wait for the Minority Report, which, I believe is far more responsible and reasoned in terms of long-term looking at this problem. Thank you for your time.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. First, I would like to thank both reports for working on this very complicated issue. May I pose a question through the chair? This is truly a question, not a political setup here. I read through the Committee Amendment and perhaps I missed it, but does this bill require a two-thirds majority to take that \$3.1 million out of the Rainy Day Fund? That is my first question and my second one is, is there an estimated cleanup cost for all these other sites that we have seen on this handout?

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

Representative MARTIN: Mr. Speaker, Members of the House. In reference to the first question, the answer is no, it does not require two-thirds. What you do when you write legislation is you simply begin with the words notwithstanding, Sections so and so. That takes care of the two-thirds, it would be 90 days down the road. The second question is basically the overall estimates that were made to us were made only for the four sites. Keeping in mind, the Representative from Crystal, Representative Joy, referred to earlier somewhere up to \$60 million. Keep in mind that those figures include all of the out of state as well. As you know what we have done with ours is to exclude all out of state and limit the liability to Maine, Maine businesses and Maine citizens. Then you have to ask the question of what happens in the future? The answer to that is no one has any idea. First of all, they are referring to some 470 sites or so, potential sites. When you look at the legislation that we have drafted with the Majority Report, it says that this approach applies only where 50 percent of it is waste oil and not related to other chemicals that might be in the dump. According to DEP and this is just an estimate, this potentially might affect 30, but no one really knows until they go in and check it out.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I apologize for getting up a second time. I usually do not believe in that. Just a few points that the Representative from Harpswell brought up and others have brought up throughout this debate. The issue of this and I think we need to get our mindset back about what we are talking about here. We are not talking about creating a government program here. That is not what we are here talking about. In your discussions about the Rainy Day Fund and the prioritization of the Rainy Day Fund, I assure you emphatically that if you are a business, small tire shop across the river in Gardiner, it is raining. If you are in the hole for \$50,000, it is raining. This is a one-time push. I think the policy is very clear that this Legislature is staying out right now. I won't go into that further, but to also touch on the points that were brought up about the McKin site and other sites, when I

initially sat down and talked with people and people have made comments here like the organization that is around this bill of car dealerships and oil dealers and aggravators and small businesses is a negative thing. I think it is one of the most positive things that have happened here in a long time. You got people together and mobilized those that are getting the shaft. They come to the state and say they have huge problems with this. That is one of the most positive things I have seen in this Legislature in a long time. I wish there was a lot more of it.

The difference between the McKin site is that you have 10 percent or even less than that of those sites that are orphan's share as opposed to these sites. The other thing is we sat down and you talked about the 400 other sites that are throughout the course of the state. I would have loved to put those sites in this bill. In fact, when we sat down initially and talked about drafting it. There is no way. No one has kept the records, as the Representative from Eagle Lake talked about. I think it is absolutely unclear, cloudy and probably pretty sure that you are not going to see the tail on this be that long. There isn't a documentation that I have searched for in other sites and that the committee has searched for in other sites of the responsible parties. I think it is absolutely clear that for most of those sites that that is not going to happen. On the other side of the issue, is you talk about all these other things, PCBs and other pollutants, listen, you are looking for clarity and purity in waste oil dump sites. It doesn't make any sense. Five percent or less than that are those other things. These are clearly waste oil sites.

My third and last final point on this and I promise not to speak anymore is that the difference between this and as the Representative from Harpswell and Representative Cowger talked about earlier. There is a major difference between industrial pollutants and these type of pollutants. This wasn't used in production. This wasn't used to make paper. It wasn't used to make cars. This was our oil. Things that these people took in good faith and disposed of and didn't own didn't buy and didn't pay for. It wasn't even theirs to give away, but they took care of it because the state told them to do it. These are very clear issues. I think it is very clear. I think the policy is very clear. I think it is very important that we act on this. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. You would think after two hours of debate everything would have been said. I think most things have. They have presented it very, very well. One thing I think we may be missing on this is this project may be the model by which we cleanup the mess in the State of Maine. This is a coalition of business people getting together, coming up with a contract with a contractor that will guarantee that he will cleanup this site. It will get these people that are liable for this payment off the hook. There will be no long-range payments. It won't extend over 10 or 15 years like the McKin site did and no end in sight. This contractor guarantees he will cleanup this site for this amount of money. If he doesn't, he will have the insurance and the bonding to ensure that he does. That is about the only thing that hasn't been said.

I would just like to review the reason that I am on the majority side. Probably next to the Representative from Crystal, Representative Joy, I probably am the most conservative person in the Town of Windham. I just don't believe that it is fair that a

company that broke no laws can be held liable for cleaning up a site. I just don't think it is fair. Forty years after the fact you can change the environmental laws and then find somebody guilty of them even though it was 40 years previous. To add insult to injury on top of both of those, I believe it is grossly unfair to charge any polluter, contributor or whatever you want to call him, not only for what he was responsible for, but what other companies were responsible for, the orphan's share. The majority part of this bill that is the main part of it. It has the State of Maine stepping forward and paying the orphan share.

I was aware before we came in here this morning that I was going to hear words like opening a can of worms, sliding down a slippery slope, words that may mean the State of Maine is only interested in cleaning up our pollution when it doesn't cost state government any money. Yes, I think this is a change of policy. Yes, I think it is a change of policy for the good. It combines local business or the businesses that are going to have to share the bill with state government and you know the private industry can do it much, much better. I ask you to do the fair thing and vote for the Majority Report. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. A few minutes ago Representative Berry asked a question about the issue of bond versus doing it this way. One of the points that were brought out was if we used public money it is apt to be an endless source of funding. If we used private money and people will have to pay for it, they will keep the cost down. The question I need to ask is for my constituents who have \$1,000 or \$5,000 and I have one who has been assessed \$100,000; they are going to pay their bill. How are they going to help monitor that company and keep those costs down? Where do they have any input?

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 Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. In response to that question, there is a big difference between the way uncontrolled sites are handled versus the Federal Superfund Program. It is probably what you are thinking of. The Federal Superfund Program is a big pile of money and then the government goes in there and conducts the cleanup. They are prohibited by federal law from considering the costs of their decisions as they decide what to test and what to do for a cleanup strategy. The uncontrolled waste sites by putting together a committee of responsible parties to organize it, they get to negotiate it. Often what I would do in these situations is there would be an unknown and there would be a proposal to put in five monitoring wells and test them in a certain expensive way. We would negotiate and say why don't we put in two wells and test them. If those wells fail, then I will put in the other three and completely define the problem. You would phase it in. That was one example. A strategy like that can save you hundreds of thousands of dollars with each single decision. The problem with creating a big pile of money and then running these sites like a bond would do is that people spend without consideration because the hole fills up with money behind you automatically.

On this particular site, the proposal right now with the company that is supposedly taking over is to guarantee to do it for a certain amount of money and if they lose control of the cost, they lose their profit. If they lose control of cost and their profit to where they are insolvent, an insurance company then back bills them. What they have done is their engineers have taken the risk of making an assessment from it. With that said, I think it is an excellent proposal. It will be unique in the country to run the facility this way. If they weren't doing it this way, it wouldn't be \$16 million per well; it would some number far, far higher. I would want this Legislature to know that is not a done deal. The company that we have talked about that the Majority Report depends does not now have a contract to cleanup the well site. They are attempting to sign up a certain critical number of responsible parties and they have not met that goal. Their first deadline was back in April to get that number. They have not gotten them in. They have extended the deadline several times now and they are still holding out. I have no doubt that many people may be looking at what happens here to decide whether or not they will finally sign up or not. I haven't gotten any evidence of that. If they don't come through with that, then the site reverts back to the normal process, which is how McKin got handled and Union Chemical got handled and the other 70 odd sites where that committee of responsible parties happened. This is the big guys. This is not the mom and pops. They get together and they figure out what to do with the state telling them when they are finished spending your money.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. Let me try to quickly summarize perhaps in three minutes. First, keeping in mind that happens in this process that is now going on under the Majority Report, if they don't get to this deal, then this Majority Report does not go into affect. They would have to come back to us so we are not creating an open well. That is why the Majority Report is better from that point of view. The Minority Report does not do that. Quickly, I want to add a couple of things. There has been a lot of reference here with the McKin site. There are two factors that are different with McKin. There was only between 8 and 10 percent that were orphaned shares. There were identifiable and they knew who it was. The second thing with McKin was that the vast majority was covered by insurance. By the way, the reason why this isn't is because the insurance companies got smart after McKin. As they rewrote the new insurance policies they took that out of the policy covering garages and every other place. There was that potential coverage for them and it was gone. That is the second major difference with McKin that you need to keep in mind.

The Representative from Hallowell, Representative Cowger, referred to the fact that we were going to help big businesses in the state, not so. Everyone gets \$2,000. Everyone, large or small, doesn't pay for the orphans' share, the oil that didn't come out of them. Whether it be Central Maine Power or it be Martin Ford, they are going to pay the difference. They simply won't pay for someone else's oil that went there under the Majority Report. It is not a giveaway to these large corporations that very often are thrown out at us. I do it from time to time too. There is a difference.

Finally, I think that under the bill that the orphan's share, they will get their money when they show to FAME that they have paid it and then they will get their portion back. They have to pay it. Once the orphan's share has been established, let's say they

paid \$100,000, they will get the \$2,000 back plus the orphan's share. That is how it is going to work. I encourage you to adopt the Majority Report.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Implicit in the majority's argument is that this is fair and responsible. Therefore, even though the majority says this is only for one site, implicit in that argument is that what is good for Wells is good for all. If we accept the premise and we accept that this is fair, we must, in all fairness, except all four sites. The minimum of which is \$25 million and the uppermost probably \$60 million. We do know that if we establish the pot of gold, they will, in fact, come.

I want to share with you just a couple of telephone calls. I got numerous telephone calls from automobile dealers and municipalities. Interestingly enough as municipalities called me and it was explained to them, they understood. In fact, most of them had already paid. A large automotive dealer called me and said that my bill was \$18,000 and I paid it right away. I wrote it off as a liability. I don't know what I will do if you are now going to pay me back. How do I get out of this bureaucratic red tape nightmare that I am going to have? I think that the Minority Report does take care of the person who came to our committee and told us a story that we had to take very seriously. A person who is in retirement with her husband who could not afford the \$2,000 to \$5,000 bill. Believe you me in the stack most of the people are, in fact, in that range. Very few people are in the upper range. If one of the potential responsible parties says I have already paid and I have accepted it and I have written it off as a liability, let's move on. Let's let a law that has worked for the past 25 years continue to work until we have public policy, which will lead us down a fair and responsible path that is fiscally prudent. Thank you.

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

ROLL CALL NO. 349

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cross, Davidson, Davis, Dugay, Duncan, Dunlap, Duplessie, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Baker, Brennan, Brooks, Bryant, Bull, Carr, Cowger, Daigle, Desmond, Dudley, Etnier, Fuller, Green, Jones, Marvin, McKee, Nass, Norbert, Povich, Shiah, Skoglund, Twomey, Volenik, Watson, Winsor.

ABSENT - Bragdon, Samson, Savage W.

Yes, 123; No, 25; Absent, 3; Excused, 0.

123 having voted in the affirmative and 25 voted in the negative, with 3 being absent, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-730) was READ by the Clerk.

Representative DAIGLE of Arundel PRESENTED House Amendment "A" (H-738) to Committee Amendment "A" (H-730) which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. Since we are going to go down this road, we ought to have a plan for the others. What House Amendment "A" does is it proposes we do a study on this issue right now. We take two Senators and three Representatives and spend this summer and fall with technical support and quantify the problem. We will come back next session to this same body while all of us are in these seats remembering what we discussed today and we will figure what we will do with the other 402 sites of which 35 are just like this one. I urge your support of this amendment so that we will at least have a plan and a policy to get a bigger boat. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. I support the adoption of the amendment to provide us some time this summer to continue working on the problem.

House Amendment "A" (H-738) to Committee Amendment "A" (H-730) was ADOPTED.

Committee Amendment "A" (H-730) as Amended by House Amendment "A" (H-738) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-730) as Amended by House Amendment "A" (H-738) thereto and sent for concurrence. ORDERED SENT FORTHWITH.

ENACTORS

Acts

An Act to Amend the Freedom of Access Laws

(H.P. 1296) (L.D. 1857)

(H. "A" H-668 to C. "A" H-479)

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

On motion of Representative THOMPSON of Naples, was SET ASIDE.

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

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

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

On further motion of the same Representative, the House RECONSIDERED its action whereby Committee Amendment "A" (H-479) was ADOPTED.

The same Representative presented House Amendment "B" (H-734) to Committee Amendment "A" (H-479) which was READ by the Clerk.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I was notified by the fiscal office that this would constitute a mandate. This is an amendment that would put a mandate preamble on the bill. Thank you.

House Amendment "B" (H-734) to Committee Amendment "A" (H-479) was ADOPTED.

Committee Amendment "A" (H-479) as Amended by House Amendment "A" (H-668) and House Amendment "B" (H-734) thereto was ADOPTED.

Representative MURPHY of Berwick moved that the Bill and all accompanying papers be INDEFINITELY POSTPONED.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. This bill, if it passes, what it will do is it will take the place of the Attorney General in your town. If someone wants to bring a lawsuit against municipal officers or the town for freedom of access or if you are in Executive Session and what they think you might have done, now they can go to the Attorney General and file a complaint. He will look into it and he will carry it forward. This bill will allow them to bring the lawsuit. I really don't think that is what we want to do to our municipalities. I know that in a town that I represent, we had a problem. Let me tell you we didn't need the Attorney General and we didn't need a bill. All we needed was people to come forward. They came forward and they made their wishes known. There is one member left on that board that was on it originally. He was a new member elected so he wasn't really involved in a lot of the things that went on. Let's let the people back home take care of this. Do not underestimate the people in municipalities. When they think they are not being treated fairly and they do not have the freedom of access in their municipalities, they will come forward and they will take care of it. If not, the Attorney General of the State of Maine will do it. That is what we have the Attorney General for, not to let every frivolous lawsuit come before municipalities. I hope you would vote for Indefinite Postponement of this bill. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. This matter has been discussed a great deal in this session. I can assure you that there is no intent that the Attorney General is going to be that person to decide local squabbles. What this bill would do is provide for when a person or a group has been denied knowledge at public meetings. They get into their pocketbooks through taxation or whatever, regulations. It will provide after they have talked with the local officials about their displeasure and if they can't come to some agreement, then these people can resolve this by going to the Attorney General. It is easy for someone to say you have the courts to appeal to. However, many matters are quite detailed and would cost the people money beyond their capability to pay. I would ask sincerely that you defeat this motion to Indefinitely Postpone this bill. Thank you.

Representative MURPHY of Berwick **REQUESTED** a roll call on her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I, too, would agree with Representative Chick on the other side of the aisle. I do represent a municipality, but I was on the city council of that municipality when there was a mayor who did not want information to be known by the general public. When those of us who were activists before we were elected tried to get information, the Attorney General did not help. The right to know law really does not have a lot of credibility. On the scope of things, the Attorney General has so many things they have to prosecute that the right to know laws are really not important. I truly believe that Representative Chick has a good bill. Being a freshman I saw this bill once and we won what I thought was a done deal. Now we are having a fiscal note and we are asking to Indefinitely Postpone it. Maybe this is welcome to the world of politics. I truly believe this is a good bill. I think that the general public needs to have information and there are certain communities that depending on who is in office that people that come together cannot do anything about because the right to know law just doesn't hold any teeth with the Attorney General. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. Very briefly, I do rise in support of the pending motion. I agree very wholeheartedly with the good Representative from Berwick, Representative Murphy. This was a bill that we had before the Judiciary Committee. The majority bipartisan report out of the committee was Ought Not to Pass. This has taken a strange route through this chamber. Again, the bill as it stands is simply an amendment. Do not look at the original bill. Look just at the amendment, which is (H-479). There is really not good cause given to the Judiciary Committee as to why this bill was necessary and why we are carving out an exemption from Standard practices dealing with civil actions. Again, the Attorney General or the DA is the normal route of addressing civil actions against a municipality. If somebody has a legitimate claim, they go to the Attorney General or the District Attorney and file a complaint. If the Attorney General or the DA feels that the case has merit, they will pursue it. If not, if it is a frivolous claim, they will not. What my fear under this Committee Amendment if it passed, would be that somebody would be displeased with the outcome of a governmental entity, be it a local town council or be it a legislative hearing, and they would simply use this method to tie up and file a frivolous claim against this governmental entity simply because they are not pleased with the outcome of a hearing or some sort of a public session. This bill has not been proven that it is needed. I think it is a bad policy to be carving out exemptions to the normal route of civil action. I urge your support for the pending motion. Thank you ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I rise very briefly as a present member of a city council to ask you to support the pending motion. I believe that there

may be some problems around the state, but I don't think we need to change the complete law to take care of two or three problems. If there are problems in those areas, they should be adjusted. I do see some serious problems if we allow this bill to come forward.

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. 350

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Carr, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Frechette, Fuller, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, Matthews, Mayo, McAlevy, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Powers, Quint, Richard, Richardson E, Rines, Rosen, Savage C, Saxl JW, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Thompson, Tobin J, Treadwell, True, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor.

NAY - Bouffard, Bowles, Bryant, Campbell, Chick, Chizmar, Clough, Dunlap, Foster, Gagne, Gagnon, Gerry, Gillis, Glynn, Green, Jabar, Kane, LaVerdiere, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mendros, Murphy T, Nass, O'Neal, Pieh, Plowman, Povich, Richardson J, Sanborn, Saxl MV, Schneider, Sherman, Shields, Shorey, Stevens, Tessier, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Watson, Mr. Speaker.

ABSENT - Bragdon, Samson, Savage W.

Yes, 99; No, 49; Absent, 3; Excused, 0.

99 having voted in the affirmative and 49 voted in the negative, with 3 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-495)** - Committee on **TAXATION** on Bill "An Act Regarding the Interest and Penalties on Unpaid Taxes when the Taxpayer Files for Bankruptcy"

(H.P. 1216) (L.D. 1745)

TABLED - May 17, 1999 (Till Later Today) by Representative GAGNON of Waterville.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This item has been on the unfinished calendar for at least a month. Members have asked why does it continue to sit there. I have tried to explain to them it is a corner thing. I have

tried to tell them that either when the fat lady gets ready to sing or pigs fly, we will begin to deal with this bill. I don't see pigs flying, but I think the fat lady is warming up her vocal cords. It is a very clear simple bill. It has to do with how the bureaucracy treats the people of Maine, specifically, the Bureau of Revenue Services. This bill is about a woman called Mira. She is a lifelong Democrat. She is a former union official at the shipyard in Kittery. She retired and she had the American dream in her retirement of owning her own business, a restaurant. Her family, they are workaholics. They would give you the money out of the purse and the shirt off their back. That is the kind of family they are. They had a steep hill in the 1950s, 1960s behind their home in Kennebunk. For kids who couldn't afford to go to the resorts, at their own expense, they set up a T-bar and bought skis and loaned the skis out to the people of Kennebunk so they could enjoy and learn that recreational activity.

Her American dream did not work out. The business failed. She gave it 110 percent effort and then what happened was what she called a kick in the teeth. I don't understand the bankruptcy laws, but I do understand that in that process when you have a trustee, you turn over all your assets. The trustee takes control. That is everything you have to pay those creditors. The creditors submit what is called truth of claim. They submit their bills and even though the interest clock and the penalties have been running, at the point they submit it, everything is in a posture to be paid. The interest and penalty clock stops with one exception, the State of Maine. With one exception all your assets are on the table and your ability to pay is on the table and you are going through a lot of personal search and humiliation and the bills are going to be paid, except when you are done and your assets are gone, the State of Maine presents you with a bill that you no longer have the ability to pay.

In the 118th Mira went to the then chairman of the Appropriations Committee. She laid out her case and he agreed this is wrong. Three times he asked the then Bureau of Taxation to please contact this woman. This is not right. They did not. She contacted Senators from York County. They agreed with her and they went to the Bureau of Taxation. The Bureau of Taxation and Revenue Services refused to respond. She came to the Maine Legislature and she asked me to put in the bill. She had taken a fall that week and was hobbling. She had to lay her case out to the committee. This bill will not help Mira, but I think there are other Miras out there. If I can quote what the chair from the other body said, "This woman has been through this for the last two years. Does your constituent understand the virtue of gravity? State government has refused to respond to her. They are destroying her retirement. Does your constituent understand the virtue of gravity?" That is how she got treated. That is how the Bureau of Taxation treated her.

In her written testimony talking about the loss of her refunds and the continuing taking and taking and the clock running and running. The material that was given to the committee, that money was so desperately needed. They are from 1996 to current. She said, "I have considered suicide from time to time and then my family would have insurance money to stop the insanity of this." This is a bureau. This is policies and what it is doing to Maine people. The final question that she posed to the committee, because at that point she didn't give her full testimony. She had been told of the virtues of gravity. "My question to you is, don't you think that this is cruel to add additional tax burden when all assets are under the control of the trustee to be sold or abandoned and then there is no means to

pay this? If there was any money or assets to pay this the trustee would have taken it and the bureau just keeps adding more and more. Is it the bureau's and lawmaker's intention to make it impossible to get out from under these debts?"

Somewhere someplace in Maine State Government has to stand up for Mira and others. Someone has to stand up. The Bureau of Taxation did not respond. She did not get her full voice before that committee. Her only choice now is the members of this House. I would urge you to vote no on the motion and then we can move to a motion where finally we can stand up and take a positive vote for the Miras and others that suffer this injustice. Mr. Speaker, I request a roll call.

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

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

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. The Taxation Committee was certainly sympathetic to Representative Murphy's constituent and what she was dealing with. In fact, most of what she was dealing with was prior to implementation of the Tax Advocates Office, which I think would have been a great help to her was probably some better legal advice on her options that she would have when she filed bankruptcy. The bill does not affect this constituent and it affects many other people, including many corporations possibly for business reasons choose to file for bankruptcy. They make that decision probably with legal advice and decide whether or not they are going to use state rules or federal rules. Most use state rules because there are a greater number of exemptions under the state. We are a little more generous than the federal laws.

One of the things that is inherent in the tax code is that you are not, whether you file bankruptcy or not, you are not going to be relieved of your tax burden. We are not going to shift the burden of your tax burden to other taxpayers in the State of Maine. That is inherent in the code. In fact, at the very start of the code and I will paraphrase here. "Any person liable for any tax levied is insolvent, the tax, together with the interest attached thereto shall be first settled." The taxes come first because your burden should not be the burden of everybody else when you make that decision to file bankruptcy. In addition to that the majority of the committee chose not to adopt this law because there is no test. Even though a person may file bankruptcy it doesn't actually mean that the person is poor. Some people obviously are in that situation, but many corporations are not. There is no means testing.

Finally, currently there is a review of bankruptcy laws at the federal level. If I can quote from the State Tax Assessor, "The US Congress is currently considering a major overhaul to the entire bankruptcy code including significant changes to those provisions affecting the state and local tax liabilities of debtors. The Maine Legislature may want to wait and examine any legislation enacted at the federal level before making changes in this area."

For these reasons, Mr. Speaker, I would encourage you to support the pending motion at this time. Thank you.

Representative McNEIL of Rockland **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 351

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Richard, Richardson J, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Matthews, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Quint, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bragdon, Samson, Savage W.
Yes, 66; No, 82; Absent, 3; Excused, 0.

66 having voted in the affirmative and 82 voted in the negative, with 3 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-495)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-495)** and sent for concurrence.

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:

Expression of Legislative Sentiment recognizing Michael D. Higgins, of Raymond.

(HLS 543)

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

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I am very pleased today to present this special Sentiment to the Legislature and to Mike Higgins. I first met Mike Higgins back in 1987. He and I were classmates together at the

Muskie Institute where we were going to graduate school. We took a course together in quantitative analysis. That sounds rather difficult. It is basically a course in statistics. Mike did very well in the course and as a result of that he went on to become a staff person at OPLA and work for the Department of Education. I didn't do so well in the course and I was elected to the Legislature. When I came to the Legislature and I was assigned to the Education Committee and Mike was the staff person working for the Office of Policy and Legal Analysis. In that time he provided ongoing, a steady influence to the committee, professional staff support and a keen insight into educational policy. After providing that type of leadership to the committee, he then went to the Department of Education and for the last three years has been instrumental in advancing learning results, school funding and also child development services. Often times we have sentiments that come before us to say a number of very nice things about people. More often than not, those words are true. In this particular case, the adjectives that are used here to describe Mike Higgins are all true. He has been a very dedicated, very thoughtful and profoundly important person in terms of shaping educational policy in this state. I, for one, will miss him. I think the department will miss him, but I am glad to know that he will continue his public service through Spurwink. I hope all of you will join me in thanking him for his dedicated service and wishing him well in the future. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. Spurwink's gain is the Department of Education's loss. When Mike Higgins went over to the Education Department and left this building, he was very good about offering assistance to the new replacement. That was much appreciated by the new replacement who is the current Education Committee legal analyst. It was also appreciated by the then chairs of the Education Committee. He is a quiet person. It is only as you get to know him that you really understand the depth of his intelligence and his caring nature. In my associations with him I have found that at all times he is a gentleman regardless of whom he is dealing with. I join in wishing him the very best in his new position.

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

Representative **TRUE**: Mr. Speaker, Men and Women of the House. I, too, would like to thank Michael for everything that he has done in his life. Probably I was one of the first ones or a person who knew him many years ago, even before Representative Brennan. It must have been in the late '50s when Michael used to come to Little Sebago with his family. In that same area I brought my family because the lodge that was there was my last stop with my bakery route. I got to know Michael and his mom and dad. Michael, you have done well and they must be very, very proud of you. Good luck.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. It is with great pleasure that I stand today to honor someone that I have gotten to know since I was first here in the 117th Legislature. I have really appreciated more and more over time, not just as the analyst for the Education Committee back when I was here as a freshman, but also working with Commissioner Albanese in the Department of Education. When I was a freshman legislator, Michael will remember that I was

sort of the pest of the Education Committee. I was on Judiciary, but I think I spent as much time down in Education as I possibly could. I was at that point in time still representing students statewide through the University of Maine at Augusta. I had about 6,000 constituents that I was very concerned about in not only the quality, but also the quantity of the education they were getting out of the University of Maine at Augusta. With Mike Higgins help, and I wasn't a member of his committee at all, he was able to get me through as a freshman all of those kinds of procedural hurdles that I needed to do to become an effective legislator, not on that committee, but to actually help to facilitate making some changes in making our university system better than it was and certainly to strengthen what I felt was one of the weakest chains of the seven campuses. I will be eternally grateful to Michael for having helped me as a student and also all of those other students that I represented. I don't know if I ever really thanked him properly for all that he did that first term that I was here. Michael, thank you, best wishes and good luck in whatever you are going to do next. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act to Revise Certain Provisions of the Fish and Wildlife Laws

(S.P. 738) (L.D. 2088)

(S. "A" S-322 to C. "A" S-292; S. "A" S-358; S. "B" S-368)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Retain Jobs at Paper Production Facilities in the State

(S.P. 816) (L.D. 2222)

(C. "A" S-373)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure - Confirmation Process

An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 417) (L.D. 1206)

(S. "A" S-362 to C. "A" S-341)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same

and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Amend the Harness Racing Laws

(H.P. 1276) (L.D. 1837)

(S. "A" S-367 to C. "A" H-703)

An Act to Expand Membership on the Maine Tourism Commission

(S.P. 824) (L.D. 2227)

(C. "A" S-371)

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 Provide Assistance to Low-income Energy Consumers

(H.P. 1069) (L.D. 1500)

(H. "A" H-692)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. If you look at this amendment, I will read a section of it. It says, "Under this amendment that portion of the corporate income tax collected from the electric utilities by the State Tax Assessor attributable to the gain on the sale or transfer of generation assets divested after May 21, 1999 must be paid by the State Tax Assessor to the Maine State Housing Authority, which must deposit them in the Maine Low-Income Energy Assistance Fund." May I pose a question? Could somebody please correct me if I am wrong or at least inform me and the rest of the members of the House, was there some money from this type of activity? I heard the sum of \$60 million or something like that that had been available, but got folded into the Part I Budget or something. Could somebody please clarify that for me please?

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. In answer to the good Representative's question, the sale of the Central Maine Power Company assets produced approximately \$57 million. That money has, in fact, been used as part of the Part II Budget. This particular bill is one which would deal with the proceeds of the sale. The tax on the proceeds of the sale from both the Bangor Hydro and the Maine Public Service sales, which are in the process of being completed at the moment.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I hate to belabor this point, could somebody please explain to me the rationale for not using the \$57 million to put into this Low-income Energy Assistance Fund at the time it was available?

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. In answer to the good Representative from Bridgton's question, as the sponsor of LD 1500, I can't tell you why we didn't put the money from the one-time opportunity to put generating asset sales tax money to this trust fund. It would have been a great program. It would have taken and dealt with the low-income community and made sure their needs were met while lowering a tax on the rest of Maine taxpayers. Because of other priorities, whether it was lowering the sales tax for some or increasing aide to education for others or other priorities in the budget, both priorities won out over this one-time expenditure. However, there is a remaining opportunity through this amendment brought together through a unanimous approval of the committee of jurisdiction to put prospective funds from future sales of generating assets into a trust fund to begin weatherizing and other ways to lower costs so that this will ultimately, hopefully lower the cost of this program on ratepayers while meeting the existing needs of individual energy consumers.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I do think this is a good idea. Could you clarify for me, in the past, this low-income assistance was that through a tax that was on the citizen's energy bill. This new proposal will relieve that burden from the rest of the citizens so that it is paid directly from this fund?

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. In answer to your question, right now when you pay your electric bill a very small portion of each kilowatt-hour goes into a fund, which is used to pay for assistance to those low-income people who cannot pay their electric bills. The original intent of LD 1500 was to be able to take all of the proceeds that came to the state in the form of taxes from the sale of those assets into a trust fund, which would then allow a reduction if not an elimination of the fee that is tacked onto your electric bill every month. Because the money is not sufficient to sustain that long term, what we are hoping is to take what money we can receive from future sales and put it into this fund and thereby hopefully reduce the charge that is tacked onto your electric bill every month. It is not as much as we had hoped for, but it certainly will help.

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

Representative **TRUE**: Mr. Speaker, Men and Women of the House. I think Representative Waterhouse has certainly asked some good questions, but I think and please correct me if I am wrong, I think that the intention was not only to set it aside for a while so that it would gain a lot of interest and so forth, but it would have taken care of the low-income consumers, but also every single person that had a bill from the electrical people and then a portion of that would have been paid also. I think that we should remember this when we get a chance to tuck a little bit away if I may say.

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

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

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-728) - Minority (5) Ought to Pass as Amended by Committee Amendment "B" (H-729) - Committee on TRANSPORTATION on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 690) (L.D. 957)

Which was **TABLED** by Representative JABAR of Waterville pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. We have been waiting for this day for a long time to talk about the gas tax. A colleague of mine said to just get up and tell everybody to dial 311 for safe road and good bridges. I wish it were that simple. It really isn't that simple. It is never easy to get up and talk in favor of a tax, but that seems to be the fear that everybody has in this chamber. As I talk to people and ask them how they feel about the gas tax there is this certain cringing that they have because we are talking about increasing taxes. Nobody has any problem decreasing taxes and we have been doing that and doing it at a pretty good rate these last few years. I look at what we have done this session and the last session and it adds up to a considerable amount of money. We talk about the sales tax and now after this budget goes through it will have gone down 1 cent, which is about \$120 million a year. We talk about the homestead exemption at about \$47 million a year. The income tax reduction, \$36 million a year. The renter's relief on the circuit breaker, \$4 million a year. The BETR Program, \$30 million a year. Without even adding in hospital tax cuts, nursing home tax cuts that have happened recently, we are talking about \$237 million a year or over \$475 million per biennium in the form of tax relief in one form or another. I think we should be complimented for that because I think it is an outstanding job. It is because we have collected so much due to the economy.

Along with that also goes some responsibility in those areas that we need to consider and address and that is our infrastructure and our roads. I don't know what the fear is that we have when we look at the people who are supporting the

need to increase the infrastructure and increase the gas tax. You look at the list. You have groups like the Route 9 Corridor Committee, Route 11 and 212 Corridor Committee, Down East Route 1 Corridor Committee, Route 4 Corridor Committee, Route 26 Corridor Committee and Route 2 Corridor Committee. Almost every newspaper in the State of Maine realizes that we need to increase the gas tax to take care of our roads and our bridges. How many times have you seen Kit St. John from the Maine Center for Economic Policy and Dana Connors from the Maine Chamber of Commerce on the same page, as well as the Maine AFL-CIO, the Maine State Employees Union, Maine Municipal Association, Maine Automobile Dealers Association and I could go on and on with groups that are traditionally at each other, but all realize we need to do something about our infrastructure if we are going to go into the 21st Century and hope to increase our economic activity in the State of Maine.

The Highway Fund is different from the General Fund. First of all, it is only about 10 percent of the General Fund. It is a small portion of the overall tax mix in the State of Maine even though it is a significant amount of money. The sales tax and the income tax automatically go up without touching them when the economy goes up. Inflation drives prices and as prices go up sales tax revenues go up, even at the low inflation rate that we have now that is 2 percent or 3 percent a year. It is the same with income tax. As incomes go up the income tax revenues go up and even property tax in certain parts of the state as they go up the property tax goes up. This is not the case with the gas tax. The gas tax is fixed per gallon. It is structured in such a way that unless you periodically increase the gas tax, it is not going to go up. You can point to increased miles in the State of Maine and say that we have increased mileage therefore increased gallons, why didn't it go up? The reason is the efficiency of automobiles also went up which resulted in a flattening of the rate without any increase. Unless we do something with the gas tax, the revenue that is aimed for the highways will stay flat and will actually go down and not up.

In 1990 dollars, we have actually gone down because of inflation, even at the low rate of inflation. We are down approximately 5 cents, by coincidence; it would bring us up to what it was in 1990 dollars. If you are looking at it from an economic point of view, we are really not doing much except playing catch up. Unfortunately the gas tax should have been indexed, but the cost of living index is something Legislatures don't like because it can take off without any control. You have to deal with it every few years. The last eight years we, this Legislature, has not touched the gas tax, not 1 cent. That is probably in hindsight a mistake. It is much easier to increase the gas tax 2 cents instead of 5 cents. For the eight-year period before 1991, it went up 5 cents, but it went up in smaller increments. From 1991 to the present in another eight years it has gone up zero, not 1 cent. You can see by just applying the economics we have got to do something with the gas tax if you are going to address the Highway Fund.

The Highway Fund now has a 17 percent debt. It pays a significant amount of its annual payments for debt repayment. Why? It is simple. In the last few years to solve the problem we have been bonding. That is a short-term solution for an ongoing problem. We know what one-time money is. We know what ongoing money is. We all know that bonding is one-time money. The Local Road Assistance Program in the not so recent past was funded with bonding. That gets you by that biennium, but it does nothing for you in the next biennium. We have been

playing these games and these gimmicks with the Highway Fund for years. Back in the early '90s money was taken from the Highway Fund to help the General Fund. For years we have been criticizing these gimmicks. We have tried to do away with these gimmicks. In the last session we did some of that. We took the District Attorney's budget out of the Highway Fund. We reduced the State Police allocation between the Highway Fund and the General Fund to where it is supposed to be 60/40 percent. We paid back some of the money in the way of General Fund bonds to help the Highway Department. The gimmicks have got to stop. We have got to put the Highway Fund on a solid track to the future and stop doing these short-term solutions and short-term gimmicks to get us into the next biennium and put in the next Legislature's lap. That is going to be most of you when you come back here in two years or a year and a half to deal with again. Let's deal with it now and deal with it once.

Beyond the policy considerations of why we need to have the gas tax fund the Highway Fund is that there is a need. There is one thing that the Transportation Committee agreed on unanimously. The budget presented to us by the Department of Transportation, the Secretary of State and the Department of Public Safety was a good budget. It deserved being supported. We were going to do everything we could to fund it. As all of you know, there is some dispute as to whether we should fund it with the General Fund or whether we should spend it with the gas tax. As far as tax policy is concerned, I didn't believe that we should be going to the Appropriations Table and be competing with education, drugs for the elderly, corrections and the social programs because you know as well as I do that the Highway Fund is going to come out dead last. That was an issue in the negotiations and you all know that. There was a very small amount of money that was allocated for highway and that was \$5 million to reduce debt. That doesn't solve the problem.

If the General Fund saw fit to give some money to the Highway Fund, I have told my colleagues that, I would support that and try to come up with some compromise. It wasn't to be. The unified budget between both sides of the aisle here are in agreement gave us a small amount. Now we have to go from here. The Transportation Committee all agreed there is a need and we have to do something to fund it.

What you have in front of you is a proposal for 311. I want to correct something. In the summary it says that it takes effect August 1, 1999 and there is some reference to being an emergency. First of all, if you look in the law itself it is October 1, 1999 that the 3-cent gas tax takes effect. It is not an emergency legislation. The 311 I want you to understand were a compromise. It started out as 5 cents. That is what the Governor wanted. As a result of going through the budget and finding some other money that we could apply towards the budget and as a result of some of the members willing to compromise down to 311, we came out with a Minority Report of 311 without using any General Fund money. Keep in mind that 311 as opposed to 5 cents is almost \$20 million less. If we impose 5 cents this year instead of putting it in 311, which is an additional \$20 million we would be collecting over the next two years so 311 is a compromise and a step down from 5 cents, which is proposed by the Executive. In addition, the budget of 311 leaves DOT short \$3 million, which, again, they are going to have to absorb and deal with in their budget even with this proposal that is before you today. They are not getting everything they want and the Executive is not getting everything they want.

When you read through and you see the three components, the one thing you can see about this budget is you have been given handouts and it shows you exactly where the money is going. You can see where the money is going. On the urban rural initiative you can tell what your community is receiving in the way of funds. You know where the money is going. On the back page on the green sheet the gas tax along with the bonding, the \$25 million bonding, you see exactly where the money is going. These documents show you the money is going into roads. The reason there has been some questions cast on why the committee put Part I, what is called the Local Road Assistance Fund in the Part II, and not in the Part I. The reason is Part I is the ongoing budget. The basic mission of DOT; DOT has a basic mission for 80 percent of the state's roads, plow them, repair them and temporary pavements. That is basically what their budget is. You couldn't put that at risk in a Part II Budget because if that fails, DOT would go out of business. Part I is supposed to be your ongoing program that you operate year to year that you have to sustain from year to year and that is a Part I Budget and that is why it was structured the way it was structured and the Transportation Committee agreed with that. If there was going to be any cuts, we could not cut the basic mission of DOT, the Secretary of State and the State Police while we would be cutting, and it makes sense, are the projects and the money to communities.

What you have before you is an item list by list of where the money is going. It is going to good causes. It is going to be money all across the state. It is going to communities that you all live in. It is going to roads that need to be fixed and bridges that need to be fixed.

As I have indicated to you, I really believe it is time to be farsighted in this issue and to look into the future and not to look into the short run. What we need and this is the opportunity to do it is a long-term solution. It is something that can be sustained. It is something that can be ongoing. It can some solution that we don't have to come back here two years from now and go through this all over again and decide how we are going to fund the Highway Fund. All this does is bring the Highway Fund up to the level it should be for the normal rate of inflation since 1990. It is not a significant increase in the funding level. If you look at the funding or the spending that was spent in 1990, 1991 and you will see that the Highway Fund really hasn't changed much at all. I ask you and implore you to stop relying on gimmicks, short-term solutions that will not solve the problem. If we don't do it this year when times are good, when are we going to do it? If we don't do it this year, when will we do it? If we don't do it, who is going to do it? Now is a perfect time to do it. We are reducing the sales tax. We are giving all kinds of tax relief and there is no better time to solve the Highway Fund now and make it a legitimate budget and to put it on the right track. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. I would like to approach the issue of the Highway Budget with a series of questions and quick answers from my viewpoint. The obvious first question is, is it necessary? The obvious answer is yes. The committee has been reported to be in great disagreement. The disagreement isn't over whether it is necessary or not. There was unanimity. The commissioner when he presented this plan presented a well thought out plan. There have been surveys done of road conditions in the State of

Maine and he made his case, I think, sufficiently for all of us. The conditions of the roads and the bridges in the State of Maine are deplorable. There are pressures on communities and there is a serious safety issue for people. The \$45 million in direct aide to municipalities through the Urban Rural Compact will help relieve those pressures on the communities. In fact, they will provide a tax relief. The \$33 million in federal funds that we will get for statewide highway and bridge work will take care of the first problem I talked to, the condition of the rural roads and the bridges. The commissioner's plan is a long-range plan. It is something that hasn't been done here, at least in my recollection. The answer to question number one is, is it necessary and will it be affective? I believe the answer is yes.

Who gains? We already mentioned that the towns will gain, thus the taxpayers. The Urban Rural Compact, the support for sand and salt storage facilities, which is also a gain for the environment, is very import. The public will gain by safe roads. The economy will gain, especially, I believe, northern Maine and eastern Maine and the western mountains where the roads are poor. Those arterial ways are very necessary. The arteries bring the lifeblood into our communities. The roads in rural Maine are in very sad shape. The economy will be boosted again in northern, eastern, western Maine because posted roads, which keep many of the loggers off the roads or traveling great distances to get around the posted roads for several weeks in the springtime. This costs them great deals of dollars.

The whole state gains. The good Representative from Waterville mentioned a whole series of roads that will be worked on. They are not isolated to southern Maine as many people worry. Route 11 and Route 1 in Aroostook County and Route 9 in Washington, Hancock and Penobscot Counties. The roads down in southern Maine, Route 4, 103 and 26. You can rattle them off. The whole state will benefit. The paying down of debt is essential. I am not sure if the figure was 17 percent or 13 percent or whatever, it is twice as much as it should be. If we don't pay it down, the next time we have an economic problem, we aren't going to be able to afford to bond again. One other benefit is we get rid of the hidden tax on springs, struts, front-end alignment, broken tires and bent rims and all of which cost each and every taxpayer of the State of Maine a great deal of money.

Who pays? This is the big question and it is the big disagreement of the committee. Does it come out of the General Fund? We found out it is not coming out of the General Fund unless something miraculous happens in the next few hours. I agree with my chairman that I don't want to see highway money on the transportation table. I won't give the flip comment that I gave last week, but it was interesting to note where the suggestion to put the money for roads was if we only raised it 2 cents. The Rainy Day Fund has been mentioned just recently. We already tapped the Rainy Day Fund this morning and I don't know about the rest of you, but I like to have a Rainy Day Fund at home for emergencies. This is a day-to-day expense. We shouldn't be spending it on a day-to-day expense.

Where do you go next? A user fee or if you don't like aphorisms, a tax. Do we raise it 2 cents? If we do, we lose millions of dollars of federal monies. Do we raise it 5 cents? That is not going to happen. We all know that is not going to happen. The Executive proposed it and early on the Executive did not get out and work for it, therefore, the Executive is not going to get it. Perhaps we wouldn't need it now had the Executive, two years ago, followed suggestions that we do something about it at that point in the game, but he refused. It is

my suggestion that we look at 311. Again, the good chairman mentioned that going 311 would leave us with a bit of a shortfall. It isn't what we wanted, but sometimes one has to take a step back from what they want in order to get an end result. This is hard to swallow. I don't like taxes anymore than you do. Stay away from me on that week before April 15th. I am not very pleasant to be around. I kind of lock myself away and avoid family and confusion. I just don't like paying taxes, but sometimes you have to. This is a steady source of money, a reliable source of money. It is not going to spike up. It is not going to spike down, at least we hope not. It hasn't been increased in eight years.

Question four, is it a political issue? Well, I hear comments that the Republicans aren't doing this and the Democrats aren't doing that. There is support from both sides of the aisle. There is opposition on both sides of the aisle. There is opposition to the proposal that is up on the board right now. It was bipartisan opposition. It is not a Republican bill. It is not a Democrat bill. It is a bill for the people of the State of Maine. Many people on both sides see that we have no choice.

The last question, if the money comes, will it be used all over the state? This is one worry that people have. People in my part of the state think all the money will go to Cumberland County. That is not true. Those of you in eastern Maine or in northern Maine, there is a proposal on paper of where this money is going to go. It had better go there. If the commissioner of the Department of Transportation wants our faith from here on out, they had better do what they said is right. They understand that. I feel confident in the commissioner. I feel confident with the Department of Transportation. I think the job will be done. I know it is necessary. I urge your support for the pending motion. Thank you very much.

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

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House. I can't agree more with my good friends from Brewer and Waterville. This was a very divisive issue on the Transportation Committee. I urge you to vote against the Minority Ought to Pass Report and go on to accept the Majority Report, the bipartisan Majority Report. No matter how you cut it, 311 adds up to a nickel. We started off in our committee a lot wanting zero. We moved to 2 cents and that is the Majority Report with input from the General Fund. The good Representative from Waterville, Representative Jabar, said there is a fear of a tax. The Majority Report also has a tax increase in it. Both reports fix exactly the exact same roads, funds the exact same programs. There is no guarantee that 311 or 2 cents will fix this and last four years. Nobody knows that is going to happen. We are one step away from a war in the Gulf and having a huge increase in the price of gas going to \$2 and gasoline consumption dropping rapidly. Five cents may not get it then.

We had \$290 million more revenue in the state. Out of this \$290 million we were asking for \$22 million to go to the Highway Fund to repay \$30 million that is still owed to the Highway Fund. 311 is a 26 percent gas tax increase, 26 percent. I had to

swallow hard to agree to 11 percent, which is 2 cents. Like it or not, we compete with New Hampshire. Their gas tax is 18 cents. Maine is second with 19 cents. Then we go to Vermont at 20 cents and Massachusetts at 21. If we adopt just 3 cents this fall, we are going to leap frog past New Hampshire, Massachusetts and Vermont. They say we are below the average for New England. That is because Connecticut is at 32 cents and Rhode Island is at 28 cents. When I travel out of state I go to Pennsylvania twice a year usually and one time I stopped in Connecticut and gassed up there. I will never do it again. I plan my trips now so that when I travel out of state I do not gas up in Connecticut. The price of gas is so high. I am afraid that we will catch people coming into the State of Maine just once. They will come here and they will gas up once and they will say that the price of your gas is expensive. Next time I come to Maine I will top off in New Hampshire before I come to Maine. You will get to drive 300 or 350 miles in the State of Maine and then you get enough gas in your tank to get back to New Hampshire. I think we are going to lose money by this.

We hear that the gas tax is a users fee. The user should pay for the roads and that sounds fair, but in truth, everybody in this state uses these roads. Ninety percent of what we use and consume in this state comes in on the highways. Don't you think that every consumer in this state isn't going to pay that increased cost in that transportation? Everybody is going to pay it. If you don't have a driver's license, you still pay that increased cost. I would like to say that the will of this body is not final until we adjourn sine die. If this body decides to do something, adopt the Majority Report and go with 2 cents and \$22 million out of the Highway Fund, I am sure there is a way that this can happen. It is important to look for a long-term solution. The Majority Report calls for a study commission. I hate study commissions because we have so many of them, but this is necessary. We have got to look for alternative funding for our highway funds.

Technology is improving every year. Vehicles are getting more and more fuel-efficient. A point of interest in the most recent issue of the *State Legislatures*, which is put out by the National Conference of State Legislatures, Vermont, their General Assembly is considering a \$750 tax beginning in the 2000 model year on sport utility vehicles and light trucks that get 21 miles per gallon or less. They are going to use this money to give a rebate program to people who drive cars that get better than 35 miles per gallon. These are the types of things that people are considering. Gas has been really cheap here. It was well below a dollar for a long period of time. People are buying these SUVs, sport utility vehicles that get relatively low miles per gallon. That has helped the Highway Fund some. What is going to happen to these sport utility vehicles when the price of gas does jump up to \$1.50 or \$2 a gallon? These sport utility vehicles are going to go on the market and the Highway Fund is going to be adversely affected. I urge you to vote against the Minority Ought to Pass as Amended Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. You have heard various groups and lobbyists tell us that this is a great idea to increase this. We certainly do need money for the roads. I respect those people and their opinions, but I don't represent those people. I represent the people back home and I asked the people back home what they thought about a nickel increase for roads and well over 80 percent told me no. Things like, please no. Don't

raise the gas tax. Little notes like I commute to Portland everyday or further. I can't afford it. It is a big burden on me. Those are the people we are representing. Is this a high priority fixing our roads? Yes it is. Yesterday we had the opportunity, the good Representative from Waldoboro, Representative Trahan, gave us a chance to put this funding in and 45 percent of us voted for it, which would have been a 1 percent cut and everything else we would have all had to tighten our belts and pay for this. Instead we are asking the people of Maine to tighten your belts and you pay for it. I am up here to do a job and represent the people who sent me up here. I think we all are. It is pretty clear, at least in my area, how they feel. I can tell you that the people of Lewiston, just like the people of everywhere else, they know that 3 plus 1 plus 1 equals 5.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. The moment we have all been waiting for, the hot summer weather and also the gas tax. The question we really need to ask ourselves, ladies and gentlemen, is can your constituents afford a nickel tax increase? Can they afford it? I know how to answer it for my constituents and supposedly I live in a wealthy area of the state.

I am going to go through some notes that I have taken over the meetings we have had, the hundreds of meetings on this, and I want to share this with you. I am not trying to bore you with it. If another 5 cent tax is added to Maine's motor fuel tax rate going from 19 to 24 cents per gallon, we would move from next to the lowest rate to the third highest rate in New England while our income ranking has not changed. Our income per capita is \$22,078. This is a blast in New England. You have to ask yourself, does Maine have more roads than any other state in New England? Actually Massachusetts has more miles of roads than Maine and charges 2 cents more in excise taxes and three times as many gallons of motor fuel sold to three times as many registered motor vehicles. Owners in Massachusetts earn \$14,000 more per year income for a family of four so does the same family in Maine. Also, Maine does not have more roads than all other five New England states combined, even though geographically we are as large a state as all the other five New England states combined. Maine has 22,577 miles of roads while all of the five New England states combined have a total of 84,623 roads.

There have been a lot of good points brought out. I think I really must emphasize that the committee was unified on the necessity of this Highway Budget. We all agree that we need to do this budget. We need to change the local road assistance and make it better. During the arguments that we have had, of course, was the funding. We felt with \$290 million in surplus we could not go back to our constituents and say we have a \$290 million surplus, but we also raised the gas tax by a nickel. It just doesn't add up to the people that vote for you to get you here. Another point was that the 2 cents and the \$22 million from the General Fund would not take care of the future highway funds. You show me another legislative body that has taken care of the incoming legislative body on their budgets and I would be willing to look at that. That is not what we are here for. We are here to take care of this biennium budget, whether it by highway or general fund. We are here to balance this budget.

Also, a list of names and supporters has been sent around to you, including the Chamber of Commerce and the Maine Municipal Association. In my district I received letters from

organizations such as the local chamber and local municipalities against the nickel gas tax. We can throw these back and forth all day folks, but it is really up to you. The question has got to be, can your constituents afford this? The State of Maine cannot afford another increase in the nickel gas tax that is being proposed, whether it is 311 or a nickel. It is still a nickel folks. I ask you to please defeat the pending motion and go on so we can discuss the Majority Report, which we are not supposed to do right now. When we get to that we will fix the problem that you all see in the Majority Report. There are some solutions and amendments will be made to fix this. Please, I urge you to defeat the pending motion and support the Majority bipartisan Report of an 8 to 5 report from the Transportation Committee. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. I have been here since 1995 and I recall that the first articles in the state newspapers at that time said that our roads and many bridges were in disrepair and that the majority of our bridges had reached their age threshold. During the 117th Legislature one of our House Representatives suggested a 5-cent gas tax due to the conditions of our infrastructure at that time. That is when the Highway Fund was funding 87 percent of the State Police budget. Additionally the District Attorney's salaries were coming from the Highway Fund and we were funding positions in DOT where there were no bodies. The Chief Executive at that time send a message out that the Transportation Committee had to put our house in order just as the entire Legislature had to at that time before any gas tax was approved. That included the Rainy Day Fund, which at that time was very low. We went to work and we slashed more than 200 positions at the Department of Transportation. We removed the District Attorney's salaries from the Highway Budget and we paired down the percentage that the Highway Fund paid for the State Police Budget from 87 percent to 72 percent. Now it is paired down further to a 60/40 blend, which many feel is a fair portion. I still feel that the percentage paid by the Highway Fund for the State Police Budget should be 50/50. That, to me, would be fairer. I am in the minority on that. The savings from the gas tax of that would be less than a half a penny a year.

In the past few years we have been able to pave more surface and wound up having more bang for our dollar than we ever have before. That puts us where we are today. We have restored the Highway Funds integrity. We eliminated unneeded positions in the Department of Transportation and have gotten under projection bids so we could do more. The program the commissioner has embarked upon, which the committee unanimously approved is needed. To do everything that is planned now and for the future will take ongoing revenue every year. There is no ongoing surplus from year to year, but for the state to continue having surpluses, we must maintain a growing economy. To sustain a growing economy, we need a healthy infrastructure to go forth and provide a healthy infrastructure takes fair and sustainable revenue. A sustainable revenue for the Highway Fund is a fair user fee called the gas tax.

When I was here in the 117th Legislature also, we kept hearing from all of the border town Representatives how much business that we were losing because New Hampshire had less gas tax, had less, had less. I have a cousin of mine that lives in New Hampshire and he visited here just recently in Maine. Low and behold he is now telling me that the roads in New Hampshire

are in further disrepair than what ours are here in Maine. Does this mean that we have to follow New Hampshire's suit and say let's let our roads crumble even more? I don't think so. It was back in 1995 and the roads and aging bridges are still in much disrepair.

In some of the handouts that were passed on to you, the Growth Council of Oxford Hills, which is a part of the Route 26 Committee, comes out and says that a gas tax increase will shift the tax burden from the income tax to those who actually use the roads and that about 15 percent of additional revenue will come from out of staters. I don't know about you, but I kind of like the idea to have other people who come here to enjoy our state and expect to have good roads to enjoy our state that they share in the upkeep and use of those roads. The only way that we can do this is if we do have a much needed and sustainable revenue, which is the gas tax and the only alternative that I see is the 311 proposal that is before you. I do hope that you will take into consideration everything that I said about the past and look to the future as to where we are going to be going so that our state can still remain number one in the New England vacationland. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. Before I begin I would like to say thank you to the members that remain in the chambers on this very important issue. I know it is hot, but thank you for remaining. I am here to oppose any gas tax increase and I will tell you why. When I was running for office the people told me that the taxes were high enough and that they expected us when they elected people like me to come up here and offer some kind of resistance to increasing taxes and increasing spending. I am trying to do that today. We pay enough in taxes. The people at home are suffering. Remember that when you vote for a gas tax increase. Twice I heard the first week I was here to remember what it is like to be poor. Boy did that sound hollow to me because right now you have to remember what it is like to be poor. There are people at home that don't know where they are going to get their next meal. They don't know how they are going to fill their gas tank to get to work on Wednesday later in the week when the money runs out. We are going to put increased pressure on them with this new tax. Sure we are going to reduce the sales tax, but we are going to take it out of your other pocket and increase the gas tax. The bottom line is government is growing at 15 to 17 percent every two years. Government is growing by a half a billion dollars every two years. The money is there to fix our roads. The only thing we have to do is be responsible and operate within a budget. Guess what, transportation is a priority. Education and transportation should be number one and two. We didn't even address it in the Part I or Part II Budget. I told you it was coming. Our only option left is to increase the taxes. I know it is too late, but remember this thought. On day one of the Part I Budget put in your mind your priorities and stick to them and we won't be in this situation. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. I have been on the Transportation Committee and this is my second term. I am very proud to say that we have had an excellent committee. We worked out issues. We have agreed on issues. I would tell you right now it is not a partisan committee. This is not a Democrat or

Republican issue. I don't see it that way or looking at the committee report it is not divided that way. I was asked at the beginning of this discussion on the gasoline tax isn't there anywhere that you can find that money? Well, I am telling you ladies and gentlemen over the last two years we picked the bones clean. We cleaned up our house and we put things in order. We cut back everywhere it could be cut back. This budget is a workable budget and unanimous. We agreed on the expenditures. How we get there with the funding is where we have hit our biggest first disagreement and that is what you are going to have to address when you push that button, whether it be green or red. Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

Representative **SAVAGE** of Union **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. Sometimes we underestimate the intelligence and common sense of our citizens. So often we find that they are well ahead of us in public policy issues. We could learn more from them if we listened more. The need for a sound financial plan for our roads and our infrastructure, I believe, is one such policy. It is pure common sense. We either pay now or we pay more later. Homeowners know that it is less costly to maintain their homes than to let them go. Good maintenance is always less expensive than costly replacement or repair. Let's listen to common sense and vote for the pending motion. We owe it more to our citizens to save them money now than in the long run. There is no more fairer and logical tax than a users fee. That, ladies and gentlemen, this is just what this gas tax is. It is for road and infrastructure maintenance. Thank you Mr. Speaker.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alton, Representative Sanborn.

Representative **SANBORN**: Mr. Speaker, Men and Women of the House. It is not very often that I rise, but this tax really has an affect on my personal life and especially of the people that I represent from the middle part of Maine. In plain common sense, yes, it is a user fee, but the people that I represent cannot pay anymore. When we have to go to the doctors we have to go get our groceries it is a 50-mile trip or a 75-mile trip one way. We have been lucky. We have been getting more monies to help reduce property taxes with more aid to education. Our property taxes have not been going up. Right now we are paying 7 cents per gallon on a gallon of gas more than you are here in Augusta. The people cannot absorb anymore of that. Yes, the Chamber of Commerce did go on record and some of the local rural Chamber of Commerce's are letting me know that wasn't their decision, but that is neither here nor there. Times are not good for everyone. On that point, I will sit down and hope that you will let us go on to the Majority Report.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Saco just said that sometimes we underestimate the common sense of the people of Maine and I couldn't agree with him more. The problem is that sometimes we overestimate the common sense of the folks in

this Legislature. We have heard a lot of talk today about what this proposal does. I would like to speak just briefly about putting it into context with the big picture here and that is the budgets that we have been dealing with over the last two or three months. Last night we passed a budget and we have to ask ourselves what all have we proved? We proved that the legislative process can work without partisan acrimony. It is a noble accomplishment to the process. We proved that the Appropriations Committee can produce a bipartisan budget that reflects true compromise. It is a noble accomplishment for the process. We proved that we are more interested sometimes in the process than we are in the product. As we congratulate ourselves on our process, let's reflect on how we have achieved this bipartisan budget and the point where we are today in dealing with the gas tax.

We have reduced the sales tax a half a percent, not because of the process, but rather because an existing law required us to do so. We have reduced the tax on public pensions by taxing those on social security, so much for the process. We have passed two budgets this session and have not addressed the issue of road repair. We are talking about it right now and so much for the process. As I drove in this morning, I looked at the top of the Capitol Dome and saw the sun reflecting on the statue of Minerva, the Roman Goddess of Wisdom. I thought to myself she has to be the most misplaced person in the universe.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. I won't try to follow that act. I promise I won't talk very long. We need to get this over with and most people are not listening. I feel bad about that, because it is an extremely important issue. We keep hearing that we have reduced taxes and we have. I don't dispute that. That is not a justification to raise another tax. That is a very poor justification to raise another one. We have heard endless lists of groups that support the gas tax. I would venture to say that if you ask those groups if you support the gas tax or the program? The answer would be I support the program. We need the roads fixed. We need the infrastructure fixed. None of us disagree with that. There was no dispute on that issue. Interestingly enough with all the list of organizations that I have heard that support the gas tax, I haven't heard any list of constituents that called and said to please raise my taxes. I haven't heard that list. I didn't get those calls. This is about fixing the infrastructure that we all agree on. Where we disagree is how to fund this. We have heard this is a long-term solution. A long-term solution to the commissioner of the Transportation Department is three and a half years by his own admission. That is not a long-term solution. A 5-cent gas tax is not a long-term solution. We heard that indexing might be. Interestingly enough indexing was never mentioned in the committee. There was very little debate about this issue. We have heard that it costs 17 percent of the Highway Budget to pay for payments and interest and 13 percent of that is from the tax portion. That is still too high. I would agree with that. We wanted money to avoid some of the debt. We have heard that it is time to stop the gimmicks. I call stealing \$30 million from the user fee funded Highway Fund a gimmick. There was clearly no willingness to give that money back to where it belonged. It was one time. We only asked for 22. We didn't ask for 30.

As you deliberate on how you are going to vote on this, I would ask you to think about the timing. For two months now those of us on the Majority Report have asked to have this report

and ask for an opportunity to vote on this and ask for an opportunity to come up to the floor where we can talk about it. We have been prevented from that being allowed to happen. Here it is the day the budget is signed. A lot of you feel that it is over. There is no alternative. That is not true. The good Representative from Northport said it is not over until we adjourn sine die. This body has the will. We can fix this. I feel very bad about the process that has taken place here. I don't know why it happened, but that is what happened. I wish it hadn't happened.

A lot of you had received calls from your chamber of commerce and from your selectmen, please vote for the gas tax. We need our local road assistance. Please. I think those tactics are very unfair to call home and scare everybody at home that we are not going to send them the money that we have sent them in the past. We have always sent them \$39 million and now we are going to send them \$45 million. It is not a big increase, but they deserve all of it. Some of you have evidentially been left with the impression that the Local Road Assistance Program will not be funded at all if we don't pass this tax. The Local Road Assistance Program is \$45 million and \$25 million of it is already funded in the Part I Budget for the highway and \$10 million of it is in this part. We can do this folks. For no other reason than the timing of how this was handled, I feel compelled to vote against this Minority Report. I don't know what the reason was and why it happened this way, but it was inappropriate and I feel bad that it happened.

Representative Savage talked about the way the committee gets along. She is absolutely right. It is by far the best committee that I have ever served on as long as I have been here. I have not seen partisan issues. I have not seen maligning of one another. Unfortunately it deteriorated to that on this issue. For the most part this is a great committee. We agreed on the program. We agreed what had to be done. I really honestly, honestly believe that had we been given the opportunity to talk about this when we wanted to we could have resolved this without getting to the point we are at now. All we are asking now is give us an opportunity to look at some alternatives. Please vote against the pending motion so we can go on to pass the Majority bipartisan Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. I think everything has been said that could be said about this topic. I will add that I think there is not a person in this chamber who is not in favor of better roads and better bridges in the State of Maine. The problem comes with the resolve of the funding method. The funding method of 2 cents is correct. I can't imagine going back to our constituents next week, if we are so lucky to get out of here next week. Telling them that by the way we had a \$290 million surplus, but we have to raise your taxes. We are going to raise them a nickel on gas. Every gallon of gas you buy is another 5 cents going into state coffers. Folks, that is just not right. We have got to compromise and believe me this 2 cents is a compromise. I was on the Transportation Committee along with a lot of other members of that committee. We had dug our heels in at zero. We had said absolutely no gas tax, but as a compromise we went to 2 cents and the rest of the money is coming out of the General Fund. That is the way it should be. It is less of an impact on Maine citizens and after all that is what they sent us here for is to keep the taxes down. You can talk about all the tax breaks in the World, but when you come right down to it, we all

know the facts and figures. We hear them all the time in the media; the newspapers and we are the fourth or fifth state in the United States that is the most heavily taxed. If we pass this, guess what folks, we will probably be number three or number two. Explain that to your constituents back home. Two cents is the way to go. That is the right thing and rest coming out of the General Fund.

I also want to add before I sit down that I completely enjoyed my work on the Transportation Committee. Senate Chair O'Gara and House Chair Jabar were excellent. The committee members were excellent to work with. I thoroughly enjoyed my work. We had a slight disagreement here, but nothing that can't be worked out. Thank you very much for your time and patience.

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

Representative MAYO: Mr. Speaker, Men and Women of the House. I have agonized over this situation since it came up and reared its ugly head a number of months ago. Should it be two, three, one, zero or five? I guess I would say this afternoon in the heat of this chamber and the heat of the City of Augusta that I have come to the conclusion, reluctantly, that I will be supporting the Minority Ought to Pass as Amended Report. I will be supporting the 311. Yes, as the good Representative from Rumford indicated with his having been contacted by people in his community, I too have been contacted by people in mine. My city manager, four of my city councilors and a number of people involved in road construction on a small scale. I did a survey about two and a half months ago and the results of that survey were about 60/40 against the gas tax. I took that into consideration up until the last couple of days. I am personally concerned about the Local Road Assistance Program and what will take place if we do not receive either the \$30 or the \$45 million. I look upon that as an issue of property tax relief. I also feel that sometime we are going to have to bite the bullet as to some long-term funding to solve this particular problem. I personally, and I would agree with the good Representative from Wells, it would have been nice if we had taken it out of the Part II Budget. That did not happen. It didn't happen in this chamber with an amendment and it did not happen in the other chamber. To me, at this point, fortunately or unfortunately, that is water over the dam. I think we have got to move forward. I think we have a problem that has to be solved. I personally having listened to the debate and having read most of the material that has crossed my desk and having listened to my constituents in my community, I feel there is no other solution. I will be voting green when and if we vote this afternoon. Thank you ladies and gentlemen.

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

Representative JABAR: Mr. Speaker, Ladies and Gentlemen of the House. I feel I need to respond to a couple of things that were brought up, especially to the timing issue. Approximately a week or 10 days ago every single member of the committee told me face to face that they are in favor of tabling this until we found out what happened with the General Fund. As I said earlier we were unanimous to the need and that the budget was proper, but how we were going to fund it was the question. Myself and other members of the committee said if we can get the General Fund money then we will change our position. What we intended to do originally was wait and see what happened to the General Fund and then get together and fashion a committee report that maybe would be unanimous

once we knew how much General Fund, if any, would be available. Even though this matter didn't come up on the floor of the House, the issue of General Fund money for transportation was a topic of discussion on numerous weekends when both sides and the Executive were discussing the budget and whether to put General Fund money into the budget and, if so, how much? I was discussed. It was negotiated and the end result was \$5 million to the Transportation Budget. If they had come back with \$30 million for the Transportation Budget and that was what the leadership of both parties and the Executive agreed to. Then we could sit down and say fine, we only need 2 cents. Unless we are willing to go back and undo the budget and see if there is General Fund money, we need 311. That is the reality. There is no other reality here. If for some reason you can get all those people to go back and spend three more weekends and come back and give us \$22 million, I will tell you right now, I will support 2 cents. That is not going to happen. Right now we are confronted with a choice. It is a choice that we didn't want to face, but we have to face it. We have \$5 million in General Fund money to retire bonds. What do we do in place of that? We either go home and don't do anything for the roads or we bite the bullet and do what is in front of us out of necessity. Nobody wants to do it, but it is absolutely necessary. To arrive at that conclusion that is the only choice we have or do nothing. There was nothing sinister about the timing. The hope was to see what happened with the General Fund and now we know, unless we want to unravel it. If you want to unravel it, I will sit back and see how much comes and I will change my view, but without it, we have no other choice.

One other thing on New Hampshire. New Hampshire charges every car to register \$31 and \$30 per car and we charge \$23. That is \$8 a car. We have a million automobiles in this and we could raise \$8 million by simply raising registration to \$8 a fee like New Hampshire does. Does anybody want to do that? I don't think so. The same thing in Massachusetts, \$30 for every automobile and Rhode Island, \$30 for every automobile, Vermont, \$43 for a every automobile. We could raise our registration fees \$20 per vehicle and pick up \$16 million and that is 2 cents on the gas tax. I don't think we want to do that. This is the best alternative. It is the only alternative we have in front of us. Thank you.

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

Representative USHER: Mr. Speaker, Men and Women of the House. As a member of the Business and Economic Development Committee and former member of the Transportation Committee, I recall the northern tour that we took in January. Some of the things that we picked up for messages were to give assistance in the tax structure and help us on new businesses and just about all the places I went is to give us some better roads. That is only in the northern part. As we dealt with other bills through the committee, we dealt with a lot of business people. They were concerned about better roads. The issue in the past few years has been the East/West Highway. That means better roads. I think many people here want to do something and they want to do it right. This issue is a business bill. This is also a jobs bill and this is also a tourism bill if you want to look at it that way. If a business wants to expand, they pick a good location and many times it is near a good road. They don't want to set up on an old back gravel road. There is nothing wrong with a gravel road, but you don't see too many locating new businesses on a gravel road. This is a jobs bill.

This will create a lot of different jobs in the construction field and the ongoing maintenance. No one ever talks about the maintenance, but when we have new things we have to maintain them. Tourism, sitting on this committee for the first time I am finding out a lot of the money has been directed towards the coast of Maine. I like to see a little bit more money go inland. To go inland the people have to have a little bit better roads to travel on. This is one way to encourage the people, even the State of Maine residents, who don't travel throughout the State of Maine. If you have a better road, you are encouraged to travel in the State of Maine. There are so many parts that some people haven't seen in the State of Maine. You really don't have to go to other states.

There was reference made to one of the highest gas taxes being in Connecticut in referring to the New England states. I have been in three or four parts of Connecticut and they have excellent roads. They are probably the best you have seen in New England; those of you have traveled down there.

To get back to our state, let's get our residents traveling throughout the State of Maine. Let's encourage them to go up in the central part or the western part of the northern part and bring their businesses, whether it be a branch office of some business that is down south already and encourage them to move up there. Do this thing right. The way that I am going to plan on voting is the pending motion, but let's do something and do it right.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. That is my nephew down there for those of you who don't know it. I want to just take a minute to tell you how I feel. It is nice to pass out a sheet of paper that gives a list of all the people that support this. I go back home and I see the rank and file people, the people that really pay the bills. They don't want a gas tax. They don't even want a 2 cents gas tax. On the Majority Report, I am going against what those people really want. Sure they want better roads, but they figure with a \$290 million surplus, we don't need to raise another tax at this time. When I went back home and I talked to these people about the gas tax, I didn't have to ask them how they felt, they told me how they felt. You go in a restaurant or a hardware store or in somebody's home, you will find out right quick how they feel. I went down through this list and the top one was the Maine Potato Board. You know what is ironic about the Maine Potato Board. Their businesses are exempt from the state gas tax. They don't have to pay it, the gas tax in their businesses. As for the rest of them down here, I can see no reason why they can't afford a 5 cent gas tax. The rank and file people out there that are paying the bills, I don't believe can afford to pay it. It is going to take money out of their everyday budget that they have to live on. I would ask that you not support the pending motion and go for the Majority Report. Thank you.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. As the good Representative from Bath stated, he had a lot of calls from municipalities and constituents that they were in favor of the nickel gas tax. That has been the message we have heard from a lot of different people. The problem with that is what they really believe in is funding this Highway Fund. They are in favor of what of the package it. It doesn't matter to them. They haven't seen the Majority Report. This has been

hidden downstairs for a couple of months. Now that it is out, I would like to put that out and ask people what they prefer. Do they want to pay 5 cents or 2 cents? I think we know the answer to that.

A group that has not been mentioned here today that is very important to a lot of people in the State of Maine and should be to every one of us because we all have at least one of them in our districts. It is the Maine Motor Transport Association. They have 1,037 members. Eighty-nine percent of freight transported in Maine is moved by trucks. One out of every 11 employers in Maine is in relationship to the trucking industry. Each power unit that is registered for 80,000 pounds pays over \$11,000 annually to state, federal and local taxes. These taxes are paid just to be able to operate on the highways. That doesn't include fuel taxes.

Ladies and gentlemen, I again urge you to defeat the pending motion and think of your constituents. Support the Majority Report that will be amended. Don't be afraid about losing projects like you have been lobbied. This isn't going to happen. The Majority Report will fund every project that the Minority Report funds, just in a different and more economical way. Only you can make your mind up. Your leadership can't do it for you, lobbyists can't do it for you, and the bureaucrats can't do it. You have to do it and you have to think of your constituents. By the way, I drive the roads in New Hampshire quite a bit when I am not here. Their roads are not in terrible shape. I would say they are equal with ours. I would never put them better, but they are at least equal to ours.

Finally, ladies and gentlemen of the House, today I am going to prove a statement wrong that was made in this chamber earlier this year. That is a statement that one side of the aisle would love this tax. This is one Democrat that does not like this tax and will not be voting for a nickel. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I hope that you will support the Minority Report. Having been here before and familiar with the process around here, I can tell you that at least at the end of my first session coming back that I am extremely impressed by the process. The Speaker of the House, the good gentleman presiding today and the Chair of the Transportation Committee, with these people I think the process has gotten much better in my experience. I think it is always good to see improvements and I think involvement of both sides. I have seen nothing contrary to that. I can't remember being here before when a budget was done during the first week or month. You usually wait to do the budget when you see what revenues you have and what expenditures you have and that just makes common sense. You usually wait until the end of the session to see when you have a major highway improvement program. You want to get all the information and the data in before you fund and take on an issue like that. You want to hear from the rank and file members. That has been done on this gas tax proposal. It is a dedicated tax. It is a user fee. I can't think of any better way to fund highways and bridges that need to be repaired than to have a user fee. This weekend I was watching the news and it said that 3,300 vehicles per hour came through the York Toll. Again, I may be a country boy, but if we don't have a user fee, it seems to me we lose an awful lot of revenue for our highway program from those that are coming here to enjoy the state and use the bridges and use the highways. It doesn't make sense to me. I think dedicated revenue for our highways and bridges makes a lot of

sense. Matching those federal dollars to improve our infrastructure makes a lot of sense. If you don't do it, the latest that I have heard is we have bridges and highways that haven't been repaired in 50 years. It wasn't too long ago, a couple years back, we had concrete falling out of our bridges and we had serious accidents happening. If we don't take care of our bridges and highways, we will lose in more ways than economics and tourism that we lose because people will come here. They want to be able to get where they want to go to. They don't mind paying for that, just as we have to pay to keep our roads and highways improved. One last comment to the Representative from Yarmouth and Minerva. I think Minerva has left up top, but Athena is there, the Greek Goddess of Wisdom. She is still there. Thank you Mr. Speaker.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. Seriously, I have sat here longer. I wasn't going to speak, but I do want to straighten some things out. There are a lot of people talking about up on the border in New Hampshire and I live a heck of a lot closer than they do. I can tell you that you can give all the statistics you want to about registering your cars and so forth cheaper and what have you, but did you check out how many of them pay \$8 for a postal box and register their vehicles in New Hampshire so they don't have to pay sales tax and things of that nature. We studied it. We had a study and there is \$4 million a year that we are losing because of that. New Hampshire has much less in mileage as far as our roads and things are concerned. I talked to somebody two weeks ago and found that, maybe they were pulling my leg because I get a phone call every once in a while from the people in New Hampshire saying thanks a lot for the latest contribution, because of taxes. Come up sometime and see how many people in Maine, west of Bangor, go to New Hampshire for taxes. They are going to take a trip. They used to come just to buy their liquor, but now they buy their gas and their groceries and also it is a good time to shop in the shops that we have up that way.

I believe and have believed that the Department of Transportation certainly has done a good job. I was also taught when I was young that even when you stumble over a shovel in the dark, you don't say something that might be considered profane. You know in budgeting and dealing with people there are a lot of plans and I believe there has been a lot of planning as far as this budget is concerned. There were a lot of people that didn't like the idea of going back one-half percent on the sales tax. I, for one, feel proud that we did because it was a promise. That, to me, is integrity. If we need it the next year when we go back, fine. We have done what we promised. I know people that certainly wanted that to perhaps go in the Rainy Day Fund or perhaps the Transportation Fund. I certainly had hoped that it was within the budget so that we could take it out in some other method than the way it is now. We are in a bind folks. I told you what I believe, the bind came about when something was said in a presentation that somebody in this body didn't like. You know every so often here that happens. They are going to make them pay. This time, it is going to be the people of Maine that are paying. My people feel that they don't want any more taxes. Of course they want good roads. We need good roads. We need it so that they can plan over a period of over six to eight years, if not further. I don't know how anyone

else is going to vote, but today I hope we defeat the Minority Report and go on so that we can tell.

I don't know why it was held so long. I don't know why it could not have been done even before we had the budget. It is an integral part of our everyday life. When we talk about the number of people that come in, ladies and gentlemen, we have a few people going in the other direction or probably more. I understand that we don't want to do anything to help the retired people or the retired people from the military. There are 11 other states in this United States where those people can go and save a tremendous amount of money. It goes both ways. We have a dilemma. I don't know where it is going to go as I say, but I certainly hope that we can find the money for the department, but certainly not through taxation. Thank you.

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

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. Right after the last election I went to several meetings in the Sanford area where I come from. I come from North Berwick, but Sanford is very close. One of the barriers for TANIF recipients and people getting back into the workforce is transportation. It is a big barrier. We are a rural state, the cost of a car, maintaining a vehicle, the upkeep and of course the gas to get to work. I am afraid what we have before us today is going to make that barrier even bigger for our TANIF people, low-income people and fixed-income people. Many of the people that work the entry level at Spencer Press where I am employed come from 20, 30 or 40 miles away one way. Spencer is an excellent opportunity and they see it is worthwhile. They see it is worth the drive. That is a lot of miles. The pending motion is just too much for these people. I am not comfortable putting it on their backs. We missed an opportunity in Part II and I am not going to put it on their backs. As far as the earlier comment, the number of cars coming into the state over the weekend is glorious news, but I submit it isn't because of the toll money and it isn't because of the gas tax money. It is because of the money they will infuse into the economy by the things they buy. Look at the bigger picture. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative GILLIS: Mr. Speaker, Men and Women of the House. I have heard people talk about poor people today and how it is going to affect them. I kind of feel like maybe if anybody in here can represent the poor people, it is somebody from Washington County. I have done a 180. I said zero to the gas tax because I knew it would hurt the people back home. I also realize we have to take care of our infrastructure. I am probably putting my neck out on the chopping block by supporting the 311. It is too bad that we didn't address the most important issues first, like transportation. We spent the money and not where it should have been spent. Instead we funded new programs. I don't feel good about that. I think education and transportation are the most important things. They should have been first. That is water over the dam as someone had said earlier. Now we have to move on to how do we fund transportation and how do we take care of our roads? Third world nations are third world nations because they don't have infrastructure. They lag behind. I don't know if that speaks for Washington County as being one of the reasons why we lag behind because of our road systems. I know everybody has their point of view and has reasons to vote against this. I certainly would have voted against it here two days ago and

maybe even a month ago. I was really strong, but as I have said, the chips have fallen where they have fallen and we need to address this problem. I don't think that we are going to go very far if we don't fund our highway system. We can't put a band aide on it and come back in two more years and put another band aide on it and come back in another two years and put another band aide on it. It is time to step up to the plate, stick you neck out and roll with the punches. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Wheeler. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection the Representative may proceed.

Representative WHEELER: Mr. Speaker, Men and Women of the House. Not to prolong this debate, but there is a very important message that has to get out right now before you vote. I hope you can just listen for just one second. As the good Representative from Danforth said, he is interested in getting the infrastructure fixed. The Majority Report will fix the infrastructure. It will actually help the poor people in the State of Maine, because we will not be raising the tax a nickel. We will only be raising the tax 2 cents. If you vote against the pending motion, you are not voting against transportation or the infrastructure, you are just voting on a different funding mechanism that will help the citizens of the State of Maine. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. I will make this very brief and short. It is in reply to a question that the good Representative from Rumford and my counterpart from Lewiston were addressing as to the fact that I know the municipal officials and the Chamber of Commerce is all for the 5 cent gas tax, but they were saying that their constituents, they were not. I beg to differ. In January I was against the 5-cent gas tax and so was the Chamber of Commerce and quite a few of the constituents in the Lewiston/Auburn area. Let me tell you why. He came out and said you want this now and you will get the 5 cents and the same thing is going to happen later on down the road as what happened back in the early '90s when they took money from the Highway Fund to fund some General Fund issues. When I explained to them that now we have got the Highway Fund's integrity restored and as long as I was going to be up here, that fund's integrity is going to stay restored. I would also pose to them the fact that if we would get General Fund monies to help the Highway Fund, that would put a hole and most probably it could very well be that general purpose aide to education, school funding and school construction might have to take a little bit less money. Their reply was forget about that. Get as much money as you can for the school funding, we will pay the 5 cents on the gas tax. My constituents once you explained to them where the money is going to go and what it is going to do, they are for this 5-cent gas tax. I don't care what anybody else from Lewiston says, I think I speak for a great majority of the people in Lewiston that would really push for a 5 cent gas tax knowing that they are also going to get more aide for education, more school funding aide and as a matter a fact, lower property taxes because of the amount of money that this gas tax is going to infuse into Lewiston/Auburn and it will certainly bring down their property tax and that is the tax they are concerned with. Thank you.

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

ROLL CALL NO. 352

YEA - Ahearne, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cote, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gillis, Gooley, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tracy, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gagne, Gerry, Glynn, Goodwin, Green, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Neal, Peavey, Perkins, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Samson.

Yes, 65; No, 85; Absent, 1; Excused, 0.

65 having voted in the affirmative and 85 voted in the negative, with 1 being absent, the **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

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

The same Representative further moved that the Bill be **TABLED** until later in today's session pending the his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

Representative JABAR of Waterville **REQUESTED** a roll call on the motion to **TABLE.**

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Representative WHEELER of Eliot **WITHDREW** his motion to **TABLE.**

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

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

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

ROLL CALL NO. 353

YEA - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Bumps, Cameron, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gagne, Gillis, Gooley,

Heidrich, Jones, Kneeland, Labrecque, Lindahl, Lovett, Madore, Marvin, McAlevey, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Rosen, Sanborn, Savage C, Schneider, Sherman, Shorey, Stanwood, Tobin D, True, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Glynn, Goodwin, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, LaVerdiere, Lemoine, Lemont, MacDougall, Mack, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Savage W, Saxl JW, Saxl MV, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Williams, Mr. Speaker.

ABSENT - Samson.

Yes, 49; No, 101; Absent, 1; Excused, 0.

49 having voted in the affirmative and 101 voted in the negative, with 1 being absent, the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

On motion of Representative JABAR of Waterville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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

Bill "An Act to Enhance the Payment Options for Certain Employers"

(H.P. 214) (L.D. 292)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending his motion to **RECEDE**.

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

On motion of Representative MARTIN of Eagle Lake, the House **RECONSIDERED** its action whereby the Bill was **COMMITTED** to the Committee on **LABOR**.

Senate Amendment "A" (S-361) to **Committee Amendment "A" (H-477)** was **READ** by the Clerk.

On further motion of the same Representative, **Senate Amendment "A" (S-361)** to **Committee Amendment "A" (H-477)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-702)** to **Committee Amendment "A" (H-477)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. I think what I am trying to do is to make it possible for you to go home and not have too many phone calls. Let me tell you what the amendment that I have offered does. It basically grandfathered. It uses January 1 as the date that I am using as grandfathering. Anyone who has been paying on two weeks would be allowed to keep it at two weeks and that those who have been paying for one week would continue to be paying for one week. Whatever it was you were doing on that day, you would continue to do. You may ask the question why am I

offering this amendment? The greatest problem you are going to have will be from people who are used to the one week pay system. All of a sudden they are going to go to two weeks. Those people will scream and it will be to you that they will be screaming at about what we have done here. What I am basically saying is allowing those who have been paying for two weeks to continue. Those that have been on one week on that time will continue. In other words, those on January 1 will not be able to be transferred to being paid biweekly. That is what that does. From that time on, then the employee is at the mercy of the employer. That is what the amendment does. The purpose of it is trying to provide, I think, a first step. Then, I think, down the road maybe then we can go the rest of the way. That is what I am trying to do with my amendment.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. The bill that is presented before us (H-477), which is the bill now does not require any change in those people that are paying weekly at the present time will continue to pay weekly. Those that have been paying semi-monthly will be able to continue to do that. I see no need for this amendment. I would request a roll call Mr. Speaker.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-702)** to **Committee Amendment "A" (H-477)**.

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 Rockland, Representative McNeil.

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

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

Representative **MCNEIL**: Mr. Speaker, Men and Women of the House. I am just a little bit confused. The company that I worked for paid every other week and when the lawsuit came about, they fell back into compliance of once a week until this could be resolved. I am a little unclear about the dates and the times when all of this happened. Perhaps you could help me with that.

The **SPEAKER**: The Representative from Rockland, Representative McNeil has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin. The Chair recognizes that Representative.

Representative **MARTIN**: Mr. Speaker, Members of the House. I am not sure what date your particular company shifted so I am not sure what affect it would have. I just picked a date out of the air, to be honest. I used January 1 as a starting point because I thought it would make some sense. As I understand the lawsuit that was being talked about where the Department of Labor was basically caught in the box as to conforming with the 1914 law, or whatever it was. That was somewhere in January. That is why I used that date of January 1.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to go back and refresh our memories of what this issue is all about. Maybe we can regroup and figure out what it is that is being done here. We have a statute on the books in the State of Maine that requires weekly pay. The statute was placed on the books in 1911 and was last revised in 1916. The Department of Labor has not enforced the

statute except on complaint for several years. Several employers in the state were not aware that it even existed. The Department of Labor poster that they circulate to be posted in the workplace does not mention the weekly pay requirement. It is an archaic law that needs to be revised, in my opinion and (H-477) does that. It does it in a very fair way. It allows employers to pay semi-monthly. If they pay on a weekly basis, they have to give their employees a 30-day notice before they can change to a semi-monthly pay period. Everybody who works in any workplace has to be informed about the regularity and all of those things, they have to be notified.

In my opinion, we had a very good LD that solved the problem that has existed in the law, it hasn't been a problem since 1916, but recently it has become a problem. Most businesses and most small employers use a payroll service to do their payrolls. If we required them to do a payroll weekly, it is going to increase their cost dramatically. We heard in committee anywhere from 30 to 50 or 60 percent increase in payroll costs. That is money that is going to come out of the business that could otherwise have been used for employee benefits, business expansion or any number of other things. I think that it is time for the old law to be changed. I think that if we start trying to amend the bill that is before us, all we are going to do is water it down and make it so that it will have no meaning whatsoever. I would encourage you to vote against the amendment that is being presented and let's go on to vote for the bill as it is written.

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

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to a urge you to accept the amendment. I think it is a good compromise amendment. Just to inform you about what that does, what it does is it doesn't increase anybody's bottom line because it allows the people that have been paying bi-monthly to continue to do so. There is no increase to any businesses.

The second point is a lot has been said here about businesses that are paying weekly that will continue to do that. I disagree with that. I think if you don't pass this amendment when you go back to your districts and the companies start paying people twice a month, someone is going to pay for that. In my own experience from my last debate when I was thinking about how that transpired and the members on the floor said that employers won't treat their employees like that. I disagree. When Mead Corporation bought our mill more than three or four years ago when I was president of the Local 900 of the United Paper Workers. We negotiated with them over our pension and our contract. We took a couple of days to do that. We worked out the details and as we were leaving the managers for the new company said there were a couple of things they wanted to work over here. One of them is we want to pay you twice a month. That rattled me for a minute because of the fact that contractually we have never negotiated that because it was law. We depended on this law for a long time to pay us weekly. What we are doing here is keeping that law intact, but also helping the people that have been paid twice a month. I would encourage you to pass the pending amendment and move on. Thank you.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending amendment. I just wanted to briefly say that this amendment would reward lawbreakers. If someone is not

following the current weekly pay law, they would be rewarded by not having to be paid weekly with this amendment, but the rest of Maine's employers who are following the law and currently paying weekly would be punished while their competition and new businesses would have to choice to pay semi-monthly. They would be forced to pay weekly. I think we should leave all the businesses at the same standard and not put this confusing amendment in that would reward the lawbreakers. Thank you.

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

Representative COWGER: Mr. Speaker, Mr. Speaker, Colleagues of the House. I will not be repetitive at all here. I, too, would encourage you to vote against the pending motion. I would just like to add that in an earlier debate today the good Representative from Eagle Lake brought up the issue of companies reorganizing to avoid certain restrictions. I think that a small business or even a large business, for that matter, could simply shut down and do a quick reorganization and open up and then be able to pay under the new standards. I think this does set up a double standard, but I think there are a lot of ways around it. I don't think this is necessary. I would encourage you to vote against it. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I have spoken several times in the past on this biweekly thing. I just want you to know I still don't like the bill, but I think at least there has been some effort to meet employees part way. When the good Representative from Standish mentioned that we would be rewarding the lawbreakers, understand that 93 percent of Maine employers, at the current time, pay the way they should. That is 93 percent, not 53 or 43 percent that pay on a weekly basis. I want you to keep that in mind when you are voting today. I will vote for this amendment, but I will also request a roll call on the full bill and I will vote against that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House. I want to be clear on what the amendment does. It attempts basically to allow people to do what they were doing to continue to do it. Basically it would not allow people who are presently weekly to go on a biweekly pay period or whatever. I say that and I did that not because anyone asked me to, but because I know what is going to happen once we get out of here. When those checks start coming biweekly and they get that 30-day notice, I hope you are all on vacation somewhere, because you will be inundated because this is going to happen. It is going to happen because it is going to be sold by the check writing companies and whoever else as a way for them to save money. They are not going to transfer all that savings, by the way, to the company. They are going to keep a little bit of it in the process. That is all I am trying to do. It isn't going to affect me. I think that, especially where I live, because I suspect that those that are affected now are under a contract. I have checked at one of the unions and they happen to have it in their contract. The other employer told me he is not going to change anything. I just tell you that some of you will get hit. That is all that I really need to say.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell. Having spoken twice now requests unanimous consent to address the House a third

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. A couple of things that I would like to mention before we take a vote, first, this bill left the House several days ago with a large majority in favor of passage. Point number two, the Representative from Eagle Lake is pointing out something that is apparent to people here that are aware of the situation that occurred last year when a class-action suit was brought against many companies in the State of Maine who were paying biweekly or semi-monthly in violation of the Maine law. Those people were not aware that they were breaking the law and as soon as they found out to avoid being brought in on the class-action suit, they converted to a weekly pay, even though they had been paying every two weeks up until that point. The Representative from Eagle Lake, the amendment that he is proposing, would mean that those people could not transition back to the way they were paying before that class-action lawsuit was brought before the courts. I will reiterate again that we did pass the bill by a large majority. I would encourage and hope that you would vote not to accept House Amendment "A" and let's go on and pass the bill as it was originally written.

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I hope you will support the good gentleman from Eagle Lake's amendment. I believe that it is an issue of fairness here and will at least help those workers caught in the tide of this change. It is interesting to state that we need not do this because employers were paying biweekly prior to this and now are paying weekly and they want to go back to the biweekly pay. It seems to me that the employers we were talking about were breaking the law. They needed to be paying weekly. They changed from biweekly to weekly because of the law and because they knew they were breaking the law. We are now trying to basically take care of these employers. Ladies and gentlemen, I have talked to employers out there that have contacted me. Again, I would reiterate one specific individual telling me that in order to comply with the law changed over to weekly pay in August and have been now going to weekly pay since August of last year. As soon as the law changes, they were going to change back to biweekly immediately. My question in response concurring with the gentleman from Eagle Lake's concern, I asked this particular individual what happens to those employees? Have you talked to those employees? Do they want to go back to biweekly? Have you heard any concerns? Oh no, they like getting their paycheck on a weekly basis, but we are going to switch as soon as the law gets changed. It didn't sound like a lot of consultation to me. I think the amendment goes to fairness. I would hope that you would support the good gentleman from Eagle Lake's amendment.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to clear up a misstatement that was made from the good Representative from Carmel, Representative Treadwell. The bill when it was last voted on was committed back to the Committee on Labor out of the House and that is how it left this House.

The **SPEAKER:** The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I think that the Representative from Eagle Lake's amendment means well, but unfortunately if a business owner and his employees want to change their way, this doesn't allow them to do it. I think that is something where we are micromanaging their business. I don't think that is what we should be doing.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-702) to Committee Amendment "A" (H-477). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 354

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brooks, Bryant, Bull, Cameron, Carr, Chick, Clark, Colwell, Cote, Desmond, Dudley, Dugay, Dunlap, Duplessie, Frechette, Gagne, Gagnon, Gerry, Goodwin, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemont, Mailhot, Martin, Matthews, McAlevey, McGlocklin, McKee, Murphy E, Norbert, O'Brien LL, O'Neal, Powers, Quint, Richard, Rines, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ.

NAY - Andrews, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Brennan, Bruno, Buck, Bumps, Campbell, Chizmar, Cianchette, Clough, Collins, Cowger, Cross, Daigle, Davidson, Davis, Duncan, Etnier, Fisher, Foster, Fuller, Gillis, Glynn, Gooley, Green, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tessier, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Mr. Speaker.

ABSENT - Samson, Williams.

Yes, 58; No, 91; Absent, 2; Excused, 0.

58 having voted in the affirmative and 91 voted in the negative, with 2 being absent, the motion to **ADOPT House Amendment "A" (H-702) to Committee Amendment "A" (H-477) FAILED.**

Representative **LEMOINE** of Old Orchard Beach **PRESENTED House Amendment "B" (H-744) to Committee Amendment "A" (H-477)**, which was **READ** by the Clerk.

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

Representative LEMOINE: Mr. Speaker, Men and Women of the House. This is a very simple amendment to what we have before us. It simply indicates that the payments must be at regular intervals, not to exceed 14 days. That is the difference between a semi-monthly paycheck and a biweekly paycheck. Biweekly is what has been advertised and what I have heard from my constituents on. It is also the difference between having the surety of a paycheck every other week and never going more than two weekends between a paycheck. Semi-monthly payments will allow for on the occasional long month three full weekends between some paychecks. In my view it is too much of a stretch from existing law. I would urge the members of this body to take a small step forward and go with the biweekly pay. I understand that we are helping Maine's small businesses in doing so while also asking them to carry forward more of the unemployment burden for the safety of the workers of this state.

I hope the body will give this consideration so that we don't go to a full semi-monthly system. Thank you.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. I think there appears to be some confusion about how the pay is given if you work for a company that pays twice a month. I worked for such a company for a number of years. We actually received our checks on the 15th or the 31st or the first working day after the 15th if the 15th was on a Saturday or a Sunday. Those employees are that salaried employees, that is not a problem and it doesn't lay over for another week. I just wanted to give you the benefit of that insight. Thank you.

Representative TREADWELL of Carmel moved that **House Amendment "B" (H-744) to Committee Amendment "A" (H-477) be INDEFINITELY POSTPONED.**

Representative GAGNON of Waterville REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-744) to Committee Amendment "A" (H-477).**

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 Winslow, Representative Matthews.

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

The SPEAKER: The Representative may pose his question.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. To anyone that would like to answer, if we don't adopt this amendment, would someone explain to me the different payment intervals that might apply if we don't accept this amendment?

The SPEAKER: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Mr. Speaker, right Honorable Men and Women of the House. To answer the good Representative from Winslow's question, the difference is what the other body had put on the amendment that was stripped off earlier had set a payment interval of 16 days so we are talking about a two-day difference.

If I may continue, Mr. Speaker? The reason in committee we talked about this quite extensively is the reason we went to semi-monthly instead of biweekly is because many, many companies in the State of Maine have semi-monthly payments. Many companies that have plants all over the country and businesses all over the country pay, as the good Representative from Scarborough said, on the 15th and 30th of every month. They have a regular schedule where they pay. It would be a huge expense to change their entire payment system just for the State of Maine to make it biweekly instead of semi-monthly. The difference is going to be 26 paychecks a year or 24 paychecks a year. They get the same amount of money at the end of the year. It is a very small change. We didn't want to put a huge cost onto these companies to change their payroll system over just for this small change of two days. The amendment that was stripped earlier from the other body had a 16-day limit for semi-monthly. Semi-monthly means regular intervals. It is essentially biweekly. The small difference is 24 paychecks a year or 26

paychecks a year. I urge you to vote for the Indefinite Postponement.

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

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

The SPEAKER: The Representative may pose her question.

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. Is there a time that there is a possibility that a person will not get paid for three weeks the way that this bill is written that we are going to vote on now?

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

Representative HATCH: Mr. Speaker, Men and Women of the House. If you indeed had an extra long month, you could actually go up to 18 days. If you were going to a new employer and they held back one check, you could go over a month before your first pay.

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. Senate Amendment (S-361), which I guess we really can't talk about. It was just removed from the bill so I will defer from that. There was a provision for a payment interval of no more than 16 days and all pay due being paid within 8 days of the date that it was due. The bill that was written that we first saw here in the House was checked by the Department of Labor and the Bureau of Labor Standards and they looked at the bill with a microscope to make sure that it was enforceable and reasonable. We worked at great lengths, several of us on the committee worked with the Department of Labor to craft a bill that would be workable and enforceable and we came up with what I think is a very good bill. Now we have to go through the tinkering process and as soon as we get through with this, I hope that we can pass a bill that will work well for the employers of the State of Maine and the employees, as a matter of fact, because I don't think anybody wants to see an employee mistreated and not get the pay that he is entitled to. Bear with us. I hope that we will prevail here, eventually.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-744) to Committee Amendment "A" (H-477). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 355

YEA - Andrews, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Fuller, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kneeland, Lemont, Lindahl, MacDougall, Mack, Marvin, Mayo, McAlevey, McDonough, McKenney, McNeil, Mendros, Murphy T, Muse, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier,

Fisher, Frechette, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Kasprzak, LaVerdiere, Lemoine, Lovett, Madore, Mailhot, Martin, Matthews, McGlocklin, McKee, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Powers, Quint, Richard, Richardson J, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Labrecque, Samson, Williams.

Yes, 75; No, 73; Absent, 3; Excused, 0.

75 having voted in the affirmative and 73 voted in the negative, with 3 being absent, **House Amendment "B" (H-744) to Committee Amendment "A" (H-477) was INDEFINITELY POSTPONED.**

On motion of Representative MARTIN of Eagle Lake, the House voted to **CONCUR.**

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:

UNFINISHED BUSINESS

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

An Act to Increase the Deer Hunting Day by 15 Minutes
(H.P. 30) (L.D. 39)

TABLED - May 28, 1999 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

The same Representative **PRESENTED House Amendment "C" (H-736) which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN:** Mr. Speaker, Members of the House. As you know, I have been trying to find some solution to the problem that we have in Aroostook County or for that matter Washington County. The first amendment I thought had the approval of the department. At least I was lead to believe that that was the case. However, it became clear that that it was not translated, apparently, to others in the department. So, the attempt was basically to get it killed. My concern is clear. You all know it. I talked to a couple of game wardens over the weekend who are also concerned. One of them suggested that we use the Pennsylvania bases because they obviously have somewhat the same problem over distances. What they do is they pick a time and then they simply add time as you go across the state, which as you go west they simply add time. It works really quite well so that in effect if we were to use that same system, those in western Maine actually, if you know the time basis, would actually be picking up 10 minutes on the 15 based on what we have right now under the way the system works if we

were to implement that. What I have basically tried to do is to create a second zone using the Penobscot River and the Allagash River as that zone to the east so that nothing will change to the west. All basically you would do is change the time ending for 7 minutes, which would then bring us out of darkness on the east side of the Penobscot River. I don't know if it is going anywhere with other people outside of this room, but I do have a concern and I will say to you that this is my attempt to try to resolve it. That is as much as I can say. I am really concerned about the potential impact in the long run.

Representative BRYANT of Dixfield moved that **House Amendment "C" (H-736) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "C" (H-736).**

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

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. I hope you will support the Indefinite Postponement. I just think this clouds the issue. The little map I sent around, I hope you will forgive confusing latitude with longitude. I was holding the map sideways when I made it. The map isn't pertinent to this amendment. I thought at the time we were dealing with the difference between north and south. As it turns out with this amendment we are dealing with the difference of east and west. I maintain Pennsylvania is a lot further across than Maine is from east to west. I think this would just confuse things. We have had one chart in the law book based on Augusta time for as long as I can remember and way before that I am sure. It wasn't a problem up until this time. I don't think we need it. I hope you will vote for the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-736). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 356

YEA - Andrews, Baker, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Bryant, Buck, Bumps, Cameron, Cianchette, Clark, Clough, Collins, Cote, Cross, Daigle, Davis, Dugay, Duplessie, Etnier, Foster, Frechette, Gagne, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Rosen, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bagley, Belanger, Berry RL, Bolduc, Brennan, Brooks, Bull, Carr, Chick, Chizmar, Colwell, Cowger, Davidson, Desmond, Dudley, Duncan, Dunlap, Fisher, Fuller, Gagnon, Gerry, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Martin, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Campbell, Jones, Labrecque, Samson, Williams.

Yes, 83; No, 63; Absent, 5; Excused, 0.

83 having voted in the affirmative and 63 voted in the negative, with 5 being absent, **House Amendment "C" (H-736)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Representative DUNLAP of Old Town **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. I will be voting for passage of this, but I want everyone to know that if anything happens during that period of time in the last week of November in Aroostook, all of us will be held responsible.

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. 357

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dugay, Duncan, Duplessie, Foster, Frechette, Fuller, Gagne, Gillis, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Kasprzak, Kneeland, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bolduc, Brennan, Bull, Chizmar, Davis, Desmond, Dudley, Dunlap, Etnier, Fisher, Gagnon, Gerry, Glynn, Green, Hatch, Joy, Kane, Lemoine, Mayo, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Savage C, Saxl MV, Shiah, Skoglund, Stevens, Thompson, Tobin J, Townsend, Tripp, Tuttle, Volenik, Mr. Speaker.

ABSENT - Jabar, Labrecque, Samson, Twomey, Williams.

Yes, 104; No, 42; Absent, 5; Excused, 0.

104 having voted in the affirmative and 42 voted in the negative, with 5 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Bill "An Act to Exempt Military Retirees from State Income Taxes"

(H.P. 360) (L.D. 485)

- In House, Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-392) on May 7, 1999.

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

TABLED - June 1, 1999 (Till Later Today) by Representative GAGNON of Waterville.

PENDING - FURTHER CONSIDERATION.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Reduce the Sales Tax to 5%"

(H.P. 302) (L.D. 410)

Signed:

Senators:

RUHLIN of Penobscot

DAGGETT of Kennebec

Representatives:

GAGNON of Waterville

GREEN of Monmouth

DAVIDSON of Brunswick

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

LEMONT of Kittery

MURPHY of Berwick

BUCK of Yarmouth

CIANCHETTE of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-740)** on same Bill.

Signed:

Senator:

MILLS of Somerset

READ.

On motion of Representative GAGNON of Waterville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-741)** on Bill "An Act to Reduce the Income Tax"

(H.P. 1499) (L.D. 2143)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville

GREEN of Monmouth

DAVIDSON of Brunswick

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-742)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

LEMONT of Kittery

MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

READ.

On motion of Representative GAGNON of Waterville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-743)** on Bill "An Act to Amend the BETR Program Regarding Reimbursement and Eligibility"

(H.P. 184) (L.D. 262)

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach

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

Signed:

Representatives:

LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

READ.

On motion of Representative GAGNON of Waterville the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

ENACTORS

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services

(H.P. 1572) (L.D. 2220)

(C. "A" H-727)

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

On motion of Representative KANE of Saco, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-727)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-745)** to **Committee Amendment "A" (H-727)** which was **READ** by the Clerk.

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

Representative **KANE:** Mr. Speaker, Men and Women of the House. This is a technical amendment, which removes the fiscal note from the bill. It removes legislators and their per diems from the working group required to be convened by the Department of Human Services regarding programs administered by the Bureau of Elder and Adult Services. The department will provide notice of all meetings of the working group to the Joint Standing Committee on Health and Human Services so that members may attend voluntarily. The purpose is to eliminate the fiscal note. Thank you Mr. Speaker.

House Amendment "A" (H-745) to **Committee Amendment "A" (H-727)** was **ADOPTED.**

Committee Amendment "A" (H-727) as Amended by **House Amendment "A" (H-745)** thereto was **ADOPTED.**

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-727)** as Amended by **House Amendment "A" (H-745)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

BILL HELD

Bill "An Act to Implement the Recommendations of the State Compensation Commission"

(S.P. 770) (L.D. 2168)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED** of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-364) AS AMENDED BY SENATE AMENDMENT "A" (S-375)** thereto.

- In House, Report "B" **OUGHT NOT TO PASS** of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED.**

HELD at the Request of Representative SAXL of Portland.

On motion of Representative SAXL of Portland, the House **RECONSIDERED** its action whereby Report "B" **Ought Not To Pass** was **ACCEPTED.**

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

Representative **SAXL:** Mr. Speaker, Men and Women of the House. Yesterday this chamber voted against accepting a very small portion of the Legislative Compensation Commission's recommendation for a 3 percent increase in legislative pay effective for the next Maine Legislature, including an increase that would be set into law for cost of living increases. I asked that the bill be held and I thank you, my colleagues, for your patience to listen to me once on this piece of legislation. I heard lots of excellent debate on both sides of this issue. I thank the State and Local Government Committee for their hard work on this issue. I know it is never easy. There are a lot of people pointing fingers saying that you are out there feathering your own nest and getting rich on the people and saying all sorts of things like that. In fact, the people in this chamber know it just isn't so.

I distributed an article from one of the members of the commission, Barry Hobbins. I thought it was good because it took us all to task. Democrats to task; republicans to task and my unenrolled colleague to task. It took us all to task because

we didn't have the courage of our convictions. We didn't have the will to say for the next Maine Legislature, not this Maine Legislature, that they deserved a raise commensurate with the raise that is given to state employees through negotiations, law and a direct COLA in the judicial compensation package. Maybe you didn't know this, but the Judiciary has a COLA built into their salary base right now. Every pay period they have a COLA, which increases their pay by 3 percent. We didn't decide to do that as a body. I was disappointed in that and I wanted a chance to tell you that.

I wanted to remind folks that in the Maine Constitution the Legislature can't increase its own pay. We are not talking about what you and I are going to be making next year. We are talking about what the next Legislature is going to make. Let me tell you, at least I hope that folks haven't forgotten about the wisdom of those folks who put us here, the people we work for. This isn't a pay raise for you and me. This is a pay raise for the person that serves in District 31 or District 32 or wherever you are from. This is about making sure that this House retains its dignity and its respect.

I was never so proud as when I was in this chamber this year and we worked together in a very bipartisan fashion. I worked with my colleague, the Representative from Holden, Representative Campbell, hour after hour after hour on the Legislative Space Committee to make sure that this beautiful chamber would shine. I have to admit to you that I did not work on the Legislative Space Committee to make sure this chamber would shine so that the Representative from Bath, Representative Mayo, would have a nice new chair or that the Representative from Winterport, Representative Brooks, would have a nicer view out his window. I did it because I loved this building and this institution. I did it because we have an obligation to make sure that this institution is as strong as it can be. We have an obligation to make sure that the Legislative Branch of Government is a co-equal branch of government, ladies and gentlemen. This is not my building. This is not the Speaker's building. This is the people's building. Part of that was making sure that this building was one that we, and every school child that has been introduced in this building and every person who has supported saving those dioramas, because they were important. It is a building for all of us to be proud of.

So too is this a job for you to be proud of, whether it is you serving in here or somebody else the next term. This is about the institution of the Maine Legislature. To me, legislative pay is a serious component of that. I am not a wealthy guy, but I am fortunate. I can serve in this body because I am a single guy and I live very simply in a little one-bedroom apartment in Portland. What I like to think of is the smallest one bedroom apartment in the west end. I live hand to mouth pretty much. I barely get by. I think about my colleagues in this chamber on both sides who deeply honor this institution. My friend the Representative from Saco, Representative O'Neil, who has kids at home so he goes home and works a third job to make sure he can make ends meet. He does it because he honors this institution. How much is too much to ask for people to sacrifice to serve in this body? How much? We have been here long hours this last week. We have been here long hours this year. Each and every one of you hit almost every door in your district and that took a lot of work. You spend a lifetime here. You make relationships here that are going to last you forever. I think to bring honor to this institution to give it the stature it deserves just like we fought for this chamber last year, we should fight for

that next Legislature whomever they might be to make sure they are as strong as possible. That, ladies and gentlemen, demands a fair wage. I don't think 3 percent is enough. I don't think it is enough. I am pleased that there are some amendments to increase constituent allowances and raise it above the 3 percent level to \$14,000 a year. Is that an ungodly sum to earn for six months of your life, eight months of your life or a year of your life? I don't think so.

I appreciate the patience of this body. I know there was an exhaustive debate here yesterday. Please endure me one more time. Think about where you were last night when you voted on this piece of legislation. Think about the hard work of three Republicans and two Democrats. There are some very conservative folks and some very moderate folks on this commission who worked hard to give you a fair and decent proposal. Please take this moment to reconsider your vote as I have today to reconsider mine and vote for a simple 3 percent with a COLA so we will be like our friends in the Judiciary and help maintain the integrity and dignity of this institution that all of us so honor. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I have to admit that when the issue surfaced and began to move to hearing, that it caught many of us by surprise. I think our first reaction was that it was a distraction, because a Legislature is very interesting. It moves through a floating period and about halfway through it begins to get focused. At that point we felt the Legislature was finally starting to come to grip with issues like GPA and other important issues. The press was really surprised when I had told them this issue really wasn't on our radar screen. We were surprised and distracted. I know the other night there was an accusation made about the millionaires on this side of the aisle and the corporate jets landing here in Augusta, but the people on this side of the aisle are just like the people on the other side of the aisle. They are just trying to get by. They are like Mainers just trying to get by. I listened to Representative Bumps the other evening. His main concern and he made it very clear that it was not the fault of this chamber, but that the fault rested at the other end of the hall. Only one small component out of our package was appearing before us. I listened to him and I thought he was very correct. What wasn't there is the expenses, the constituent services, the benefit package and also what wasn't before us was the tax breaks that we get as members of a Legislature that aren't available to the regular Maine citizens.

Before I would vote on this, I would like to see some of the changes that have occurred out in private enterprise. I would like to see some of the changes that must occur because of the reality of term limits. Does it make sense to have a pension plan that vests at 10 years when term limits says you can only serve 8. Wouldn't it make more sense to be able to have a portable pension contributions plans? The report doesn't reflect the technology changes that I have seen during that 8 years that I was away from this body. When my constituents contact me, 60 percent contact me by e-mail. That is a tremendous change. Cell phones and fax machines, there is no recognition to that technical change. There is no recognition that probably within two years at least half of us will have our own web pages. That is not built into the constituent service. I think the constituent service is very important because that is how we contact, communicate with our constituents. This report ignores that.

What it also ignores is the reforms that must be coupled with a pay increase. I think we know that. Some of those reforms are going to be a result of term limits.

It is a fact that Speaker's of the House now will be one term or at the most two. The corners will turn over very rapidly and that will be one term or two terms at the most. Things can no longer be as the process works reflective of the styles of people who are in leadership. Those reforms must be institutionalized. When we talk about sacrifice, we will find bipartisan agreement on that in terms of family, careers on hold and sacrifice of income, but also balanced honor in terms of representing the people of the State of Maine. Some of the reforms that we need to look at and act on by next January and February for the next Legislature because it should be not only a reflection and change of pay for benefits, but there should be reforms in place that make this place work more efficiently and serve the people of this state better. Leadership doesn't come into place until the end of November or the first week of December. Term limits means that probably most of that leadership will be brand new leadership and starting very late the orientation for new members. We need to be able to meet with members in both our parties so we never again see 3,000 bills. We need to have legislative leadership of both parties will turn to members and say that that bill is a dog that won't mark. We need to look at our schedule. Members are balancing work and people are returning to the mills on weekends or trying to do their jobs on the weekends. We need to have a schedule that allows the members to work during the week and not cramming it and confining it to the weekend. We need to have a membership that can see its family during the week and not on weekends. We need to have a schedule that allows the members to be back into the community and be the eyes and ears of this House as we legislate.

I give you an example and it is kind of symbolic, the opening day of this House. I think 95 percent of the members of the House had their families here. Their families had gone through the sacrifice of that campaign and that was their day. We, as members, had 10 or 15 minutes for a meal with our families. They left frustrated, probably just as frustrated as they are right now with us still being in Augusta. We need to reform the calendar. We take too long and too much time with special sentiments. We take too long with bill references. We don't need to be here when bills are referenced to committee. We really need to look at the number of bills. Hearings were rushed and constituents were rushed. The process was rushed because of 3,000 bills and maybe we need to have the maturity to submit real legislation or are we going to submit legislation that allows us to PR and posturing.

I think also the voters have to make a decision of what kind of Legislature in state government will this bill. It reflects on the amount of time we are going to have to invest. Are we going to be a government that addresses every single need and plays the parent role to every citizen in the State of Maine? Are we going to pattern ourselves after Scandinavian counties where there is no need to worry or are we going to provide a basic strong economy in which people can reach their potential? I see nothing in this report that deals with productivity, laptops. If we want to do our work efficiently and be able to finish up early, those laptops should be part of this budget. I don't know if that would mean that I would be in a little section of three rows where those people have paper delivered to them and the rest of you

would be working on your laptops, but look at the productivity of this chamber moving that paper.

A reform that we need to think about, whether it is individual or it is included in the rules because of the size of the US House of Representatives you see on major debates, time allotted, membership forms teams and they do the debate. We speechify too much in this institution. When you have 151 members and everyone has to have the last word and we are sitting here in June and we are wilting. We have debates, which extend beyond all common reason. I really do believe we can enact reforms. We can free up not only days and weeks, but a month. If you have weekdays freed up where you can work your other job or retain your sanity or be out in the real world or we finish a month early with the same pay, that is a 20 or 25 percent pay raise.

I listened to the good words of Representative Bumps the other night. I would like to see it all. I would like to have a package that comes forth that reflects changing times and is tailored to term limits. I would like to see a reform process put into place. I would also like to see us look inward and begin to make personal decisions about how more efficiently we can move the people's business.

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

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

The SPEAKER: The Representative may pose his question.

Representative SAXL: Mr. Speaker, Men and Women of the House. To my good friend, the Representative from Kennebunk, I appreciated greatly his remarks regarding reform in this process and the over exertion at other time and the imbalance of the process. If I promise on the floor of this House to the Representative that I will work with him on the reforms, many of them great reform ideas, even in a formal basis to refine the way we do our business in this House, which is certainly beyond the scope of this compensation commission. Would he honor replacing the Committee Amendment with the original report?

The SPEAKER: The Representative from Portland, Representative Saxl has posed a question through the Chair to the Representative from Kennebunk, Representative Murphy. The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Men and Women of the House. In response to the question, Mr. Speaker, no. What I would do in response to the question is that I have no concerns if a comprehensive package was brought to us addressing that package next January or February. I think some people are concerned about doing that in an election year. I think we need to put that package together. I think the Legislative Council and leadership needs to look for the reforms. I think that needs to be in place when the members react in January. I am not fearful of making a decision on a compensation package in an election year. I don't think others should be. I don't think we need to rush that because of that fear.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. With all due respect to Representative Murphy who I do have a great deal of respect for, the statement was made that we would like to see a bill that reflects changing times. Men and women of the House, I think if we wait for a bill that reflects the changing times, we will never have a bill. As we all know, the times are always changing. The other night we heard that

perhaps some members are afraid of this because we are afraid of competition. I am not at all afraid of competition. I welcome competition from all corners of my district. I think the fact of the matter is that some members are afraid that this will become a campaign issue. I am not afraid of that either. I am not afraid to look in the eyes of any constituent of mine and say that after 11 or 12 years I think we do deserve a \$5 a week pay raise. I am embarrassed to look at fellow members of this body and say that all we are doing is putting forward a 3 percent pay raise, but if that is all that we can muster the courage to do at this point in time, then I will be the first person to push my red light on this and let's go ahead and pass this pittance and move forward and continue to work on those other things that do need to be worked on and will always need to be worked on. Let's take this first step now. Thank you Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't know if I am one of the few in this House that thinks that we have adequate pay. As a matter of fact, in previous sessions, I have introduced bills and other people have too to cut back on our benefits like our meal allowance from \$32 to \$16. A 20 percent co-pay on our health insurance. As I said the other night, we are not up here year round. I would hope other than those who are retired and don't want to work after they leave here, I would hope that those who are not retired and are worried about their yearly income that they have a job waiting for them. If they don't, maybe they ought to think about getting one. Do we work hard up here? Sure, a lot of us do. Do we work hard when we go home for our constituents? I would hope so. When I first ran for this office, I had a four-way primary. It was in the newspapers as one of the most hotly contested races in the state. Nobody in that primary knew how much we made. I certainly didn't know how much we made up here until I got elected. Money was not the issue. The issue was it was a great, great honor, once in a lifetime honor, really to come up here and serve in the State Legislature. The previous speaker said that he was concerned about the honor and dignity of the House because we don't get paid enough. I don't think honor and dignity, at least from my perspective, comes from how much I make up here. It comes from the continuous support of the constituents that voted for me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. Some of you might recall I told a little story about my ice cream trick last night. I didn't tell the rest of the story. What I would do just before I go to check out is I take that melted ice cream and I throw it back into the freezer in the middle of the supermarket. It tends to take a while to go shopping. I am listening to the Representative from Kennebunk and I am nodding my head with pretty much every point that he has made. The system is frustrating.

The traditions that we have here sometimes seem archaic. He mentioned the faxes, e-mails, web pages, cell phones and the technology and I see those as a kind of chicken and egg thing. I see those as being necessitated by the lifestyle that we lead. When I went to go for reelection this time around, my wife said, "You can do that honey, but you have to find an extra \$300 or \$400 a week someplace or we can't do it." For some of the colleagues on my side of the aisle who make fun of me for

forgetting how to sing the National Anthem and the Pledge of Allegiance and I am usually never here for that because as the Representative from Portland said, I go to work every night until after midnight after leaving here. I am not crying for me. I do that willingly and it works well. The thing that gets me is we have to depend on the faxes, the e-mails and web pages. Are we still a citizen's legislature? I don't think we are. It is highly impersonal. I love e-mail. I get home every night at about 12:30 and I stay on it until 1:30 checking my e-mail and checking the calendar for the next day. That one hour invested probably saves me three hours and otherwise what a legislator of 10 years would have spent. I would much rather deal with them in the supermarket. I would rather deal with them without any ice cream in my cart. I would rather deal with them at a Little League game. My son Max is probably in the third inning right now at his game. I love being there. We get to do all kinds of good things at the Little League games.

You want to talk about a citizen legislature. If we all could go home every night and hang out in our communities, the e-mails and the web pages would be a whole lot less necessary. We could hang out in the supermarket. We could go to the PTA meetings. We could do the church fairs. If we didn't have to go and work a second job or a third job and if we didn't have to stay overnight in Augusta all the time, then I think we would be more closely following the ideal of the citizen legislature. I think that most of us still believe in that. I distinguish between citizen legislature and part-time legislature. It is really not part-time for any of us anymore, even if we could cut the bill load in half. I don't espouse a part-time legislature. We are up here. We work hard. We do a good job. Look at the budget we just agreed on yesterday. I talked to my friends and they say I'm nutty. I delineated to you folks my \$6.81 an hour that I mentioned last night. I had a couple of colleagues come up last night after I talked and said \$6.81 is high. You don't spend a whole lot of time here. I don't. A lot of times I cut out of here at 4:30 to get home and get supper started and then go to work while some of you folks stay. My roll call attendance isn't quite what some of yours is and lots of us are like that. We see each other in the parking lot. We are cutting out of here. Some of maybe should, but can't. I thank God that I am able to do that.

If I were a carpenter like the good Representative from Bridgton, I would probably earn \$2 an hour because I don't know which end of the nail to hit. I am sure that when the good Representative goes back into his district and he has jobs lined up right now, he is eager to get at them and the people are eager to see him there. I bet he mixes politics with his business a little bit and gets to hob knob with his constituents. I am sure his constituents love him. He is passionate and adamant about the issues. So am I. I just don't work in that environment and a lot of us don't work in an environment that allows that. Personally speaking and I speak for several of my colleagues, it will be several weeks or maybe a couple of months before I start to earn any money after we do get out of here.

I had another colleague come up last night and I really do support more pay, but it is only 3 percent and that is not worth it. I had to disagree. I said you have to open the door a little bit of a crack and at least swing it a little bit. So, where my \$6.81 is high, there are probably some of us in here who really work diligently who earn half that. I go back to the good Representative from Rumford who said that we are the stewards of a \$4.5 billion operation. I think of people who sit on boards of directors who attend a meeting one week out of the year or a day

out of the year and get \$20,000 or \$30,000. I am not saying we should get that. That is a bit of a stretch. The key is I circulated dishwashers, cooks, typists and clerical workers in the want ads yesterday that are wanting people to apply for them making \$6, \$7, \$8, \$9 or \$10 an hour. I would be happy to just get that for what it is we do here. I don't have any problem, as the Representative behind me from South Portland said, letting folks know it is well worth the cost.

In closing, to get to what the Representative from Kennebunk said, I would be willing also to push forward reforms, how we contact our constituents and how we go about the business in the House? I submit to you that it is important to have folks here who can stick around long enough to be able to contrast what used to be with what could be in the future. As long as we squeeze people hard enough, I think we are going to have too many people who either don't care or don't hang around long enough. I am with the good Representative from my corner on the bill, the Ought to Pass report. Thank you.

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

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I have come down here. This is my third time I think. I don't come down to speak unless I think it is really important to me to speak. Usually you speak on the floor of the House if you think you can change minds, you want to put something in the record of if you just need to say something because I only have one chance. I may be in that last category.

This is about legislative compensation. I don't have a speech. I have heard a lot today and a lot has upset me about what I have heard and about how things should be and how they are not. We all do the very best we can in this chamber. We work hard. I know I work hard. I have for years, seven years. I give it 100 percent everyday I am here as I know most of you do, if not all of you do. I have heard a lot about how things are not the way they should be with respect to the humanness of the operation here. We try to be as humane as we can. We have families back home. I have a family back home and I would love to see my family just like you would. The fact of the matter is, I do go home from time to time. My pay is important. I don't know about you, but I am not paid by my private employer when I am here. I get zero from my private employer while I am here serving. I don't know how many of you do that, but those of you who do know, it can be a sacrifice. We have the Ought Not to Pass report, which is pending. I stand in opposition to that. I would hope you would vote against the Ought Not to Pass report. I am disappointed like many of you that the Ought to Pass report was not more. It did not represent the recommendations of the commission, but it does include a pay increase and I know and I won't talk about it, there are others who wish to offer amendments and they can only offer those amendments if we accept the Ought to Pass report. Procedurally you know how this works. I hope no one will vote against this or no one would vote for the Ought Not to Pass report because you said this is too little. Let's accept the Ought to Pass report and see what might follow.

The findings of the commission were many. I have heard in the last couple of days a lot. I have heard about how the committee didn't have enough time and the public hearing was incomplete. There weren't hundreds of people that testified. I just want to go over some of these conclusions of the commission. Lest you forget, this was a commission that was made up of five individuals from different parties. I think it was fair. I know some of these individuals from both parties. I think they are all outstanding individuals with impeccable reputations who didn't take this job lightly. They took it very seriously. They didn't want to waste their time and now they feel it was a waste, at least some of them do. Some of their conclusions were the State of Maine should provide legislative salaries that are fair, appropriate and consistent with the value of a part-time citizen legislature and the ever increasing demands of the job. They went on to talk about the ever-increasing demands of this job and they are great. This job is changing. The workload had increased for legislators significantly over the past 10 years. The report goes on to attribute that to many factors, one of which is a shift of responsibilities from the federal government to the state government. There are others.

One of the findings and conclusions is that the salaries of legislators are low compared to other salaries in the public and private sectors with comparable responsibilities. Legislative salaries have not kept pace with the rate of inflation. In fact, they have not increased since 1990. They have not increased for almost 10 years. As you have heard in other floor speeches about the previous recommendations of other commissions, many of you have given eloquent speeches. I remember the Representative from Winslow, Representative Matthews, yesterday gave an eloquent speech about why we ought to consider increasing legislative salaries. This may not apply to me. I just think that we ought to recognize reality. We are talking about the Majority Report, a 3 percent increase. Wait until next year. I don't think we need to. I think it is clear what we have before us. Today the word courage was bantered about. I hope you can gather up the courage to make some decisions today, because if we miss this opportunity, it may be a long time, another 10 years before legislators seriously consider this. It is an opportunity.

All of us, as you have heard, we are all learning from the time we come here. We are all learning. I know I have learned. I have been on several committees. I now have the privilege, the great honor and privilege of serving as Speaker of this House. There could be no greater honor to me. I have said it before and everyday I walk in here I have the butterflies. It is true. I am learning. We are all learning. In addition to the challenges of that learning experience we have responsibilities. It is a very demanding job. I don't care who you are here. For somebody to say that we are being compensated at \$10,500 a year for rank and file legislators, I don't think you have to think very hard to say that is inadequate. There are some that disagree with me. Ten thousand five hundred a year, yes, it is a part-time job in terms of the time inside this building, but you and I both know if you do your job well you are going to spend each and every day of the year working as a legislator, returning phone calls and making phone calls, talking to people, holding forums in your district, tending to constituent issues. I know I do and I know you do. I won't give a long speech. There has been a lot of long speeches. As I said, many of you have been much more eloquent than I have. It bothers me when I hear that we need reforms here and there. I think we have done very well. Yes, it

would be nice if we had fewer bills, but we didn't have fewer bills. It would be nice if we could get out here at 4:00 every afternoon or 5:00, but we can't do it and still get our work done. You want to debate bills and you are allowed to debate bills. We all do. That is the beauty of this body. It is a people's body.

I love this place and I know you do. I just think that there is going to come a time and there has been 10 years without a raise and people can't be here. People are going to have to leave. Our families are back home, but our families have to be sustained financially. I guess I don't see what a 3 percent annual increase, why anyone could have a problem with that. Again, if you have a problem with it because you think it is not high enough, there are some amendments that follow. I would ask you today as you vote to think about that. I am not sure we are going to have another opportunity and I think the opportunity is here and the opportunity is here today in this chamber. This hour make a decision.

Again, I don't come down very often. It is only when my emotions get the best of me. They got the best of me today and I am down here. I am asking you to strongly consider defeating the Ought Not to Pass so we can go on and pass the Majority Ought to Pass Report and then hear from the amendments. I thank you very much, men and women of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. In trying to evaluate where I stand on this issue, I was reading the handouts given to me recently. One remarkable part of them was to look at the number of surveys that were completed privately by members of this body. It concluded that we did need a pay raise, but when it came out onto the floor of the House apparently people changed their minds. It reminds me of some cultures they have these religious ceremonies where people march down the street, hit themselves with a board with a spike in it until they bleed. The more pain they feel and the more bleeding they have the closer they feel to their particular God. I think I have some of those same people here in this House tonight. They are the people that get up and say they will work for half that or I will give up that type of expense account. Those people who fill out a survey in private and say I really believe this is an appropriate thing to do and then in public recede from that position remind me of those fanatics because one very common thing about those people hitting themselves with the board is they don't do it in the privacy of their own home. They only do it when they are on parade and that is what it is like when you stand up here. If you feel that way, go in the privacy of your own home and hit yourself with a board all you want. If you stand up here on the floor and that is not your motive, then the motive that affected you when you voted in private with that ballot ought to be the way you stand up and speak on this issue the way you vote in favor of it. I don't think there is anything wrong with a person who feels they are being overpaid in this job or somehow over coddled to go ahead and send your money back. I have often said to people who complain about state programs when I am arguing for lower taxes that these people want more programs and they want to pay those taxes, go ahead and send extra money into the state on April 15th. If you feel you are being overpaid, feel free to return that money. When you run for re-election you can brag to people about how you hit yourself in the forehead with a board with a spike in it. Other than that, I wish that other people would vote on this issue in public on parade the way they voted when

they filled out an envelope and submitted it in private. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevy.

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. We pride ourselves in being a citizen's part-time legislature. We are the only people in the state that think that. The reality if we are not a citizen's legislature. Reality is we are not part-time. Each and every one of you in this room know how hard you, your family and your political friends work so that you can have the honor and privilege to be here. You each know how hard you work as a legislator. Here as well as back home. It is not part-time. Most people believe it's full time anyway. A citizen's legislature, this is an exclusive boy's and girl's club. The only people who can afford to be here are the people who can afford to be here, whether you make financial sacrifices at home to be here or you make sacrifices to work a full or a part-time job to be here. You have to have that outside income. As I tease my wife, I am proud to be a kept man. You have a strong spouse. This isn't open to everybody. We don't have a citizen's legislature. We have a citizen's legislature in a narrow scope to only those in a variety of circumstances who can either afford to be here or can afford to make the sacrifices and work the 80 hours a week to be here. That opportunity is not available to everybody who lives in this State of Maine. I am not going to advocate thousands and thousands of dollars of salary. I think 3 percent is a meager start, but it is a start. The reality is we are the only people in the State of Maine who profess to be working part-time and it is not true.

Most citizens think we work full-time. When you look at what you do here and at home, it is more than a full-time job. It is two jobs if you are working another job trying to support yourself while you are doing this. I congratulate and I thank everybody in this room for the sacrifices you make to be here everyday to do this. You have to ask yourself are we not where we want to be in the election? Where do we want this institution and the people who are in this institution to be 10, 15, 20 or 100 years from now? I don't want full-time politicians who are making hundreds of thousands of dollars in some of the other states. I don't want to see that happen here. Somewhere between there and here is where we are now, we need to strike that balance that will work for everybody, not just us in this room, but that will work for everybody.

I voted the other night against this. Today I will vote to support the 3 percent, because that is a step towards equalizing that balance. That is what it is all about. Dropping that throwing away barriers for people to come and work here. You and I know what it takes to get here. You either have it or you don't. You don't find out until midway through the first year what it takes to stay here financially. If we can broaden this scope and make it a little wider to a few more people, yes, there may be some more competition, we will then truly have a citizen legislature. We started out as one. I think we are in kind of a limbo. We don't know what kind of suit or a dress to put on because it doesn't quite feel comfortable. I feel comfortable that we will find that equilibrium with a start tonight and working on this project this year and perhaps the year after that and the year after that. Thank you.

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

Representative KANE: Mr. Speaker, Men and Women of the House. I wish to applaud the eloquence of the two previous

speakers, my colleagues from Waterboro and Arundel. I think it took courage for them to put out and hit themselves publicly on the head with a nail so to speak. In contrast to my seatmate from Saco, I am in a very different position. I don't have a young family and attempt to work two or three jobs to be here. I wasn't able to run during my working life, because I couldn't do both. I am in a position now that I am retired where I am able to do what many of the younger folks in this body cannot do. I will say that for most of my professional life I was an administrator that hired professional staff day in and day out and paid \$25,000 \$35,000 \$45,000 or \$55,000 to very competent staff. I will say this. Nearly all of my colleagues here in the House, as I have worked with them day in and day out, are equally competent and dedicated as any of the professionals that I have hired at very high salaries. I have had the privilege of working with an extremely competent group of people on the Health and Human Services Committee that have dealt with extremely complex issues in a highly credible and competent way who day in and day out showed the steadfastness and dedication and commitment to hanging in and working through very, very difficult issues. I know they deserve a great deal more than they are being compensated for now. I encourage us all to not be afraid of looking at what our competence and our dedication is really worth to the people of Maine that we serve and not to underestimate the value of that competence and dedication. I said earlier relative to another issue that I think sometimes we estimate the intelligence and the common sense of the people of Maine. I think the people who elect us truly believe that we underestimate our own worth and our own competence and are more willing, able and supportive of allowing us to be a little bit more humane with ourselves. Thank you Mr. Speaker.

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

Representative BAKER: Mr. Speaker, Men and Women of the House. I think about the commission that we asked to do this work. A majority of Republicans, but also Democrats are on that committee. I think of one of those members, the chair of the University of Maine System Board of Trustees and I think about how busy she is and about her spending the time to worry about this issue and to figure it out and to try to make a good sound decision. I am embarrassed at the way we are treating the work of that commission. What a bunch of thankless people we are. I am also worried about the dishonesty that I hear around me. By that, it seems to me that if I have enough money to live on and do this job, I have no right to speak about others and for others who do not or having to work the kinds of hours that I hear: This job works for a number of people. It works for retirees and that is great. We need retirees here. It works for attorneys, but as I listen to them, they are really doing an awful lot of juggling to make it work. I think it works for trust funds or those who are lucky enough to have trust funds. I think it works for kept women. As one of those kept women, because I am lucky enough to have a husband who is back home working and who is also resentful that at the time of my career I am earning the most in pension and retirement and I am having to give that up. I have a financial planner who, frankly, tells me I am nuts. I look at this survey and think about the 74 percent of us who said we need a raise, \$2,000 more than this commission has recommended. What is that about? I think that may be about fear. Frankly, I am weary of government by fear. What will our constituents think? What we need to be doing instead of worrying about what they are going to think is get down to the

hard work of educating them about what this job means. No wonder they don't think we are here. How could we possibly be here spending the hours and weeks and months we spend for the poultry pay we receive? They think I am in Bangor and I just don't get it and I think I am beginning to understand why.

My final word has to do with martyrdom. It didn't take me long to realize that if you work hard at this job and why else are you here? In that phrase public servant, the real emphasis is on servant. Frankly, I think it is servitude. Growing up as a southern woman, I know a lot about the nice strokes you get for servitude or martyrdom. I know about the nice strokes you get for being submissive, for being self-effacing and for goodness sakes don't assert your worth. For me the attitude I am hearing in this Legislature is just a tired old replay of outmoded thinking. Let's get our heads straight about fair compensation. We hear too much about Maine's inferiority complex vis-à-vis New England about the inferiority complex of northern Maine against southern Maine or the other Maine. Let's lead the way in self-esteem. Let us demonstrate that we can be proud to serve in the Maine Legislature. We don't have to love being poorly paid. This commission has acknowledged our work and now it is our turn. If we don't, who else will?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I didn't think I would get up and speak against the position of the Speaker. Mr. Speaker, I think you do a terrific job and I think you deserve better pay, but I am not going to vote for it. I would like to tell you why. When I go home and my best friends are working for minimum wage and I am getting an expense check that is more than what they get for a week, I cannot justify to myself giving myself a pay increase. All of you in here know what it feels like to have to work on less money. Now you know what the overtaxed taxpayer has to live with. Over 40 percent of what they earn goes to taxes. Both parents have to work and they have to give up a car. They can't send their kids to college. They have to tell their kids when they get 18 that they don't have the money to send you to college because we are overtaxing them. Welcome to their world. I think that each and every one of us if we were paid what we were worth, we could not give ourselves an increase here. I went through those hours of endless door to door. You couldn't pay me enough for this job. You know what, I don't regret a minute of it. Since I have been in office, I haven't taken one thing while I have been here. I promised my expense check to my community for the playground. You know why, because I don't want to lose track of why I am here. I am here because I am upset by the way government was going with my high taxes and high regulations. I have always wanted to remember why I was here so I didn't take any of that. I won four times in the raffle. I wouldn't even take that in my own caucus because I wanted to remember why I was here. I think all of you should remember that we are not here for the money. We are here to represent our people at home and all of us have our own reasons for being here. They are all different. Don't lose track of why we are here. We are not here for the money, people. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I encourage you to vote with me and vote against this report. I think we have heard some good

discussions here tonight. I think that we have done some soul searching and both sides of the aisle have come out and said what they thought. Sometimes when we go outside the box, we go far too far. In regards to renovating the system to making it faster and speedier that is not what the compensation commission was charged with. They were charged at looking at our salaries and our benefits and a whole list of other things. If you want them to do that, then you will probably have to try to change the legislation. Right now, for this time, we are looking at compensation for legislators. We just passed a Part II budget. We passed the Part I and we gave raises to just about everyone in state government. You think about it. If we didn't give them raises, it was built into their budgets. We can look at each other, but I think of two weeks ago when we passed a workers' comp piece for the Workers' Comp Board. It was their bill. They gave \$10,000 raises to their people who hadn't had a raise since 1993. That is \$10,000, \$30,000 in raises to three people. We didn't blink an eye, because they requested it. As I recall, that report was unanimous out of the Labor Committee. Unlike what you would like to think, we had 90 of those in the Labor Committee this year. I want you to know that this is probably one of the most difficult issues that ever will face us, compensation for ourselves. We are not looking at ourselves. We have to look at the 120th. There is not one person on this House floor who has a guarantee that they are going to be here in 120th. Maybe you won't like the next guy who serves after you, but for all intensive purposes, I believe that the legislators in this body serve to the best of their ability and they should be compensated for it. I think the State and Local Government did as well as they could do. They could have done more, but did as well as they could do with the time constraints. I would ask you to join me in voting against this report and accept the Ought to Pass report and looking at the amendments that will come after that.

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

Representative BULL: Mr. Speaker, Men and Women of the House. I find it almost unbelievable that anybody would run for the money of this position. I consider myself incredibly fortunate and lucky to be here. This is one of the most incredible life affirming pursuits that I can imagine. I am doing it because I love public policy. I love meaningful debates on issues and hatching out differences between the various philosophies of this chamber. I am not doing this for the money, ladies and gentlemen. On the same token though, I do not remember taking a vow of poverty in order to serve in the Legislature. We have to be very careful that we need to pay people their worth, but the same time we do not want to pay people so much they run just for the money. Certainly the very, very modest increase being asked for on the Majority Report will not motivate people to run only for the money. It is simply a very small incremental step to pay them what they are worth. I remember talking to some potential candidates last year about running and more than a few times people said they would love to, but I simply cannot afford it. We need to find that very delicate balance between paying people what they truly are worth up here, but also not paying so much that they will be running only for the money. I feel very strongly that we work very hard up here. We do make sacrifices. I found myself last year with increasing bills sometimes, car payments, and making it very difficult to make ends meet sometimes. I do not see this raise as being tremendously out of line. I see it as a very modest increase. I am very comfortable being able to go home and talk to my constituents and say why

future Legislatures deserve more money. It has been said numerous times on this floor that there is a massive misconception out there about what exactly it does mean to be up here and the hard work and the hours that we do put in. People have a misconception about how much money we do really make. I would ask you to oppose the pending motion so we can go back and look at the Majority Report and respect the work of the commission and vote for a very modest increase. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Men and Women of the House. Specifically to Representative Murphy, I would like to apologize for a few nights ago when in my impassionate speech to protect the hardworking people to have a weekly paycheck versus a biweekly paycheck. I did not have a written speech. Most often times I don't. I just get up and I speak from the heart. I am learning. I want to apologize and I take this opportunity to tell you what I was trying to say is those people who need that weekly paycheck, hardworking people like us. I couldn't relate to organizations and people who are getting funded 100 percent by the BETR Program who go off on their corporate jets and are millionaires. I wasn't specifically directing it to any one specifically. If you took that that way, I would like to apologize. I am not above apologizing or saying that I make mistakes, but in my impassionate speech to try to speak for the working people, I also sit on the State and Local Committee and I was doing the same thing on that committee when the pay raise issue came to our committee and I said, Oh great, why us? I took the commission's report and quite frankly I think Representative Baker spoke eloquently that the commission really did do a lot of work. I personally know Barry Hobbins. We go back a long ways, being a Representative from Saco. I was his neighbor and lived on his street for a long time. I know the hard work that that commission put into that report. I am going to be truthful. I admit that I have thought about how this is going to play out. We are giving ourselves a pay raise. When I ran for this office, I didn't even know what the pay was. As a matter of fact, I thought I would probably end up spending a lot more money than I was going to make. I came because I felt that there are certain voices that needed to be represented that I didn't feel were being represented and that is why I ran. I made the ultimate sacrifice and I am still here because of my husband. I have heard Representative Matthews many times say that family comes first. It is ironic, but I am here because family insists. The commission's report is for the hardworking people of this body. Thank you.

Representative DAVIDSON of Brunswick REQUESTED a roll call on the motion to ACCEPT Report "B" Ought Not To Pass.

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

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. Not to belabor this issue, I just wanted to talk about something that I talked about when we faced other bills on the floor. I would never and I actually caution about anecdote on the floor of the House and would never bring up my situation or anyone else's situation. What any one member does gives their paychecks to playgrounds or the Sisters of the Poor or anything else is of absolutely zero interest to me. I think, in fact, I am just a little troubled by some of the comments made a little earlier.

When you put this down and I am sorry this seems to have become somewhat of a partisan issue because, to me, the easiest vote in the world is to vote for the Ought Not to Pass report. I think it is a very easy position to do. I have seen it many times in elections to run against this body, run against the work that we do, criticize the work that we do, say that we are not worth it and say that we don't deserve a paycheck. I always come back to this place. My criticism of this place when I see bills come across the table that will eliminate our dental benefits, our health benefits and all the very kind of easy ways out. I say to myself that we are just not getting it in the way that we talk all the time about wanting to run this place like a business. I said this last week.

If I jumped into a business where I had no shot in eight years of ever getting a pay raise and my boss came in every day and said, Hey, brother, I am going to tell you what we are going to do today. Remember those health benefits, we are not going to do that anymore. Remember your dental benefits, we are not going to do that anymore. You know what, it is 1991 and in 1999 in the middle of year we are going to talk about a pay raise. Isn't that great and we are going to have a company picnic in 1995 and that is going to be your big benefit. Can you imagine working for a company like that? It is incredible. To me it is like a mockery. You stand here and you say that we aren't worth it. Who came up here for the money? Nobody comes up here for the money. I didn't come up here for the money. I agree with my good friend from Waldoboro. You could not pay me enough for the constituent hours. Memorial Day, the other day, I spent three hours in a meeting with a bunch of constituents who are furious about an issue in my neighborhood. You couldn't pay me enough money to do that. I love it. I don't do it for the money. What you do with your own money and your own ideas on a pay raise, where you give your constituent checks to, I could care less. If you want to give it to your local neighbor, give it to your local neighbor. If you want to give it to the Girl Scouts, do that. That is fine, but if one of my friends need to do it because his kids needs shoes in school or I had a good friend of mine that sat right there two terms ago and left here because he couldn't afford to be here anymore because of his family. Those issues hit to the heart with me. I encourage you when you make this vote to think about your business.

I know a lot of us work outside of here. Think about what happens when your boss comes in and he says we have this great benefits plan here. Every year we have a motion in the Board of Trustees to eliminate your health benefits and extend your pay raise out every 10 years because it is an aggressive pro-worker thing to do. I just encourage you that you would not run your business that way. I don't think it makes sense. I would be proud of the work that we do here. This raise that we are talking about is so minimal it is a joke. It is a good start and I think it is good for the people of Maine and the people that will serve here in the future. Thank you Mr. Speaker.

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

Representative GERRY: Mr. Speaker, Men and Women of the House. For all those who think the 3 percent is a joke and it is not much, it amounts to a few hundred dollars. When you look at the retirement people, people on a fixed income or social security, when they get a cost of living increase of a few dollars this would be great for them to get a few hundred dollars in this committee report that we are not discussing would give. I take exception to this little bit of money, what you say is little. It is a

lot to me and it is a lot to a lot of my constituents back home. The reason I am against the report is because I cannot in good conscience give myself a raise. It is true our committee worked hard and the commission worked hard. Their butt was against the wall because they were appointed late. They didn't have a lot of good quality time to come up with a full-fledged really fantastic total whole package for us to vote on in committee. They didn't have a lot of time to get a lot of public input. All they had was retired legislators, legislators and maybe a few lobbyists. They worked hard, but they didn't have a full-rounded picture. By voting out us to have a pay raise now without looking at what the commission is going to come back with, we are going to be faced in January with the same type of problem as we are here now. We didn't have adequate time to do this. We didn't have all the figures that we needed, like I said, to do a real good comprehensive job to figure in all the benefits and everything. I am afraid if we pass the raise now and we wait until January when the commission comes back with their report, our committee will not have enough time to really do an adequate job. We are going back to the same place now. Do we want to give ourselves this benefit or that benefit? Do we want to give them this retirement or that type of retirement?

The other thing I heard mentioned was between the two leaderships about who should figure out what we would need for compensation. I do not think it should go into the Legislative Council's hands. They have enough to do with their own business of running this great institution. The authority to work out our benefits, whether it is a pay raise, retirement, meal allowance or travel should stay in State and Local Government. If you guys put amendments on this bill to take it out of State and Local Government's hands, you will have a fight on your hands. Thank you.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. I have been listening to this debate, if you call it that, and everybody is telling everybody how much money it isn't that we get. We are working for peanuts and nobody else would or whatever. I didn't come down here, again, to make money. I will tell you that I have been enriched three-fold in the seven years that I have been here by the people that I have met and the associations that I have had and I wouldn't swap for all the dollars you want to put in a pay raise. Stop and think about it. You are doing a service to your people. You are meeting new people. You are seeing how the State of Maine is run. You are gathering knowledge all the time. As far as I am concerned, shame on you for asking for more money for what you do. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. It is probably appropriate that the chair speak before I get up because maybe it will make me take a breath. I am kind of upset myself. I deserve a raise. I am not afraid to say it. Do you think I am here for the money? I can name a heck of a lot of other people in this room that are losing a lot of money by being here. I see that 90 people in this room filled out a survey that says we deserve a raise and 30 of them don't vote for it. Who is kidding whom? We are talking politics. What can we use it for? Yes, I talked to people in the hallway. Yes, I think we deserve a raise. Did they vote for it? No. Is it because 3 percent is too much? Hardly. Look down at yourselves and be

honest with yourselves. I will say it to my constituents. I deserve a raise. I have two kids. My wife can only work so many hours because she is home when the kids get out of school. I can't have a law practice anymore, because I am here. That is my choice. If you don't need a raise, don't begrudge me. Don't you begrudge me if my family needs it. Don't you begrudge someone else that I know in here that had to take out a car loan so they could buy a car just to get here and didn't have the money to buy a car. Don't lecture me. I deserve a raise and every one of you deserve a raise. If you don't want to take it, don't take it. Don't try to tell me I don't deserve it because it isn't true.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. I think this is the third time I have had the opportunity to vote for a raise. I have voted the other two times for the raise. I intend to vote for this raise. I am in a different situation right now than I was back then. I am retired. I don't have a family at home, well, actually I have my husband and sometimes he reminds me that there must be something wrong that I would come up here for that kind of money. Last night I went home because I had a Board of Selectmen's meeting. I drove 105 miles, had my meeting, stopped in at home and talked with him for 15 minutes or so and drove back. He told me I really was nuts. I said, yes, but I am a happy nut. I was prepared when I read and I was one on the survey that we deserved a raise. I sent that back and I intend to vote for it. I am going to vote for whatever happens to pass here, but I believe we deserve the 50 percent raise. It doesn't bother me a bit. Anytime I have ever voted, I have always said that I will go home and explain why. They may not agree with me, that is their right, but they sent me up here and this is the eighth time so they must agree with me for something. When I went on the Board of Selectmen 20 years ago we got \$125 a year. I just voted myself a raise there from \$650 to \$750 when we voted a week or so ago at our town meeting. I am doing pretty good. I get a raise here and a raise there and I am going to be sitting pretty and I intend to vote for it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. I have been here for several terms, not for the money, but I do find it convenient to pick up that check. I am in the happy situation now where if we should have a raise, I would be very tempted, perhaps, to squander by substance in riotous living. I do believe there are many Representatives here who do need that raise. I stand to speak particularly of a peculiarity of society that I have noticed. We are much more willing and eager to spend money on buildings than we are on human beings. We didn't scrimp on rehabilitating this beautiful chamber and I don't think we should have. Look at it. It is a matter of pride. I recall our school district begrudging teacher's salaries, yet they were more than willing to spend hundreds of thousands of dollars on new buildings. I just wonder if we haven't fallen into that mindset here that we even begrudge giving ourselves a well-deserved raise. We are not afraid of explaining the expenditure of this rehabilitation to our constituents. I don't think we should be afraid of explaining the worth of our work to our constituents either. I hope that you will support a pay raise for the Legislature. Thank you.

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. I happen to be one of those people that if we don't get another raise I may not be here another term because I can't afford it. I don't begrudge that and I am not whining. I love this job and I would like to have a raise a lot so that I could come back. I will also mention that as the federal government decentralizes this job it is not going to get simpler and take less time than it takes now. It is going to get more and more complicated and I think it is going to take more time. I have worked for non-profit organizations much of my life and we never get paid what we are worth in those organizations. I would really like sometime to get paid what I am worth. I think I am worth quite a lot more than we get paid for this job. I would just like to get that. Thank you very much.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I, too, believe that we deserve a raise. I haven't heard anyone here tonight say that we don't deserve a raise. I have heard a lot of lecturing, a lot of admonishing, but I have heard no one say that we don't deserve a raise. I would also say that teachers deserve raises. Mental health care workers deserve raises. All these programs that we have brought forth, we all have our programs where we say deserve raises. It is priorities. I am not going to claim poverty. I am certainly not a kept woman. I am not a martyr. I have another job besides this and besides five children and getting a \$400 raise is not going to make anyone, any of us, go home faster so that we can watch our children's ball game. Mine is probably just about finished by now and I am fortunate enough to be in Augusta so most of the time I can make those games. A raise is not going to help that. Again, I work for a non-profit and I have had dreams all week that they are going to fire me, because I am not there. I choose to do that. I would just say that, yes, we deserve it. We work very, very hard and there are times and lately more often than not, we hate this job, because it is so difficult. It is much, much harder than I ever imagined it would be. I would say in closing it is also the most awesome honor that I could ever, ever have and I think it is a matter of priorities. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I have been around a long time and this is my third term. I do recognize the fact that these salaries haven't been adjusted since 1991, which seems like a long time. I really feel that there needs to be some upward mobility and 3 percent doesn't seem to be out of whack in this regard. I will vote for that. Thank you.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I won't be very long either. I feel much compassion for those who are struggling with their careers and raising families. They certainly need more money. The problem is that the raise, according to what I am reading in all these amendments and things has really whittled it down to the point where it is not going to make a great deal of difference. I am wondering is it right, smart, good politics or good public relations for this Legislature to consider this small raise now when in the words of Representative Bumps the other night and Representative Murphy, if you could defer that, we are not going to get it anyway, it goes to the next Legislature as I understand

what you said. We should work on a really, really good package so that everybody can be satisfied and maybe the process can be made better. I just think it might look kind of funny if we worked on a raise now and then maybe next year did another one after we worked it all out as to how it really ought to be. Those are my comments.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. To allay the confusion, I think it is important to remember that we are not talking about a raise for ourselves. We are talking about a raise for the future and what the future might be worth. I plan, hopefully, on coming back. In all likelihood whether we get a raise or not, I will still be driving the same truck. If anybody has ridden in it, you would say I definitely need more money and that is only because of the fact that the thing runs on sheer force of habit by this time of year. I feel very strongly that if we don't do something about compensation within the Legislative Branch eventually in a defector sense we are going to be giving the people the government they are paying for. If you continue to narrow the base of people who can opt to serve and I have talked to an awful lot of people who simply were very interested, but would never do it because they could not afford it. They think I am crazy to do it. Again, I am not whining or pleading poverty, but I have never made a lot of money. I knew what I was getting into when I came down here. I really never expected to get elected the first time and when I did I really kind of panicked. I was looking at a 60 percent pay cut and I didn't know how I was going to swing it. Fortunately, I have a couple of jobs and I have been able to do it. It has been an awful lot of hard work in the off session and even during session at times. I have flown out of here at times to go work at the bar to cover a hockey shift, not to play hockey mind you, but to entertain the fans after the game. That has been very, very difficult, but that is what I have had to do. It is a choice that I have made. I have made a lot of choices like that.

I studied the humanities for many years in college and spent a lot of money so I could enjoy a lucrative career in food service. The fact of the matter is in that broad horizon, I can make an awful lot more money washing pots and pans and mopping floors than I can making laws in the State of Maine. That sounds a little bit odd to me. I think if you tell people that, it sort of dawns over them what exactly it is you are doing. Never mind the constituent service. You are making law. There is nothing you can compare this to in the private sector. This is why compensation commissions are so difficult. How do you compare it to anything? You don't take a job as a stenographer or as a computer consultant and have a say in the death penalty. It doesn't happen. This is completely unique. In terms of gauging what it is worth is very difficult. I think when you talk about what it is worth, you are talking about the hours, about what you give up. Look what the Appropriations Committee did this week on both sides of the aisle. People were missing anniversaries and people missing birthday parties to work for the people of the State of Maine. Their names will never be remembered after this summer because people don't care. They don't care who we are. They just want things to work right. That is what we are doing. That is what we are selling them for our pay. That is the compensation that we receive. We should at least be able to make ends meet.

I don't care if I have a new truck. I like my truck. My constituents love my truck. They would be heartbroken if I got

rid of it. They love the fact that I drive this old junker in three colors and six different year models all welded together with the official tool of the State of Maine, known as duct tape, and bailing wire in the engine to keep it together. I have those blue plates on there because they know I am one of them. I am not some high fluting person coming down off the ivory tower to tell them how it is going to be. I am one of them and I am down here for them. Like I say, I knew what I was getting into when I came down here. When I leave, whether they choose to get rid of me or I choose to step away or termed out or whatever comes first, someone is going to have to step up and take my place. That is going to be very difficult, ladies and gentlemen, because I ran because nobody else wanted to. In order for my district to have proper representation, I have to ensure that I have a welcoming seat here for the person who takes my place. I don't care if they are Republican, Democrat or a Martian. I don't care as long as they are competent and can do the job and care about the people the way I do. If we are not going to pay them anything, the job is not worth the headache and not worth the effort. You should be afraid of losing money to come down here because you are not appreciated. I think people do appreciate us. I certainly do appreciate them. I am going to support the pay raise and I hope you do to. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. First of all let me say that I am not sure that the pay raise or lack of pay raise prevented me from being a candidate for the State Legislature again next year. Let's get that clear. There are a couple of things and now that I have reached an age, I want to tell you a story, which is a real story, when I was first Speaker of this body. I was having a meeting in Boston with the Speaker from New Hampshire at the time. We were discussing legislators and legislative pay. Since I am now approaching that age, I feel comfortable telling the story. I didn't want to tell it before. I asked him the makeup of his Legislature. He said about 60 of them are about 21. They are students at the various colleges, because there is one Representative every 1,800 people or so. We have about 20 or 30 millionaires in the House. The largest block of them are people in their retirement age. I can tell the story and I am getting comfortable about telling it because I would be worried before because they would say I am bias or something. In the next breath he said that the greatest job I have as Speaker is not presiding. It is going to funerals of deceased members during Legislative Session. I said, "Does it have that impact?" He said that we have 10 or 20 vacancies and I run from election to funeral and I am never sure where I am going. As he said to me, a member of the Republic Party, obviously in control of the House by better than 2 to 1, if there was anything I could change, it would be to change the salary structure, but we never will because it is in the Constitution of the state. It just doesn't create the atmosphere so there is a lot of competition. I have never forgotten that.

We complain here about the things that we don't get and the salaries and the benefits. You know, I asked the Representative from Farmington to give me his retirement news because I had brought mine upstairs. I thought it was interesting if you still have it on your desk about the number of people who are on legislative retirement pay. That is about 50 or so people every two years are gone from this institution. The rotation pretty much has been that, greater in the last couple of years perhaps. There have been instances when I have been here there has been a 50

percent rotation from one session to the other. In 1964, there was the Goldwater landslide. In 1974, there was the Nixon years. That is about a 50 percent turnover. The number of people who are on legislative retirement according to the Maine State Retirement System as of June 30, 1998 was 165. That certainly doesn't strike me as a lot of people getting on the legislative retirement system. It is true that there are some people who may be on teacher retirement or state employee retirement that then come into the system and they are counted under the legislative structure. Boy, that isn't saying that I think there are a real large number of abusers in this structure.

I think we create our own conceptions or perceptions of what it is we think is wrong with us. I think in the long run we are doing ourselves a disfavor and then I wonder why the public hates us as an institution. We create our own hatred very often. We created ourselves because we say it is those legislators who did it, not me. I voted the right way, but look what they did. I just think that we ought to face it. I have no problems with the pay raise recommended by the commission. I will add one other thing. In my career in this institution, I have never seen a legislator of either party defeated by the constituents based on their votes on the pay salary issue. Never have I seen that. I have seen some defeated for some other reasons and I could talk about that, because I helped defeat some of them. That was never one of them. It didn't matter who used it against them. It didn't stick. The public when told the truth, told the reality of what it is we are paid, one I agree with the Representative from Berwick, they say, are you crazy? You are going there for that. Second, what are you on the take for? Who is paying your salary under the table? If you have not been told that yet, you will be. Third, what is it you are looking for? What is the next step? Is that the stepping-stone to something? A judgeship or a commissionership, is that what it is? The public is very suspect of us, because of the salary that we get. If you get the salary of \$20,000 or whatever the case is and you don't want it, you have a number of options. You can give it to me. You don't have to worry about it. You can give it to the charity of your choice. I bet you someone in your family will make sure that it stays in your pocket.

I just think we ought to face it. I don't care how we do it tonight or tomorrow, but it seems to me that we ought to just face it and do it and let the public know what we did and why we did it.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to get up and talk on this subject. I have heard you all talking about whether you wanted more money or you didn't want more money. You know, I really didn't think about, did I want more money or not? I would like to have more tools so I can do my job better. I haven't heard any of you speak of that tonight. I am so tired of going out in the little cubicles to make telephone calls and they are private conversations with my constituents and I have all these people listening. That, I would like to have a place where I could sit down and have a telephone without people listening to my conversations. I would also like to have a desktop computer so I could do my job better. I could do my e-mail without having to go home and do it. I would like the tools to do my job better. I would like more staff. I am tired of running down to the Law Library trying to do all the things that I have to do. I would like some help, because then I could do a better job for the people

back home and then maybe I would say now we have spent your money on the tools to be more efficient. I would have no problem going to them and asking them that I was going to vote for a raise. I am not going to vote for a raise until I feel that I am going to do a better job than I am doing now. I am not going to vote for this for that reason. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I stand because I am prompted from the remarks of the Representative from Eagle Lake concerning the meeting he had years ago with the Speaker of the House from New Hampshire. He, I think, has indicated to us why it is a bad idea for us to consider this any further. Several other speakers have said that we want to do a better job. We want to be more effective. Let's look at New Hampshire. I know some of us don't like to make that comparison, but the per capita income in New Hampshire is over \$10,000 more a year more than it is here in Maine. They have no income tax. They have no sales tax, yet. The citizens there are able to keep more of the money that they earn. They earn a lot more than the average citizen here in Maine. Their legislators make \$100 a year. Obviously, they are doing something right. Thank you.

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

Representative BAKER: Mr. Speaker, Colleagues of the House. You have probably heard the old saying, I complained because I had no shoes, until I met a man who had no feet. The reality is that both of those conditions are horrible and neither should be tolerated. I hear us talking about our constituents who don't earn enough money. That is true for many of them. I trust that every one of us voted for an increase in the minimum wage on behalf of those constituents. The reality is we need to be fighting for better wages for all those people and we need to be fighting for better wages for ourselves. I agree with the good Representative from Berwick, we deserve the 50 percent that the commission recommended and I hope you will vote for it. Thank you.

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

ROLL CALL NO. 358

YEA - Andrews, Belanger, Berry DP, Bragdon, Bruno, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemoine, Lovett, MacDougall, Mack, Madore, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Cameron, Chizmar, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemont, Lindahl, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund,

Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

ABSENT - Colwell, Labrecque, Marvin, Samson, Williams.

Yes, 60; No, 86; Absent, 5; Excused, 0.

60 having voted in the affirmative and 86 voted in the negative, with 5 being absent, Report "B" **Ought Not To Pass** was **NOT ACCEPTED**.

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

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

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

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

ROLL CALL NO. 359

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Cameron, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Gooley, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemont, Lindahl, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pih, Plowman, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bragdon, Bruno, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Green, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lemoine, Lovett, MacDougall, Mack, Madore, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Chizmar, Colwell, Labrecque, Marvin, Samson, Williams.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-364)** was **READ** by the Clerk.

Representative **VOLENIK** of Brooklin **PRESENTED** House Amendment "A" (H-714) to **Committee Amendment "A" (S-364)**, which was **READ** by the Clerk.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. This amendment simply increases the legislative salary in the first year of the biennium from \$10,500 to \$14,400 and in the second year of the biennium from \$7,500 to \$9,600, which would be an average of \$12,000 per year. This increase would represent approximately what a legislator's salary would be now if there had been a cost of living adjustment provision in

place since the time of the last increase to legislator's salary. This is not retroactive. You will not get a lump sum check of \$6,000 or \$2,000 or whatever. Legislators who are no longer here will not get lump sum payments either. I would love to get a lump sum check for any amount, but that is not included in this amendment. It simply raises legislative pay to what it would be if we had put into place a cost of living increase at the time of the last legislative pay increase. Currently 18 states have increased their legislative pay from 1998 to 1999. Some of those, for instance, Arizona, increased its pay last year from \$15,000 to \$24,000. That is a 60 percent increase. California increased its pay by 26 percent in one year. Connecticut increased its pay by 30 percent. New York increased its pay by 39 percent. South Dakota increased its pay from 1998 to 1999 by 50 percent. The winner is Colorado who increased their pay 71 percent last year. In addition to those 18 states that have just increased their pay, there are another 21 who are looking at pay increases during this session and of those 21, 6 are among those that increased their pay last year. As an example, Arizona which increased its pay from 1998 to 1999 from \$15,000 to \$24,000, which is a 60 pay increase and they are again looking at an increase in their pay. Another one is Connecticut, which had a 30 percent pay increase last year, they are again looking at a pay increase. What we are doing is not out of line. We are not doing anything massive like the majority of states around us are doing. All we are doing very simply is going back to the last legislative pay increase and raising our pay in the next biennium, not for us, but for the next set of legislators, to what it would have been had we had a cost of living increase each year. Thank you.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-714)** to **Committee Amendment "A" (S-364)**.

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 adoption of House Amendment "A" (H-714) to **Committee Amendment "A" (S-364)**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 360

YEA - Baker, Bolduc, Brennan, Brooks, Bryant, Bull, Cote, Cowger, Daigle, Davidson, Dudley, Dunlap, Duplessie, Fuller, Hatch, Kane, Martin, Matthews, McAlevey, McGlocklin, McKee, Murphy E, Muse, Norbert, O'Brien LL, O'Neil, Pih, Powers, Quint, Richard, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Thompson, Townsend, Tuttle, Twomey, Volenik, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Desmond, Dugay, Duncan, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Mayo, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Chizmar, Colwell, Labrecque, Marvin, Samson, Williams.

Yes, 44; No, 101; Absent, 6; Excused, 0.

44 having voted in the affirmative and 101 voted in the negative, with 6 being absent, the motion to **ADOPT House Amendment "A" (H-714) to Committee Amendment "A" (S-364) FAILED.**

Representative HATCH of Skowhegan **PRESENTED House Amendment "B" (H-733) to Committee Amendment "A" (S-364)**, which was **READ** by the Clerk.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment would increase our salaries by 20 percent. I think it is a moderate amount. In the first part of the biennium it would go from \$10,500 to \$12,600 and in the second biennium it would be \$7,500 to \$9,000. I just want you to know that I thought long and hard about this. I have always supported increases in pay for staff for minimum wage workers in the state. I think it is about time that we did something for our own in the next Legislature that comes in. I would like to correct something that Representative Volenik said, I do have a vested interest in the State of Arizona, because my daughter lives there. Not only did they get an increase in pay by 60 percent, they sent it out to referendum and the voters okayed it by a large majority. The voters in their state said you are worth it. They are a part time Legislature. I think that our voters would also endorse this pay raise. They had to do it, I believe, because their Constitution stated they had to do it. We don't. We can make our own decisions here in this House and I think it is time we got a pay increase for the next Legislature. Thank you.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-733) to Committee Amendment "A" (S-364)**.

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 adoption of House Amendment "B" (H-733) to Committee Amendment "A" (S-364). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 361

YEA - Baker, Berry RL, Bolduc, Bowles, Brennan, Brooks, Bryant, Bull, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dunlap, Duplessie, Fisher, Fuller, Goodwin, Hatch, Kane, Lemont, Martin, Matthews, McAlevey, McGlocklin, McKee, Murphy E, Muse, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Berry DP, Bouffard, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Dugay, Duncan, Etnier, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Mayo, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan,

Treadwell, Tripp, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Belanger, Chizmar, Colwell, Labrecque, Marvin, Samson, Williams.

Yes, 53; No, 91; Absent, 7; Excused, 0.

53 having voted in the affirmative and 91 voted in the negative, with 7 being absent, the motion to **ADOPT House Amendment "B" (H-733) to Committee Amendment "A" (S-364) FAILED.**

Representative HATCH of Skowhegan **PRESENTED House Amendment "C" (H-735) to Committee Amendment "A" (S-364)**, which was **READ** by the Clerk.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment would increase our constituent allowance. I don't know about you, but I have heard from several legislators, myself included, that the constituent allowance just is not quite enough for what we have to do, even with the one mailing that we get. I found myself in my first session here spending \$3,200 out of pocket. I don't suspect that you will go out and do that amount of constituent work that I did, but with all the flags and different groups that hit me up that first session, I haven't even added it up since then. The \$750 that we got for a constituent allowance was nowhere near enough. I have doubled that so Representatives would get \$1,500 and the Senate would go from \$1,000 to \$2,000. I would ask for your support on this. I think it is a modest increase and it would help us out greatly and would work with our constituents. Thank you.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-735) to Committee Amendment "A" (S-364)**.

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

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

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. Last night when I spoke I spoke of the salary piece. Some of you might recall if you were here that I didn't take a great deal of issue with the proposed cost of living adjustment or even perhaps with the 3 percent increase. Instead, the issue that I asked you to consider, the topic, which I implored you to think about before the vote, was the fact that the commission is going to report back to the State and Local Government Committee and to the Legislature in January with additional recommendations on the entire legislative compensation package. At the time I suggested that it wouldn't be prudent for us to act just on the salary piece without acting on these other pieces as well. I guess I didn't realize that we would be acting as quickly as we seem to be on some of these other pieces.

I want to direct your attention to a memo, which the commission has sent to the presiding officers of both bodies. It is dated March 29, 1999. It has indicated at the end of the memo that the State Compensation Commission will be meeting this summer and fall to prepare out next report, which they will submit to you by January 1, 2000. We plan to examine the following topics in detail. I won't list them for you. There are five separate areas. The second is a more detailed look at the subject on constituent allowances and how legislators are coping with increased constituent workloads. I would simply ask that you allow the commission to finish their work and report to the Legislature and defeat the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. Based on the fact that we have now rejected the commission's recommendation on salary and based on the fact that I suspect the commission will resign as a result of our inaction and based on the fact that next year is an election year and you think we are paranoid now, you ought to see us next year. My suggestion is that you adopt this amendment and that will be the end of it for two years because nothing is going to happen next year.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I was going to support this, because I do think we deserve more money for constituent allowance since most of us do that for our constituents. The problem is I believe it is a little too high. If somebody could answer this question, I thought that we had literature passed to our desk that told us, I think, that it went up to \$1,000 for constituent allowances instead of \$750. I really believe the amount that this amendment shows is a little bit too much money.

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

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer this rhetorical question, have we talked ourselves into Saturday? Some of us have town meetings.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "C" (H-735) to Committee Amendment "A" (S-364). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 362

YEA - Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Matthews, Mayo, McAlevey, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neil, Pery, Pieh, Powers, Quint, Richardson J, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Duncan, Foster, Gerry, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, MacDougall, Mack, Madore, McDonough, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Pinkham, Plowman, Povich, Richard, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Chizmar, Colwell, Labrecque, Marvin, Samson, Williams.

Yes, 78; No, 67; Absent, 6; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, with 6 being absent, **House Amendment "C" (H-735) to Committee Amendment "A" (S-364) was ADOPTED.**

Representative HATCH of Skowhegan **PRESENTED House Amendment "D" (H-739) to Committee Amendment "A" (S-364)**, which was **READ** by the Clerk.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to support this amendment. This amendment places the salaries of the Secretary of State, Treasurer of State, the Attorney General and the State Auditor at salary range 91, the same salary range as commissioners. The amendment also clarifies that the Legislative Council has authority to determine at which step each officer is to be paid. Currently, they receive no pay increase unless we deem that they do. I think this has been a long time in coming. Currently, the Secretary of State has 450 employees, which he oversees. His salary is far below any of the commissioners who are appointed by the Governor. Our Constitutional Officers are elected by this body and the other body. I think it is only fair that when we elect someone to those positions that they also have preferred salary status as the commissioners do. I ask you to support this. I think it is long overdue. It has nothing to do with our compensation package other than we are the body of jurisdiction. It does fit in this. I ask you to okay it. I thank you.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-739) to Committee Amendment "A" (S-364)**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Union, Representative Savage.

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

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. Was this a recommendation of the State Compensation Commission as indicated by the title of the bill?

The SPEAKER PRO TEM: The Representative from Union, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. The answer to my good friend's question, yes it was part of the recommendations that were included in the report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I hope you will support this amendment. I just rise to mention maybe one issue that I haven't heard mentioned tonight about legislative pay and Constitutional Officers' pay. We are the Legislative Branch. The Governor proposes the Legislature disposes. We have to deliberate, as has been mentioned, increasingly tougher and more controversial issues as the federal government seems to give us more and more responsibility. People in Congress do get a large pay, \$120,000 or \$130,000 a year. Increasingly our workload has become heavier and heavier. I just urge the membership of this House to remember the separation of powers, the importance of a strong Legislative Branch with respect to the Executive and the Judiciary, the people's House and it will hopefully remain a

people's body and one of parity, not subservience to the Executive Branch. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion because I believe that the contemplated salary increases are excessive and unwarranted. During the public hearing that was before the State and Local Government, I did take the time to go down to the issue of legislative pay raises. I also took the opportunity to speak regarding the salary increases for the Constitutional Officers. I have to say that, to me, this proposal seems quite ridiculous. The reasons why, I would like to outline for you. First of all, the amount of the increases, if you take a look at the bill, we are looking at the State Treasurer, an increase the first year of \$10,000 and \$15,000 the second year. I am trying to get to the goal of \$15,000 increase. We are looking at the same for the Secretary of State. We are looking for the Department of Auditor. The first thing you have to go back to is okay, these positions, how do you get them? What are the qualifications? Is the person underpaid? You take a look at that. You can compare that to some of your experiences in the private sector when you hire employees and you look at the market and you look at the qualifications.

Taking all personalities 100 percent aside and looking strictly at positions, for instance, the position of State Treasurer. Now, we are saying the position of State Treasurer should be compensated an additional \$15,000 a year. What are we basing that on? How do you get to be Treasurer? It is a political appointment of this body. What is the experience that you are looking for in a State Treasurer? What is it that we want running our state? Well, there are no qualifications to be State Treasurer. Do you have to be a CPA? No, you don't have to be a CPA. You don't have to have any accounting degree. You don't have to have gone to school for these things. Take a look at what is going out in the marketplace. You are saying that we are going to be raising the salary of this position to the salary of a bank president. Well, if we are going to be paying a bank president's salaries, we should have somebody with qualifications of a bank president in the position. That means the resume or should I say the qualifications for office for the Constitutional Office should have those criteria in there so that you can have somebody of that standard. We are talking about throwing funds, public money, at political appointments regardless of qualifications for that office. Again, all personalities aside.

Does that make sense? Are we saying that we can't find someone else to meet these non-qualifications we have in office for the current salary that we are asking for these officers. If we are looking at personalities or we are looking at the person who is in that position, then I think we have to sit down and we have to look at issues of job performance, what they are producing for the state, the money that they are saving for the state in any one of these offices and that type of analysis isn't done. This is our buddy, who served in this body or the other body, that is how they tend to be a Constitutional Officer. We put them in these positions and now we are talking about throwing great sums of money at them without the reward for the taxpayer. I take great exception to that. I urge the members to vote at the polls. Thank you.

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

Representative MCDONOUGH: Mr. Speaker, Men and Women of the House. I really didn't want to speak on these issues this afternoon. I know the day is growing longer or shorter however you look at it. I felt that I must speak on a couple of issues. Number one, I think we have very competent Constitutional Officers representing us here in the State of Maine. It doesn't matter which side of the aisle, whoever serves in those positions are a competent person and does the good work of the Legislature and the people of Maine.

I am somewhat distressed the fact that we are having all of these amendments come in on this. I know it is the process that we go through, but I think in all good faith as a member of the State and Local Government Committee and a member of the majority that reported out the 3 percent with the COLAs Ought to Pass, we have very good friends on the other side of the aisle that stood up and were convinced that that was the right thing to do. I think with the amendments that are coming in that did not come out of the State and Local Government Committee. The good Representative from China has indicated that the commission's report will be coming back in January. I hope that they are not discouraged to go and complete the work that they have started. I think that they are bigger people than that. I think that they will complete the work and come back with some doggone good recommendations that this body, the State and Local Government Committee, can put our arms around and foster a recommendation that will come to the floor of the House and go to the other body when that process is complete.

Speaking of the other body, they passed the bill that was voted out of committee for the 3 percent and the COLA. I have great reservations that if we start piling on amendments to the recommendations no matter how appropriate they are that we could lose this entire package that we have worked so very hard today to vote out. I would ask this body, my good friends here in the House, to vote against the pending motion. Thank you Mr. Speaker.

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

Representative BUMPS: Mr. Speaker, Men and Women of the House. Just to clarify the record and to be sure that the Representative from Union had her question answered, the State Compensation Commission did make recommendations on salaries for the Constitutional Officers, but the recommendations that the commission made are different than the amendment before you. The commission made a total of five recommendations. The fourth of which was to establish the Attorney General's salary the same as District Court Judges are currently paid at \$90,000 for the fiscal year 1998-99 with annual cost of living adjustments in subsequent years. That is a significant amount more than the amendment that is pending. The commission did differentiate between the Attorney General and the other Constitutional Officers by making a fifth recommendation that they increase the State Treasurer and the Secretary of State which are both currently at range 88, step 5 to no lower than range 89, step 5. The amendment before you would increase those salaries to range 91. I don't advocate one side of the issue or the other, but simply to set the record straight that the commission did not recommend the content of this amendment. Thank you.

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

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

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

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. The amendment calls for the Legislature \$63,523 and I wondered if somebody could tell me what that is for?

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" (H-739) to Committee Amendment "A" (S-364). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 363

YEA - Baker, Bowles, Bryant, Cowger, Daigle, Davis, Desmond, Dudley, Dunlap, Duplessie, Gagnon, Hatch, Jabar, Jacobs, Martin, Matthews, McGlocklin, McKee, Muse, Norbert, Quint, Sirois, Skoglund, Stevens, Sullivan, Tessier, Twomey, Volenik.

NAY - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davidson, Dugay, Duncan, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Heidrich, Honey, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Mayo, McAlevey, McDonough, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

ABSENT - Chizmar, Colwell, Cote, Labrecque, Lovett, Marvin, Samson, Williams.

Yes, 28; No, 115; Absent, 8; Excused, 0.

28 having voted in the affirmative and 115 voted in the negative, with 8 being absent, the motion to **ADOPT House Amendment "D" (H-739) to Committee Amendment "A" (S-364) FAILED.**

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-364) as Amended by House Amendment "C" (H-735)** thereto.

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 Adoption of Committee Amendment "A" (S-364) as Amended by House Amendment "C" (H-735). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 364

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Cameron, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Gooley, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemont, Lindahl, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanwood, Stevens,

Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bragdon, Bruno, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Green, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemoine, MacDougall, Mack, Madore, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Chizmar, Colwell, Cote, Labrecque, Lovett, Marvin, Samson, Williams.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, **Committee Amendment "A" (S-364) as Amended by House Amendment "C" (H-735) thereto was ADOPTED.**

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

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-364) as Amended by House Amendment "C" (H-735)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding the Interest and Penalties on Unpaid Taxes when the Taxpayer Files for Bankruptcy"

(H.P. 1216) (L.D. 1745)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)** in the House on June 2, 1999.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE.**

The House voted to **ADHERE.**

Non-Concurrent Matter

An Act to Revise Certain Provisions of the Fish and Wildlife Laws (EMERGENCY)

(S.P. 738) (L.D. 2088)

(S. "A" S-322 to C. "A" S-292; S. "A" S-358; S. "B" S-368)

PASSED TO BE ENACTED in the House on June 2, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE AMENDMENT "A" (S-322)** thereto and

SENATE AMENDMENTS "A" (S-358), "B" (S-368) AND "C" (S-377) in NON-CONCURRENCE.

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

**REPORTS OF COMMITTEE
Ought to Pass As Amended**

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Equine Activity Law"

(S.P. 749) (L.D. 2108)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-305).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-379).**

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

Committee Amendment "A" (S-305) was **READ** by the Clerk and **ADOPTED.**

Senate Amendment "C" (S-379) was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-305) and Senate Amendment "C" (S-379) in NON-CONCURRENCE** and sent for concurrence.

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Regulate Push Polling"

(S.P. 420) (L.D. 1257)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-315).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**

Report was **READ** and **ACCEPTED.**

The Bill was **READ ONCE.**

Committee Amendment "A" (S-315) was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-315) in NON-CONCURRENCE.**

On motion of Representative **TUTTLE** of Sanford, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-315).**

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

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

**ENACTORS
Acts**

An Act to Assist in the Cleanup of the Town of Wells Maine Waste Oil Site

(H.P. 1141) (L.D. 1626)

(H. "A" H-738 to C. "A" H-730)

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.

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

On motion of Representative **McALEVEY** of Waterboro, the House adjourned at 8:37 p.m., until 9:00 a.m., Thursday, June 3, 1999 in honor and lasting tribute to Charles Cochran, of Limerick.