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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
SECOND REGULAR SESSION
65th Legislative Day
Friday, June 4, 1999

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

Prayer by Honorable Zachary E. Matthews, Winslow.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

ORDERS

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 29)

ORDERED, that Representative Roger D. Frechette of Biddeford be excused June 1st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Nancy L. Chizmar of Lisbon be excused May 28th and June 2nd for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Louise Kiesow, Legislative Aide in the House Democratic Office, upon her 20th anniversary as an employee with the State of Maine. Louise was previously employed with the Department of Agriculture before joining the legislative staff 10 years ago. We send our greetings to Ms. Kiesow on this occasion;

(HLS 564)

Presented by Representative SAXL of Portland.

Cosponsored by Representative SHIAH of Bowdoinham, Representative MITCHELL of Vassalboro, Senator KONTOS of Cumberland, Senator DAGGETT of Kennebec.

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

READ.

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

Representative SAXL of Portland assumed the Chair.

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

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

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 847) (L.D. 2247) Bill "An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-415)**

(S.P. 848) (L.D. 2248) Bill "An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining for the Judicial Branch" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-414)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **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 Louise Kiesow.

(HLS 564)

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

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

Representative **SHIAH**: Mr. Speaker, Colleagues of the House. This Legislative Sentiment means a lot to me and to our leadership team and also to the rest of the staff in our office. We have been very fortunate to have Louise with us for 10 years in our office. She also spent 10 years in the Department of Agriculture. Her knowledge, her wisdom, her institutional memory has been a wonderful asset to our office and to the members of our caucus. We are just so thankful that she puts up with us and our whims as a leadership team. She always has a smile and is willing to do things at the drop of a hat. We constantly ask her to do all sorts of difficult tasks and she comes through time and time again. Louise, I just want to say on behalf of all the leadership people who you have served over the last 10 years. Thank you very much.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. Louise Kiesow is also my aide and very special indeed to me. With her help the work gets done. I know it wouldn't without her. It gets done with style and flair and a smile. We have a lot of fun doing that. I thank you Louise for your years of service, not only to me, but to this body.

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

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. Louise is very special to me. She is also my aide, but also is a very good friend. She is also a county girl, which makes her even more special to me. Louise, we do love you.

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

Representative **TUTTLE**: Mr. Speaker, Ladies and Gentlemen of the House. It is indeed a pleasure for me to rise to speak about Louise Kiesow. She is my legislative aide. I have had many in my off and on 20 years in the Maine Legislature. I can say without a doubt that she is the best legislative assistant I have had. It is truly an honor, I hope, that the 20 years that she has served with us will continue for many more years. It makes my service in the Legislature that much more enjoyable.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. It is a great pleasure to rise and to also offer my congratulations to Louise Kiesow. She has been my legislative aide ever since I was elected to this body, since 1992. She is a county girl and her parents still live within my district up in the unorganized territories of Square Lake. She has always been there. She is always courteous. I think that we owe her a great deal. I especially enjoy calling. We have talked many a time on the phone during the off year of session. She is an excellent person. I would like to extend my congratulations.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Caribou, Representative Sirois.

Representative **SIROIS**: Mr. Speaker, Men and Women of the House. I want to congratulate Louise in a very special way. One thing that is very fortunate for me is it keeps me up with my French. Every time I go upstairs we converse in French. I don't know what the other people upstairs say about that, but anyway we got some certain words that we say that can't be pronounced in English. Again, I congratulate Louise.

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

Representative **BOUFFARD**: Mr. Speaker, Ladies and Gentlemen of the House. Louise is not my aide, but every time I go up there she always has a smile on her face. Guess what? Je voudrais bein dire filcitation Louse pour 20 ans complais dans la chamber des repretent. Merci.

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

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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-417)** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$56,616,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports and State-owned Ferry Facilities; Development of Rail Corridors and Marine Infrastructure; and Replacement of Public Transportation Fleets Statewide"

(S.P. 740) (L.D. 2089)

Signed:

Senators:

MICHAUD of Penobscot
HARRIMAN of Cumberland
CATHCART of Penobscot
O'GARA of Cumberland
CASSIDY of Washington
PARADIS of Aroostook

Representatives:

KNEELAND of Easton
BERRY of Livermore
TOWNSEND of Portland

STEVENS of Orono
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
BRUNO of Raymond
NASS of Acton
FISHER of Brewer
WHEELER of Eliot
SANBORN of Alton
COLLINS of Wells
JABAR of Waterville
SAVAGE of Union
WHEELER of Bridgewater
CAMERON of Rumford
LINDAHL of Northport
BOUFFARD of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-418)** on same Bill.

Signed:

Representative:

WINSOR of Norway

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

READ.

On motion of Representative JABAR of Waterville, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-417)** 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-417)** in concurrence. **ORDERED SENT FORTHWITH.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

**Pursuant to Statute
Revisor of Statutes**

Representative THOMPSON for the **Revisor of Statutes** pursuant to Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1605) (L.D. 2252)

Committee on **JUDICIARY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS
Emergency Measure**

An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining

(S.P. 847) (L.D. 2247)
(C. "A" S-415)

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. Could someone tell me what this does, exactly?

The SPEAKER PRO TEM: 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 Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. You may have read recently in the newspaper that the state has reached an agreement with its employees as to their salaries for the next period of years. These two pieces of legislation enact that agreement. The money for which was contained in the Part II budget.

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

Emergency Measure

An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excepted from Collective Bargaining for the Judicial Branch

(S.P. 848) (L.D. 2248)
(C. "A" S-414)

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. 123 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

COMMUNICATIONS

The Following Communication: (H.C. 220)

STATE OF MAINE

ONE HUNDRED AND NINETEENTH LEGISLATURE COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 4, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2221 An Act to Restore Majority State Funding of Public Education in Maine

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. Elizabeth Townsend

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 316)

SENATE OF MAINE OFFICE OF THE SECRETARY 3 STATE HOUSE STATION AUGUSTA, MAINE 04333

June 4, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Bill "An Act to Revise the Salaries of Certain Androscoggin County Officers " (H.P. 1604) (L.D. 2250) was passed to be engrossed as amended by Senate Amendment "A" (S-384).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 690) (L.D. 957) Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "C"** (H-752)

On motion of Representative JABAR of Waterville, was **REMOVED** from the First Day Consent Calendar.

The same Representative moved that the House **ACCEPT** Unanimous Committee Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee 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 Jabar.

Representative **JABAR**: Mr. Speaker, Men and Women of the House. Hopefully this will be the last day. I will keep my comments short. I will not address the merits the need for the gas tax. I would like to talk about the compromise which was reached by the Transportation Committee following the debate that was held two days ago. I am sure you can appreciate the intensity of the debate and the divisions that were within the committee in dealing with this very difficult issue. We did go back. We did meet and we did come up with a compromise. I say to you that this compromise is a very fragile compromise because I know there are people upset on both sides of the aisle on both sides of the issue. It is really both sides of the issue because this is necessary part. On one hand there are people unhappy with the tax and on the other hand there are people unhappy with the fees. To those of you who are unhappy with their being any tax I say to you please look at the big picture and what we have done in this session. We have reduced the sales tax from 5.5 to 5 percent. We have given some income tax relief. We have continued the homestead exemption. The concerns that you may have with the fact that we are increasing some tax, I say to you we have decreased some taxes as well. The net result is the taxpayers in the state have gained an advantage and the tax burden has been reduced when you consider all of the tax issues that we dealt with in this House.

On the other hand, to those of you that are upset that there is a registration fee as opposed to another tax, I say to you please look at the impact in what we are talking about here. The registration fees represent approximately \$5 million, which is 10 percent of the \$50 million that we are raising. Also, if you look at the impact that it will have on people who drive, true, it does not give tourists, but for anybody who drives 4,000 miles, it is equivalent to 1 cent tax. We are talking nickels and dimes here when we are comparing an additional tax as compared to an increase in the registration fee. Also, I ask you to consider that the registration fee has not been changed since 1988, except for a \$1 fee for the chickadee plate. I ask you to consider the registration fee for the other states in New England. In Vermont it is \$43. In Rhode Island it is \$30. In New Hampshire it is either \$30 or \$43 depending upon the size of the vehicle. In Massachusetts it is \$30 and in Connecticut it is \$35. This is highway funds. These revenues go to the Highway Fund presently. This is not General Fund money. This is not a new source. It is part of the formula of money that we get to help fund the highways.

In conclusion, I ask you to follow the unanimous report of the committee. I ask you to reject a lot of amendments that you will be receiving because this is a compromise and it is a delicate compromise. The Transportation Committee considered a great many other alternatives, many alternatives from General Fund money to 221 to 321. There were many alternatives that we considered. This that you have in front of you is the best chance for giving money back to your communities and for accomplishing the projects that are set out by the Department of Transportation. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I intentionally rise today without apology to publicly on the record reaffirm my principle position on no new taxes. To declare my intention to vote against LD 957 as amended by (H-752). An increase tax of any amount, much less the 16 percent increase and an increase in auto registration fees

much less than a 10 percent increase of any amount, which, by the way, is a tax on Maine residents only is totally unacceptable to me. With a surplus of nearly \$300 million, that is 3 with 8 zeros behind it, nearly \$300 of over collected taxes on every man, woman and child in this state. With such a large amount of taxpayers money entrusted to our hands, we could not find a way to set aside \$30 million, one-tenth of that surplus, is scandalous. I call it a raping of the Maine citizens.

When we gathered in January it was my impression that nearly all of us placed top priority on education and highways for funding in this biennium. What did we do? We pulled the Highway Budget out of the running for surplus funds. We spent all of the other money after education and now we are being asked to demand more money from an already overtaxed citizenry. I hope none of us will pretend to be Robin Hood coming to the rescue in this Sherwood Forest drama being played out here today. Instead we are in the roll of the Sheriff of Nottingham demanding more from our subjects because the king has spent all of his treasury on new clothes or an expanded wardrobe. No new spending here. Now the king needs a new horse, an expanded stable and an expanded castle staff of 390 to take care of the needs of his subjects. Just think of it, ladies and gentlemen of the House, \$300 million was not enough. We need 10 percent more right now. If we don't agree to this extortion, we won't get our pittance from the king called local road assistance and urban renewal initiative so we can keep our village lanes passable. Do you get the picture?

It is my contention that there are ways to restructure the budget to find the money to pay for this highway program or some other option. If you think there is no fall back position if this tax plan fails, then I say you give a very creative Chief Executive and his staff too little credit. Let us defeat LD 957 and let the Executive's imagination get to work on another no new tax solution. After all, what do we have to lose? Less if we defeat this bill than if we pass it. If it does pass, we lose the faith of our Maine people to wisely use the money they sent to us. Are we going to do something for them or to them? This tax is a to them event. Please follow my light and vote against this so-called compromise, the tax more and spend plan, the new kind of sin tax. It is a tax that is a raping of the Maine taxpayers. Thank you for your time and your consideration.

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

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. We seem to be confusing two different funds, a General Fund and a Highway Fund. We on that committee tried our level best to get money from the General Fund for the Highway Fund to repay money that was borrowed previously. That didn't happen. We were left with a problem. We had to solve it. There is local road assistance or urban rural assistance, whatever name you want to put on it, that needs to be funded. That goes directly to the towns. This is my fourth and probably final term in this House. My first term was on Labor. The last three have been on Transportation. In my first term on Transportation we cut 200 positions from DOT, 200 positions. We have put back one position and that was federally funded. Is there any other agency in this state that can say they have done that? I don't believe there is one. That was two terms ago we cut 200 positions. Last term we went to every agency that is funded by the Highway Fund and said cut your budget by 10 percent. Is there any other department in this state that can say they have done that? I think we have been very prudent and

frugal with our dollars. We have put them back into highway maintenance and bridge construction. A new bridge now can cost \$200 million or more. That is for one bridge. We have hundreds of bridges and thousands of miles of road that must be fixed. If there is anybody in this body that can come up with the money from the General Fund to do away with this gas tax, I welcome them. I haven't seen that.

We have a pressing need in the Highway Fund. I see no other option than to take and fund that. We have a study committee that I hope to be active in or at least have legislators active in to see if we can find an ongoing solution. I don't know what that solution is now. I have my own ideas. Earlier this week we had a chance to vote against a budget that had a lot of extra spending in it, the Highway Budget does not. A 120 plus people voted for that other budget. What kind of a message did that send downstairs to the Chief Executive? That is veto proof. There are 19 people in this body that voted against that. Three of them serve on the Transportation Committee, Representative Wheeler from Bridgewater, Representative Collins from Wells and myself. We worked very hard to get a good budget. We didn't get support from the General Fund so we are trying to find a solution to fix our roads now and this 3 cent gas tax was a hard, hard sell. Don't believe that we didn't work long and hard at this. We started off at zero and we had a 311 proposal. You defeated that. We have a 2 cent gas proposal and you defeated that. We had to come up with something to fund this. I urge you to accept this Committee Amendment, this unanimous Committee Amendment. If there is any that stand and speak opposed to this, other than the 16 that voted against the other budget, I would like to hear your reason why you voted for that one and you are voting against this one. 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 your vote against this tax increase. Like the good Representative from Hartland, Representative Stedman, I think it is unconscionable to ask the taxpayers of Maine for another tax increase. We have a \$290 million surplus. That surplus is an over collection of taxes. We have the fourth highest taxes in the country. To ask the taxpayers of Maine to put in even more taxes is unconscionable. The last time the gas tax was raised it was part of the same package that temporarily raised the sales tax. That 2 cent hike in the gas tax was supposed to be temporary as well. I think we should lower the gas tax and keep our promise to the people of Maine when we have this surplus. The last thing we should do is raise the tax even more. We have that \$290 million in the surplus that we could have used for roads. We have a Rainy Day Fund and some of that money is available for roads. There are other things that could be done to look at more cost savings in the department's budget. The committee has done a good job in the last few years, but there is more cost savings that could be done. Let's look at privatizing more of their services. Getting rid of the Mini Davis Bacon Act we have in the State of Maine. Let's look at some of the engineering and some of the other services they do and see if we can privatize that or save some money. The last thing that we need to do is to ask the taxpayers to kick in even more money. I urge you to vote against this tax increase.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I would like to commend the Transportation Committee for the difficult job they have had to deal with in the last few days. After the vote the other day I can well understand the dilemma that they found themselves in. However, I have a problem. I have been kidnapped and I am being held for ransom. Let me explain that. In one of my other jobs I sit on the board of selectmen. I am responsible for the running of the Town of York. The Town of York is considered quite wealthy. We have a very high evaluation. Because of that we get very little funding for the operation of our schools and because of that we get no funding to fulfill the needs for new school construction. Another problem that the Town of York faces is that we are the third fastest growing community in the State of Maine. We have not been able to keep up with our infrastructure to fulfill the needs that have come as a result of this. Every school needs to be enlarged or replaced. We are going to get no help from the State of Maine. Now I find out that I have been kidnapped and I have to pay a ransom if I want to be released. By that I mean that if I do not vote for this, my town's taxpayers tax rate is going to increase another 20 cents per thousand on their tax rate. Their tax rate went up 75 cents last year. It is going up \$1.55 this year and more next year without this ransom. What am I to do? Do I pay the ransom or do I wait to be rescued by the police? Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would like to say thank you to the members of the Transportation Committee for all of their hard work. You have fulfilled your duty that we asked you to do. There is another duty that we are asked as legislators to commit to and that is to the people at home. They elect us to represent them. We come here and we get lobbied by groups. We get lobbied by businesses and we get lobbied by departments. The people that don't have lobbyists and can't be here to lobby us are at home. We represent them. We have to take the input from the lobbyists and the departments, but we also have to remember in our minds the people at home. All of us campaigned and all of us heard how difficult times are for our people at home. In my opinion, we are left with a very tough decision and very tough duty. That is to come up with a budget that remembers them and covers all of our priorities. Our Transportation Committee fulfilled their responsibility. Now it is time for us to make tough decisions that we were elected to make. We have to remember every party involved. We have a very tough decision to make. Do we increase taxes or do we go back into our budget and find the money?

I offered you all an opportunity during the budget debate to go back and do that. I got 45 votes. You are going to have another opportunity to be responsible and go back and find the money and not increase the tax. I plead with you. Do the right thing. The people at home cannot take any more taxes. If we do this, we are going to be an embarrassment, in my opinion. Since I have been in this Legislature, I have seen tremendous debate. I have seen hard work from everyone on both sides of the aisle. I believe we are all here to do the people's work. Let's try to remember that the individual back home who does not have someone here to represent them, they have you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **USHER**: Mr. Speaker, Men and Women of the House. To any member of the Transportation Committee, my concern is related to the House Amendment (H-752). On Page 14, Part J, it says surcharge and all there is a bunch of sections. I was wondering if that included trailers, cars, pickups or anything like that. I would like to have a little definition of that.

The SPEAKER: The Representative from Westbrook, Representative Usher has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. The surcharge goes on all registration plates that have the lobster on them or soon will be the chickadee plate. It doesn't include, I believe, the municipal vehicles and those that currently don't pay a registration fee.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I don't know about you, but I sure don't want to go home and tell my five small towns that they are not going to get their local road assistance. You may think that \$260,000 is peanuts with all the zeros behind the figures here that we see day in and day out, but \$260,000 to these five towns in my communities is going to put an increased burden on the property tax because believe me those projects have been planned. Their budgets are out. Their town warrants are out. We are going to have town meetings next week. They already have a figure in there to reduce their tax commitment by that amount of money. Am I going home and tell them they are not going to get it? I sure hope I don't have to. I also want to say to you, who do you think should pay to repair the roads, the people who use them or the little grandmother who sits at home and knits and does not have a car and doesn't intend to have a car. Those people who are driving on the roads should be paying to repair the roads. This is a user fee folks. This gasoline tax, even the \$2 fee on the registration, is a user fee to use those highways that we travel over every day. Mine aren't too bad because I come Route 17, straight shot right into Augusta. I will tell you there are some in my district that are in a pretty deplorable condition. I am hoping eventually, I don't know if I will ever see it, but I am hoping my children and grandchildren can see those roads put up to standards. We have one in Waldoboro that just the other night we had a bad accident where a young fellow getting off a school bus, someone didn't stop and they dragged him. He is in the hospital now. That is because that road needs construction right there at that intersection. We do not have the money to do these projects. Some of this money is going to supplement and pay for the urban and rural initiative, but it is also going to draw down federal dollars. We have got projects for that money. I ask you to vote your conscience. I am not going to plead with anyone that doesn't want to vote. I have told people in my caucus that we are going to be friends after this vote is taken, but I would ask you to consider and do me a favor and look your town up in this packet that I just had distributed and put on your desk. Representative Andrews just mentioned her town. She is getting a 55 percent increase in this fund. Folks, please do me a favor and at least look at your towns that you represent in this packet. Thank you for listening.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Just the other day I stood and was arguing about the way we were going to fund this budget. Today I rise and ask you to support the Majority Report, a unanimous committee report. Just let me tell you how we got here. This is over the years when the Highway Fund has been robbed from the General Fund to balance the General Fund budget. This isn't just last year. This is from years past. The infrastructure of the state has deteriorated. The average age of our bridges is 57 years old. We go to our committee room and bills come forward that you put to us. The pleas from the Route 26 corridor people and Route 9 people to fix their roads. We can't do it without money folks. There was a group of eight that tried to get some General Fund money. It wasn't there. The days are getting close and hopefully this is the last day. There was no way to fund this. If we lost this, we would lose a lot of our local road assistance, which is a new program called the urban rural initiative, which was increased because of the complaints from the cities and some of the in lying towns that was doing more than their share taking care of state roads in the wintertime and in the summer. MMA and the DOT got together last summer and came up with a good plan. This is how we came up with the urban rural initiative.

I just want to read you the Webster Dictionary definition of compromise. "Compromise is a settlement in which each side makes a concession." Ladies and gentlemen, that is what happened. I guess in closing I would really like to say that I apologize to those who don't feel that we did a good job. This was very hard to do. I am not very proud of asking our constituents to pay more. If we can get a better road out of it, I will feel better of it. I had one town write a letter to me that they were not in favor of a nickel gas tax back in January. They did not know what was even in the Part II Budget. I cannot go home and tell them that I voted down \$75,000 for their town. That will add another dime to their tax range. One hand washes the other folks. It is time that we stand up and fix our roads and our bridges in the State of Maine. A \$2 fee on the plate for registration is a lot easier in the future to deduct than if we have a gas tax that is a nickel. Please support the unanimous committee report. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. Two nights ago I voted against two proposals to fund the Supplemental Highway Budget. The reason I did that was because in mind and indeed I look back historically through the record, the Transportation Budget has always been a nonpartisan, bipartisan vote in this House. The other night it was clear to me that it was not a bipartisan vote. I got thinking and I thought the roads of Maine run through Republican districts. They run through Democrat districts and they even run through Independent districts. I thought that if we could not have a strong bipartisan vote that I didn't want to have any part of it. Things have changed. The committee has done a lot of hard work in the last couple of days and I commend all the members of the committee. I think they have done a terrific job. They have made it clear that they are willing to put a strong bipartisan effort behind this vote. I am willing to support that committee. The issue of good roads and safe bridges is an issue for the people of Maine. I certainly hope to see 151 green lights when

this thing goes up. Every district in this House of Representatives is going to be served by improving our roads and our infrastructures. Maine's economy is going to be served well by improving our roads and bridges. I voted against it two nights ago, but I urge your support for this recommendation from Transportation tonight. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. One of the things that Representative Colwell came out and said was our budget was not bipartisan. I will correct that a little bit. The budget that we agreed to was unanimous and it was bipartisan, everybody agreed with the budget. What they didn't agree to was the way that we were going to fund this budget. Like Representative Wheeler said, some of us were on one side and some of us were on the other side. The art of compromising is that when we found out that certain monies were not going to be available to be worked on. Let me repeat what I said in my speech the other night. There is no ongoing surplus from year to year. 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 for it and to provide a healthy infrastructure that is fair and sustainable, revenue is needed. A sustainable revenue for the Highway Fund is called a gas tax. We have compromised and we went from 0 cents, 5 cents to 2 cents, 311 to now and it is 3 cents, plus a \$2 fee on the registration of your autos. I reluctantly agreed to this because I am one of the ones that \$2 fee, as I explained before, my wife has a car that drives less than 2,000 miles a year. I have a car I drive 15,000 to 18,000 miles a year. I am going to spend the same \$2 to register my car. My wife is going to spend the same \$2 that I am, but she is driving one-tenth what I am driving. Nevertheless, it is a compromise. It is a good compromise. This is definitely a good bill. Taking monies from the Rainy Day Fund or from surpluses that we are not sure is going to be there in the future years. To me, it doesn't solve the problem. The problem is the Highway Fund is paid by the users of the highways. That is the gas tax. Now we are asking you to help us out here to get out of this to be able to vote for it in the next biennium and hopefully with the other part of the bill that says we are going to have a study to find out if there is a better way of financing the Highway Fund that is going to come up next year. If there is, we will do it. For now, this is where we are. To me, we need your help and we have done our job with the compromise and I would like you to support this unanimous report this evening. Thank you.

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

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. I think my good friend from Gardiner hit the nail right on the head when he talked about the roads going through every district in this state, every Representative's district, and how important it is to maintain those roads. I think this is really a safety issue as well as many others. I will focus strictly on the safety issue. There probably isn't any other district in the state that has more bridges going through the district as one or two of them in the City of Portland, maybe Bangor does. Every time I drive over those bridges you see the decay there and I look at it and I wonder and recall many years ago where one of our interstate bridges in Connecticut collapsed. Many people were killed. I don't kid myself. I think it is very possible even with the very good work that M-DOT does on a day-to-day basis

to maintain those bridges the way they need to be. We put an awful lot of revenue into it. It costs money. There is no question about it. I, like you, didn't come up here to Augusta to raise taxes. Once you are here and you hear the arguments often times reality sets in. Certainly this proposal is a user fee. I agree that it is an appropriate fee and one that people coming into the state, tourists, should help us subsidize our roads. It is done in every other state or at least most states throughout this country. I think it is appropriate that we do the same thing, let the users help pay for the maintenance, the resurfacing and all of the things that are very appropriate, Mr. Speaker, to maintaining a good adequate road system here in the State of Maine.

I know having served at the local level how irate people are when they break a wheel or lose a hubcap in a pothole in the city. You all have the same complaints. You all have heard them and it isn't going to get fixed unless you have the road assistance program adequately funded so that each and every one of our communities and with the assistance of M-DOT are able to maintain their system that we really need maintained. It is easy to say no to everything that costs money, but there are good legitimate reasons to ask the public here in the State of Maine to adequately fund a program. When you ask them and you explain why you are doing it, they say they don't like it, but we understand and we will do our part. I hope we will do our part. I hope that we will pass this amendment as it came out from the Transportation Committee. Thank you Mr. Speaker.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. Do we have no shame? What are we trying to accomplish? Ever since January 1st, I have heard the gentleman on the second floor going around the state speaking about a 5 cent gas tax. It has been no secret. We had a surplus. Where was the opportunities to use some of that surplus? No, we wait until the eleventh hour and we are forced into. I am not going to be painted into a corner. I am going to think of my people. This body taxed my people on their social security. They are very angry about it. Now I am going to go back to them and say we knew this in January, but we took it out of the budget when we had all kinds of money. We spent that money on new programs when we knew your roads were bad. We knew it in January. Folks, we have no shame. No, I am going to vote red. I want the people who made these decisions to come back to the table and treat my constituents fairly. That is why I am angry. I am very angry. That is why I am going to vote against this. Thank you.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative **PINKHAM**: Mr. Speaker, Men and Women of the House. I rise today to ask you to vote against the pending motion. I know that most of you probably have made up your mind how you are going to vote. I am not a lobbyist or a commissioner so I don't expect to change many minds. The general public at this time doesn't have much respect for politicians. I am sure they are not going to have anymore respect for us when they find out we, this week, have given

ourselves two raises and passed tax increases twice on the general public or are about to, maybe, by raising the gas tax by 15 percent and the registration by approximately 10 percent. I would say we have voted in raises at 3 percent and 50 percent on ourselves. I don't think that is going to make them have that much more respect for us. You hear the people here in the Legislature say it is a very difficult decision to make to propose this gas tax. I can't buy that because this deal, I think, was done early on when the Appropriations Committee refused to even think about funding local roads with the \$290 million surplus. If they didn't do that, where did they think this money was coming from? A gas tax. They had committed to the gas tax increase early on, if not, why wouldn't they have put it in the regular budget with the \$290 million surplus. People here were threatened with losing ongoing projects in their district if they didn't vote for the gas tax. To me, that is blackmail. If you agree to the blackmail that was handed out around here, that puts you on the same level as people making the threats. Let's face it, we here in the Legislature have been hoodwinked, but even sadder than that, the general public has been let down and fleeced by the slick and slippery political system here in Augusta.

I would like to answer where somebody has mentioned a while ago that the automobile plates were the only thing that was being affected by this \$2 fee. I would like to read the list of plates that this does affect. It affects environmental plates, University of Maine System plates, antique automobile plates, temporary registration plates, regular motor vehicle plates, commercial motor vehicle plates, farm trucks, motor homes, truck campers, trailers, semi-trailers, special mobile equipment, motorcycles, parking control vehicles, stock cars, emergency vehicles, firefighter registration plates, specialty equipment plates, disability plates, special veterans registration plates and other veterans vanity plates. That is what is included in the \$2 fee. Thank you.

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. Being a former town councilor, I may look at budgets differently than the rest of you. As I understand it, the Chief Executive has already signed our General Fund Budget. That leaves us with the Highway Fund Budget and to be quite frank with you, the Windham Town Budget has already been settled. We have allocated the money we are going to spend on our highways in Windham regardless of whether we get any aide from the state or not. I have just run some figures and I am sure you are not very interested in them, but I am going to run them by you anyway comparing the 5 cent tax, which was the original proposal using the average of 500 gallons a year that the average person would use. The tax would be \$25. For the 311 tax, the tax on that same number of gallons would be \$15 for the first year and \$20 for the second year and \$25 for the third year. Under the 3 cent plus the \$2 fee, it would be \$17 for each year. If, in fact, we do not pass a Highway Fund Budget and the Town of Windham does not receive their local aide, the mil rate in Windham will go up by 25 cents on a 1,000. On a \$100,000 house that means between a \$25 and a \$30 increase in the local taxes. Call it \$27 as average. I can explain this to the people of Windham. Would you rather pay \$17 in taxes on your gasoline and your registration or would you rather have your local taxes increase by \$27? I think that most of the people in Windham could see that there is a savings of \$10 by having the tax here in Augusta. If you want to give us a tax break on real estate taxes,

you would vote for the 3 percent, plus a 2 percent surcharge. Thank you very much.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. Just a word to say that I am in no way impugning the Department of Transportation and their efforts to improve the infrastructure in the State of Maine. I am in no way impugning the Transportation Committee in their efforts to bring about a solution to this problem. What I am concerned about and very upset about is the means by which we are going to do this program. I think that is the thing that has held us hostage and that is why I cannot in good conscience support this budget. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. Whatever the bill that I might look at, I try to reduce it to really what the main subject is. As far as I am concerned, I believe you people would do well to look at it from the standpoint that we are not subjecting employees of the DOT to no money. I would pay my respect to the members of the DOT. I believe they are very well represented out around the State of Maine wherever I see them in the heat in the summer and the cold in the winter. We do not want to deny funding. We are only talking about the source of the funding. I can't explain to anyone that questions another tax. I can't explain that there is only one source. I believe there are other sources. I am sure that there are people here in the House that would come up with a source to replace the tax.

On the matter of who is going to pay for this and the benefit, I have heard the word used "user tax." As the rain falls on the earth, the people in the State of Maine, everyone will feel the effects of a tax, because, as I understand it, about 90 percent of our goods and services come in over the road. I am sure that this will be passed along to all of the citizens of Maine regardless of if they register an automobile or not. This will affect all of the citizens. I would strongly recommend that some clear heads will prevail and to take nothing away from the committee, I know that they have spent a great deal of time trying to come up with a plan. I would ask that cool heads would prevail and that we would really try to ward off or fend off with the citizens of Maine with another tax. 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. I just want to remind everybody that all these meetings that we did have when we were discussing this budget were all open to the public and to the membership. We would have welcomed anybody that had any ideas on how to fund this. Unfortunately no one came forward. At this stage of the game, if there is a better solution, it would have been nice if we had seen it before. May I pose a question? To anybody who may care to answer, if this fails, how are we going to fund the Highway Fund?

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

Representative TRAHAN: Mr. Speaker, Members of the House. How are we going to fund this if this fails? Discipline, simple discipline. We should have it in the beginning of the sessions, but we didn't. Now we are asking the taxpayers to

absorb our lack of discipline, plain and simple. How can any of us who promised when we were campaigning not to raise taxes, we even signed pledges, some of us? Some of us told people when we were campaigning, made promises. Were they hollow promises? I think this is really the moment of truth for us as a Legislature. We have to choose between the people and discipline. If this amendment passes, I will offer up a way to fund it. I don't support the pending motion, but if the pending motion succeeds, I will offer up a solution. You will have another opportunity to have discipline. Thank you.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I am one of the 19 referred to in an earlier speech. I did refuse to increase the size, the cost and the scope of this state government. I am also one of 27 on another list. Like 27 others in this body, you know who you are, I do as well, I signed a taxpayers protection pledge promising the citizens of Maine I would not raise taxes. To some that might have been just a piece of paper to sign. To some it might have been a good political move. To me, it means I gave my word. I plan to keep my word today. I can't maintain the integrity of my word if I say one thing and I do another. Twenty-seven members of this body and seven members of the other body gave their word. I hope that at least 27 members of this body and 7 members of the other body will keep their word today against the pending motion. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. I stand here today and I have put a lot of thought as has each and every one of you. This has been a real test. With that thought I have looked past in the last three years when I first was elected. I started going to Transportation meetings. At that time I heard the people at these meetings proposing a tax, a gas tax. At these meetings I told people there and I was very vocal about it that I could never ever support an increase of our tax, a gas tax, until the day that we become more responsible. I had a constituent call me the other day. He asked me what is happening up there with that huge surplus? Why didn't you take care of that right off the bat? Why did you wait until the end of session to take care of such an important matter? He said that when he has to set aside money to fill my gas tank, I have to budget that. I can't go and raise taxes. When I have to buy groceries, I have to budget that. When I have to pay my electric bill, that has to go in my budget. I was told that you don't pay for transportation costs in the budget. Ladies and gentlemen, when you run your household isn't that what is in your budget? I believe that we have to start looking at this as an item to put in our budget. State government should be taking care of our roads, education and providing safety for our people. What do we do? We look at everything else but that until June 4th. I cannot support this gas tax because we have not done our jobs. Thank you.

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

Representative **GERRY**: Mr. Speaker, Men and Women of the House. I, too, cannot support this pending motion. I cannot support a gas tax. We are not just taxing regular gasoline. We are doing diesel fuel as well. We are doing other things. What we are doing is in a round about way not just hitting people for a user fee, regular citizens that might have a car that might

register. We are adding a round about tax or a higher cost to people through the trucking industry or anything that touches this product. What I am afraid is by raising this tax, the costs of goods and services are going to go up. Our people are going to pay more. I think it is our responsibility to figure out how we are going to pay this without raising taxes. As has been stated time and time again, Maine is one of the highest taxed states. It is true we have done some tax relief in this years budget and in this session, but I believe we do more. I am going to vote against this motion.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I just have a couple of words I want to share. One of the things that has bothered me in the process is so many people tell me that we have no choice. We are wringing hands and kind of helpless because we have gone so far into this process that this is the only choice. I just want to remind those few that might still think that we still have a lot of power when we reach for these buttons. We don't have to have all of the solutions. If you trust what your inner voices are saying and you face the prospect of trying to explain on the one hand we had \$290 million surplus and tried to see how that plays out and explain that to your people back home that we are raising that tax. When you reach for those buttons you have a choice. You have a lot of power. You can just say no. Thank you.

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

ROLL CALL NO. 376

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Gagnon, Gillis, Green, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Campbell, Carr, Chick, Chizmar, Clark, Clough, Duncan, Gagne, Gerry, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jones, Joy, Kasprzak, Lemont, Lovett, MacDougall, Mack, Martin, Marvin, Matthews, McAlevey, McKenney, Mendros, Nass, Nutting, Peavey, Perkins, Pinkham, Richardson E, Richardson J, Schneider, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Fuller, Muse, Perry, Plowman, Samson, True.

Yes, 96; No, 49; Absent, 6; Excused, 0.

96 having voted in the affirmative and 49 voted in the negative, with 6 being absent, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "C" (H-752)** was **READ** by the Clerk.

Representative JABAR of Waterville **PRESENTED House Amendment "B" (H-755) to Committee Amendment "C" (H-752)**, which was **READ** by the Clerk.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. This is truly a technical amendment. In the rush of events the last few days we printed a bill, which made some mistakes in the reference to section numbers in the statute. This amendment merely clarifies the section numbers and makes sure that nobody gets charged a \$2 fee twice. This is a technical amendment and does not change the nature of the bill. Thank you.

House Amendment "B" (H-755) to Committee Amendment "C" (H-752) was ADOPTED.

Representative **TRAHAN** of Waldoboro **PRESENTED House Amendment "A" (H-754) to Committee Amendment "C" (H-752)**, which was **READ** by the Clerk.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I am back again with my same amendment. I am giving you an opportunity to get out of this box that we all have been painted into. This wasn't our idea from the beginning, at least not some of us. I am giving you an opportunity right now to go back into the budget, cut it 1 percent across the board, not increase taxes and get your money for the next two years. That buys us two years to buy a better way to fund this budget. In my opinion it doesn't harm one department over another. It is very fair. It goes right across the board. It doesn't cut any programs. It doesn't eliminate any personnel. It just says to every department out there to cut your budgets a little bit. The amount of the two-year budget is \$4.6 billion, actually it is over that. This is \$48 million in a \$4.6 billion budget. If we can't find some waste somewhere in that \$4.6 billion, then something is wrong. This is a responsible thing to do. I got 45 votes on the first one. There is a lot of people in this room who want a way out of this box. I am offering it to you now. Thank you.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you not to support this amendment. First of all on the merits of this amendment, 1 percent of GPA is \$12 million. You all know how hard it was in fighting for that last \$12 million that the Appropriations Committee fought with the Executive to put in and now in one fell swoop we are going to take those last few million and then some, \$12 million. Beyond that, I ask you to reject this amendment because as I indicated in my speech earlier, this report, which was a unanimous report, is a very fragile compromise. As you can obviously see there were people unhappy on both ends and to now try to come up with other solutions is only going to unravel the agreement. We will be right back where we started from two days ago and I don't think we want to go back there. If some of you have good ideas as how to fund this, then I invite you to come to our committee next year. We are going to be studying part of the bill we just passed. The report that you just passed has a section in there where the Department of Transportation, the financial offices that report to us in January some alternatives to funding the Highway Fund. If you have some alternatives, believe me, the Transportation Committee would be very interested in hearing them when we hold hearings

on alternatives to funding the Highway Fund. I ask you to please reject this amendment and let us go on to Indefinitely Postpone. Mr. Speaker, I would move to Indefinitely Postpone this amendment.

Representative **JABAR** of Waterville moved that **House Amendment "A" (H-754) to Committee Amendment "C" (H-752) be INDEFINITELY POSTPONED.**

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-754) to Committee Amendment "C" (H-752).**

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 Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. In deference to my good friend from Waldoboro, Representative Trahan, I was one of those who supported him on his first time. I was one of those 45. If I thought this had a chance of passing and we could do it, I would say support it. I am positive that it doesn't have the chance. If he can give me any assurance that he has talked to people downstairs and people in the other body and this is going to work, then possibly I can support it. I urge you to support the Indefinite Postponement. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I usually don't try to read the future. How can you know if something is going to succeed unless you try? There is always hope. Just like for all the people at home there is always hope that our Legislature will get better and improve and that bridge of trust will grow between the two bodies, the people and their Legislature. I am not out there to save the World. I am just out there to reduce this budget by 1 percent. I remind you that 30 percent of the budget is GPA, \$12 million. That is over a billion dollars for GPA. Twelve million dollars off that budget is not a very big piece. It is fair to everyone. When you cut, I was told down in the Revisor's Office when I brought this forward, you can't cut one budget without another feeling slighted. It had to be fair across the board. Sometimes it is tough to make decisions like this, but that is our job. What we are doing with this gas tax increase is saying to the people we can't work within our budget so we want you to give more. I say we pass this and let the Executive Officer decide if he can manage this or he can work with this. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-754) to Committee Amendment "C" (H-752). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 377

YEA - Ahearn, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Gagne, Gagnon, Gillis, Gooley, Hatch, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal,

O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Bragdon, Buck, Chick, Clough, Foster, Gerry, Glynn, Goodwin, Heidrich, Honey, Jones, Joy, Kasprzak, Lemont, Lovett, MacDougall, Mack, Marvin, McAlevey, McKenney, Mendros, Nass, Perkins, Pinkham, Plowman, Richardson E, Sherman, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Fuller, Muse, Perry, Samson, True.

Yes, 109; No, 37; Absent, 5; Excused, 0.

109 having voted in the affirmative and 37 voted in the negative, with 5 being absent, **House Amendment "A" (H-754) to Committee Amendment "C" (H-752) was INDEFINITELY POSTPONED.**

Representative **BUCK** of Yarmouth **PRESENTED House Amendment "D" (H-757) to Committee Amendment "C" (H-752)**, which was **READ** by the Clerk.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. The amendment that I am presenting to you today makes several significant changes to the bill. The most important of which is the manner in which we funded. Simply what I am doing here is suggesting that rather than increase taxes we fund this program for the next two years by taking the money out of the Rainy Day Fund. Some people will be surprised that of all the people in this House it would be me who would suggest taking money out of the Rainy Day Fund because that is normally reserved for emergency situations. It seems to me that if we have almost \$300 million available in over collection of taxes to spend this session, it is an emergency if we are going to ask the taxpayers of Maine to increase their taxes on gasoline by 5 cents. My amendment simply takes the money out of the Rainy Day Fund and then replenishes the Rainy Day Fund through surpluses that accumulate during the next two-year period in surpluses and lapsed balances. The idea being that the first priority of any of those surpluses or lapsed balances being the Rainy Day Fund before we in the Legislature get our hooks on it and attempt to spend it somewhere else. I think it is a reasonable proposal. It accomplishes the goals of the Department of Transportation in terms of funding the Highway Department and at the same time it saves the taxpayers of Maine from being overtaxed once again.

Representative **LINDAHL** of Northport moved that **House Amendment "D" (H-757) to Committee Amendment "C" (H-752) be INDEFINITELY POSTPONED.**

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

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. The Transportation Committee met yesterday and we invited Jim Clair to come up. We thought about this. We had heard about the Rainy Day Fund possibly overflowing and that revenues had come in in the month of May and possibly June well in excess of what may be expected. We asked him for an explanation of this to see if there was some way we could get at this money. He explained it to us that we have already \$7 million or \$8 million out of the Rainy Day Fund and it is down to \$91

million. In the budget document already passed we increased the cap on that Rainy Day Fund to 6 percent. That puts it up to roughly \$125 million. That money has to be replaced with any surplus coming in before we can get at it. I don't believe that money is going to be there. I think we would be sadly lacking. Thank you.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-757) to Committee Amendment "C" (H-752).**

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I thank my good friend from Yarmouth, Representative Buck, for bringing us this opportunity to be responsible, fund our roads without raising taxes on the people of Maine. We clearly showed on the last vote where the Representative from Waldoboro put in an opportunity for us to fund these roads in a different way we clearly showed that we are not willing to make roads a priority. What we want is the Maine taxpayers to make it their priority. The Maine taxpayers have spoken and they don't want their taxes raised in the midst of a \$300 million surplus with another \$80 million sitting in a Rainy Day Fund and we are raising their taxes. Why are we building the roads? To increase the infrastructure which will help job growth and economic development, which will help our state. I will tell you the user fee is there, but now just drivers benefit from roads. Businesses benefit from roads. Good roads increase businesses productivity. There is nothing wrong with taking a little money and adding to it to fix these roads. If you don't believe me, ask anyone up in Bangor, Maine, who may have owned a business up on Route 2 what happened to their business when 95 went in. If they still have their business on Route 2, it certainly suffered. At the same time any businesses that went in around 95 improved and benefited. Roads benefit the businesses even if the person never leaves there to drive around. Roads benefit our economy. Roads benefit the State of Maine. There is nothing wrong with taking a little money and adding to the fund when we have a surplus. 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 would like to respond to the Representative from Winterport, Northport, wherever, somewhere down on the coast, and his concern about where these revenues are coming from. In the last five or six years the General Fund has seen excess revenues ranging anywhere from \$6 million last year to \$125 million in addition to that lapsed balances in '97 were almost \$8 million and in '98 they were \$13 million. It is estimated that the surplus this year will be somewhere between \$55 million and \$60 million. I think that is a pretty good indication that the funds will be there. The other concern he had was about filling up the Rainy Day Fund. Under the proposal that I have given you, the Rainy Day Fund has first priority on all excess revenues. Thank you.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I will be voting to Indefinitely Postpone this amendment. I would like to clarify that the Rainy Day Fund is at

its cap currently. We have lifted that cap. We can't expect it to replenish. Furthermore, nowhere in statute does it say that one of the appropriate uses of the Rainy Day Fund is failure to do the right thing. Finally, I need to point out that lapsed balances are already spoken for in this budget. Also, one of the items that stand to gain from the lapsed balances in the Part II Budget of the General Fund is the Highway Fund. The intent is to use that money to pay down the debt of the Highway Fund. Thank you.

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

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

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

Representative **MC ALEVEY**: Mr. Speaker, Men and Women of the House. Could anybody give me the number of what that balance forward might be from DOT on lapsed balances? I honestly don't know that number.

The SPEAKER PRO TEM: The Representative from Waterboro, Representative McAlevey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. To answer the question, because the balances have not yet lapsed no one can put a number on that. It is anticipated that they will be in the vicinity of \$2 million.

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

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

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. If the good member could tell the body and me how many times the Rainy Day Fund has been used for statutory purposes?

I, of course, know that answer and that was when we repaired the armory in Norway, one time.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-757) to Committee Amendment "C" (H-752). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 378

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Gagne, Gagnon, Gillis, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clough, Foster, Gerry, Glynn,

Goodwin, Gooley, Heidrich, Honey, Jones, Joy, Kasprzak, Lemont, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Nass, Nutting, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rines, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Fuller, Muse, Perry, Samson, True.

Yes, 93; No, 53; Absent, 5; Excused, 0.

93 having voted in the affirmative and 53 voted in the negative, with 5 being absent, **House Amendment "D" (H-757) to Committee Amendment "C" (H-752) was INDEFINITELY POSTPONED.**

Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755) thereto was ADOPTED.

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

Representative GLYNN of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED 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 Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 379

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gillis, Green, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Campbell, Carr, Chick, Chizmar, Clark, Clough, Gerry, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jones, Joy, Kasprzak, Lemont, Lovett, MacDougall, Mack, Martin, Marvin, McAlevey, McKenney, Mendros, Nass, Nutting, Peavey, Perkins, Pinkham, Plowman, Richardson E, Schneider, Sherman, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Fuller, Muse, Perry, Samson, True.

Yes, 99; No, 47; Absent, 5; Excused, 0.

99 having voted in the affirmative and 47 voted in the negative, with 5 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755) thereto 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.

ENACTORS

Emergency Measure

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

(H.P. 374) (L.D. 499)
(S. "A" S-391)

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. 133 voted in favor of the same and 10 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State

(H.P. 587) (L.D. 827)
(S. "A" S-392 to C. "A" H-156)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Study the Changes in Lobster Morbidity and Mortality

(S.P. 501) (L.D. 1502)
(S. "A" S-395)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 19 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Provide for the Implementation of a Maine Meat Inspection Program

(S.P. 780) (L.D. 2190)
(S. "A" S-388 to C. "A" S-274)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws

(H.P. 1077) (L.D. 1524)
(S. "B" S-385)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 3 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education

(H.P. 291) (L.D. 399)
(C. "A" H-26; S. "A" S-400)

An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act

(H.P. 316) (L.D. 432)
(S. "A" S-390 to C. "A" H-464)

An Act to Fund Public School Alliances

(H.P. 474) (L.D. 681)
(C. "A" H-95; S. "A" S-402)

An Act to Encourage Economic Development in the State

(S.P. 315) (L.D. 949)
(S. "A" S-411 to C. "A" S-309)

An Act to Extend the Maine Residents Property Tax Program to Persons Living in Subsidized Housing Who Receive Certain Disability Payments

(H.P. 811) (L.D. 1134)
(S. "A" S-403 to C. "A" H-219)

An Act to Provide Funding for the Education Research Institute

(H.P. 820) (L.D. 1143)
(S. "A" S-404 to C. "A" H-174)

An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study

(S.P. 430) (L.D. 1267)
(S. "A" S-394 to C. "A" S-212)

An Act to Enhance Tourism Promotion and Provide Additional State Revenue

(H.P. 914) (L.D. 1292)
(S. "A" S-406)

An Act to Renew Maine's Economy

(S.P. 569) (L.D. 1636)
(S. "A" S-408 to C. "A" S-190)

An Act to Amend the Law Governing the Confidentiality of Health Care Information

(H.P. 1156) (L.D. 1653)
(S. "A" S-382 and S. "B" S-383 to C. "C" H-705)

An Act to Ensure that Displaced Workers Have Access to Appropriate Job Training, Education and Employment Services through a Peer Support Program

(S.P. 594) (L.D. 1718)
(S. "A" S-413 to C. "A" S-242)

An Act to Appropriate Funds for Marketing to Promote Economic Development

(S.P. 664) (L.D. 1886)
(S. "A" S-409 to C. "A" S-120)

An Act to Establish the Maine Dental Education Loan Program

(H.P. 1367) (L.D. 1965)

(S. "A" S-324 to H. "A" H-581 and S. "A" S-410 to C. "A" H-406)

An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report

(H.P. 1471) (L.D. 2111)

(S. "A" S-398 to C. "A" H-294)

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.

Resolves

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

(H.P. 447) (L.D. 610)

(S. "A" S-401 to C. "A" H-208)

Resolve, to Require the Development of a Basic Needs Budget

(H.P. 1258) (L.D. 1812)

(S. "A" S-397 to C. "A" H-450)

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

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

(S.P. 69) (L.D. 172)

(S. "A" S-389 to C. "A" S-144)

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

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

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

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This bill was not particularly my highest priority. Nevertheless, I want to let you know that it was not funded from the General Fund at the table. It was funded by a combination of savings, contribution from the Maine State Museum and lapsed balances from the Chief Executive's Office.

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative TUTTLE of Sanford to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned.

REPORTS OF COMMITTEE Ought to Pass As Amended

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

(S.P. 72) (L.D. 175)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-18)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and Accompanying Papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

The same Representative **WITHDREW** his motion to **ADHERE**.

Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-18)** 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-18)** in **NON-CONCURRENCE** and sent for concurrence.

ORDERS

On motion of Representative PERKINS of Penobscot, the following Joint Order: (H.P. 1606)

ORDERED, the Senate concurring, that Bill, "An Act to Allow Three Hunters to Hunt Deer Together," H.P. 704, L.D. 971, and all its accompanying papers, be recalled from the Governor's Desk to the House.

READ.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. You all recognize this bill, I am sure. The bill needs a little reworking. The Chief Executive had some concerns about the language. The committee met at 4:30 today and agreed to this proposal to pull it off the desk. We are going to carry it over and rework it in January. Thank you.

PASSED.

Sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act to Establish the Endowment Incentive Fund

(H.P. 77) (L.D. 90)

PASSED TO BE ENACTED in the House on March 23, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47)** and **SENATE AMENDMENT "A" (S-399)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit

(H.P. 90) (L.D. 103)

PASSED TO BE ENACTED in the House on April 13, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)** AS **AMENDED BY SENATE AMENDMENT "A" (S-421)** thereto in **NON-CONCURRENCE**.

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

On motion of Representative MURPHY of Kennebunk, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. As we have gone through the process since January many times we have thought as we send legislation down to the Appropriations Committee it will either be a yes or a no. The bill will be accepted or it will be rejected. I think many of us aren't aware that sometimes there is a slimming down process or a shoehorn process that occurs where in some cases because of desperation to get a bill funded or enacted that it loses its original intent. This bill, which had the support of many people on the committee in both chambers is the victim of almost a crash course at weight watchers supplemented by 12 cans a day of Slim Fast. What we have left before us is a bill that provides to 38,000 people a check for \$6 each. We now have before us a program that has overhead costs of 30 percent. I think part of the concern that we have going into the closing days of this session and we saw it reflected in the more recent debate on the gas tax is concerns about spending levels, new programs, expanded spending, spending well beyond the \$3.5 million that was available on the table. We have talked about structural gaps. What are the costs in this biennium? We have seen a scaled down program here, one of many. As we get out beyond the biennium, what will be the mushrooming or the exploding costs? I think this bill is representative of this. It started out with the sponsor, the commission, with very good intentions. It has now become almost meaningless with \$6 checks and 30 percent overhead. Mr. Speaker, I would request a roll call on the motion.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative POVICH: Mr. Speaker, Men and Women of the House. I appreciate the comments of Representative Murphy. This bill was a product of four years of work from the Commission to Study Poverty Among Working Parents. It is a direct income tax credit of 238,141 individuals. It is not 38,141 checks. The Representative from Kittery and I worked long and hard on this bill. We went to the Taxation Committee. I want to thank the good Representative from Kittery for his ability to help this bill or draft this bill into an income tax credit, which is not a check, which is not an overhead, which is simply a line on the income tax form, which says if you receive the Federal Earned Income Tax Credit, take a percentage of that credit and reduce your taxes. These are to working parents who need the money the most. This is a delicious program. This is a program that works for 38,000 people. The more money you earn, the less credit you get. It helps small made businesses because it allows small made businesses to compete with the large businesses that can afford to pay higher wages. If you take the Federal Earned Income Tax Credit and combine it with the State Earned Income Tax Credit, it means an additional \$2.50 an hour to working parent's paychecks. Yes, I wanted this to be funded at 5 percent. The realities of the tax of the Appropriations Table, it was competing. I am not satisfied with it, but I am satisfied that it is a beginning. It does not have 30 percent overhead costs. It shouldn't have any costs because all it is is you have filed for the

Earned Income Tax Credit on your federal tax return, it is there, you did that work and you simply transpose a half percent to the State of Maine 1040. That is it. They are talking about positions. No. The Appropriations Committee agreed with me that positions aren't part of this. There is no justification for a position. I urge you to support the Recede and Concur motion and start this program, which will benefit 38,000 of your taxpayers. Thank you very much.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I don't disagree that this is a good program. This is a great idea. I wish we could have funded it in this biennium, but we didn't. We took the easy way out. We said we only have \$29,000, how can we spend it? We pushed the starting date of an earned income tax credit to January 1, 2001. It doesn't even affect this biennium. We could at least have been a little more creative and said December 31, 2000, so that the people in the year 2000 could have taken the Earned Income Credit. We moved into the next biennium. That is not good fiscal policy because we don't know what the expanding costs are going to be further down the road. This is not good tax policy. We should have funded it at 5 percent if it was a good idea. We should have started it right away. Thank you.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. What you have heard is true. The bill will start at the very end of this biennium. It will not take affect until next time. Nevertheless, the next Legislature will have the opportunity to decide whether this program is worthy of funding and how it stands up against other tax exemptions or other expenditures. I think that is a legitimate decision and one that I am comfortable with. Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. As a cosponsor of this bill I would like to urge you to defeat the motion to Recede and Concur. I will be glad to come and testify in the 120th Legislature as a private citizen in support of this bill. It should be brought back then and compete with bills then. I have heard of a kiss and a promise, but this is a promise of a kiss. I think we should be getting on to taking care of what we are supposed to take care of in the two years that we are entrusted to and leave it to the 120th to take care of the next biennium. Thank you.

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

ROLL CALL NO. 380

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, Lemoine, Lemont, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Williams, Mr. Speaker.

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

ABSENT - Bolduc, Clark, Fuller, LaVerdiere, Muse, Perry, Samson, True.

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

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

An Act to Improve Access to Electronic Filing for Businesses
(S.P. 77) (L.D. 180)

PASSED TO BE ENACTED in the House on May 28, 1999.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-337)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-337) AS AMENDED BY SENATE AMENDMENT "B" (S-422)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached
(H.P. 189) (L.D. 267)

PASSED TO BE ENACTED in the House on May 25, 1999.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY HOUSE AMENDMENT "A" (H-670)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY HOUSE AMENDMENT "A" (H-670)** and **SENATE AMENDMENT "A" (S-431)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Increase the Availability of Prescription Drugs for the State's Elderly
(H.P. 228) (L.D. 332)

PASSED TO BE ENACTED in the House on May 25, 1999.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657) AS**

AMENDED BY SENATE AMENDMENT "A" (S-432) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence
(H.P. 381) (L.D. 512)

PASSED TO BE ENACTED in the House on May 14, 1999.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451) AS AMENDED BY SENATE AMENDMENT "A" (S-427)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)
(H.P. 460) (L.D. 623)

FINALLY PASSED in the House on May 10, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334) AS AMENDED BY SENATE AMENDMENT "A" (S-428)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Increase Payments to Foster Parents
(H.P. 871) (L.D. 1228)

PASSED TO BE ENACTED in the House on April 13, 1999.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131) AS AMENDED BY SENATE AMENDMENT "A" (S-393)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Concerning Corrections Employees
(S.P. 455) (L.D. 1330)

PASSED TO BE ENACTED in the House on May 25, 1999.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-307)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-307) AS AMENDED BY SENATE AMENDMENT "A" (S-423)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Establish the Northern Maine Transmission Corporation

(H.P. 1034) (L.D. 1456)

PASSED TO BE ENACTED in the House on May 25, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-617)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A"** (H-617) **AS AMENDED BY SENATE AMENDMENT "A"** (S-424) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State

(S.P. 693) (L.D. 1939)

PASSED TO BE ENACTED in the House on May 12, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-206)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-206) **AS AMENDED BY SENATE AMENDMENT "A"** (S-420) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program

(S.P. 518) (L.D. 1552)

PASSED TO BE ENACTED in the House on May 25, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-142)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-142) **AS AMENDED BY SENATE AMENDMENT "A"** (S-396) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Promote Participation in the Maine Residents Property Tax Program

(H.P. 1527) (L.D. 2180)

PASSED TO BE ENACTED in the House on May 25, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-648)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-648) **AS AMENDED BY SENATE AMENDMENT "A"** (S-425) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Promote Research and Development Activities in Maine (CONFIRMATION PROCESS)

(H.P. 1598) (L.D. 2243)

PASSED TO BE ENACTED in the House on May 27, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A"** (S-429) in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend the Nutrient Management Laws (EMERGENCY)

(S.P. 846) (L.D. 2246)

PASSED TO BE ENACTED in the House on May 28, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A"** (S-430) in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Promote Equity Among Health Care Clinics

(S.P. 532) (L.D. 1594)

PASSED TO BE ENACTED in the House on May 26, 1999.

(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-347)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

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

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

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

(S.P. 69) (L.D. 172)

(S. "A" S-389 to C. "A" S-144)

Which was **TABLED** by Representative SAXL of Portland pending the motion of Representative TUTTLE of Sanford to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. After having reviewed the bill, I originally thought the money had been General Fund, but it is a contingency account. After talking with the good Representative from Bath, Representative Mayo, I am withdrawing my motion to Indefinitely Postpone. Thank you.

The Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

ENACTORS

Acts

An Act to Establish the Endowment Incentive Fund
(H.P. 77) (L.D. 90)
(C. "A" H-47; S. "A" S-399)

An Act to Improve Access to Electronic Filing for Businesses
(S.P. 77) (L.D. 180)
(S. "B" S-422 to C. "A" S-337)

An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached
(H.P. 189) (L.D. 267)
(H. "A" H-670 and S. "A" S-431 to C. "A" H-652)

An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence
(H.P. 381) (L.D. 512)
(S. "A" S-427 to C. "A" H-451)

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 Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit
(H.P. 90) (L.D. 103)
(S. "A" S-421 to C. "A" H-119)

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

On motion of Representative MURPHY of Kennebunk, was **SET ASIDE**.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. In an earlier discussion we had on this bill we had talked about fiscal policy. We had talked about what was sound policy. What begins to happen is if you can't afford to fund the bill, then take the date out beyond the biennium or set it so late in the biennium that there is no cost. During that discussion or debate we heard that a future Legislature will make the decision in terms of funding this proposal. While it started out as a very good bill, it isn't good fiscal policy. Mr. Speaker, I request a roll call.

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

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

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

Representative POVICH: Mr. Speaker, Men and Women of the House. I really didn't want to talk about this bill anymore than we have. We have had public hearings. We had a unanimous report out of Taxation. I would have preferred greater funding for this bill, but it did not happen. I learned a lot in this process that I made errors. I should have moved sooner than to have waited for the Appropriations table. I would not wait as long next time. This came out of the Poverty Commission in 1995, Chapter 418. It established the commission to study poverty among working parents and investigate the extent of which poverty exists among working families. How poverty among working families, under-employed parents contributes to the need for greater public assistance.

This bill being proposed, the State Earned Income Tax Credit, had its inception in the Nixon Administration. It was finally passed in 1975 during the Ford Administration. The Federal Earned Income Tax Credit has enjoyed widespread support based upon faith in its ability to succeed where expanded welfare spending has not. After growing from 1.3 billion in 1975 to 2.1. It is now a \$20 billion program that has wide bipartisan support in the Congress. The Earned Income Tax Credit was originally intended to subsidize the earnings of low-income working parents to alleviate the burden imposed upon by social security taxes and to serve as an incentive for work. Since 1975, the Federal Earned Income Tax Credit has provided assistance for low-income working families. As I told you, it has enjoyed wide bipartisan support. It had a unanimous support on Taxation. It passed this body and the other body. President Reagan called the Federal Income Tax Credit the best anti-poverty, pro-family, job creation bill to come out of Congress. What this bill does it keeps people working. What is particularly delicious about this bill is while people are working, they are contributing to the Social Security Trust Fund. They are not drawing on this fund. They are not drawing on unemployment. What this bill proposes to do is to bring a State Earned Income Tax Credit to Maine as simply a percentage of the federal. A number of people in this body I am sure have enjoyed the Federal Earned Income Tax Credit over the years. It means up to \$3,700 for some families. That is \$2 an hour in additional income. Sure, I would have preferred to have a 10 percent Earned Income Tax Credit. In fact, one of the last comments I heard expressed after I made my remarks, which I am pretty much telling you right now, are some of the remarks I gave to the Taxation Committee.

The good Representative from Yarmouth told me unequivocally this is a great bill. I am sorry we can only fund it at 5 percent. I would prefer to fund this at 10 percent. I didn't have any control the other night at 3:15 a.m. when this bill finally got approval from the Appropriations Committee. It came off the table. I was disappointed that it didn't get the level of funding. No, it isn't an extra check. It is a line on the tax return. Sure it means \$15. It is a start. There is a commitment out there. Yes, I would like to bring it back and say it ought to have a \$1.7 million funding so that 38,141 taxpayers, Maine's working parents at the lowest level can get \$85. Some might get up to \$180. It is a start. It helps. It helps small businesses because all of a sudden my workers that I can't afford to pay the best wages to, I do the best I can, I provide medical insurance, I provide dental insurance and I provide the best possible wage. You know, I need to stay in business. I do the best I can, but I can't compete with MBNA. I still need to have my store open so that you folks can come by sometime this summer and enjoy a cold one, Pepsi. I will be open to serve you. My workers will be able to draw on these good programs and stay working in my store. They won't all migrate to MBNA.

The Earned Income Tax Credit is good tax policy. It rewards Maine's working parents. Unlike the increase in the minimum wage, the Earned Income Tax Credit does not impose a directed burden on Maine's small businesses. It is borne by the entire revenue structure. Here is a program that helps small business, helps Maine's working families and is widely embraced by both sides of the aisle. Unfortunately, it happens to be a little political football right now. I don't understand this process. It wasn't a problem when I presented it way back in January. It is LD 103, so we have been sitting on this for a long time. We have been

working on this for four years. Representative Lemont probably would have had his name on it, but I got to the Revisor a few hours before he did. Representative Lemont was extremely helpful with this bill. The original bill that I put forward was extremely complicated. Representative Lemont came up with the idea of having a non-refundable credit. You don't have to file an extra tax return. If you have a refund due, you are going to get a refund from the State Earned Income Tax Credit. If you have no refund due, we are not going to cut you a check. The infrastructure, the bureaucracy here, is manageable. Ladies and gentlemen of the House, LD 103 is a product that deserves your support. I thank you very much.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I agree with the previous speaker about the good features of this bill. If I was unconvinced, the quotes from Ronald Reagan would have just pushed me over the edge. We are not talking about the bill. We are talking about how we are going to pay for the bill. I had said earlier what happens is you lay something into the statutes, you don't fund it or you do it at the end of a biennium and then when the next Legislature comes around, mushroom explosion. The bill we are talking about, I agree with you on the bill. What I am talking about is the structural gap. We were told the next Legislature will have to decide if they want to fund it. Here is the price tag. In this biennium, it will be \$23,876. Outside this biennium, the next Legislature, \$306,519 in the first year. The second year it will be \$320,884. Bury it at the end of the year. Get the program started and no one will come back and check it and you are approaching \$700,000. It is a commitment on a future Legislature. I have no problems with the program, but this is a sneaky way in terms of fiscal policy. At 3:15 in the morning this was the wrong way to do it.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. Point number one, this is an income tax cut. Point number two, even though we don't like to do it in this business, we have changed start dates many times before. In fact, it was something I learned from my Republican colleagues, my friends across the aisle. For example, this year the sales tax cut, the date it would be effective. I have heard January, April and July dates all dealing with a fiscal note. I first thought it was a tax cap that was brought forward by my colleagues from across the aisle, not just months off, but years and legislative sessions off. So far off, in fact, that after an entire biennium we were still able to repeal it and it didn't go into affect until the next biennium. Is it the greatest policy in the World to put off? Maybe or maybe not, but if you want to support an income tax cut tonight, you have a chance to support my good friend from Ellsworth who is trying to do the right thing for the working people of the State of Maine. It is the right thing to keep people working. I hope that you will join me in supporting it.

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

Representative POVICH: Mr. Speaker, Ladies and Gentlemen of the House. I have nothing but respect for the good Representative from Kennebunk. I don't remember the numbers he quoted. I don't have the numbers in front of me. I know there was \$750,000 that it is going to cost the State of Maine. The original bill would have cost \$1.75 million. If it had been funded

at 10 percent, it would be \$3.5 million. I think that that cost is great because that money goes to the people of the State of Maine. As a business person in Ellsworth, I can do a better job with my tax money when it is in my pocket. I think we all agree, or that is what I am hearing, is let's send the money back to the people. I am not going to say anything than this. LD 103 takes that money and let's really load it on. If there is a way to get back to the original assessment, I don't know how to do that because I am not on Appropriations, let's do that and send that \$1.75 million back to the people tonight. That is where that money goes. It is an expensive bill. It costs the State of Maine a lot of money, but the money goes to us. It goes right in our pocket. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative MARTIN: Mr. Speaker, Members of the House. I would like to pose a question to the Representative from Kennebunk, Representative Murphy? I wasn't here the last two years so I would ask the Representative from Kennebunk, Representative Murphy, to tell me about the BETR Program and how that was funded and how much we have to recover and put in this year as a result of what the Legislature didn't do in the last two years on the BETR Program?

The SPEAKER: The Representative from Eagle Lake, Representative Martin 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, we had to respond because of an unfair tax and an unconstitutional restriction. I think the Legislature met that obligation.

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. 381

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Richard, Richardson J, Rines, Rosen, Sanborn, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Kasprzak, Kneeland, Lindahl, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Plowman, Quint, Richardson E, Savage C, Schneider, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Brooks, Joy, Lovett, Muse, Perry, Samson, True.

Yes, 89; No, 55; Absent, 7; Excused, 0.

89 having voted in the affirmative and 55 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Increase the Availability of Prescription Drugs for the State's Elderly

(H.P. 228) (L.D. 332)
(S. "A" S-432 to C. "A" H-657)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

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

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

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

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

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

Representative **MACK**: Mr. Speaker, Men and Women of the House. Last year we enacted a Prescription Drugs for the Elderly Program that set an eligibility limit and also had in it a 6 percent rebate part that said that 6 percent of all the drugs purchased under this program that 6 percent of the purchase price the pharmaceutical company would have to rebate that back to the state. My question is, does this bill still have the 6 percent rebate in it? Does it affect the eligibility level? Exactly what does this bill do?

The **SPEAKER**: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question, there is an amendment here (S-432), which replaced the original bill. The question is really mute at this point. All this does is it enables us to do something really good for the Prescription Drug Program. It allows people who undergo a life a change during the year not to have to wait until the following year to become eligible. For instance, let's say somebody becomes a widow in January, as the program stands now, they are ineligible for the program. If the husbands income is gone, it puts the woman below the income level and makes her eligible, but she can't get in until the following year. What this does is it orders the Bureau of Revenue Services and they have concurred and said they can do it. It promulgates rules that will allow the handful of people out there who are chopping their pills into quarters to get in on the program hopefully before they die at the end of the year.

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. 382

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier,

Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Joy, Lovett, Muse, Perry, Samson, Stevens, True.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, 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**.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

(H.P. 460) (L.D. 623)

(S. "A" S-428 to C. "A" H-334)

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

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

Acts

An Act to Increase Payments to Foster Parents

(H.P. 871) (L.D. 1228)

(S. "A" S-393 to C. "A" H-131)

An Act Concerning Corrections Employees

(S.P. 455) (L.D. 1330)

(S. "A" S-423 to C. "A" S-307)

An Act to Establish the Northern Maine Transmission Corporation

(H.P. 1034) (L.D. 1456)

(S. "A" S-424 to C. "A" H-617)

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.

Emergency Mandate

An Act to Amend the Nutrient Management Laws

(S.P. 846) (L.D. 2246)

(S. "A" S-430)

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

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

Acts

An Act to Ensure Adequate Nutrition Services for Maine's Elderly

(S.P. 518) (L.D. 1552)
(S. "A" S-396 to C. "B" S-142)

An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State

(S.P. 693) (L.D. 1939)
(S. "A" S-420 to C. "A" S-206)

An Act to Promote Participation in the Maine Residents Property Tax Program

(H.P. 1527) (L.D. 2180)
(S. "A" S-425 to C. "A" H-648)

An Act to Promote Research and Development Activities in Maine

(H.P. 1598) (L.D. 2243)
(S. "A" S-429)

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.

SENATE PAPERS

The following Joint Order: (S.P. 853)

ORDERED, the House concurring, that Bill, "An Act to Provide Fairness to Victims of Medical Malpractice," S.P. 450, L.D. 1325, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

COMMUNICATIONS

The Following Communication: (H.C. 221)

STATE OF MAINE

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

June 4, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1507 An Act to Limit Fishing Regulations for a Portion of the Big Machias River

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. Matthew Dunlap

House Chair

READ and **ORDERED PLACED ON FILE**.

ENACTORS

Emergency Measure

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine

(H.P. 1605) (L.D. 2252)

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. 136 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.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Quint who wishes to address the House on the record.

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I meant to have voted yea instead of nay on LD 381, which was the Earned Income Tax Credit.

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide State Funding for the Wells National Estuarine Research Reserve

(S.P. 68) (L.D. 171)

PASSED TO BE ENACTED in the House on May 11, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166)**)

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

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

Non-Concurrent Matter

An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

(S.P. 409) (L.D. 1198)

PASSED TO BE ENACTED in the House on April 26, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-405)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Ensure the Quality and Safety of Child Care

(H.P. 938) (L.D. 1315)

PASSED TO BE ENACTED in the House on April 14, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-435)** in **NON-CONCURRENCE**.

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

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

The following item was 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.

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part"

(H.P. 163) (L.D. 225)

- In House, House **ADHERED** to its former action whereby Report "A" (6) **OUGHT TO PASS** of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** on May 26, 1999.

- In Senate, Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-380)** in **NON-CONCURRENCE**.

TABLED - June 3, 1999 (Till Later Today) by Representative **HATCH** of Skowhegan.

PENDING - Motion of same Representative to **RECEDE** and **CONCUR**. (Division Requested)

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I will ask you to support the Recede and Concur motion. This amendment is prospective in nature. It is from the other body. This starts on January 1, 2000. This will protect our labor force in future years. I ask for your support and I thank the Speaker.

Representative **TREADWELL** of **Carmel** **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 383

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McAleve, McDonough, McGlocklin, McKee, Mitchell, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Joy, Lovett, Muse, Perry, Samson, True.

Yes, 76; No, 69; Absent, 6; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, with 6 being absent, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

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

ENACTORS

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount \$56,042,031 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports and State-owned Ferry Facilities; Development of Rail Corridors and Marine Infrastructure; and Replacement of Public Transportation Fleets Statewide

(S.P. 740) (L.D. 2089)

(C. "A" S-417)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 125 voted in favor of the same and 18 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

ENACTORS

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$26,420,000 for Maine's 7 Technical Colleges

(H.P. 451) (L.D. 614)

(C. "A" H-751)

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

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

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

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. For anybody who might know, does the salary for the full-time lobbyist for the Technical College come out of this or does it come from private funds? Does anybody know?

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. The lobbyist for the Technical Colleges is a salaried employee of the Technical College System. The bond issue is for tangible assets, buildings, renovations and improvements to laboratories and facilities. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have taken some positive steps in this Legislature in terms of opening up access to the Technical Colleges and reversing a neglect that has been there for too long. This technical bond not only should it get a strong vote out of both chambers this evening, it should get the same bipartisan support out and beyond this capitol as we did for research and

development. When legislators went home and they spoke to the positives of what our Technical Colleges do, it created a tremendous forward movement so that R & D is firmly established. When we overwhelmingly pass this, we need to prepare the voters for a resounding positive vote this November.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. As we prepare to vote for this bond issue, I would hope that you would all keep in mind that the Technical Colleges are truly putting education to work for Maine. I have a few statistics all of us should be aware of. Ninety-four percent of graduates are placed in jobs or continue onto baccalaureate programs. Ninety-six percent of employed graduates find jobs in Maine. Ninety-four percent of students are Maine residents. The Technical Colleges offer the lowest tuition in Maine. That is \$68 per credit hour. Enrollment has grown 45 percent since 1989. These assets are needed to accommodate the growth in students applying to the Technical Colleges and to provide the training for the jobs of the future of Maine. I would hope that you would vote for this bond. Thank you.

Representative McKENNEY of Cumberland REQUESTED a roll call on **PASSAGE TO BE ENACTED**.

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

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 384

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Mack.

ABSENT - Fisher, Jones, Joy, Lovett, Muse, Perry, Pieh, Samson, True.

Yes, 141; No, 1; Absent, 9; Excused, 0.

141 having voted in the affirmative and 1 voted in the negative, with 9 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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 Enhance the Payment Options for Certain Employers

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

(S. "A" S-361 to C. "A" H-477)

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative MATTHEWS of Winslow, 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-477)** was **ADOPTED**.

The same Representative presented **House Amendment "C" (H-758)** to **Committee Amendment "A" (H-477)** which was **READ** by the Clerk.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. As I mentioned privately, where is that moth when you need him. I offer this amendment to a very serious and important issue. We have gone and debated biweekly pay at length in this chamber. Ladies and gentlemen, I think anyone who has listened to the discussion about this issue must admit that there are a great deal of questions. The major one that I have are those folks that now find themselves presently being paid weekly will soon find themselves receiving a semi-monthly paycheck. I really have some concerns about how the bill is crafted with respect to involvement of employees and their decision about their pay. Ladies and gentlemen, there are a great deal of other questions, which we have debated at length here.

My amendment simply puts this question out to the voters. I can't think of a more important issue to send to the voters than one, which directly affects them in their livelihood, their paycheck. I hope that you will read the amendment. It puts it on the general election in November of 2000. We have nothing to fear with the voters of the State of Maine, employers, employees and families making this decision. Maine adults, I think, when presented with the facts will make the right decision. I urge the body to help put this issue to rest. Let's put it right where it should be. Let's let the people of Maine decide. I graciously thank the Speaker for his patience.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. We are dealing with a statute that hasn't been changed since 1916. We are living in the day of data transfer of money transfer. We are still being regulated by the era of the hand crank telephone. This statute needs to be revised. There is no reason that I can think of why we should

still have a weekly pay statute on the books, the laws of the State of Maine. As a matter of fact, we had a complete review during the 118th Legislature of all the archaic statutes that should have been revised or repealed. For the life of me I don't understand why this law wasn't repealed at that time or at least some thought given to upgrading the law. I would urge you to vote against this amendment. This is not a referendum question. We have dealt with matters far more serious than this in this Legislature. I don't think it is a subject that should or needs to go out for referendum. I would urge you to please defeat this amendment and let's get on and pass the bill. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I am asking you to vote for this referendum. I don't know why that something is considered archaic because it has a little bit of age to it. We all know that wine, women and song get better with age, but let's get serious. Let's get serious about an issue that may very well come back to haunt us. I think it is a good issue to put out to referendum.

In this state there are over 44,000 businesses, but also there is 654,700 employed people. Ninety-three percent of those businesses comply with the law that we have on the books. Why should we change it? Ask yourselves that if there is 93 percent compliance, why should we change it? Most employers pay weekly and have been doing so for many years without any complaint. It is a small minority who do not comply and they are the ones that want us to change this law. Many families out there look to be paid every week. It is extremely difficult with low wages even with a two-family income to manage expenses. Don't tell me about budgeting. This is not a time that they need budgeting lessons.

It is surprising in this state of how much how many people pay their rent weekly and how we tried to pass a bill just a few days ago to add interest if they were seven days late. Think about it. Many expenses come weekly, food, gas and kids shoes. Just think of the many times that you have an unexpected expense like your car breaking down when you least expected it, maybe even here in Augusta. You either had to go out and write a check, if you had some money in the checking account or pay by a credit card or you had to borrow some money. The cost of a 10-employee business to do a weekly payroll is around \$25. As you have more employees, the cost goes down, not on the \$25, but per employee. This bill came from lawbreakers. I don't know how many times that you have heard that and slept it off. This bill began in the late summer of 1998. The restaurant industry, Burger King and McDonalds employees, asked for some recourse because they were not paid weekly. The interest in this bill spread to the Holiday Inn and Sheridan when they were sued a few weeks later. Now MBNA, Walmart and Talk America all of whom have been contacted because they are in violation of the law or sued by employees who have a growing interest in this bill. Those who have been violating the law in the past have enjoyed economic advantage over those who have been obeying the law. I ask you to not reward the lawbreakers by removing this valuable protection to workers.

When companies, especially large companies, use employee's money, they are able to float millions of dollars over a two-week period and draw down much interest on it. I want you to think what you are doing tonight. I want you to honestly think of the referendum. It solves a lot of problems. If this is a

good law and people don't mind being paid biweekly, they will vote for it. If it is a bad law, it will stay the same as it is. I happen to think that the present law on the books amended in 1911 and 1916 is a good law. I thank you for your time and I request the yeas and nays when the vote is taken.

Representative HATCH of Skowhegan REQUESTED a roll call on the motion to ADOPT House Amendment "C" (H-758) 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 Pembroke, Representative Goodwin.

Representative GOODWIN: Mr. Speaker, Men and Women of the House. The Honorable Representative from Winslow, Representative Matthews, has brought forward the proper resolution to weekly pay. We represent people. This issue requires that they, the people back home, vote up or down on this issue. Bringing this forward in the year 2000 means it will be a presidential election year, congressional elections and the Legislature. It is a true majority of voters who will turn out. They will decide this. Maine traditionally turns out the biggest percentage of voters in this nation. I would predict 75 percent of all of our voters will come out in November of 2000. I will ask you to support this amendment. I thank the Speaker.

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

Representative DUPLESSIE: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment offered by the good Representative from Winslow. I take great exception to the idea that this law is obsolete and there is no need for it. A little history on this law. Yes, I have great respect for the good Representative from Skowhegan, but it was even earlier than 1911. The original weekly pay law was passed in 1887 and was signed as Chapter 134 on March 17, 1887. It covered most all industries in the State of Maine including the public sector at that time. It was signed by a Republican Governor, Governor Bodwell. It must have been a joyous St. Patrick's Day for the Irish laborers in this state. The law did have some minor revisions in 1911 and in 1916. If this law is so obsolete, I have not heard anyone suggest that we repeal some of the other laws that are obsolete that protect citizens. I believe that it was Moses when he came down from the mountain with his tablets that spoke against murder and theft. Those laws are not obsolete. They protect our citizens just like this law protects our citizens in the weekly payroll.

Roughly, as you have heard, 400,000 employees in this great state receive weekly pay. If you think they will not notice when the checks change, you are very mistaken. Does the good Representative from Skowhegan mention that 75 percent of the employees that were supposed to comply with this law, complied prior to last July. Yes, the lawsuits were filed against the Walmart, McDonalds and the other mega corporations. Consent at that time is 93 percent having compliance. These statistics are from the Maine Bureau of Labor Standards. It is estimated that payroll in Maine is roughly \$15 billion year. Possibly like \$300 million weekly. It is simple math at 5 percent. Every week is a good float for employers and the banking industry. I guess that explains why these chambers out in the hall have been lobbied so heavily in the recent weeks by the chamber and the banking industry.

I would like to know, where does this end? Here is one of the newest schemes going on in the State of Maine to the many

dedicated employees. My spouse is employed by a large corporation that has offices in this state. Guess what the newest scheme was January 1, 1999. The first payroll of the month deductions come out for medical insurance, dental insurance, medical savings accounts and charitable contributions. You get very little. This is a firm that, yes, is allowed to skirt the weekly law. They are paid biweekly. Imagine what those employees are losing that first paycheck. Where is that flow going? It is not going in the employee's pockets. It seems that many in this body often encourage sending issues out to referendum. Why not send this out and let the citizens decide how they value their weekly payroll? Thank you.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I didn't realize we were sent up here to send out every issue to referendum and let the people decide. I thought that is what we were here for. The fact of the matter is if you put this out to referendum it probably will pass. We only have 44,000 employers and 400,000 employees. It is not the employee's money, ladies and gentlemen, it is the employer. It is my money. My payroll is over \$100,000 a week. Why can't I make the decision when I hire when I am going to pay them. When I interview someone and I say I want you to come work for me, I am going to pay you every two weeks. I may pay you once a month. If you agree and Maine has an employment at will law, we have a contract. You are going to come work for me. Why all of a sudden we have to change everything and say, you as the employer, you are the one who has gone out and put your house on the limb because you started a business, you who have gone out and mortgaged to the hilt to start a new business and if it goes down the drain, you lose it all, but we are going to tell you how to pay your employees.

Let's talk about the amendment. Why are we sending this to the people? Why aren't we brave enough as a body here to make the decision and make the right decision? Someone brought up Talk America and they were in violation. Did anyone read the papers a couple of weeks ago when Talk America is in Chapter 11 and reorganizing and have gone from 750 employees down to 300? Doesn't that mean anything? Would you just rather see those 300 employees hit the unemployment line somewhere? Employment at will, that is Maine law. When you were hired you knew when you were going to be paid, you knew what the benefits were, you knew what your wages were. That is the point. I operate businesses in several states. Maine keeps trying to drive my home office somewhere else. You try and you try and you try, but I live here. I love this state. I want to stay here. I want to keep people employed in the State of Maine. Seven businesses located in the State of Maine and 250 employees and you want to drive me out of here. Twenty-five dollars a week to do payroll, that is what it costs you just for a check for 10 employees. How about the accountant, your lawyer, ladies and gentlemen, to make sure you are not breaking the law at \$150 an hour? How about your payroll clerk? How about your bank credit line? How many times have I had to go out on a credit line, not floating cash, but borrowing money to pay my employees? How many of you have done it? I have put it on the line. If you want to pay yourself everyday, run your own business. The fact is the employers in the State of Maine do an excellent job and they want to keep people employed. I ask you to vote against the amendment and support the bill just the way it

is. Let's keep Maine business growing. Let's not get into reverse. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I would like to answer the good Representative from Raymond's comments about being mortgaged to the hilt and why we have to go to referendum. I agree with you. It is disgusting that we have to go to referendum because we didn't have political will to give people who work hard for their money week by week what they deserve. It is disgusting that we have to go to referendum for the poor who don't have a voice. On top of that they have to go to referendum to get a weeks pay for a weeks work. A lot of people that I stand here for tonight don't have a mortgage because they can't afford one. We lack political will to do the right things. That is why we have to have this horrible amendment to go to referendum to beg for their weeks pay. I would like to offer all of you a referendum question for the BETR Program. I would like to see the BETR Program have to go to referendum. I went to that meeting and the Labor room was full of the people that I represent, hardworking people in the mills who sweat in the heat of the day because there is no air conditioning. Women who came to the microphone who had no one to help them and had two children and needed that weekly pay to buy their groceries and to have money if their child was sick. To you the good Representative from Raymond I say, it is a disgusting thing that we have to do to go to referendum for the weakest who have to beg on top of what they are going through. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Mr. Speaker, Men and Women of the House. I believe that the amendment before us, the referendum question, is in error. I would like somebody to answer to me if they disagree with this statement. It says specifically here in the proposed question in the last sentence that the law requires all employers to pay their employees at least twice a month. I believe there are exemptions in the law so this would be an incorrect question. I disagree with the issue of referendum and I especially disagree with putting out a question that is wrong.

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Men and Women of the House. In reference to the good Representative's question, the Committee Amendment (H-477) that replaced the bill does have exemptions. As a matter of fact, the original law had exemptions because any industry that was not listed in the law that is on the books today was exempted from the weekly pay law. (H-477), which is the bill that is now before us which has exemptions for those people who are salaried. It has exemptions for other corporate owners of businesses, sole proprietors, family members and things of that nature. The referendum question is actually much more narrow than the bill itself. If it did go out for an up or down vote, we would actually have a situation that would need major, major revision by the time it was placed on the law books of the state.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I think it is perhaps a good thing that the Speaker doesn't recognize us right away so other people can speak first so we can calm ourselves down. Up until about two months ago I worked for a large hotel resort here in the State of Maine, the Samoset Resort in Rockport. During the summer months they employed over 300 people. They were inadvertently paying us what the good Representative from Skowhegan said, illegally. We were paid every two weeks and we were treated like gold. In January they went back to once a week. That move that went back to once a week cost them one whole person on their payroll at a salary of, I would imagine, somewhere between \$16,000 to \$20,000 a year. Who do you think will make up that salary that it is going to take those people, that extra person, to pay a salary in an employment situation where there are a lot of people? Previously to go in there I had my own small business. I used to pay a company to do my payroll every other week. It cost me \$30 for seven people every other week. That kind of money would have put me out of business. The hotel that I worked for treated their employees with dignity. They gave us good benefits. They gave us membership into their health club. They gave us lunches and dinners at night. When people had health problems and they couldn't work, they lent them money. They took up loans within their office. They gave them to their employees. This bill, this type of thing, would punish a company that I value dearly. I urge you all not to vote for this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. I am continually amazed by the furor that this bill has caused. To me it seems like a rather innocuous matter, a biweekly pay issue. If you put this referendum out to the voters, the referendum is designed to confuse the voters, it is an archaic matter. They won't understand it. I tried to make the point earlier in the previous debate that this is strictly about controlling the costs of business. When businesses control costs, the benefits of that find their way down to employees in many, many ways and just simply a raise is one way of doing, but profit sharing plans are affected by employees profits. If there are no profits, there is certainly no profit-sharing plan. Retirement plans and all kinds of different kinds of benefits. Many of the people in this body think it is the company's responsibility to provide all these programs. Companies are more than willing to do it, but they need to be profitable. For instance, let me give you an example, I have a far smaller company than the Representative from Raymond. I have eight employees. We have elected to contract out our payroll to a company that does that. It costs \$10 a person, \$80 a week for our payroll processing. If I cut that in half, I save \$2,080 a year. That is enough for us to offer dental benefits to our employees. I urge you to vote against this. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I have a couple of responses here that I think have to be stated on the record. One, the good gentleman from Raymond, Representative Bruno, and I have no doubt that he is an outstanding employer. I don't question that at all. Ladies and gentlemen, what the testimony of the good gentleman from

Raymond raised is exactly the concern that members of the Labor Committee had when we deliberated on this issue. Also, I would imagine the exact same question the Legislature grappled with early in this century. That is, ladies and gentlemen, when employees or any employer, he or she, whoever that employer is, when they do a days work or a weeks work or 40 hours, they expect to be paid. With all due respect to who owns the money, in my understanding of what our country means to me in free enterprise and hard work and honoring hard work, when you work, you get paid. We did have the barter system in this country early on, but you got something at the end of your labor. When I mentioned the prayer this morning in the Old Testament you were expected to pay the people that worked for you. It is not just an American concept, it is a Judeo Christian concept. It is a historic one. It is that very issue that we grappled with in the committee because, ladies and gentlemen, there are members respectfully on the Labor Committee, myself included and the others on the committee, that believe that you should pay and you are obligated to pay your employees for the work that they render. I don't think anybody in this chamber should dispute that idea.

It is the concern that if you open end the system of when one will pay his or her employees that there will be individuals out there, a minority, which will take advantage of those hardworking employees. That is why the Legislature got involved in this issue to start with. The other good gentleman, Representative McKenney, with all due respect, I had no ulterior motive when I put this question in other than to give the voters a chance, the working folks, the employers, I cannot help that there are employees than there are employers. That is just a fact of life. To give the citizens, the voters, the people that make the decisions at home a chance to render their decision on this issue. I make no bones about that. I see that there is no other way in this free country we have before us. I support that decision making process.

As far as the question is concerned, with all due respect to the committee and the minority members of the committee, it seems to me that it is straightforward. Ladies and gentlemen, I don't work for the Secretary of State's Office. I don't write these questions for a living. I am a legislator. I did the best I could and it seems to me to be straightforward. Do you favor repealing the current state law that requires some employers to pay their employees every week and replacing it with a law that requires all employers to pay their employees at least twice a month? There are exceptions in the law. I guess we can deal with that issue. Please don't question my motives for putting this in. They are straightforward. They are honest. When I speak on the floor, I try to do that. I am representing those folks back home in Winslow that work and those employers. Ladies and gentlemen, we have had testimony in our Labor Committee about how much this payroll costs. We had one particular individual who decided to pay his employees on a weekly basis. Out of 60 employees this individual had in his business it cost \$1,800 a year. The arithmetic is \$30, \$35 or \$40 a week for payroll. We have computers. Most payroll services are computerized. Again, I question some of the comments about the cost of this.

I will leave you with the comment of that business owner when he said that the reason he did it was because his employees needed their paycheck on a weekly basis. It helped them get through to pay the kinds of things that the good chair from Skowhegan mentioned for all of us to listen to and the kinds of bills that need to be paid. Ladies and gentlemen, I am

concerned, especially by the testimony here tonight, that if we don't protect those workers that no one in this chamber, but people outside of here, may not do the right thing for their employees. That is why the Legislature passed this law. We have had a lot of good laws that are on the books. Yes, some of them sometimes need to be changed, but a lot of them sometimes need to be kept because they protect each and every one of us. This is one that is a good law. For all the reasons that I have heard tonight, I am sure that I have done the right thing. I urge you to support this referendum. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. A comment first, then I want to ask a question through the chair. Since we were sent here by the people to represent the people, not necessarily the companies, but the people. That is what we were sent here for. The question I would like to pose through the chair is, are we trying to change this law because we received so many complaints from the people who are out there working that this law needs to be changed? Is that question here? Are we getting too many complaints from those that want to get paid their weekly wage that they are being paid too often? Can somebody answer that please?

The SPEAKER: The Representative from Lewiston, Representative Bouffard 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. To the good Representative from Lewiston, we received no such requests from the people of the state. We had one woman who showed up with her employer and said it was okay to be paid every two weeks because she only had to shop once.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to remind the members that Maine is one of six states with some form of weekly pay law. We have one of the most stringent in the nation. Forty-four states don't have a form of weekly pay law. This law is extremely old. If the law was so critical, why have the requirements not been mentioned in new business development packages by various state agencies? Why when the Maine Bar Association fails to mention the requirement in their 2,500 word brochure it publishes as a public service for outlining business steps in opening up a business in Maine. An overwhelming majority of employers and employees don't even know of the law until the lawsuits emerged. It was never overtly enforced by the Department of Labor. Its requirements were never mentioned by other agencies because they had become so outdated that it was absurd and illogical on its face and virtually unenforceable. I would submit to earlier renditions on the floor here that the people out there are not helpless. We make it sound like they are helpless, can't make a decision and can't fulfill an opportunity or determine their destiny at all. For me, there are some other issues here. When you look at the businesses in your community and in my case the bigger ones like Pratt and Whitney, Hussey Seeding and hundreds of small businesses, they pay a lot of taxes to the community and the state that go directly to our families. These people bring what I would call blessing to the community and to the state by being there and

willing to take the risk with capital investments, engage in strategies and try to be competitive to make a profit and provide a service for our citizens and for others. At the end of the day to be able to reinvest in that business and reinvestment means to take care of your employees. A company like Pratt and Whitney who has plants in other parts of the country, Maine is a great place, but when it comes down to making financial decisions at corporate headquarters, being able to be competitive is essential to having a paycheck at all. The bill we have before us will allow us to change that weekly pay law in Maine so that we will no longer be one of those six remaining. Employers in the State of Maine are often beat up in this chamber, since I have been here. I am not an employer. I am an employee. At least I still think I am. I think I still have a job. We will see next week. I would urge you to vote against this pending motion. Thank you.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to clarify a couple of things that have been said. We heard about Talk America. Yes, they came in and created jobs in Portland, telemarketing jobs. There were many part time, but they are jobs. I highly doubt that the weekly pay issue had something to do with their bankruptcy. Could it have been claims filed by four or five State Attorney Generals for misleading advertising in their product lines and similar things? We hear about controlling costs. One large manufacturing firm in this state, National Semi-Conductor, something to the effect with all of their employees and it would only change their payroll costs one and one-half cent per hour. That is all. That is not big savings. That is \$1 per week for 50 employees working on 40 hours. Where is all the savings on controlling the costs? We keep hearing about why we need to do this for the business community. Yes, there are things that we need to do for the business community. It is interesting to note in the last month we have heard the Executive of this state talk about the second highest growth of new jobs in the country. I would say that the pay issue is not stopping employers from coming to Maine nor expanding in this state, because of the quality of workers that they get. A fair days labor for a fair days wage. I would like to add that I will not have any guilt when the state heads down this slippery slope. I will be more than obliged when the irate employees start calling when that first paycheck is missed to let them know who they can call. I will not have the guilt. Thank you.

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

Representative **GILLIS**: Mr. Speaker, Men and Women of the House. I have been sitting here listening to the debate and I have heard a lot of this stuff for weeks now. The good Representative from Lewiston, Representative Bouffard, mentioned about protecting the people. I certainly go along with that. I am an employer and I kind of wonder what I am, chopped liver. I am people. You don't say anything about protecting me or helping me. Ninety-five percent of the people that are employed are employed by small business of Maine. I am a small business operator. I have compassion for my people. I have had people come to me, just starting out to talk about the two weeks or one week pay. A lot of times they come to me and are down and out and if I got the money, I will loan it to them. I think a lot of businesses are like that. I feel I can keep demonizing small business in this House. I really don't think it is fair. You ought to think about that. I am not chopped liver and

neither are the other employers in this state. You ought to really think about that. We are people too. Thank you.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Ladies and Gentlemen of the House. I was called on Wednesday by a very large operator in Bar Harbor. They are getting geared up for the summer and employing thousands of people. They are concerned about this kind of issue because it does affect the bottom line. I think any mother with two children would rather have a job than no job and we put roadblocks in front of small businesses, especially. Are we going to hurt the opportunity for people to work. The bill LD 292 does not demand that they only get paid, they can get paid twice a month or they can be paid weekly. It can be negotiated. That is between the employer and the employee. It is not a mandate so let's not put roadblocks in front of small businesses or any businesses in this state if we can possibly help it. Thank you very much.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. I urge you not to support the pending motion. Obviously it is no secret that I think there is not a problem with biweekly pay. I really want to point out some of the problems with this referendum language. It is going to be a real nightmare. It is the best of intentions, but it is not a good job. Just imagine this, if you say yes, but I want to get paid every week, you would think the answer would be yes. If you answer yes to this question, you are saying that yes you are in favor of the law, which requires you to be paid only twice a month, at least twice a month. If you say no, it is not an intuitive answer where yes means yes and no means no. In all cases if you look at line 46, it says that it appears in a majority of legal votes in favor of the act, again, I am not sure if favor means you vote yes or favor means you vote no. I guess it means you vote no. The Governor will proclaim the act takes affect within 30 days after the date of the proclamation. In the question you are saying that it requires all employers to pay their employees at least twice a month and that is not true. This is exactly what happens when we wait until the last day when we are not even supposed to be here today. You bypass the committee process and you put out something like this. The quality of this is not the quality of the laws that we want to pass. I understand the intent. We can argue the intent, but I think we can do better. I think this is just one more reason why this is not the time to put this onto the bill we have now. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I think there are some points that I should clarify, statements that were made that I feel need to be addressed. First of all, National Semi-Conductor in a piece of paper that I am holding here in my hand says that the annualized cost for weekly payment for their company in Portland would be \$33,000 a year. The second point I would like to make is there were two speakers that have inferred or implied that by paying on a semi-monthly or biweekly basis that in some way we are withholding payments from our employees. That is not the truth. It is not a fact. The employees only get a bigger paycheck when they get it in the second week. There is nothing, as one of the other speakers mentioned, in the proposed law that would prevent any employer from paying on a weekly basis or any

union from negotiating weekly payments for their union members. I would also like to remind you that you pay most of your bills on a monthly basis, your credit card, your rent or whatever else you have for bills. The majority of those are paid on a monthly basis. Welfare checks are paid monthly. Food stamps are paid monthly. Social security is paid monthly. We want to talk about the State of Maine, we get our checks every two weeks. The University of Maine System pays once a month. There is nothing in this referendum question that I see and I would like the good Representative from Winslow to explain to me how he expects or what impact he expects to be made on the State of Maine and the University of Maine System and whether he intends to do anything about the other monthly payments that are being made to those people who are on extremely low incomes. Thank you Mr. Speaker.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I intend to continue to do the job that I have done representing the people in Winslow. When I was in the other body, the people in my Senate District, I will fight for those people that are on fixed incomes as I have in the past. I will fight for those that are out of work through no fault of their own. I will continue to do with God's help the good works that I have tried to do over the years. I know that the good gentleman from Carmel will be there with me to try to do those good things. Mr. Speaker, may I address a question to the chair? It has been mentioned in the discussion this evening that there is a provision in the law or in this bill, not my amendment, that allows for an employee to be paid on a weekly basis. There is some kind of collective bargaining allowed with the employer. I would ask where is that in the bill? I see no collective bargaining for those folks that unfortunately are not represented by a union. How would one employee out of 50, 100 or 25 that might want to continue his or her pay on a weekly basis, how would they effectuate that or 10 employees out of that? How does that happen?

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 Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. The wording in the paper (H-477) says that regular payments are required. Wages must be paid on an established day or date at regular intervals made known to the employee. When the interval is less than the maximum allowed, which in the bill would be with the amendment that is currently attached would be once every 16 days and no more than once every 16 days. The interval may be no less than the maximum allowed, which I just mentioned to you. Subsection one, the interval may not be increased without written notice to the employees at least 30 days in advance of the increase. It allows for a less frequent payment than every 16 days. It requires a regular payment period. It requires if you are going to change that period that you must give the employee at least a 30-day notification. It does allow for a one-week payment period for any employer. It allows organized labor to negotiate for less than a 16 day payment period.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "C" (H-758) to Committee Amendment "A" (H-477). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 385

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bryant, Carr, Chizmar, Colwell, Cote, Dunlap, Duplessie, Frechette, Gagnon, Gerry, Goodwin, Hatch, Jabar, Jacobs, LaVerdiere, Mailhot, Matthews, McAlevey, Powers, Quint, Richard, Rines, Saxl MV, Shiah, Stanley, Stevens, Townsend, Tracy, Tuttle, Twomey, Volenik, Watson, Williams.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Clark, Clough, Collins, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Etnier, Fisher, Foster, Fuller, Gagne, Gillis, Glynn, Gooley, Green, Heidrich, Honey, Jodrey, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Martin, Marvin, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

ABSENT - Jones, Joy, Lovett, Muse, Povich, Samson, True.
Yes, 39; No, 105; Absent, 7; Excused, 0.

39 having voted in the affirmative and 105 voted in the negative, with 7 being absent, the motion to **ADOPT House Amendment "C" (H-758) to Committee Amendment "A" (H-477) FAILED.**

On motion of Representative BRYANT of Dixfield, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "B" (H-744) to Committee Amendment "A" (H-477) was INDEFINITELY POSTPONED.**

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

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. What this amendment does is it makes regular intervals of 14 days. It makes it a clear biweekly bill. It is very simple. I would ask that you would adopt the pending motion. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have already fought this battle once. I would request an Indefinite Postponement for this measure.

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

Representative **BRYANT**: Mr. Speaker, Men and Women of the House. I would ask that you not Indefinitely Postpone this amendment so you can pass it. Thank you.

The same Representative **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: 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. 386

YEA - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Desmond, Duncan, Foster, Fuller, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Frechette, Jones, Joy, Lovett, Muse, Povich, Samson, True.

Yes, 67; No, 76; Absent, 8; Excused, 0.

67 having voted in the affirmative and 76 voted in the negative, with 8 being absent, the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-744) to Committee Amendment "A" (H-477) FAILED.**

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. Currently the bill before us with the Senate Amendment would allow a maximum interval between paydays of 16 days. If we shorten that interval to 14 days, there would be situations where an employer would be in violation of the law because of weekends and holidays. By going to 16 days, the two days does not create a hardship on the employee and it saves the employer from running the risk of being in violation of the law because of a weekend or a holiday falling between paydays. I would ask you to reject House Amendment "B" for those reasons.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. All this amendment does is it basically requires that you will be paid every two weeks. You will have 26 pay periods in the course of a year. The Senate Amendment basically said you will be paid 24 times. Basically the way it works is if you pick Wednesday as your pay period, you would be paid every other Wednesday. If you picked Thursday, you would be paid every other Thursday. If you are paid Saturday, you are paid every other Saturday. There is no way you could be in trouble. You would simply be paid every two weeks. There is no way that a holiday would make any difference. In our case, for example, in one of the organizations in which I am involved we presently pay every two weeks. Our pay period is on Thursday. If there is a holiday like Christmas, for example, on Thursday, we pay on

Wednesday, the day before. Remember, you are always paying a week behind so that it is never a problem.

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

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

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. The requirement to pay every 14 days, I don't see an exemption for military personnel paid by the federal government. They are, for example, paid monthly or there is an option for semi-monthly. Is there an allowance here to force the military to pay on a system that they can't do?

The **SPEAKER**: The Representative from Arundel, Representative Daigle 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. First of all, we don't control federal payrolls and the state has no control over that payroll system. Secondly, I don't remember the exact law structure, but if you get so much, maybe \$18,000 a year, you are not covered by this anyway under present law. For example, if you are a salaried employee at a mill, then you are exempt from this law as well because you are paid monthly. University employees, for example, in our case, we are monthly. That doesn't affect us at all.

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

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

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. If we get paid every other Wednesday and the holiday is on that Wednesday and we get paid a day earlier, Tuesday, would we then have to start being paid every other Tuesday after that so we wouldn't have to be in violation of the law to get back because it would be 15 days?

The **SPEAKER**: The Representative from Lewiston, Representative Mendros 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. I am sure under the current law, as it is stated, if you were paid every Wednesday and you were paid a day early, it would not interfere with the 14-day period.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I spoke about this the other day, but I need to say it again, I believe. There are a number of companies that pay salaried employees twice a month. That is 24 pay periods a year. They pay on the 15th of the month and on the last day of the month. If this amendment were adopted, they would not be able to do that. It is a standard practice with a number of companies. I think it would be a bad thing to adopt (H-744). I would ask you to vote against it.

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

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

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

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. Based on what the good Representative Clough said and Representative Martin, I am, quite frankly, a little bit confused as to whether or not this bill would require the employer that pays on the 1st and 15th or 24 times a year to now pay on the 14th. I thought I understood and now it is cleared up to the point that I don't understand. Could somebody answer that for me? The reason I am asking in a case such as mine is I have been paid this way for 20 years. I work for a national company and I am paid from another state. It would require that payroll system to operate different for Maine than anywhere else. I am just trying to find out how this does work.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. This isn't my amendment, however, I have been involved in this thing enough in the last three or four months. I think I understand what the ramifications of the amendment are. First of all, the bill allows semi-monthly pay periods. That means twice a month. Whether your payday is on the 1st and the 15th or the 16th and the last day of the month or whatever, it allows for semi-monthly pay periods. As amended, it allows for that period to extend no longer than 16 days. We have a situation where if there is a holiday or a three day weekend that prevents you from drawing your check on the 15th, your employer can have one of two options. If the 16th day is on the Monday following the holiday, he could pay you then or he has the option of advancing the payday to the Friday before the holiday. It builds in enough flexibility so that it doesn't make the semi-monthly pay rule something that we can't work with. If you shorten that period to 14 days, it makes it unmanageable because of the holiday, the three day weekend periods, which would make it impossible to comply with no longer than 14 days and still be able to pay on semi-monthly basis. It is an amendment that is designed to make the bill noncompliant with the law. That is basically what it amounts to.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Let me try this one more time. Normally what happens when you pay biweekly is some employers will basically pay on Monday for the previous two weeks. I don't know of any of them, frankly, that will pay on Saturday for the week ending Saturday. Normally what happens is you follow the week after. It is never a problem. In reference to the Representative from Rumford, you are exempt from this law. The easy way to figure it out as I just discovered is you simply take the minimum wage and multiply it by 3,000. If you are above that, this law does not apply.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **ADOPT 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 South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. The issue of semimonthly pay is a very important issue to my district in South Portland. As many of you may remember, my predecessor, the

Honorable Al Morgan. I very much share our views on this point. Representative Morgan was of the other political party. He was a Democrat and I am, of course, a Republican. We agreed most strongly on two basic principles. One is our love for South Portland and the State of Maine and the other is bimonthly payroll and having that be an option for our district and an option for our employees. In South Portland we are the home of the Maine Mall. We also are the home of National Semiconductor and Fairchild. South Portland worked very hard and we fought to get those businesses in our community. We are going to fight to keep those businesses in our community. The excessive regulation that the State of Maine is putting on it, particularly in political debates as we are having this evening, is very discouraging.

I sat down and I spoke with National Semiconductor following my election to the House and I asked them about the issues that they found most frustrating and most costly. This issue of not resolving bimonthly payroll to allow them to be on the same conditions. They compete internationally. They compete nationally. We continue to put up road blocks and obstacles and diversions why businesses don't want to locate to my district in South Portland to your districts here in the State of Maine. I ask that we please not continue on this road by continuing to put up these obstacles. I hope and urge you all to vote against this amendment and please let us go on to lifting this antiquated law that is an obstacle to retaining good jobs in Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Mr. Speaker, Men and Women of the House. I would only like to point out that the good former Representative from South Portland, Alton Morgan, only put in one bill and it promoted biweekly pay. We all know what happened to him. I would hope that everyone would vote for the present amendment.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

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

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Men and Women of the House. How would this affect unemployment checks to the people that are on unemployment where they have to file their claims every week and they have to make out where they look for jobs? Are we going to go biweekly? I rest assured on the cards that you have to make out that there is not even enough room to get the information on where you are looking for the three jobs. Can anybody give me any information on that? Thank you.

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Men and Women of the House. I am certainly not the expert on all pay issues, but I can answer this one, I believe. Unemployment compensation is not affected by this bill.

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. An earlier speaker, I forgot who now, maybe I am too tired, talked about nobody pays early. That is not true. The company I used to work for paid early. That was one reason why we needed the 16-day period. We had a policy to encourage electronic fund transfer we told employees if they would sign up for direct deposit we would give them their paychecks one day before it was normally due on the first banking day. With holidays and other types of events, which are different for state as well as federal, we had situations where employees got their pay. There had to be at least 16 days between dates in some situations. A stringent requirement like this and we remove that. I really liked that because often the reason it was a bank holiday is because it was a holiday for me too and I liked getting my money early. There were times when I got my money significantly beforehand in the bank. When they chose 16 days, it wasn't out of the air. It was a reasonable consideration of all the scenarios that said that people are going to get their money. You have to acknowledge that this is the way the real world works. You need 16, because 14 won't work.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption 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. 387

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Gagnon, Gerry, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McGlocklin, Mitchell, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

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

ABSENT - Frechette, Goodwin, Jones, Joy, Lovett, Muse, Povich, Samson, True.

Yes, 68; No, 74; Absent, 9; Excused, 0.

68 having voted in the affirmative and 74 voted in the negative, with 9 being absent, the motion to **ADOPT House Amendment "B" (H-744) to Committee Amendment "A" (H-477) FAILED.**

After Midnight

Representative MATTHEWS of Winslow moved that the Bill be **TABLED** one legislative day pending **ADOPTION** of **Committee Amendment "A" (H-477)**.

Representative TREADWELL of Carmel **REQUESTED** a roll call on the motion to **TABLE**.

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

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

ROLL CALL NO. 388

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bull, Chizmar, Clark, Cote, Dudley, Dugay, Dunlap, Duplessie, Gagnon, Gerry, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mitchell, Norbert, O'Neil, Perkins, Perry, Powers, Quint, Richard, Rines, Saxl MV, Shiah, Stanley, Stevens, Tessier, Tracy, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Duncan, Etnier, Fisher, Foster, Fuller, Gagne, Gillis, Glynn, Gooley, Green, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Pieh, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanwood, Stedman, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, Twomey, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Frechette, Goodwin, Jones, Joy, Lovett, Muse, Povich, Samson, True.

Yes, 47; No, 95; Absent, 9; Excused, 0.

47 having voted in the affirmative and 95 voted in the negative, with 9 being absent, the motion to **TABLE FAILED**.

Subsequently, **Committee Amendment "A" (H-477) as Amended by Senate Amendment "A" (S-361)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-477) as Amended by Senate Amendment "A" (S-361)** thereto in concurrence.

Representative HATCH of Skowhegan **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 389

YEA - Andrews, Belanger, Berry DP, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Chick, Cianchette, Clough, Collins, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Etnier, Fisher, Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting,

O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Powers, Richard, Richardson E, Richardson J, Rosen, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bull, Carr, Chizmar, Clark, Colwell, Dudley, Dunlap, Duplessie, Gagnon, Green, Hatch, Jabar, Jacobs, Mailhot, Martin, Matthews, Mayo, McAlevey, Mitchell, Norbert, Perkins, Quint, Rines, Sanborn, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Williams.

ABSENT - Frechette, Goodwin, Jones, Joy, Lovett, Muse, Povich, Samson, True.

Yes, 98; No, 44; Absent, 9; Excused, 0.

98 having voted in the affirmative and 44 voted in the negative, with 9 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Representative BRUNO of Raymond moved that the House **RECONSIDER** its action whereby An Act to Enhance the Payment Options for Certain Employers

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

(S. "A" S-361 to C. "A" H-477)

Was **PASSED TO BE ENACTED**.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **RECONSIDER PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 390

YEA - Ahearne, Bagley, Berry RL, Bolduc, Brennan, Bryant, Bull, Clark, Colwell, Davidson, Dudley, Dunlap, Duplessie, Etnier, Gagnon, Gerry, Green, Jabar, Kane, LaVerdiere, Lemoine, Matthews, Mendros, Mitchell, Norbert, O'Brien LL, O'Neil, Perkins, Pieh, Powers, Quint, Richard, Rines, Saxl MV, Shiah, Stanley, Stevens, Thompson, Townsend, Tracy, Tripp, Tuttle, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Baker, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cowger, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Fisher, Foster, Fuller, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perry, Pinkham, Plowman, Richardson E, Richardson J, Rosen, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Cote, Frechette, Goodwin, Hatch, Jones, Joy, Lovett, Muse, Povich, Samson, Sanborn, Saxl JW, True.

Yes, 47; No, 91; Absent, 13; Excused, 0.

47 having voted in the affirmative and 91 voted in the negative, with 13 being absent, the motion to **RECONSIDER PASSAGE TO BE ENACTED FAILED.**

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

COMMUNICATIONS

The Following Communication: (S.C. 319)

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

June 4, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted to its previous action and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Improve Alcohol Server Education Courses" (S.P. 320) (L.D. 954)

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

Senator Norman K. Ferguson, Jr. of Oxford

Senator Richard J. Carey of Kennebec

Senator Betty Lou Mitchell of Penobscot

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Reference is made to Bill "An Act to Improve Alcohol Server Education Courses" (S.P. 320) (L.D. 954)

In reference to the action of the House on June 3, 1999, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative GAGNE of Buckfield

Representative O'BRIEN of Lewiston

Representative McALEVEY of Waterboro

ENACTORS

Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001

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

(H. "B" H-755 to C. "C" H-752)

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment**

"C" (H-752) as Amended by House Amendment "B" (H-755) thereto was ADOPTED.

The same Representative presented **House Amendment "E" (H-761) to Committee Amendment "C" (H-752) which was READ** by the Clerk.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. If you would glance at the summary, it is accurate. This would exempt the raise that we just made in the gasoline tax. It would exempt Washington and Aroostook Counties from the increase altogether. It would only raise the gas tax 1 cent per gallon in four counties, Hancock, Penobscot, Piscataquis and Somerset. The balance of the remaining 10 counties would actually go up to 4 cents a gallon to offset those others. This is an absolutely good idea. I was just down in Washington County doing some trout fishing this last weekend and gasoline down there is probably 20 cents a gallon higher than it is here. Aroostook County is probably 20 cents a gallon higher. We talk a lot about the two Maines. This would go a long ways in smoothing out and neutralizing the two Maine syndromes. It would not hurt people down in this area. Gasoline would still be way cheaper down in this area from here towards the south. Somebody mentioned something about the borders and here you go again. We have the border problem. This would be an inverse border problem. People would be flocking to Washington County. I am being a little facetious, but there would be no border problems because so what if people go into Washington County and Aroostook County to get their gas a little cheaper. Hancock County is kind of in between. Anyway, it is just a matter of reasonable fairness to people who live in rural Maine who drive more than those in urban Maine to work and just to make ends meet. I think it is a real fair idea and I would like to have a roll call.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "E" (H-761) to Committee Amendment "C" (H-752).**

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

Representative JABAR of Waterville moved that **House Amendment "E" (H-761) to Committee Amendment "C" (H-752) be INDEFINITELY POSTPONED.**

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

Representative SHOREY: Mr. Speaker, Ladies and Gentlemen of the House. I strongly urge you pass this motion. I believe it is a great bill for Washington County. Thank you very much.

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

Representative ANDREWS: Mr. Speaker, Men and Women of the House. Earlier today I talked about being kidnapped and being held ransom. I now think someone else is trying to collect ransom money on me. I have a real problem with what this will do to the gas stations and businesses in some of these other counties. I really don't think that I need to pay a second ransom. Thank you.

Representative ETNIER of Harpswell **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-761) to Committee Amendment "C" (H-752).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-761) to Committee Amendment "C" (H-752). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 391

YEA - Andrews, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Glynn, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perry, Pieh, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Shiah, Shields, Skoglund, Snowe-Mello, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Bagley, Belanger, Clark, Dugay, Duncan, Gillis, McAlevey, O'Neal, Perkins, Pinkham, Sherman, Shorey, Sirois, Stanley, Stanwood, Stedman, Tracy.

ABSENT - Frechette, Goodwin, Hatch, Jones, Joy, Lovett, Muse, Povich, Samson, Saxl JW, True.

Yes, 122; No, 18; Absent, 11; Excused, 0.

122 having voted in the affirmative and 18 voted in the negative, with 11 being absent, **House Amendment "E" (H-761) to Committee Amendment "C" (H-752) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755) thereto was ADOPTED.**

Representative GLYNN of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755) thereto.**

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 Passage to be Engrossed as Amended by Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 392

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson E, Richardson J,

Rines, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Campbell, Carr, Chick, Chizmar, Clark, Clough, Duncan, Gerry, Glynn, Heidrich, Honey, Kasprzak, Lemont, MacDougall, Mack, Marvin, McAlevey, McKenney, Mendros, Nass, Peavey, Perkins, Pinkham, Plowman, Schneider, Sherman, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Winsor.

ABSENT - Frechette, Goodwin, Jones, Joy, Lovett, Muse, Povich, Samson, Saxl JW, True.

Yes, 101; No, 40; Absent, 10; Excused, 0.

101 having voted in the affirmative and 40 voted in the negative, with 10 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755) thereto in concurrence.**

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

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 393

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Campbell, Carr, Chizmar, Clark, Clough, Duncan, Gerry, Glynn, Heidrich, Honey, Jodrey, Kasprzak, Lemont, MacDougall, Mack, Marvin, McAlevey, McKenney, Mendros, Nass, Perkins, Pinkham, Plowman, Richardson E, Schneider, Sherman, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Winsor.

ABSENT - Frechette, Goodwin, Jones, Joy, Lovett, Muse, Povich, Samson, Saxl JW, True.

Yes, 101; No, 40; Absent, 10; Excused, 0.

101 having voted in the affirmative and 40 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators

(S.P. 111) (L.D. 308)

PASSED TO BE ENACTED in the House on May 20, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court

(H.P. 894) (L.D. 1251)

PASSED TO BE ENACTED in the House on May 6, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Establish and Fund Conflict Resolution Education and Civil Rights Team Programs in the Public Schools

(H.P. 928) (L.D. 1305)

PASSED TO BE ENACTED in the House on May 11, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Promote Healthy Maine Families

(S.P. 492) (L.D. 1477)

PASSED TO BE ENACTED in the House on May 25, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-339)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide Assistance to Low-income Energy Consumers

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

PASSED TO BE ENACTED in the House on June 2, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption

(H.P. 1128) (L.D. 1587)

PASSED TO BE ENACTED in the House on May 12, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Increase Health Insurance Benefits for Retired Educators

(S.P. 607) (L.D. 1730)

PASSED TO BE ENACTED in the House on May 17, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Make Minor Substantive Changes in the Tax Laws

(H.P. 131) (L.D. 162)

PASSED TO BE ENACTED in the House on May 27, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695) AS AMENDED BY SENATE AMENDMENT "A" (S-419)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Increase Access to Cub Care for Children

(H.P. 1255) (L.D. 1809)

PASSED TO BE ENACTED in the House on May 26, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENT "A" (S-437)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax

(H.P. 306) (L.D. 422)

PASSED TO BE ENACTED in the House on May 25, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-393)

Came from the Senate with the Minority **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 "B"** (H-394) in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide Computers for Use in the Legislature
(H.P. 666) (L.D. 922)

PASSED TO BE ENACTED in the House on May 24, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-320)

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

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

Non-Concurrent Matter

An Act Relating to the Sales Tax Treatment of Certain Rentals and Leases

(H.P. 252) (L.D. 356)

PASSED TO BE ENACTED in the House on May 26, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-677)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

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

The following item was 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.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A"** (H-741) - Minority (5) **Ought to Pass as Amended by Committee Amendment "B"** (H-742) - Committee on **TAXATION** on Bill "An Act to Reduce the Income Tax"

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

TABLED - June 2, 1999 (Till Later Today) by Representative **GAGNON** of Waterville.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative **CIANCHETTE** of South Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I hope you vote with me against Indefinite Postponement of this bill. This bill had both reports and both reports were excellent. One would have eliminated part of the marriage penalty on Maine taxpayers filing an income tax. The other report would have indexed the tax brackets to inflation so that in the future taxpayers will not get an extra tax because of inflation. They are both excellent reports. I urge you to vote with me against Indefinite Postponement. Thank you.

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

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you to support the motion of Indefinite Postponement. This was a bill that I brought forward earlier this session. As the good Representative from Standish suggested, there were two reports. Both of them were Ought to Pass. They were excellent reports. They would have provided some modest income tax relief for Maine citizens. However, with the passage of the budget, it is now inconsistent with it without the provisions contained in either report I think it is futile for this to continue to have life. Thank you very much. I encourage you to vote for Indefinite Postponement.

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

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

ROLL CALL NO. 394

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Carr, Clough, Collins, Foster, Gerry, Glynn, Jodrey, Kasprzak, MacDougall, Mack, McAlevey, Mendros, Plowman, Richardson E, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Cote, Frechette, Goodwin, Jones, Joy, Lovett, Muse, Pinkham, Povich, Samson, Saxl JW, True, Wheeler EM, Wheeler GJ.

Yes, 114; No, 23; Absent, 14; Excused, 0.

114 having voted in the affirmative and 23 voted in the negative, with 14 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative STANWOOD of Southwest Harbor, the House recessed at 12:49 a.m., until 10:00 a.m., Saturday, June 5, 1999 in honor and lasting tribute to Shayne Conley Worcester, of Southwest Harbor.