

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
66th Legislative Day
Saturday, June 5, 1999

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

Prayer by Honorable Christine R. Savage, Union.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Create the Capital Riverfront Improvement District
(S.P. 760) (L.D. 2136)

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-302)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)** and **SENATE AMENDMENT "B" (S-440)** in **NON-CONCURRENCE**.

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

The same Representative **PRESENTED** House Amendment **"A" (H-764)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-302)** and **House Amendment "A" (H-764)** in **NON-CONCURRENCE** and sent for concurrence.

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)
(S. "A" S-421 to C. "A" H-119)

PASSED TO BE ENACTED in the House on June 4, 1999.
Came from the Senate **FAILING OF PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative POVICH of Ellsworth, the House voted to **RECEDE**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

Bill "An Act to Provide Fairness to Victims of Medical Malpractice"

(S.P. 450) (L.D. 1325)
(S. "A" S-381 to C. "A" S-352)

- In House, **PASSED TO BE ENACTED** on June 3, 1999.
- In Senate, **PASSED TO BE ENACTED** on June 3, 1999
- **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 853)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-352)** AS **AMENDED BY SENATE AMENDMENT "B" (S-436)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Change the Tax Treatment of Truck Campers
(H.P. 767) (L.D. 1090)

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-120)**)

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

On motion of Representative MARTIN of Eagle Lake, the House voted to **INSIST**. Sent for concurrence.

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

ORDERS

On motion of Representative PEAVEY of Woolwich, the following Joint Order: (H.P. 1609)

ORDERED, the Senate concurring, that Bill, "An Act to Improve the Collection of Restitution," S.P. 268, L.D. 761, and all its accompanying papers be recalled from the Legislative files to the House.

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

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. I apologize for asking you to bring a bill back out of the dead file at this point. This is a unanimous committee report out of the Committee on Criminal Justice. It deals with victim's compensation. The bill does two things, but the one thing that it does, which had a fiscal note and therefore it ended up on the Appropriations Table was a \$50,000 fiscal note, which allowed the Victims Compensation Fund to keep the insurance it earned instead of putting it into the General Fund. The second thing it does is it allows the Department of Corrections to garnish the wages of offenders who are refusing to pay their restitution to victims. The bill died on the Appropriation Table because of its fiscal note, but we really want to keep the language that will allow the department to garnish wages of offenders in order to collect the restitution for victims. I hope you will support this Joint Order.

Pursuant to Joint Rule 404, this Joint Order requires the affirmative vote of two-thirds of those present for passage. 105 having voted in the affirmative and 1 in the negative, 105 being more than two-thirds of the membership present, the Order is **PASSED** and sent for concurrence.

On motion of Representative MACK of Standish, the following Joint Order: (H.P. 1610)

ORDERED, the Senate concurring, that Bill, "An Act to Reduce the Sales Tax to 5%," H.P. 302, L.D. 410, and all its accompanying papers be taken off the House's Unfinished Business Table, that a roll call vote be taken and that a tabling motion would not be in order. After the bill has been removed

from the House's Unfinished Business Table, the vote will be to accept the minority ought to pass report as amended.

READ.

Representative MACK of Standish **REQUESTED** a roll call on **PASSAGE**.

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, Right Honorable Men and Women of the House. Oh the games we play. There was a bill put in a while ago back last summer. It was the bill to cut the sales tax to 5 percent. The cosponsors were on the bill and the bill was filed in time. It had a public hearing. It had a work session. That work session was two and a half months ago. Only recently did the stand-alone bill up and down on the 5 percent sales come to the floor. Interestingly enough, it has been on the Unfinished Business Calendar. There are some indications that we may adjourn sine die without taking up this bill. This Joint Order would simply take this bill off the Unfinished Business Calendar so we may have a vote on it. This was the stand-alone bill to cut the sales tax to 5 percent. A similar measure was put into the budget to take affect next year. This bill would take affect 90 days after we adjourn. It maybe would have been unnecessary if the trigger had not been removed. Like any other divided report, I am just asking to have it come before the House so that we would have the opportunity to vote on it. It is nothing unusual and nothing special, but with some of the games having the usual happen is sometimes special. I urge you to vote in favor of the Joint Order. Thank you.

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

Representative **THOMPSON**: Mr. Speaker, I ask for a ruling of the chair as to whether this item is properly before the body pursuant to the Constitution of the State of Maine, the House Rules, including the preamble to the House Rules. Secondly, a ruling whether this motion is dilatory and being used for the purpose of delaying or obstructing the business of the House.

Representative **THOMPSON** of Naples asked the Chair to **RULE** if this Joint Order was properly before the body.

The **SPEAKER**: The Chair finds that it is not properly before the body under the Constitution of the State of Maine, Article IV, Part Third, Section 4, says the House may determine the rules of its proceedings and also the preamble of the House Rules is this Joint Order would involve the other body being involved in making determination with respect to the proceedings of the House. Therefore, the Chair finds that this Joint Order is not properly before the body.

Subsequently, the Chair **RULED** the Joint Order was not properly before the body.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry"

(S.P. 400) (L.D. 1191)

Signed:

Senators:

MICHAUD of Penobscot

CATHCART of Penobscot

Representatives:

TOWNSEND of Portland

STEVENS of Orono

BERRY of Livermore

MAILHOT of Lewiston

POWERS of Rockport

TESSIER of Fairfield

KNEELAND of Easton

WINSOR of Norway

BRUNO of Raymond

NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-416)** on same Bill.

Signed:

Senator:

HARRIMAN of Cumberland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416)**.

READ.

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass pursuant to Joint Order (H.P. 1540)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources"

(H.P. 1607) (L.D. 2253)

Signed:

Senators:

MICHAUD of Penobscot

CATHCART of Penobscot

HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland

STEVENS of Orono

BERRY of Livermore

MAILHOT of Lewiston

POWERS of Rockport

TESSIER of Fairfield

KNEELAND of Easton

BRUNO of Raymond

NASS of Acton

Minority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass pursuant to Joint Order (H.P. 1540)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$30,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Fish and Wildlife Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources"

(H.P. 1608) (L.D. 2254)

Signed:

Representative:

WINSOR of Norway

READ.

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Majority **Ought to Pass** Report. (Majority Ought to Pass Report) (Townsend)

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. In the late 1980s the people of Maine began to be concerned. As a result of the improved economy we found that precious pieces of land in Maine of unique quality were being bought up and closed off. Places that we had traditionally gone for fishing, hiking and other traditional Maine activities. They were no longer available to us. Due to the foresight of members of the public and the vision of some members of this body at that time, it was passed in 1987 a \$35 million bond called the Land For Maine's Future Bond. It passed overwhelmingly. In the years that followed, the Board of Directors of the Land For Maine's Future Board wrenched every dime out of that program. They spent it well to the extent that they were able to preserve extraordinary pieces of property around the state including Mt. Kineo. Perhaps there could be no better symbol for the Land For Maine's Future Board than Mt. Kineo. They matched it with private funds. They used it to its very best benefit, but it is exhausted. The money is gone. Last term we were able to appropriate in cash \$3 million to the program. Recent events have made it clear that it is necessary to replenish the Land For Maine's Future Fund. I think we have watched in slight shock over the past year as enormous tracts of land have gone up for sale in this state. We have had to wonder whether they would become condominiums and whether the roads would be blocked off and whether the people of Maine would no longer be able to access the places where we have hiked, fished, camped and hunted for so many years.

The Majority of the Committee on Appropriations and Financial Affairs have supported a version of the Land For Maine's Future Bond, which we will send out to the voters. It is a bond question for \$50 million to be issued over a period of five years, \$10 million a year, so that we may replenish the Land For Maine's Future Fund. We have worked, as you are well aware, with members of the public over the period of the session. This has very broad support. There is careful language to assure that public access, traditional activities, including hunting, fishing and trapping will always be preserved on those lands except where prohibited already by state law.

This is, of course, a program, which works with willing sellers. There is no force here. We are working with people who want to sell. I urge your support. I think it is critical that we take this step to preserve the very best of what Maine is, of what Maine's character is as we know it now. We don't want to wake up in future years and wonder what happened. We are fortunate enough to have Baxter State Park because of the vision of Governor Baxter who went ahead and purchased those tracts of land after the Legislature three times rejected his request to purchase them. I think we are all grateful that he had that vision. Let's take steps today to join in that vision to preserve Maine's unique qualities. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I, like many people, enjoy the wilderness. In fact, a great deal of my young adulthood was spent winter mountaineering and tracking through wilderness areas. I would suggest to the good Representative from Portland that our fees of spreads of condominiums is not well founded. I could take her on a tour around my area and show her many condominiums that are now empty. We are also setting policy and we did in this session to drive out the very people who might decide they want to retire here and buy condominiums if they existed. For the life of me I can't figure out where this huge rapid growth of development is happening, especially in the north woods area. If we are doing anything, we are driving people out of the state, because of the taxing policies that we set in place and the anti-business climate that we create. I might also point out as it has been pointed out many times in the past is that Maine has a unique status of having more public access to private land than any other state in the country. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just want to rise in support of the motion. I would also like to point out a couple of items in the bill that I think that we included with excellent discussion amongst the committee to try to address the concerns that we have heard in this public lands debate. In Part A, Section 86, Section 6 in that, we included specific language to the extent the purposes are consistent with this disbursement provisions in this part. Ten percent of the bond proceeds may be considered as a state match for any federal funding to be made available to the state. There is a possibility of federal funding for lands. Our feeling on the committee was whatever land that is used to purchase, it followed in the guidelines of the Land For Maine's Future Board where it is open for access for traditional uses. Any purchase that is used for a match has to be within those guidelines. It is on our terms. Part B, I worked with the Representative from Medway to try to address some of the concerns we heard as far as the lost tax revenues to the unorganized territories, in particular, the small towns. We were trying to find a way where we could take care of these concerns. First we started looking at ways to maybe raise some revenue for sale of stumpage of that or some other options. It is quite complicated and difficult to manage. This Part B is language in existing law that allows a purchase if it is over 1 percent of the valuation of the town it allows the municipal officers to have a say in this and if they want that town to have that much of that valuation lost.

I had a project in the Town of Livermore a few years back that the townspeople went to the state to ask that this land be purchased and protected. It gives them the opportunity also to say no, we can't afford it. This Part B in the bill extends that language and mirrors it for the purpose of the unorganized territories and the county commissioners. It gives them a chance to block the purchase. I think it will also give a chance for the citizens of the unorganized territories to come forward and participate. I feel they will probably be as likely to support it as try to block it, but they will have this opportunity in this manner.

I want to address Subsection 2 in that part. It in no way implies that land will be taken by eminent domain. It mirrors the existing law for municipalities. The Land For Maine's Future Board doesn't take land be eminent domain. They did use the

term friendly takings when dealing with the title search. I don't know. That business is a little complicated for me. They don't take lands for the public use through the Land For Maine's Future Board. I think that is an important piece to include. I hope that will comfort some members of this body that absolutely feel that no more public lands should be bought. I just hope that they will see that it is an opportunity for the unorganized territories to have a say in that. I think the need in purchasing public lands is probably not in the northern part of the state as we have heard. I think the need to protect some special areas is probably more in the south where the growth has occurred. We have purchased some in Scarborough Beach. I think that is important in areas like that. I would appreciate your support on this. I hope you will support the motion.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. This issue first rose in December or early January. We had for us a choice of numerous ways to accomplish this goal. As I looked at legislation, there were criteria that I established in terms of being able to support this program. The first most important component for me, because I was familiar to Land For Maine's Future would be, will these be administered by Land For Maine's Future? The answer is yes. Will it prohibit the purchase of working force? The original statute prohibits the purchase of working force. A major criteria is will it preserve public access for hunting, fishing, hiking and other recreational activities? That has been the history. I think 98 or 99 percent of the land acquired by the board has public access. During the winter as we headed north or south on the Maine Turnpike, we saw the trailers loaded with snowmobiles on their way to the county for access that had been opened up or use that had been opened up. It became an economic development tool. Ironically Aroostook County was one of the full counties that had snow all winter. We had bare ground in the south.

Will it dedicate funds for the access to Maine Waters Fund Program? Yes. Mainers haven't had full access to their waterways. The money is reserved to make sure that those waterways will be open to the citizens. It was crucial for me that there be willing sellers and willing buyers. That has been a characteristic of Land For Maine's Future since its inception. I have always voted for local control, the approval of the local elected municipal officials. That is in there. Actually in the history of this fund we have had at least one municipality that as the board looked at acquisitions, not only did the board give its approval, they put in local dollars in a partnership. That was voluntary. Representative Berry is to be praised that one open area, that void, dealing with municipalities and how do we get that approval has taken a very positive constructive approach.

Does it provide for matching contributions? This does. It will be leverage with additional private dollars. The final criteria was, is it large enough to make an impact, but also a proper funding level to win support in this House, two-thirds and to win overwhelming public support at the polls. This is separate from issues that are happening in the rural areas. My seatmate for two years was Representative Henry Joy. You could not spend the time with Representative Joy as I did over the last two years without becoming aware of real threats to the Maine north woods. Those are separate. They are not involved with the Land For Maine's Future. Any of those attempts to take away that ownership or that right to be able to stay in the part of the

state that you want to. I support his efforts fully. I understand those threats. This is not part of that. This is separate.

Another reason I like this is because in the southern part of the state we are losing our farms. There is a provision in this for 10 percent of the monies to be able to go to farmland preservation. I think the board instead of buying the farms will buy the development rights. That means a young couple that want a farm instead of buying property or a farm, based at an evaluation of the highest and best use and not being able to survive on that farm, will be buying it at its value as a farm. It increases the opportunity for them to succeed. The paper they will carry will be based upon its value as a farm. That 10 percent guarantees that we will preserve farms in those areas of high pressure. Coupled with this happening on the local level, our local land trusts, regional land trusts and their success stories are numerous. Land For Maine's Future looks at those properties that are unique that the local land trusts can't buy.

In my community or my region, the blueberry plains have been preserved. On a day like today couples and families will be out there. Soon they will go out and pick wild blueberries. On a day like today with these drafts, Mt. Agamenticus, a jewel of York County looks to the ocean and looks to the White Mountains. This time of day there is probably pretty close to 600 or 700 people up on the crest of Mt. Agamenticus. More than half of them will be from away. They are learning that when they visit Maine that, yes, you can visit the t-shirt shops and you can have a lobster on a deck overlooking the harbor, but if you really want to have a feel for the beauty and the magic of this state, there are some treasures, some gems that you can visit and experience the uniqueness of Maine. Today, literally thousands will be out on those blueberry plains or up on top of Mt. Agamenticus. This is one of those areas that I think there is broad support. There was 2 to 1 support 12 years ago.

There was a separate bill moving through to dedicate money from the real estate tax. I did not support that because that would have been a policy decision made within this body. I think every decade or so we need to have a public discussion in the State of Maine about the direction we are going to go and where our money is going to be invested. I think this fall when we have this discussion, the Maine people in all sections of the state will respond with an overwhelming yes. I urge your support of this proposal.

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

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. I believe that my constituents deserve the right to vote on this issue. I believe the land in our state does belong to all of us and we should all have a vested interest in making sure that we can use it. The Representative from Kennebunk said that the history of the Land For Maine's Future is one that leaves the land open for us to use. I was wondering if I may pose a question through the Chair? When I read the bill and I read the yellow sheet that Representative Pieh sent to us, it says, "Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations." Perhaps the regulations are now so that people can use this land, but in this Legislature two years from now and in our state and local governments, under the LURC, cannot all that be changed like this with a vote here? That is the part that confuses me. Maybe it is open now, but the way I read it, it can be

changed by just changing the state or federal law. Would that be correct?

The SPEAKER: The Representative from Rockland, Representative McNeil 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. Certainly any law can change at any time. I think if any Legislature were so foolhardy as to change the law regarding the Land For Maine's Future Program and the issue of public access, that there would be a great outcry from the people of Maine because that has never been the understanding that the land would be closed off. I want to be specific that there are instances where it is necessary to close access to some special areas perhaps if there is an eagle's nest and there are hatchlings. We don't want people there. Clearly farmlands where crops are growing would not be a place where we would want people to drive their vehicles. Overall, access will always be preserved to the pieces of property unless some Legislature would be absolutely stupid.

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

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

The SPEAKER: The Representative may pose his question.

Representative GILLIS: Mr. Speaker, Men and Women of the House. I would like to know in Aroostook County with all the snowmobile trails and the hundreds of miles that we have, can anybody tell me on private land how much the state had to pay for access to those snowmobile trails?

The SPEAKER: The Representative from Danforth, Representative Gillis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Mr. Speaker, Men and Women of the House. I do not rise to answer the question. I stand in strong support of this pending motion. My only objection to this bill is that, I feel, it is not nearly enough. For me, \$75 million to \$100 million would have been much more favorable. I praise the Appropriations Committee for coming to a strong bipartisan commitment and to what I consider one of the most important things that I can do in this body. I see this as an incredible legacy for future generations, children, grandchildren and great grandchildren. It is something that they will look back at in the next millennium and will realize the wisdom of this body and this state to move forward and realize that we have a golden opportunity here to preserve these open spaces and to make sure that they remain open and accessible and are not locked up in private ownership where access is being barred.

Down in Freeport it has been kind of incredible the amount of growth in the last few years with the economy humming right along. I remember when I first ran for the Legislature back in 1996 and went door to door. Two years later going door to door there were whole new streets and subdivisions where before they had been forests or farmlands. It is just amazing the rate of development in parts of this state, land being chopped up and being built upon. I see this as an incredible opportunity to maintain some public access to land before it is too late. There has been some discussion that we are taking this money off the tax rolls. Unfortunately I couldn't put my hands on it, but I do remember a study that I believe was done by the Maine Coast Heritage Trust, but I am not exactly sure, but they did a study

and they looked specifically at Freeport and a couple of other towns. They looked at what happens when land goes into public ownership versus land that is built upon. It came to a very interesting conclusion that if you have land that is built upon, that built upon land immediately puts a burden on the community, on the tax burden in terms of services, fire, rescue, police, plowing and the biggest one is the schools. They found very interestingly from the study that the amount of taxes paid by that house do not offset the costs of the services that are needed for that house. It was a very fascinating study.

I have had an opportunity to go and see some of these newly acquired lands since the last bond issue. I don't know if you remember, but a number of months ago we got a whole booklet from the Land For Maine's Future Board and the scattering all over the map of the lands. Last summer I had the opportunity to go to Washington County, an area I have not really been to before. I went to an area called the Bold Coast. It is in the Town of Cutler. It was an absolutely stunningly beautiful area where you go in off the state highway and immediately you are engulfed in the forest. Before long you are standing on the top of a tall cliff overlooking the ocean. The only thing before you is a wide open ocean and the sea gulls riding the currents with waves crashing on the cliffs below. It is absolutely stunning. I was so grateful that we, the people of the state, own that land. We will forever have access to that land and have the ability to go there and enjoy the immense beauty of that area. I cannot imagine the loss to the state without these opportunities.

In my district in Pownal we have had purchases done as well in addition to Bradbury State Park right in the Town of Pownal and right in the heart of southern Maine. It is an incredibly fast growing area. Again, if you look at the maps you realize there are numerous areas down in southern Maine where land is very, very quickly getting swallowed up by houses and development. In Freeport this whole issue of land development and open spacing laws came to an ugly head this past winter with a local proposal in the Town of Freeport to take the wooded area referred to as Everett Hill and put a 30 some odd number of house lots on this. It was a hugely contentious issue. It looks like we are going to be trying to come to some resolution on this. This is a situation that people realize slowly, but surely, we are losing our legacy here in terms of open land. I urge your support for the pending motion so that we can provide opportunities for future generations. Thank you Ladies and Gentlemen. When the roll is taken, I request the yeas and nays.

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

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

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

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

The SPEAKER: The Representative may pose her question.

Representative SAVAGE: Mr. Speaker, Men and Women of the House. I am going to support this, but I still have a concern about the definition of outdoor recreation. I will tell you what my concern is. I have a family that loves to go hunting. There are people out there who would close the whole State of Maine to hunting. I want to be assured that outdoor recreating does include hunting and fishing because as I read this it does not say hunting and fishing. I think that is the way we are interpreting it, but I am wondering if someone down the line is going to interpret

it differently and say you can't hunt there. Could somebody answer that? Thank you.

The SPEAKER: The Representative from Union, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Men and Women of the House. In response to that question, current statute under Land For Maine's Future states outdoor recreation to include hunting, fishing, trapping and etc. It is in current statute those actual words. The wording in the referendum is a little bit broader and says outdoor recreation. The statute is very clear on that.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I think I have to respond to a few comments to the good Representative from Freeport. I, too, have been in many places in the state and other states. As I said before, I spent most of my lifetime in the outdoors climbing mountains and tracking through the wilderness areas for weeks at a time. I, too, enjoy the same views and scenic vistas as the good Representative from Freeport does, but the other aspect of that is that I like people. I like people who have a chance to build a house where they would like to build a house. That is the American dream. Is there a cost for people coming into a neighborhood and building a house? Yes, there is. There is also many benefits for people moving into the neighborhood and contributing to that neighborhood and working hard in that neighborhood doing community efforts in that neighborhood. Let's not demonize civilization. That is what people are. They are civilization. I took a flight over this state when we did the compact, the Maine Forest Compact, during the clear-cutting issue with the competing measure. We had three public hearings, one in Lewiston, Augusta and Presque Isle. When I took that plane flight up to Presque Isle, I saw some of the clear-cuts. As we passed over the clear-cuts we got to an area, it was unbelievable to me and the only thing I could think of was a sea of forests and trees. I was amazed. I never realized we had some much forested area in this state. I heard the percentage of 90 percent. That sounds like a huge amount, but to see it with your eyes is just amazing.

We are not threatened by a huge inundation of people and development. Some parts of the state is being developed. Sure, but that is where people want to live. Do we have places in this state that are set aside to enjoy public access? Yes, I have enjoyed them myself. Am I glad they are there? Sure. I don't think we are facing any crisis in this state. If you look at the population of the state and how much it has grown in the last 10 years and you look at the businesses moving out, I don't think you are going to see a huge migration any time soon to gobble up land. I am not going to support this pending motion. I may support the Minority Report if we get to that. I won't support this one. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Williams.

Representative WILLIAMS: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representative from Bridgton, the demonization of civilization, I would agree that I don't see a huge concern right now of people flocking to this state and wanting to cut all our trees down and extend the sprawl. This kind of proposition necessarily needs to be a proactive approach opposed to a reactive approach. Once

we realize there is a problem, it is too late. We have all seen the signs coming into the state or at the border crossing, "Maine, the way life should be." I don't know about you, but I have given it some thought as to what that means. Of course, it means something different to everybody, but at a fundamental level and perhaps at the risk of stating the obvious. It refers to a quality of lifestyle that we enjoy here. Is it a perfect lifestyle? Certainly not. It is not even an easy lifestyle in many cases. It is my belief that at the core of what makes Maine the way life should be is our natural environment.

At the University of Maine where I work we offer 80 some odd undergraduate programs and even more graduate programs. Some of them include plant soil and environmental sciences, environmental engineering and geochemistry research, wildlife ecology, forest ecosystem science, forest management, geological sciences, marine sciences and natural resources. As a registered Maine Guide I have had the privilege of taking hundreds of people down Maine's waterways. For a number of summers I have managed a restaurant on the coast of Maine. For a number of summers prior to that, I worked in the summer camp industry. I might say parenthetically that that camp was located on Lake George. It is a current beneficiary of the Land For Maine's Future Program. In all of these situations it is the environment that has attracted these people to the state and has kept them coming back year after year to educate themselves and to recreate themselves. In Maine our economy has always been integrally linked with our environment. We have here an opportunity to help this equation that will ensure the delicate balance between the two will remain healthy of generations to come. I urge your support of the pending motion. Thank you Mr. Speaker.

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

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I have a few thoughts in my mind and a few areas that I would like to talk to you about. I know many of you are not going to like what I have to say. I have to say it and put it on the record. I think about going back to old England when we had the landowners versus the Serfs. The landowners owned so much of the land and the Serfs had nothing. It is my belief and you probably all think I am a little crazy here, but my belief is if we are not careful we could end up that way. I think we need to value people's property rights. I believe we have to value and be careful of buying too much. I am very concerned about this \$50 million bond issue. Last night we just taxed the people on the gas tax and we raised their registration fee. We are sending this out to the public for a vote. It is a \$50 million bond. Think about it. It could have paid for our roads and bridges. We are more concerned about buying land. I believe we cannot afford it at this time. We have gone through the surplus. We have spent every bit of it. Not only that, but if every bond that we passed today goes out to the people in November passes, we are going over that 90 percent rule. That is not a good thing at all. Please think twice before you vote for this. Thank you.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. Ever since I have known that this referendum would come before us, I have debated with myself over and over wondering how I was going to vote. The cautious conservative side of me says one thing, but there is also another side of me.

Many of the things that I have thought about have already been said and therefore, I won't bore the few of you who are left with those things. There is one aspect that has not been mentioned. I think of a little girl who ran through the open fields who hunted in the woods with her father and who fished in the trout stream that was the outlet for the pond in which he learned to swim. Will future generations have the same humble privileges that I had as a child? Because I would like to see that happen and because I would like to see the Maine children have the same opportunities that I had to help shape my life. I shall vote for this bond issue and I hope that the rest of you will join me. Let's paraphrase the State Song to save our woods, fields and hills and rockbound coasts for the grand State of Maine.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. Several speakers ago someone mentioned the fact that Maine, the way life should be, and I couldn't agree with him more. There certainly is something unique about the State of Maine. It has to do with the quality of our environment. It also has to do with our culture and the fact that we could enjoy this great state regardless of our economic status. That is one of the things that concerns me about this proposal for Land For Maine's Future because someone is going to suffer as a result of the purchase of these lands. We can correct that very easily. If the folks that are proposing this would do that, I would certainly support it. If we would only put in a provision that allows for the payment of taxes so that the existing property owners of these rural areas don't have to absorb that cost, I would certainly endorse it. What happens is when these nonprofit groups purchase these lands, the land goes off the tax rolls and generally it is the highest quality of land in the town or township they live in. As a result, these rural Mainers have to absorb that increase in taxes. Very often these rural Mainers are low-income folks to begin with and can't afford that increase in taxes. Last week, we debated whether or not to start taxing social security recipients. I described that as robbing Peter to pay Paul. I describe this program as robbing Peter to let Paul play. Peter being the rural Mainer who is struggling to earn a living and Paul being the affluent yuppie from southern Maine who wants to wonder around the woods. I don't think it is a good policy to rob Peter to let Paul play. To me, it is just another government program so we can let our selfish, self-indulgent middle class moronic yuppie have a place to play in the woods at the expense of those struggling Mainers who are trying to earn a living. Maine, the way life should be, can be that way for all of us. I don't think that we should single out one group of people because they happen to be more wealthy than others and subject the low-income folks to absorb the cost of that so they can go to the woods and recreate. Thank you.

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

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. I feel obligated to say a few words since I passed out this handout on the percentage of ownership of government land. I didn't do this to indicate that I am against possibly one of

these bond issue questions. I did want to just put things into perspective though because the figures are kicked around a lot that the state only owned 5 percent of the surface of Maine and that we should consider the submerged land under all the great lakes. That is 7 percent so we only come up with something like 12 percent. If you add the major rivers, the footprint of all the rivers and streams, I would contend that probably 15 percent is in government ownership. That is just to put things into perspective. As far as robbing somebody, the Pauls, the rich yuppies from southern Maine to play around in the woods. I must be one of those people. I am certainly one of those people. I am certainly not rich and I don't know if I am a yuppie, but I am not from southern Maine, but I dearly love to track into Baxter Park. I dearly love the fact that you can't even fly a plane low over certain areas back in there. I dearly love the fact that you can walk into Russell Pond 9 miles in and 9 miles through to the other side and have a true mini wilderness experience right here in the heart of Maine. I would not want that to be in private ownership. Here I am a fierce defender and fierce believer in private ownership. I do, however, believe that there should be a certain portion of government ownership. Baxter Park is a good example. The good Representative from Freeport mentioned another dear place to me, the banks in Cutler. I certainly am not in favor of the government owning vast tracks of forestland, but I do love the idea of owning pieces here and there, especially in one of my towns. We are in dire need of a chunk of public access to the ocean in Brooksville. The fishermen have virtually no place to even access the shore. This is the type of thing I want. Whichever one of these I vote for, I would hope some of that would go towards buying chunks like that.

On the other hand, we have Duck Lake that is state owned. I read a letter the other day that somebody complained because he couldn't back his boat into Duck Lake because there were some pillars there. He had to use a smaller boat or canoe to get in between. You can drive right into the area, but he couldn't back his larger boat in. I am in favor of certain areas like that. I have been in Duck Lake with a smaller boat. You don't need a huge boat. Every place in Maine doesn't have to have access to everything. To me, it is just a matter of commonsense. It is a matter of looking at the entire state and seeing what is appropriate for certain areas.

There is a brook that I used to fish many, many years ago. My cousins took me in there. We had to walk five miles in. It runs out of Katahdin Lake. It is some of the most beautiful water in Maine. It was really wild to get into. I lived out in the northwest for a long time. I came back and I took my son in there. We walked in the five miles to fish down the brook and instead of getting better the fishing kept getting worse and worse. Down at the bottom I found out why. We started seeing cigarettes and so forth and packages and found out that there was a road in from the bottom end. These are the types of jewel type places, not vast areas, that I think should be kept for the people to enjoy forever. I am going to support one of these. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Men and Women of the House. I am in southern Maine. I am not a yuppie, Irish working class. I am going to vote for this. I agree with Representative Townsend on her presentation. I won't repeat that, but I grew up in Portland, Maine. It was called the forest city. It no longer is the forest city. A lot of the forest has been cut down and houses

have been built. Falmouth is going the same way with tremendous development. Unless we do this now, I think we should perhaps hearken back to Theodore Roosevelt if he hadn't purchased national parks out in the west, they wouldn't be there today. I think we should really look at this very seriously. I will support it. Thank you.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. This is a tough issue for me. The reason is rather than going out on the land maybe two weeks a year I go on a hunting or fishing trip, I am on the land most of the year, except when I am up here. Access to private land is the most unique thing in this country and it is right in this state. The reason people come here is not because we own public land. People come here because they can do things on private land at no expense. Any other state if you go on private land, you are going to pay. In many other states if you go on public land, you are going to pay to do whatever you want. We can do many things right here in Maine right now without paying anything to go hunting, fishing, snowmobiling or almost anything on the land. That is what makes Maine unique among all the United States in this country. There is a risk to what we do. It depends upon how far that we do this and how much land gets involved when we do this. If we are interested in perhaps buying some development rights, access to water, whether it be the ocean, rivers or lakes, that is a reasonable thing to do. There is no question that people overwhelmingly support buying land for Maine's future. I think much of it is perceived. It sounds like a good thing and it makes sense to many people, particularly those who live in a city in a house and the only time they get out on the land is on a vacation or a fishing trip. I can understand that. When you have been out on the land for 40 years like I have and you own a piece of it and it is open to anybody who is reasonable in its use, it is a tough bill to swallow to think the state is going to buy the land and make it better and more open for people. I question whether that will happen in the long run. If you look around the rest of the county, you will usually see signs that will establish the price for you to go on the land or they will tell you where to go or where you can't go. We are going to face that when this land gets into public ownership.

One of the reasons, not the only one, but one of the reasons why there have been large sales of land in the immediate past here is because of rules and regulations. In southern Maine you will see more trespassing signs because of rules and regulations. After all, the state takes the money for the hunting and fishing license and the private owners raise the game, except in the streams perhaps. When you force too much on them, there is a reaction. The reaction is posting of the land. That is a shame. It is a shame to see that happen. We really should be building a monument to the ownership of private land in Maine because it has been so successful. It has been so open to the public. It disturbs me greatly to have to go to the point where we have to own the land publicly to make all those things available now at a price, when they are available on private land at no price. I thank you.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. Earlier this morning you were told that the Land For Maine' Future Board does not use eminent domain. May I read, Mr. Speaker, from the statute of the State of Maine.

"Section 207-A, use of eminent domain. The board may expend funds to acquire an interest in land obtained by the use of eminent domain. Section 2, transactions. Any acquisition by eminent domain funded by the board when the land exceeds 50 acres or \$100,000 is subject to the approval of a municipality unless," of course, you live in an unorganized territory, "this requirement does not apply." Once again the people of northern Maine, the people in unorganized territories, will have no say. I do wish to correct the statement that was made this morning. The Land For Maine's Future Board does not acquire land by eminent domain. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Schneider.

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

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

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. The phrase public access may not be prohibited plays a prominent part in this bill. I am interested in what that really means. If someone could give me a good kind of summary of what that phrase means? For example, I assume on a piece of land acquired by the board, vehicles could be limited to travel on trails and roads, but could trails that exist at the time of the purchase be closed down and barred to vehicles. Some consumptive activities like hunting and fishing are permitted, but would other activities like rock hounding and collecting edible plants, would those things be permitted? Where are the lines being drawn?

The SPEAKER PRO TEM: The Representative from Durham, Representative Schneider 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. It is important to understand that the Land For Maine's Future Board merely purchases the property according to guidelines. It then turns over the property to be managed by the Bureau of Public Lands or sometimes by the Department of Inland Fish and Wildlife. Each of those departments applies its own regulations and rules to those unique pieces so there is no one blanket rule, which applies to all parcels. I think that so far discretion has been shown regarding pieces of property and where it is appropriate roads are kept open and perhaps where it is less appropriate roads are closed. I do feel strongly that it is important to allow those departments discretion in their rulemaking and in their management keeping in mind that they are accountable to the Legislature and should there be problems, we can change that situation. Thank you.

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

Representative **SHIAH**: Mr. Speaker, Colleagues of the House. First of all I want to address one or two things the Representative from Hampden addressed regarding eminent domain and the unorganized territories. It is my understanding that the board has that in a provision, but they have not used it to date. That is my knowledge and they are very, very reluctant to use eminent domain. Again, that is an issue I don't think the board would do. Having served on the Natural Resources Committee for the previous four years we discussed this with the board and it is a very touchy subject and a very crucial part of this. The board is very reluctant to use eminent domain.

Secondly, regarding the unorganized territories, I think the committee did an excellent job in inserting part B in the bill, if you look in there. It talks about the pool of the county commissioners if more than 1 percent of a valuation within a county is proposed to be purchased by the LFMB. I think that is a good addition for this bill. I commend Representative Berry and others who worked on that.

Also, I want to talk about the willing seller or willing buyer nature of this. That, again, has been the tradition to this. It is a key part, I believe, of the whole boards work. They need to work with potential owners of land that they are looking at. Again, it is a willing seller, willing buyer. That is their real operating mode in the board currently. Again, if you talk about the title of this, it is Land For Maine's Future. As we stand on the brink of the next millennium, I think it is a wonderful opportunity to give the voters a chance to leave a natural heritage legacy for the next millennium. With the development pressures on the land throughout southern Maine especially, I see a lot of them in my district, I know a lot of the southern Maine districts see them in their districts. A lot of the areas we are losing to development pressures. I know just in Topsham the other day another 200 unit housing development was proposed on some rural area of that town. The pressure is there. Again, I think it is our obligation to give the voters a chance to say whether they want to do this. I strongly support this pending motion. I, too, had put in a bond issue at a much higher level. I will support this. Thank you.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I am one of those yuppies from southern Maine. I am here to testify that you can work in a joint relationship for the Land For Maine's Future. As I stated yesterday the Town of York is the third fastest growing community in the state. York County as a whole is fast losing all its natural resources. I, myself, submitted a bill for Maine's future because we are very concerned in southern York about the loss of our wildlife. A few years ago we saw the development begin to inch its way up to Mt. Agamenticus. The Town of York joined in a partnership and contributed funds, we are a town that contributed funds, to work with the Land For Maine's Future to buy and preserve the Mt. Agamenticus area. That has been done. As a result of that three or four area towns have joined together in a partnership to manage this area. We now probably have one of the best sites in the New England states on the seaboard area where bird watching takes place and people come from all over the New England states to take part in bird watching. There is a tremendous amount of astronomy courses taking place at the top of the big A. We have been able to work with the area water companies to protect our source of fresh water, which was so critical to the area towns. We have developed plans for the recreation of the area and have received grants to develop rules and guidelines and ways to protect the wildlife, endangered plants and species. I am here to testify that this sort of arrangement can work. The Town of York is extremely pleased that we were able to work in a partnership with them to save an area, which as my friend in the corner, the good Representative Murphy stated, is one of the jewels, I think, of southern York. We have been able to preserve it in that partnership. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. The issue of eminent domain has come up on the floor and a little bit of research. Eminent domain can fall into two categories. It can be hostile, directed at a landowner or if there is a cloud on the title, a landowner can request what is called friendly eminent domain to clear the title. In the history of Land For Maine's Future, there has never been a hostile eminent domain use. There may have been one or two friendly eminent domain, which would only have occurred if it had been requested by the landowner. The landowner requested the friendly eminent domain. I know the good Representative Berry will be taken aback by my praising him twice in one morning, but the question that was raised concerning the unorganized territory, that problem will be resolved by Representative Berry's amendment. Thank you.

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 comment and a reaction to one of the statements that we heard earlier about willing sellers. It is my contention that willing sellers can be created by this process. I would like to pose a series of questions to the chair if I could please. Would the phrase other recreation activities be interpreted to include the use of personal watercraft, snowmobiles and ATVs? Second question, is there a guarantee that the public access language will never be changed? Third question, will any of these public lands be managed by private agencies or entities such as nature conservancy or the Audubon Society? Fourth question, will private landowner abutters be able to use their land up to the borders of public land or will there be buffer zones that include some of the private owners property? Thank you.

The SPEAKER PRO TEM: The Representative from Hartland, Representative Stedman has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I will try to answer the question to the best that I can. As far as recreational vehicle uses, that would probably be subject some regulations in concert with state laws or local regulations as far as other uses of the land, I think, that too would have to be covered by regulation. Just to try to further the point a little bit, I am not really much of an expert in some of these issues. In fact, I sort of barely got out of school with my shirt on. I guess what I am trying to say is I am sort of a poor old country boy and I am trying to do the best I can to sort of elucidate some of the points that have been brought forward this morning that I think are very interesting along with the questions brought forward from my good friend from Hartland. Think when you talk in terms of what we are talking about in terms of public land versus private property and some great points have been made about the issue of private property this morning and I have also heard them in the hallways all session long. This has been a topic on people's minds and I have also heard it back home, the issue of public lands versus private property. There are a lot of concerns that run under the surface behind that. I think that is important to mention on the floor. I think the problem that is seen with public ownership in terms of recreational use is that it is not guaranteed. Some future Legislature might come forward and prohibit the use of personal watercraft, snowmobiles or ATVs. That is very possible, but I will tell you the other side of that is

with private property all you have to do is tack up a sign that says no trespassing. There is no appeal process. You can't go back to the Legislature and ask for a bill to be put in to restore that access. A man's home is his castle. That is the old saying. I think that is important to remember and this is why we want to contain some of those lands within public ownership so that access may not be guaranteed, but certainly is assured that there will be a process involved for people to continue having that access within the ability of those properties to sustain it. I think that is very, very important.

There has been some other interesting points made today too and I would like to address those as well. My good friend from Poland, Representative Snowe-Mello talked about old England. I am not sure how public ownership of land is going to lead to that, but I am glad that she brought up some of the problems of the administration of King John and the 13th Century, because I think that is very relevant in some of these cases when you are talking about private property. I think if you look at the Magna Charta, it just jumps out at me in terms of that issue of what private versus public ownership of land is, in Issue 31, it was neither shall we nor our bailiffs take any man's timber for our castles or other uses unless by the consent of the owner of the timber. What is revolutionary about that is who are we talking about when we say neither shall we nor our. We are really talking about the King of England, our royal person. Is that public ownership of land or private ownership of land? It is being transferred to private ownership from private ownership. Those futile lands were owned by one person. The Magna Charta was brought forward to address that issue. Maybe we shouldn't all be owned by one person. That is the extreme angle of private property ownership. The problem came up again with King George. If you look at the Declaration of Independence, I am sure you are all familiar with it and know it by heart, but one of the redresses of grievance brought forward in the Declaration of Independence dealt with the King of England refusing to allow people to migrate to America and raising the conditions of new appropriations of lands. The lands belonged to the King. Appropriating land from the King meant that it went into private ownership. Private property has a lot to do with out national culture. It is part of the founding pillars of the republic as private property ownership. I understand why people are a little bit skittish when you talk about taking land out of private ownership and putting it into public ownership. When you are talking about public ownership, you are not talking about the same thing that we did 200 years ago or 700 years ago. It is a much different ball game.

I think that when you talk about the demonization of civilization and why people are so head up really to keep recreational use within the language here is because when I think people have tended to perceive of civilization as is building a new mall and not having to go outside in the summertime in something that is not air conditioned. That is civilization to a lot of people. I don't think that if we lose our connection to the outdoors that we are really becoming more civilized, but rather the exact opposite. Essentially if you have no connection to your environment, you have no value for it and you are more likely to build a new mall. If you look around you and you see what has been built in the last 30 years, I think you will understand my point.

The Sportsmen's Alliance of Maine had a sportsmen's congress this last winter and I went to that. I spoke at that. I sat on a panel dealing with public land acquisition actually. It was

really very interesting because people were very concerned about access to public lands. I think that concern has been addressed in the language in these bond issues. People would travel for hundreds of miles to make sure that we had access to the new Baxter Park lands, for example, for hunting, fishing and trapping. It came from all over the state. While they were doing that and I pointed this out to them, their local planning board was approving a new mall, a new Filenes, thereby obliterating some of their grandfather's woodcock covers, for example. The problem with that is it is their land and they can use it how they want, but you can't go back later with a bottle opener and pluck out a Walmart. It is there? Once this stuff is gone it is usually gone for good.

I think finally I would like to illustrate how I feel about this with something that my good friend from Penobscot brought up. It is a very, very important point about the great ponds. I think this also gets to the heart of one of my good friends from Hartland's questions about personal watercraft. The issue of land ownership in the State of Maine and public ownership and I don't use the same word, government ownership, that my good friend from Penobscot uses, but I think when you talk about public ownership of land and the Great Ponds Act, it is very, very unique. All submerged lands are owned by the people of the State of Maine, over 10 acres. How unique is that? I had a really great opportunity to go to Canada and do a little bit of salmon fishing this spring. In Canada, you can own the water. That is a strange idea to us, because everything under water is public ownership. Everybody has access to the water, right. Not in Canada. You can actually own the water halfway up into the river. This is on the one of the rivers that is considered one of the great salmon rivers of North America. You can go up there and hire a guide, which you have to do, by the way, it is the law, for 3 days and spend \$300 and not be able to fish because you can go up the river and you can see it on the riverbank, private pool, no fishing allowed. If you are going to hire a guide, make sure he has a connection with somebody who will let them use that pool. You can go up there by yourself, theoretically, and go fishing and be arrested for trespass on the water. If you think about what we enjoy, it is not even questioned, take your boat out in the river, right out here, take your boat over to Cobbossee Lake, which I am going to remind you that we are going to do in a couple of weeks with the Governor's Cup Bass Tournament. You can do that without question. Nobody questions that you are going to be able to do that. If we lose the land, we have lost it forever.

Like I say, once land is posted, it is usually not unposted through successive buyers. They will keep it posted. Public land will remain open. I think the water use issue is a very, very important illustration of what can happen. It works very well in Canada, but they have always had it that way. We have always had that free access. If it was taken away or we allowed people to own the water like the way we allow them to own the land, people would probably scream. I don't think the social function of public land is too small. If anything, it isn't large enough. I think we should leave something for our future generations from us and accept this Majority Ought to Pass Report. Thank you very much.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House. I applaud the intent of those in support of this measure. I totally agree with the phrase, Maine, the way life

should be. In fact, Maine is this way, the way life should be, because of private ownership. Those in ownership of that land have been good stewards. They respect their crop of forestry and agriculture products. They have been good neighbors. They have encouraged responsible access with little or no cost to those who want to partake.

A lot of buzzwords have been passed around this body this morning. The improved economy bought up and closed off. A concern about sprawl is something that has come before us many times. Preserve open spaces, public access, development, fear of condos, but if you really listen to those terms, those are terms that are threats more to the south and are more relative to our southern counties than those who live in the north. There have been many members of this body over the last few months who stand up and pound the desk on behalf of the little people, the poor people. I stand before you today to speak on behalf of the rich people. The little people who don't have the money that those so-called rich people have in their expensive condos and their expensive homes driving their expensive SUVs, but the rich people who have appreciation for their forbearers, the rich history in this state of private land ownership. These are people who don't simply visit this great state or these wonderful lands and vistas that we have spoken about, but they live there and they work there, yes, they also play there. These little people, these rich people, as I like to call them, are truly concerned about what a previous member of this body calls, the good Representative from Kingfield, Eddie Dexter, his concern a death by 1,000 cuts. These people are concerned that this is just the beginning. This is just the beginning of the Restore the North Woods Initiative, the National Park. The loss of the taxable property that helped them have their basic services, both on the local and the state level, the government control and ultimately the loss of jobs.

We have information that has come across our desks over time that are sometimes called radical property rights information. Then the information as requested by my good seatmate from Kennebunk, Representative Murphy, on clarification of concerns that he has on the Land For Maine's Future. I am pleased to see on one of the requests of information the fact that one of the changes of the Land For Maine's Future Program was to give greater priority to parcels in southern Maine. Underlined in this information as a result a proposed project receives a higher score if it is in the southern part of the state. I guess that is why I rise today. The problem of sprawl, the problem of the lack of public lands is concentrated in the southern part of the state. The solution seems to be to grab that land that these rich people have, as I call them, those who have an extreme appreciation and rely on this land to grab that land from them so that the other rich people, those with the cash, those with the material things in life, can visit this property.

Again, I will conclude by saying I do applaud the efforts of those in support of this measure. Before I got up my good seatmate reminded me that there was overwhelming support in this body for this measure. I ask that you remember, oh by the way, I will be supporting the Minority Report, as we precede into this effort of securing public land and public access preservation, that you remember those rich people that are very, very concerned about a death by 1,000 cuts. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I know there has been a lot said and I won't be very

long. I know there are not a lot of people in here. The people in here are important to me and that is why I rise to speak. I know some of you probably have not made up your mind yet and many of you have. I do not know if there is overwhelming support for this in here and that is why I am getting up. If you have any doubt in your mind about whether you should support this or not, I would ask you for the sake of the voters of the State of Maine to support it. What we are doing here is we are trying to send out to the voters a bond issue. As you have heard, in 1987 there was a \$35 million bond issue, a similar bond issue, that was overwhelmingly approved by the voters in all 16 counties, all 35 Senate districts and in 151 House districts. If you are wondering whether there is support out there or not, there is a lot of support. I would just hate to deny the voters the opportunity to vote on this. I would just ask you if you have any doubt in your mind about how to vote today, vote to support this and send it out and let the voters make up their mind. Don't deny the voters the opportunity.

I have heard from the Representative from Holden, Representative Campbell. I listened to all of the speeches today. I don't own a condo. I don't own a big home. I have a very modest home. Those of you who have seen it know that. I am not sure about the issue of rich versus poor people. What I do know is that the State of Maine is one of the most wonderful places in this world. It is, because of the physical environment that we have here. Our environment is perhaps our state's greatest economic asset. We know the importance of tourism. We know the importance of preserving the State of Maine for tourism in the future for hunting, hiking, fishing and snowmobiling. I want to do that. This is a way to do that.

Between 1970 and 1990, there was more land developed in Maine than in the previous 200 years. That will continue and we all know that will continue. We are not trying to stop economic development. We are trying to preserve land. We are trying to preserve it for future generations. There has been a lot of stuff put in this bond issue to address the concerns that people have voiced. We know about the approval in unorganized territories involving the county commissioners. We heard about that. We know where there is a municipality. I think everybody understands that there is a municipal requirement if the purchase is more than 1 percent of the municipalities state evaluation. There have been other protections put in here to assure access. You have heard about this, this morning with respect to hunting, fishing and trapping. You know that 10 percent of the bond proceeds will be available to acquire public water. Up to 10 percent must be made available to protect farmland.

Again, all I have to say and I can't say it very eloquently is that we are very lucky to live in this state, the time that we do and to have the opportunities that we have. The beauty of the state, to use the land for our enjoyment and for our livelihoods. I think the land is a resource that literally defines a quality of life in this state, the economy of the state and our character as a people. You have heard that once we lose the land we lose it forever. That is true. You have seen development. You know what happens. We talk about rich people and how they use their money. It is to develop lakefronts and to develop areas. It is lost forever. Regular people can't enjoy the land.

I stand up today not for rich people. I stand up for all the people in the State of Maine. I say let's give them the choice. I believe that the decision you make today, our grandchildren and children will look back on this day as a historic event. I ask that you do it for them. Remember that we have been fortunate to

live in this state and enjoy the physical environment of the state. I want my children and my grandchildren and their grandchildren to continue to have the same privileges that we have had. By approving this today, we can do that. Again, we are voting to send it out to the voters. I would respectfully request that you not deny them that right. Thank you.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I join with my colleague from Portland in urging you to allow this to go to the voters. Many times in this body we have argued about zoning. One of the things that we have heard consistently about zoning is that it is a bad thing. Zoning takes away people's rights to use their land. If the public wants to use that land, they should buy it. It is time to pony up. It is time that we buy it, not grab it, because after all there is a willing seller here. Buy it and preserve it for future generations. One of the hallmarks of private ownership of the land is your right to sell it to anyone you wish anytime. That includes the state. Those of you who feel strongly about property rights, as I do, will recognize that you shouldn't deny someone the right to sell their land to the state if they wish to do so. This money, if it is approved by the voters, will give people an opportunity to sell their land and preserve it at the same time for future generations.

One of the arguments that was made earlier was the idea that we have all the access we want right now in private ownership. We are very fortunate that many companies do, in fact, allow us public access on their land. I would urge you to go to Millinocket right now and talk to some of the folks that now have to pay a substantial fee to get through the north Maine woods gate to get to their own camp about how free that access is becoming. I would also urge you to talk to some of the people who are involved in some of the negotiations for the purchase of some of that land. I was peripherally involved in the purchase of several of those parcels by large out-of-state companies. I can tell you that their understanding of open access of land is very different from our traditional understanding here in the State of Maine. They are allowing it at the moment. They are allowing it based on their good will, which could change at any time. When it does, not if it does, those of you who are saying we have all the access in the world now, we don't need to buy any public access, are going to be running around saying why didn't we do something. This is our opportunity to do something. If you don't like zoning, it is time to buy it. Let's buy it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Mr. Speaker, Ladies and Gentlemen of the House. On Criminal Justice we used to spend hours and hours working over bills. At the end many times I would say that I am not for or against. Then I would say the joke was, I would move Ought Not to Pass. I almost think I am in that position. If I may relate to you how I got here, we had a little conference with the Executive down on the second floor and asked how he thought about this bond issue. As he explained it, I was all for it because I used to live in southern Maine and some of you know that I talked about living in Portland for a number of years and how I enjoyed it. The Maine Mall wasn't completely built then. There was a nice rural area to it out through Windham and Gorham. That has all been disappearing. As we talked, he talked about the little jewels as has been mentioned here. To me, it is a great idea if you have access to the lakes and the ocean. I suggested you tear down the triple deckers on

Sherman Street and Grant Street and make a nice little park there below Congress Street. He didn't seem to appreciate that too much. I asked him some questions and I really didn't get the answers. I have heard some of these things mentioned today. I hear small jewels yet at the same time I hear a great fear over the large tracts of land in northern Maine. I am hearing a mixed message. I heard one from the Executive and now I am hearing one of these great tracts that we used to go into to hunt and fish. That bothers me. I hear people say that we have this tremendous sprawl. My seatmate mentioned to me in Windham that they bought a tract of land to set aside and that actually saved the town money.

When I hear sprawl when I was in law school many years ago and I didn't practice very long, I am sort of thankful for that. We had a man by the name of Orlando O'Loague who was there. Some of you may know the man. He is still alive. Us boys from northern Maine, as we call ourselves, he was talking about zoning the woods 30 years ago. I find myself standing in a hall where that has been virtually done. When you talk about the sprawl, where are the zoning laws? Where is the comprehensive plan in southern Maine that protects those areas for you? Why don't you do that there? Why do you let that sprawl take place? Why do you let a \$250,000 house be built 25 or 30 miles from the Portland area? Those things bother me when we talk about the jewels yet we range into that the great tracts of land in northern Maine.

In a conversation with the Executive, I agreed with him. A few days later there were several Representative's that had a meeting with him over loggers in northern Maine who were on the Irving lands, formerly the BoWater lands. There is a great deal of controversy over there what may happen on those lands. At that point the Executive said, free enterprise, let the market work. I thought to myself, wasn't I in here two or three days ago buying into the government process and now we are saying to let the market work. Representative Perkins mentioned what is already owned, all lakes, all rivers, all swamps, all streams and all wetlands. You name it and it is there. I asked for information about what is also presently owned and I got a very short list. I have a nice little folder here, Land For Maine's Future Program with 44 sites on it already. I got the Gazetteer and you look through the Gazetteer and as you turn the pages you see these green etched areas, the public reserve land. Nearly every page of the Gazetteer without fail there is a set of public reserve lands already there. If I look at the list given to me by the Executive Office of the state of \$1.2 million, here is little acronyms, BPL, BSPA, DOT, IFW, MAS, MCHT, Mid C, NPS, TNC, US Air Force, USCG and then of course you all know what all those mean, but 520,000 acres, 205,000 acres, 87,000 acres, 82,000 acres, 84,000 acres, 62,000 acres, 44,000 acres and the little note at the bottom says that these figures are not completely updated.

I also asked the Executive how is this coordinated? What is the board? Could I have copy of the list of people who do the buying, if you will? He said that anyone can make a nomination. I have list of the board members here, an oceanographer from the University of Maine. I don't know the origin of that individual. A person from Cumberland, Norridgewock, Cliff Island, Cape Elizabeth and one gentleman from the Keag Market in Mattawamkeag, Maine. You have the state agencies and I am not sure how partial or impartial they would be. It bothers me how this would operate. You are giving someone a checkbook with some sort of no guarantees, if you will, if that is possible in this world that we live in. I give those observations and in

Criminal Justice the joke is that sometimes I will go neither for or against because these are really complex issues. They are not easy issues. If I could believe in my heart that they would pick the jewels, those areas, it hurts me having lived in southern Maine for a while to come back and see the place all diced up and farming disappearing. Someday we may need that food. Mexico is only 3,000 miles away and maybe they can get it across there.

Two more issues, if I may. We say Land For Maine's Future and what it is in a sense is a woods future. In Aroostook County where I was born and brought up at one time there were 200,000 acres of potatoes. In rotation that meant that probably a half a million to 600,000 acres open. They are down to 70,000 acres there and part of that is because of government action and part of that because the Canadian dollar has taken a dive and the Canadian government says we are going to keep it that way by keeping the interest rates low. Those are issues that I have.

I would like to close with an example that relates to how we will use the land and the access, if I may, and there are other issues here, but there is a game management area in my district. There are 5,000 acres in three little towns. That was coupled together by a man that used to buy land that went for taxes, which is okay. He coupled together a bunch of this and sold it to the State of Maine. It is called the Gordon Manual Game Preserve. That is fine. We have access to it if the road is ever fixed or the bridges are ever kept up. We used to pick raspberries in there. My mother used to go in there and my mother is gone now, but it is no longer really accessible. My point on this is the Town of Hodgdon spends \$70,000 a year for gravel towards roads. The gravel that we own is esker, for those who know geology, the esker goes into the game preserve area along the same banks and for us it is \$70,000 and we would like to have access to that. Well, we have a policy and it is you can cut the timber. That is okay because it looks all right. You can shoot the game in there because that is okay, but in a sense the gravel pit doesn't look good even though it would save the town \$70,000 on its gravel. I wonder as you buy this other land, a lot of this is about looks if you will, whether some of these things will not look good.

I would like to end, if I may, if the cribbage players will let me finish out the hand, on the bond proposal, the last paragraph, it says, "No acquisition of parcels that are primarily harvestable timberlands." Any lawyer would take that apart and say, what does that mean? It hasn't been cut in 10 years and therefore it can't be cut. We hear 30 year cycles on woodland. It grows back. There was a great deal of problems in my mind that, of course, have been set here. I probably, in the end, will vote against this knowing full well that the red lights won't be that many. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Mr. Speaker, Men and Women of the House. I stand in favor of this bond issue. I would like to see it sent out to the people. As a large landowner in Aroostook County, why would I be in favor of this? I would like to give you a little example of what Land For Maine's Future has done for Aroostook County. A number of years ago they bought the rail beds from Bangor to Aroostook and the AVR. These trails developed into one of the best trail systems for snowmobiles that there is in the United States. It used to be when I went home on weekends, that hasn't been for quite a while, you have seen during the winter months where there were a car or pickup with

one snow sled or up to four going towards the county to snow sled. This boosted our economy tremendously. Today we have ATVs gaining popularity and clubs are being formed and we will need more trails for those. ATVs are sort of unique because you can ride them with less clothes on than you do with a snowmobile, the only thing is you have to pick the bugs out of your teeth once in a while. They are a lot of fun and it is a great recreational activity. By this bond and with the money it produces, it can buy more access and trails in the county and to help develop this sport so it will grow more. I would ask you to please vote in favor of this bond issue and let's send it out to the people. Thank you.

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

Representative BUMPS: Mr. Speaker, Men and Women of the House. I, too, stand and ask you to accept the Majority Report. On this day in 1995 I was in a tiny little town called Rangeley, Colorado and I was about one week into an eight week trek across the United States. I had driven from here all the way to the west coast and all the way to Washington State and all the way back across the northern states. All along that trip I had the good fortune of being able to enjoy some of this country's most scenic spots. I camped in National Parks. I hiked in State Parks. I drove along highways and along rural roads. I was with two other friends. As we got back to the east coast we talked a little bit about our eight weeks together. I came to a realization over that eight weeks that there was no place in this country that I would rather live, I mean this quite sincerely, than here in Maine. The northeast has some very special places and programs like the Land For Maine's Future and preserves those very special places.

Since coming to the Legislature I have realized that there are some good bills, better bills and then there are some really bad bills. In my opinion, this bill is one of those better bills. What makes a better bill, in my opinion, is one where an appropriate number of safeguards have been built into the bill to ensure that the legislation ultimately reaches its final goal for its intent. I am not going to innumerate for you each of those safeguards because you have been adequately briefed on them by previous speakers. In my opinion the existing statute and this bill have the necessary safeguards built in so that ultimately the goals of the Land For Maine's Future will be fulfilled. I think the thing you need to remember as you vote this morning and Speaker Rowe made this point in the remarks that he offered, what we are doing here this morning is voting on whether or not to send this question to the people. The ultimate vote of support or the ultimate refusal for this land acquisition rests with the people of Maine. I would ask that you give that careful consideration as you vote this morning. At least give the people in the State of Maine the opportunity to vote up or down on whether or not they wish for us to preserve some of these most scenic places, which have kept all of us here and which continue to bring other people to this state for tourism and to live. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative HONEY: Mr. Speaker, Colleagues of the House. As this body knows I seldom rise except on marine resources issues. However, I have heard a lot clichés and characterizations of groups of people thrown around here this morning. I guess after listening to some of this I will put myself in the category of a rich person. In that I was lucky to grow up in eastern Maine. I hunted and fished since I was a kid. I guided

later on, hunting and fishing parties. My rich heritage continued. I was lucky to attend the University of Maine at Orono and pursue a degree in a field that I loved ever since I was a kid in wildlife conservation. I had concerns early on and I had read a lot about this issue we are discussing here today. You can put me down as one heavily in favor of what we are doing here. I have been fortunate to observe in my own area the activities of the Boothbay Land Trust. They have purchased some pearls of property in our area that would have been condominiums placed on those pearls. These pearls of unique areas have been wildly accepted by both the natives that live there and by our summer visitors. I am sure that people in my district will be strongly in favor of this bond. I am and I am confident that the people of the State of Maine will also give us a strong vote. Thank you Mr. Speaker.

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. Listening to the conversation that we have been having here today, it is very apparent to me that most of us believe in some form of public ownership of real property. What we seem to be concerned about is really how much to spend on it, how to spend it and on what. As you may know, I am the one member who reported out a separate bill. I did it not in the hopes of killing this or because I object to public ownership of real property. Anybody who knows me knows that is not the case. I am an individual who has probably enjoyed over the last eight or nine years more public use of more public property than perhaps the combined total of the people here. In fact, just for your own information, in the past nine years my wife and I have camped in remote locations for over 300 nights. I counted them up. About 50 of those have been on long canoe trips. I have been out for a minimum of two nights to a maximum of three and a half months. Uniquely it is for the most part it has been on public property. It is property that is part of the National Park system and part of the Maine Park system. I have to admit that most of my trips have been out of the State of Maine and have been in other parts of the country. Each of these areas have unique and special qualities, which I really love and appreciate.

Why do I object to the Majority Report and the method in which they propose to put out a bond to the people here in Maine? First of all, my objection and I call your attention to the bill itself, because what we have been talking about certainly while it is peripheral to the issue, it is not the bill itself. The first concern I have is the total level of bonding that we are proposing in this biennium. If the proposal before you is approved with the rest of the bills that have been moved out of the Appropriations Committee this time, we will have put before the voters about 110 percent of the bills that are being retired in this biennium. I would remind the body and the people listening that there are other proposals that we are considering and will be reported out to this body to consider in the next session. The other alternative you have is to either lower the amount, tighten our belts and go to the voters with an increasing debt load, while I think it is a good argument to say that the voters should decide on what debt they want to pay, I sincerely believe that if you read the intent of the framers of our Constitution, they put upon the members in this body and the Executive and the member in the other body a fiduciary roll or determining roll where it buys the voters on whether we think we can maintain that level of debt. I would also remind the voters that it was just 30 years ago, actually less than 30 years ago, that this state was totally debt

free. We carried no bonded indebtedness. I wish we did not today because I think we would have several million dollars a year more to spend on programs that we might feel are more important.

It has been mentioned here today that we should have great comfort in the fact that the Land For Maine's Future would, while having eminent domain authority has not used it in any form, much less in an unfriendly taking. My only comment to that is talk to the folks in Saddleback if you want to about the National Park Service Acquisition Program and their use of eminent domain. The National Park Service has a similar policy. It almost never in its history has used eminent domain to acquire property in an unfriendly taking. It has successfully tied up any development foreclosure on the issue of purchasing the land on the top of Saddleback Mountain. It is a very contentious and unfriendly situation up there. It would be good if it were resolved between a friendly buyer. The point is it is taking over 15 years and they are still bickering. During that point in time, the people in Rangeley have been frozen in time and space. There is no idea about whether the development will ever happen or would have ever happened. It is just a terrible economic situation for that area.

I said that the level of funding, I think, overall in the bonding capacity of this state, in my view, is too high. If you look at Section 3, one of the things that I object to is that this bill encourages the use, or says it encourages the use, of private donations or matching donations to another \$25 million. I think the way this is phrased is nothing more than a feel good policy and one which, in fact, may be a means of going around the stated criteria of the Land For Maine's Future. I have a feeling because it allows the credit of land donations of in-kind services that a group that has a particular parcel that they think is more deserving than anything else will rise to the level unfairly over other parcels. The other alternative bill, I think, has a better way of looking at it. I would ask you to consider that.

Local approval is usually sought or I guess is sought in Land For Maine's Future purchases and that is a good thing. However, it is my understanding that the way it works is that the selectmen can raise objections to that. I think that is not a particularly solid and safe method to acquire land. I would prefer that any purchases in any community by the government for working under the Land For Maine's Future Board or any other entity requiring an affirmative vote of the legislative body of that community. The reason I say that is that I sit here and I hear complaint after complaint from towns that they are losing tax revenue because of public purposes or public buildings or whatever. I don't necessarily think that is a valid complaint, but one way to silence that forever is to require the administrative or the legislative body of that community to vote on it. The alternative bill that you could consider has a different method for that.

For those reasons, I won't support the Majority Report. I could not. I sincerely hope that if that bill fails that you would look at the others and we should go on and authorize that purchase at a lower level. With that, I thank you Mr. Speaker.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. This will be the last time I speak, very

briefly. Earlier on I said that I couldn't support the Majority Ought to Pass Report and that I may support the Minority Report. I am going to change that. I will support the Minority Report. The good Representative from Norway made a good compelling case to me and I sincerely hope that you will defeat the pending motion and go on to the Minority Report. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I rise just to have maybe somebody in this room address a couple of concerns of mine. In the last Legislature, the 118th, they passed LD 1852, "An Act to Reorganize and Clarify the Laws Relating to the Establishment Powers and Duties of the Bureau of Parks and Lands." Within this 70 page document there are a number of user fees. I would like to read this if the chair would allow that. "Under establishment of restrictions on public access, the direction may restrict public access to any portion of public reserved lands under the care, custody, control or management of the bureau upon publishing written notice of the restrictions at least once during the same week in the state paper, two other papers of general circulation." That is all that is needed to restrict public access to public lands. I think there has to be another mechanism within the Legislature to approve and disapprove restricting public access. I think this puts too much power in the hands of one man or woman. If somebody could address those two concerns, I would very much appreciate it. Thank you.

The second concern I have and I think it could be addressed by anybody in this body with an amendment, including myself. It is access to public reserved and unreserved lands, establishment of restrictions of public access. I would like to read this if the chair would allow that. "Under establishment of restrictions on public access, the direction may restrict public access to any portion of public reserved lands under the care, custody, control or management of the bureau upon publishing written notice of the restrictions at least once during the same week in the state paper, two other papers of general circulation." That is all that is needed to restrict public access to public lands. I think there has to be another mechanism within the Legislature to approve and disapprove restricting public access. I think this puts too much power in the hands of one man or woman. If somebody could address those two concerns, I would very much appreciate it. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. This is my first time to get up on this and my last. The State of Maine has made some excellent investments with the \$35 million that it had in the previous bond. I am proud of those purchases that the state has made. Now we are about to purchase a piece of Scarborough and a large area on Moosehead Lake in addition to some other areas. The cost of that lake frontage is \$11 per running foot. I think that is an excellent investment. There is not going to be any more land and the pressure will increase dramatically for the use of the existing land that we have in the State of Maine. The Maine public needs access to public lands for various reasons discussed in this bill that we are about to vote on. Maine is becoming the last area in the northeast where there are vast areas still open for public recreation. LD 2253 is a good investment for our generation and the ones to come. Thank you.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending motion. One of our goals is to keep some land wild and undeveloped. I started to think how much land in Maine do we have that is wild and undeveloped? When you consider how much land is wild and undeveloped it is not just Baxter State Park and some of the unorganized territories, but also think of in southern Maine there is a lot of land that will be forever wild and undeveloped because of regulations. Not to mention all the land owned by non-profit entities and towns. There are thousands of acres of that. Zoning, setbacks and minimum lot sizes have set thousands and thousands of acres in the State of Maine, especially in southern Maine, to be forever wild and undeveloped.

In my Town of Standish we have a three acre minimum lot size if you would like to build a new house. For every house that is built about .4 acres is used for the house and the driveway, the rest is forever wild and undeveloped. You used to be able to do cluster sub development where you would put 20 houses together on small lots like in a city and then you would take a big chunk of about 40 acres in back and leave that forever wild and undeveloped. You have to set it aside. If we want land to be wild and undeveloped, we should consider the thousands and thousands of acres that have been regulated that way throughout the State of Maine, not to mention the LURC rules that make it almost impossible to develop the unorganized territories.

If you are worried about exploding growth in the State of Maine, I wish we would have more economic growth and more development. It would be good for our state. I don't think that is likely to happen. We have the fourth highest taxes in the nation and lots of red tape, especially for development. We have a credible economic forecasting company, one of the big four economic forecasters in the country, that predict in the next 10 years that our growth rate will be 50th or 51st in the United States. There really is not a lot of development pressure overall if you look at the State of Maine.

We are also talking about access. I would ask if we are really that better off for access with the state owning the land? We have a great proud history of public access on private property in the State of Maine, but recently the state took over Sears Island. I saw a big picture in the paper of a gate across the access road to Sears Island. This great land that is supposed to be wild and usable by the people of Maine is gated off so you can't drive your car to Sears Island anymore. So much for access.

I would like to end with a story. About seven years ago I was in Russia just after it was no longer the Soviet Union. They didn't know if they were the Soviet Union, Russia or the Commonwealth of Independent States. The old communist rules and laws of power structure were still well in place. I was in the City of Khabarovsk in northwestern Russia. It is on Lake Oneiga. I had met some Russians and was invited to their house. We got on the trolley, drove to their building complex and I thought I was going into a ghetto. It looked like a burned out dilapidated area like you were going into the worst parks of the Bronx or New York City. I wasn't too worried about crime because everybody in Russia lived that way. I remember getting off the trolley stop and seeing the courtyard, which was paved over with broken bottles and litter. The building hadn't been

painted in years or decades. We went up the stairwell. It smelled funny. There were no light bulbs because as soon as they put a light bulb in the stairwell someone would steal it. We got up the stairs and approached the door to their flat. When they opened the door to their apartment it was like night and day. Everything was clean. Everything was well taken care of. They didn't have all the little things we had, but what they had was theirs. It wasn't the people's property. It wasn't communist ownership. It wasn't government ownership. It was theirs and they took care of it, but outside the window in the communal area no one cared about it and no one took care of it, because it wasn't theirs. When the question comes down to it, I prefer private ownership, not government ownership, because of the incentive to take care of their property. I trust the good people of Maine to do the right thing. Thank you and I urge you to vote against the pending motion.

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

Representative CROSS: Mr. Speaker, Men and Women of the House. For over 60 years I have enjoyed the whiles of Maine, hunting and fishing with my dad and grandfather. I want to leave that part of Maine that I know, which basically is above Dover-Foxcroft north through Greenville. I want to leave that land wild if I can for the children later on that are born in this great state. The one thing that I don't want to do is I don't want to make northern Maine a National Park. I am concerned about the amount of land acquired in each county. In Piscataquis County right now the state owns 13.6 percent of the land. I am concerned about the tax rate and the income that we can get from the land for the different towns who are struggling to keep their head above water. Mr. Speaker, may I pose a question through the Speaker? The question I have is, is there any cap on the percentage of acres that the state may own in each county? If I could have the answer to that, I then might make up my mind of which way I will turn in voting for this subject?

The SPEAKER: The Representative from Dover-Foxcroft, Representative Cross has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. To answer the question the best way I can, I don't believe there is any cap. If I remember right we debated a bill in here and I remember seeing an amendment that suggested some caps on how much public ownership there could be in each county. Again, I would point to the language in law now and in this proposed legislation here that large parcels would come under review by the municipal offices or with the new language the county commissioners. They would have a chance to object to huge portions.

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

Representative STEDMAN: Mr. Speaker, Men and Women of the House. About an hour and a half ago I asked four questions and I got answers to two of them. I was wondering if I could ask the last two. I will ask them separately so that I can get an answer to each one if I could.

One question that I asked and I would appreciate an answer to it was, will any of these public lands be under the management of any entities or agencies such as the nature conservancy or the Audubon Society?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I believe the answer to that is no. Having answered that, Mr. Speaker, I might suggest the lack of a quorum.

Representative DUNLAP of Old Town inquired if a quorum was present.

The Chair determined that a Quorum was not present.

The bell was rung until a Quorum was present.

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

Representative STEDMAN: Mr. Speaker, Men and Women of the House. Another question and I am not sure I am satisfied with the answer I got because it was sort of iffy on the first one. The second question is, will private landowner abutter be able to use their land up to the borders of this public land or will there be buffer zones that include some of the private landowners property?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Men and Women of the House. In terms of abutting land, any of this land that would be purchased would fall under the same ordinances as we have in our towns today. In other words, I can't cut within 20, 25 or 30 feet of an abutter whether it is publicly owned land or privately owned land without a special variance. I hope that responds to that question. I also received a note about another question concerning public access may not be prohibited. What that really means and if the government, by rule, can go in and kick people out. I think what the reference was about in terms of being able to do something is if there is an emergency such as an eagle nest and it is a protected species or if there is a safety issue that something can be stopped. I will assure you that in every single case of the Land For Maine's Future in the last 10 years there has not been one complaint about access. There was a complaint about access to the Bureau of Parks and Lands last year. I don't remember the name of the pond. When they looked into it they found out that what happened was one of the big timber companies actually owned that land and had put rocks across the road because people were coming in and trashing it. That was the reason that that was done. Things like that tend to get people thinking that public land access is not guaranteed. It is guaranteed. It is one place that you and I won't be able to be kicked off. Right now the only place that I cannot be kicked off is land that I privately own or land that I publicly own. I encourage your support of the Majority Report.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I would also like to address a previous question from the Representative from Hartland on management of the lands. I think you will see that there is a matching feature in this legislation that requires a match from whomever. I think you will find in many cases the request to put the land into state ownership may come from a local trust. I had a piece in Livermore that I was hoping a few years ago that I could persuade them to look at. One of the things that they look at is for some local people to match it. Someone has to go out there and request a match. Hopefully this will keep some local people there. They will be able to manage it in the sense that it may be

continued to be used as it has been or to make sure someone is not dumping couches, trash and ties on it. That is important as anything. We own some land along the Androscoggin River in Livermore. It is owned by the Department of Conservation. It is open. It is free. I wouldn't say it is managed though. The 4 x 4s go through there and tear it up. There are campfires down there. Occasionally I have to go put out a campfire that was left. On public land there is supposed to be a permit before a campfire can be built. It is important to have this local connection and usually it is at the local request. It is a good cooperative relationship to benefit all of us. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CARR: Mr. Speaker, Men and Women of the House. My question is, a previous statement by the Representative from Old Town was that Baxter Park was opened to hunting and fishing. I would just like to ask if you are able to hunt in Baxter State Park or carry a loaded firearm?

The SPEAKER: The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House. I think I can answer that question. There is a part of the park that you can hunt in. Somebody from Millinocket may be more familiar with the details. The last time I was there I received a set of the park rules and it said that you couldn't take a dog, firearm or loud noisy record players. All of which I think are appropriate restrictions on activities in that facility. I would remind the members that Baxter Park was purchased with private land. The rules for how it is managed were laid out by Governor Baxter when he deeded the land to the state. He did it in several parcels. Also, he was also wise to endow the operation of the park. Governor Baxter left a significant legacy so that the state historically has paid no money with the exception of some money to maintain access roads into the park and even that amount of money will not be required in the next few years. Thank you.

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

Representative CARR: Mr. Speaker, Men and Women of the House. I did know the answer to that. I just wanted everyone to know that certainly you cannot hunt in many areas of the park. Over the last several months all of us here and, of course, across the state have been receiving information in leaflets from various organizations stating their support for the Land For Maine's Future and supporting the bond issues. Some of those organizations I am a member of. The Sportsmen's Alliance of Maine is one of those, which I support on just about every issue that comes forward for sportsmen's rights and so forth. This particular one here I am not able to support. A lot of that is I live in much of the area that is affected by some of the purchases and some of the proposed purchases.

One of the big concerns that I have is that legislation that we pass today can be changed in the 120th Legislature and future Legislatures. I am not necessarily opposed to the state buying and owning land, it is that our right to access this land can be changed by future Legislatures, the same as any other law can be. I would feel much better if we could put this into a

Constitutional Amendment. I would support that, by the way, so that it would require a two-thirds vote of this body to be able to change any of the rules that are there for now. I think that this is a problem and I also think that in the future we should look at something like this. I am quite sure that this bond will pass today. I am sure that most of the people here today have already made up their mind. I think that it is necessary for us to bring out some of these concerns that some of us have so that we can all agree to this.

As previously said by the Representative from Dover-Foxcroft, in fact over 13 percent of Piscataquis County is owned by the state. If you take 13 percent of those tax revenues off the board over there, it then spread the amount of tax due from the other people. They have to pay that. This has already been done. The county commissioners were not asked whether this was fine or not. The people who live in Greenville were not asked. Nonetheless that area was purchased. If you remember a few weeks ago now, I had a bill before this body, which would require the state to reimburse communities and unorganized territories for tax revenue lost as a result of that purchase. I still think that this is a very viable bill and I think that it should go forward again maybe if it passed this body and didn't go any further.

Some of the testimony that I gave is a little redundant I know because there has been so many people speaking on this. There was a statement made that the land belongs to all of us. That is not true. It belongs to the landowner. There are differences in the areas and the people that we represent in Freeport, York and some of the other areas. It is much different from the people we represent in other areas. I believe that when we purchase land in this bond or another bond that is going out and it is actually ratified and the money is available, I think one of the things that we really need to look at is the cost of maintaining this land after we purchased it. The cost isn't in the bond. This year the Agriculture, Conservation and Forestry Committee we had to add extra people though our budget that we worked on to take care of these lands, which isn't figured in this. This is not the true cost of buying land. I think we need to look at that in the future because those are some of the things that I have concerns about, not that we are purchasing land, but these are some of the things that we need to look at. When some of these things are taken care of, then I can support all of these things.

There was also some information put out about free access to public lands. It just so happened this week that I have been working with a constituent who had a problem. The problem was the state owns land beyond the gates of the north Maine woods. I never realized that the state actually collected money from the use of the lands, but they actually do. They have hired the north Maine woods to collect tolls for people going to public lands. Some of these areas are in the north Maine woods above Baxter Park up in that area. A new gate has just been put up north of Caribou Lake on the Golden Road, which is about mile 43 or mile 44, if I remember right. These are some of the things that I have concerns about. If we buy this land, should we then have to pay to use the land? That is another question that I have.

In 1987, when the original Land For Maine's Future Bond was put out, that was a good idea. I voted for it. I supported it. At that time in 1987, 12 years ago, the state did not own a lot of land. Today the state owns over 1 million acres. We have a lot of access. There are areas in the southern part of the state that we need to look at to purchase. We need to look at areas for access to the Kennebec River and some of the major rivers so

people can access that. Some of the beaches need to be looked at. I support that full heartedly. I think for those of us who live in the northern part of the state, the state already owns enough land. We need to allow the forest industry to go forward. We need to be able to let industry thrive up there. We do need our forests because without the forests in the northern part of the state, we don't have any economy. I would ask either way that you vote on this issue in the future as these issues come up to at least think about some of the things that I have talked about today, some of the issues that I have raised and some of the concerns that I have. My disapproval of this bond is not because of the purchase of land, it is because of some of the things that come along with it. I think we need to address a Constitutional Amendment and some of the issues as far as the actual cost of the purchase after we buy it and those types of things. Thank you for your time Mr. Speaker.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I really am not attempting to change anyone's vote or minds, because I suspect most of that has been made up. However, there are a couple of things I think that need to be laid out. The question of whether or not we have more land today than we had in state ownership a number of years ago is one that has been discussed. Let's keep in mind that, in fact, that is probably not accurate. There hasn't been much of a change except a little land that has been bought with the bonds that have been authorized in the last number of years. What people have been looking at is the DeLorme Maps and showing these blocks of land in various locations. The public lots, so-called. That is the result of a Supreme Court decision called Cushing versus Maine in which the courts and the state won the lawsuit against the industries of this state over the public lots of all the unorganized territories in this state. The state said that the so-called public lot, that one-thirty sixth of that public lot was owned by the people of Maine. In every single township where there were no people and no organized town, the state reacquired its land. When it did it became a question of how that was going to be managed, blocks of 1,000 in every single township or whether or not it was going to be put together so that it could be adequately managed. When you look at the state and you look in particular in my area, you will find Bully Township, Eagle Lake and you will find the Allagash Round Pond as wholly owned subsidiaries of public lots and public reserve land. That is no different than it was prior to Cushing versus Maine. It was state land before and it is state land now. It is simply consolidated. Don't confuse the public lot question with what you see.

Second question about Piscataquis County where I started my schooling, I want you to know that it is public ownership, but it really isn't. Baxter State Park is not owned by the people of Maine. It is accessible because of a trust agreement. A will of Governor Baxter. You and I don't own it. We don't own that land. It is a trust established. We violate the trust and the terms of the trust go back to the ownership of the family. So, exclude Baxter State Park from your definition of state owned land. That is not accurate.

The second question that I have heard mentioned is taxes. Let me tell you what. I want the state to own more land in my hometown. You know why, because it decreases the valuation of my hometown. It means I pay less for schools and the state pays more. The county tax is less. The ambulance rate is less. The Fire Department is less because everything is based on

valuation. Come buy more. I want more tax buildings and non-taxable property in my hometown. We computed it in my hometown and what the effect would be if we were to tax everything that is not taxed today, state land, municipal land, municipal buildings, etc. Our evaluation, you heard me mention it before, is \$40 million. We would be somewhere around \$52 million, which would mean we would get less school subsidy. We pay more for county tax. When we talk about this tax question we say it is a loss of income, but people don't look at the other side. You have to balance that.

The third thing I want to mention is how to protect this land. That is the question that was raised in the previous Legislature when this state had an ability to sell what it owned simply by a majority vote of this Legislature. Some of us organized and passed the Constitutional Amendment, which now says you can't sell land that is state owned unless it is by two-thirds vote of both houses of the Legislature and approval of the Chief Executive. Keep in mind that I would support structuring a Constitutional Amendment that says what the state ought to be doing and how it ought to be doing it on its state owned lands. As a matter of fact, I offered that earlier this year as a solution for people who are opposed to what is going on now. That will come when we know what it is we own. Keep in mind that right now is not the time.

Finally, I just want to give you a quick story. I have in my files at home that our family owns land obviously as everyone else, if we get a good price for it, we are probably going to sell. I don't think that is unusual. I want to tell you about a letter we received. They wanted to know if a certain parcel of land was available for sale because it happens to be located next to state-owned land. We indicated that it was. We got a very nice offer substantially double what it is that we even thought we could get for the land. Then, it said before we acquire ownership we would like you to notify the town that the snowmobile trail will be no longer on the land. Second, you will stop the town from using the road to get to its other properties elsewhere crisscrossing your land because we intend not to allow people to be on our land. For that, we will pay you a substantial more amount of money. We turned down the request. I guess you gotta know it was an easy thing to do. Let me tell you if you think the pressure is on in southern Maine alone, I can guarantee you in little old Eagle Lake it happened. I have the letter, which will document that. I am not saying at some point down the road something else might happen and the price will go five times what they last offered. They happen to be from away, even further than southern Maine. That pressure is happening to us as well. I think that this is extremely important. We have to look at it in the long run, not just for today.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. The good Representative from Bremen and the good Representative from Eagle Lake have really raised some concerns with me with their previous testimony. The Representative from Bremen said that in areas where eagles are nesting or endangered species were, they would be protected. What the Representative from Eagle Lake said about the Constitutional Amendment, I think after he hears what I have to say, he might consider the time to be now. The United States Department of the Interior is considering the listing of the Canadian Lynx as threatened. Within the register of the reasons for the listing I would like to read for the record. "Elevated levels

of human access into forests are a significant threat to Canadian Lynx. They increase the likelihood of lynx encountering people, which may result in the displacement of the lynx from their habitats and or possible injuries or death by intentional or unintentional shooting, trapping or vehicle accidents." If the Canadian Lynx is listed, there is a huge barn door that is opened that could shut down access hunting and fishing. I think that maybe the time has come for that Constitutional Amendment. Thank you.

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

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. I rise in support of this proposal. We are talking about public access on Mt. Desert Island. Public access is getting less and less. I was talking with a new landowner in Southwest Harbor from mid state. She is concerned that we have ugly scallop boats in our harbor. We don't have a lot of public access to the oceans and to the ponds. We need to ensure that we need monies available to keep those accesses. If people buy private properties from away, they want to change it. They want to exclude people from what they have normally done for centuries or generations. This is happening a lot. If we approve this bond, we can let the people decide that they want to spend the \$50 million to buy special properties and to ensure that there is public access to our ponds and the oceans. After all, we are a fishing community on Mt. Desert Island and throughout the state and we need to ensure that the fishermen have access to those oceans and waters and the sportsmen to their ponds. Thank you very much. I would urge you to support the pending motion.

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

Representative **MCALVEEY**: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. I would hope that you would all join me in the belief that it is now time to vote.

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

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. This is really in answer to a question that was asked by the Representative from Dover-Foxcroft, Representative Cross, on an aside to the answer that he received from the Representative from Livermore, Representative Berry. There is a bill somewhere in the process that deals with the percentage of ownership of land in each county. I think it is LD 727 that was sponsored by the Representative from Crystal, Representative Joy. That bill is somewhere in the process. We got an amendment to it yesterday, but the bill still hasn't appeared on the docket. You may have an opportunity to address that issue when that bill does come forward. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I have listened very tentatively to the debate and feel at this time I need to rise and state a few concerns for all of you to consider. My concern is not the acquirement of public lands. Public land is something that I support and I have voted several times in other offices that I have held to acquire public land for preservation going forward and feel that there are some legitimate public policy reasons why that is a good thing to do, setting land aside for public access. I, however, have been listening to the debate and have read the

recommendations brought forward by the Appropriations Committee and I do not believe that this proposal is something that I can support. I would like to go over the reasons why. We have in front of us a proposal not to let the voters decide whether we should acquire land or not, but the question is whether or not we should ask the voters to bond and float debt for the requirement of public land. That is, in fact, what we are asking. The public policy decision to acquire land is made by the elected officials of this body and the other body and the Executive. If we wish to acquire public land, we merely put that in our budget and we acquire it. If, in fact, it is the goals and the objectives of the Legislature to as these pieces of land come up for sale to acquire, then we have that ability now and we can act. What we are being asked to do is to float a bond for \$50 million. Of that \$50 million bond we are going to pay back \$26,250,000 in interest. We are going to be floating this bond for a period not to exceed 20 years. Is this concern the concern solely of this Legislature that this is the one time that we are going to buy public land? I ask myself that public policy question and the answer to that public policy question is no. This is not the only time we are going to acquire public land.

Back in 1987 if the Legislature had the foresight at that time, they would have built into their budget an annual appropriation of a sum of money to set aside annually, an annual appropriation, in a fund like Land For Maine's Future Fund or some other fund, and from that fund acquire land as it became available. When we look at the proposal, we are not asked to purchase for the \$50 million this list of land. What we are asked is to fund x amount of million dollars a year over several years through debt money to purchase land. Would it make more sense if it is truly the priority of the Legislature would it not make more sense rather than borrow \$50 million and pay back \$76 million, 50 percent of what we are borrowing, an amount equal to that, we are going to be giving to the banks. The banks are going to be making out really good under this proposal. Rather than do that, if it is indeed our priority, why do we not put it in our budget? Why do we not make an annual appropriation and set aside and buy the land directly? Isn't that what we are actually doing? If we float a bond for \$50 million, we are going to be setting aside money in our budget and that is going to be debt payments. The only difference is do we want the money that we take through taxes working for the people of Maine or do we want that money working for the banks? Do we want to be filling their pockets or do we want to be contributing to the prosperity of our people? What we are actually talking about for a legacy is not a legacy of setting land aside for Maine's future, it is a legacy of debt. We are talking about setting aside more bonds.

In my own municipality of South Portland during my tenure there on the city council I remember when we first were looking at this whole issue of how we finance the things that we want. This debate I really think is so critically important. At the time when I arrived we were retiring 20 year bonds at an interest rate of anywhere from 1 percent to 2 percent, because at that time government secured bonds yielded a very low interest rate. For instance, every 10 years we would buy a fire truck. We would know every 10 years we would buy a fire truck and we would always send that issue out to the voters and bond indebted it and we would always buy one fire truck and pay for one and half, much like what we are doing here. What we did is we made the decision knowing full well that this is what we want to do as a public policy matter. We set aside an equipment reserve account within our budget and we funded them for cash out of

the budget over time and built it in as a public policy matter. Now we are able to, as a city and percentage wise we are talking far less dollars here than we do to the impact on a city budget there, fire equipment for cash. In other words, every dollar of taxes that are taken from the people go to buy fire trucks. They don't go to the banks. This idea and this notion that we have to bond and we have to debt in order to do these things for purchases over time, I think, is a failed strategy. It is going to fail us as a state. If those that support Land For Maine's Future are serious about their conviction, over time of setting aside money for Land For Maine's Future, then they shouldn't want to set aside \$76 million of taxpayers money to buy \$50 million of land. You would want every dollar going straight for the land purchases.

Lastly, I would like to address the issue regarding if we don't buy the land now and it is built upon, it is gone forever. That is absolutely a fallacy and that is simply not true. Again, I will point by example to my own municipality of South Portland. A local example, but it is a very true example. In our community we recently had the issue of setting aside or purchasing land for South Portland's future. That was Bug Light Park. Bug Light Park is essentially a 14.5 acre strip of land that is down on the water end of town overlooking some of the most beautiful views of Casco Bay. This whole property was, in fact, the World War II shipyard. It was fully built and fully developed and fully active ship line. It is where the Liberty Ships came to help us win the war. Once that land came up for reuse, which all land in Maine will come for reuse on cycles. We have an ongoing concern here in government. We are going to keep going forever, hopefully. We acquired that land at an extremely reasonable price, very reasonable price. It was valued at one time at \$10 million. We ended up acquiring it a \$1.5 million. We recycled that land and we have turned it now into a park with grass and fields overlooking the water. Why I bring this up is, again, the eminent need that we must right now bond this money in order to set aside Land For Maine's Future, it just simply isn't necessary. This land will recycle. There will be numerous opportunities so let's buy for cash rather than for debt. Thank you.

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

ROLL CALL NO. 395

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Chick, Chizmar, Clough, Collins, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Goodwin, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Richard, Richardson E, 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 GJ, Williams, Mr. Speaker.

NAY - Bowles, Buck, Campbell, Carr, Gillis, Glynn, Jones, Kasprzak, MacDougall, Mack, Mendros, Pinkham, Plowman,

Sherman, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Ahearne, Cameron, Cianchette, Clark, Colwell, Cote, Cowger, Frechette, Hatch, Joy, Madore, McAlevey, Muse, Nass, O'Brien JA, Perry, Powers, Quint, Samson, True.

Yes, 109; No, 22; Absent, 20; Excused, 0.

109 having voted in the affirmative and 22 voted in the negative, with 20 being absent, the Majority Ought to Pass Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative TOWNSEND of Portland **PRESENTED House Amendment "A" (H-762)**, which was **READ** by the Clerk.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. This is a technical amendment. It reinstates a zero. To give you comfort, it does not make it a \$500 million bond. It clarifies that 100 percent of the monies land purchased with this bond may be used as match should we use to match federal funds. Thank you.

House Amendment "A" (H-762) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-762)** and sent for concurrence.

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

The Chair requested Unanimous Consent in order to take a series of supplements out of order.

Representative MACK of Standish **OBJECTED to SUSPENDING THE RULES** in order to take a series of supplements out of order.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **SUSPEND THE RULES** in order to take a series of supplements out of order.

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 Suspend the Rules in order to take a series of supplements out of order. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 396

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Clough, Collins, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Quint, Richard, Richardson E, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson,

Tobin D, Tobin J, Townsend, Tracy, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Glynn, Kasprzak, MacDougall, Mack, Mendros, Snowe-Mello, Stedman, Trahan.

ABSENT - Ahearne, Cameron, Cianchette, Clark, Colwell, Cote, Cowger, Frechette, Hatch, Joy, Madore, McKee, Muse, O'Brien JA, Pinkham, Povich, Powers, Richardson J, Samson, Saxl JW, Shorey, True, Wheeler GJ.

Yes, 120; No, 8; Absent, 23; Excused, 0.

120 having voted in the affirmative and 8 voted in the negative, with 23 being absent, 120 being more than 2/3 the members present, the rules were **SUSPENDED**.

The following items were taken up out of order:

ENACTORS

Acts

An Act to Make Minor Substantive Changes in the Tax Laws
(H.P. 131) (L.D. 162)
(S. "A" S-419 to C. "A" H-695)

An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax
(H.P. 306) (L.D. 422)
(C. "B" H-394)

An Act to Increase Access to Cub Care for Children
(H.P. 1255) (L.D. 1809)
(S. "A" S-437 to C. "A" H-595)

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.

CONSENT CALENDAR

First Day

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

(S.P. 839) (L.D. 2238) Bill "An Act to Clarify the Solid Waste Laws as They Relate to the Exception to the Ban on New Commercial Landfills" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-441)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery"

(S.P. 116) (L.D. 313)

Signed:

Senator:

FERGUSON of Oxford

Representatives:

McKENNEY of Cumberland

LABRECQUE of Gorham

MAYO of Bath

FISHER of Brewer
GAGNE of Buckfield
TUTTLE of Sanford
HEIDRICH of Oxford
CHIZMAR of Lisbon
PERKINS of Penobscot

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

Signed:

Senators:

CAREY of Kennebec

DAGGETT of Kennebec

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative TUTTLE of Sanford, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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** in concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System

(H.P. 1130) (L.D. 1589)

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-689)**)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 223)

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA, MAINE 04333

June 5, 1999

Honorable G. Steven Rowe

Speaker of the House

119th Legislature

2 State House Station

Augusta, Maine 04333

Dear Speaker Rowe:

The action of the Senate in sending H.P. 252, L.D. 356, An Act Relating to the Sales Tax Treatment of Certain Rentals and Leases, to the House was in fact a nullity as the Senate had previously enacted the Bill in concurrence.

Accordingly, the Legislative Record and Journal of the House of Representatives of June 5, 1999, will be corrected to remove all reference to L.D. 356 from Special Appropriations Table Supplement number 85.

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

READ and ORDERED PLACED ON FILE.

ENACTORS

Acts

An Act to Provide Fairness to Victims of Medical Malpractice
(S.P. 450) (L.D. 1325)
(S. "B" S-436 to C. "A" S-352)

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

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

SENATE PAPERS

Non-Concurrent Matter

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)

PASSED TO BE ENACTED in the House on June 5, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) AS AMENDED BY SENATE AMENDMENTS "A" (S-361) AND "E" (S-412)** thereto in **NON-CONCURRENCE**.

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

On motion of Representative BRYANT of Dixfield, **TABLED** pending the motion of Representative TREADWELL of Carmel to **RECEDE AND CONCUR** later today assigned.

Non-Concurrent Matter

Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

(H.P. 235) (L.D. 339)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-748) in the House on June 3, 1999.

Came from the Senate with the Committee of Conference Report **READ and REJECTED** in **NON-CONCURRENCE**.

Representative MACK of Standish moved that the House **RECEDE AND CONCUR**.

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

Representative **PERKINS**: Mr. Speaker, may I pose a question relative to this? There has is a bill that has been tabled unassigned on Page 9 on the calendar, LD 709. When I have inquired about it, I have been told for the last several weeks that it is related to this item here, LD 339, and once this is dispensed with, the tabled unassigned bill will come forth. I have also been told we will deal with it later in the session. I am just kind of

concerned about the bill, the unassigned one. I wonder if that is going to be dealt with soon or is that not a relevant question at this time.

The **SPEAKER**: The Chair would respond that the Representative's question is not a question about the bill that is currently before the body. The bill that is currently before the body is LD 339.

Representative SAXL of Portland **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

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

A vote of the House was taken. 29 voted in favor of the same and 83 against, the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative SAXL of Portland, the House voted to **INSIST**. Sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 854)

ORDERED, the House concurring, that Bill, "An Act to Amend the Lobbyist Registration Fee Provisions," S.P. 503, L.D. 1504, and all its accompanying papers, be recalled from the legislative files to the Senate.

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

READ.

This Bill having been finally rejected, according to Joint Rule 404 a two-thirds vote of the members present being necessary for **PASSAGE** of this Joint Order, a total was taken. 95 voted in favor of the same and 25 against, the Joint Order was **PASSED** in concurrence.

Non-Concurrent Matter

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program

(H.P. 1313) (L.D. 1896)

FINALLY PASSED in the House on May 24, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY SENATE AMENDMENT "A" (S-386)** thereto in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Resolve, Establishing the Commission to Study High-speed Chases and Emergency Responses (EMERGENCY)

(H.P. 194) (L.D. 272)

FINALLY PASSED in the House on April 5, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**)

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

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

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

Non-Concurrent Matter

Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities (EMERGENCY)
(S.P. 261) (L.D. 756)

FINALLY PASSED in the House on April 26, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-45) AS AMENDED BY HOUSE AMENDMENT "A" (H-213)** thereto)

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

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

Non-Concurrent Matter

Resolve, to Establish the Energy Policy Commission (EMERGENCY)

(H.P. 851) (L.D. 1185)

FINALLY PASSED in the House on May 6, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**)

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

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

Non-Concurrent Matter

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care (EMERGENCY)

(H.P. 918) (L.D. 1296)

FINALLY PASSED in the House on May 17, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146) AS AMENDED BY HOUSE AMENDMENT "C" (H-541)** thereto)

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

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

Non-Concurrent Matter

Resolve, to Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs

(H.P. 1196) (L.D. 1706)

FINALLY PASSED in the House on May 12, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**)

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

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

Non-Concurrent Matter

Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

(H.P. 1230) (L.D. 1759)

FINALLY PASSED in the House on May 11, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**)

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

Non-Concurrent Matter

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

(H.P. 1394) (L.D. 1999)

FINALLY PASSED in the House on May 7, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**)

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

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study Alternative Uses for Unused Maine Youth Center Land and Buildings (EMERGENCY)

(H.P. 1478) (L.D. 2118)

FINALLY PASSED in the House on May 20, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) AS AMENDED BY HOUSE AMENDMENT "A" (H-587)** thereto)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** 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:

HOUSE DIVIDED REPORT - Majority (12) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (S-416) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry"

(S.P. 400) (L.D. 1191)

Which was **TABLED** by Representative TOWNSEND of Portland pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **CROSS:** Mr. Speaker, Ladies and Gentlemen of the House. Again, we have discussed this bill for a considerable length of time in the Agriculture Committee. My understanding about this \$5 million is it will promote the cranberry industry in Washington County. Also, it is my understanding that in Massachusetts the cranberry issue there is they are having problems there and it would appear they are looking for a place to move their major packing plant and so

forth. In order to give our cranberry industry a shot in the arm, which we have been trying to do for at least three or four years, I would ask that you not accept the Majority Ought Not to Pass Report and vote for the Minority Ought to Pass Report. I thank you very much.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I know it is getting late and we all want to get home, but I don't know how many times I have seen before this House what I consider anti-business policies that we have passed up here, the demonization of business. This is a job creation and a pro-business approach. I hope you will join me and the Representative Cross in supporting the Ought to Pass instead of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. It amazes me we essentially spent \$100 million with the bond issue that we approved this morning to lock up some trees and bushes and shrubs that we all might enjoy. As I understand it, this does not affect my county. This bond issue would be a revolving fund that cranberry growers could put up 10 percent of their own money. Their money is paid back, as I understand it, and it comes through FAME. This will allow the cranberry industry to get going. It takes three to four years to get these bogs in place. In Aroostook County they had a similar fund, as I understand it, that started out with \$5 million and it has grown back to \$14 million if my figures are correct. I would not stand by those without further research, but I would ask that we reject the pending motion and support the minority position. At least a little shot in the arm for businesses in Washington County. Thank you.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. We have voted so far on three packages that have been reported out from the Appropriations Committee on having to do with bonds. There are two more to come on which we have agreement or majority agreement at least. You have voted already for nearly \$56 million package regarding transportation. At \$26.8 million package for the Maine Technical College System and earlier today the \$50 million bond issue. Still to come are a bond issue for Maine Public Television and an environmental package bringing our total bonded indebtedness for the biennium well over \$100 million. This issue did not rise to the top of the list at our committee nor did we have much, if any, public testimony on it at the time the bill was held for public hearing. I would ask you to join me in voting Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative **BAGLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote with me to reject the pending motion and go on to pass this bill. This bill is important to the cranberry growers in Washington County. They are not able to get conventional loans to start their businesses because it takes five years before they see any return on their production. They really need this money to work with. I would appreciate your support. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Representative Cross was right on the mark. He made reference to problems in Massachusetts. There are two states that are associated with the cranberry industry, Michigan and Massachusetts, more specifically Cape Cod. What happened along the highlands of Cape Cod at a former air force base called Otis, the federal government illegally or improperly put chemicals into the ground. There is a flume moving from that base northward toward the bay and then to the south. It is beginning to pollute the water supplies in those municipalities and also that is prime cranberry growing area. That is a misfortune for them, but is an opportunity for Maine. We market blueberries and we market fresh air and clean water. They are going to be reaching a crisis and marketing their product within the next year or two because of that chemical hazardous waste contamination. With this bond, we have the opportunity to be in the vanguard to be ready so that for the next decade when people hear the word cranberries, it will be synonymous with Maine. I would urge you to defeat the Majority Report and move on to the Minority Report.

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

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. I would urge you to defeat the pending motion so that we might look at the Minority Report. This is a fledgling industry. It is an opportunity for people in Hancock and Washington County to create new jobs. New businesses will sprout up from industries. I urge you to defeat the pending motion and allow this bond issue to be passed. Thank you very much.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I remember when I was a kid that Maine potatoes were number one top sellers. I still think Maine potatoes are number one, but unfortunately back then Idaho invested a whole lot more money into their potato industry than Maine did and now theirs are number one in sales. Let's not drop the ball again so in 30 years they are coming back and saying we had the chance to be number one in cranberries. This is the only economic development bond we will be voting on. We are voting on a lot of bonds that do a lot of things. Let's have at least one, \$5 million, for economic development for the future of this state.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, a little technical information so you understand why this is important. The cranberry industry is very land intensive. They have a lot of environmental regulations and that requires a lot of pre-engineering before you can get into that business. One of the reasons why it takes five years is you have to have an investment to look into how you are going to modify your land and get your water and so forth before you can even begin to plant. It is very different from other facilities and other industries. A little more of a reason why I think the state deserves to participate and help this industry. Once it gets going, then it is self-sustaining forever. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. If you look at today's calendar item 6-1, you will see a Majority Report 12 to 1. There wasn't one member on that committee that I don't think didn't understand the needs of the cranberry industry or how it works or how this would help them. I think we were stuck within trying to work as near to the 90 percent rule as we could. We had a bond issue for the school buses earlier, \$7 million would help everybody in the state. There are a number of issues, school construction. The bond issue list was huge. We trimmed it down. There is not one of us on that list that doesn't support the cranberry industry or want them to do well in the State of Maine. We cut money out of the environmental bond this morning for landfills that would help in your communities. We are trying to stay within that limit. If there is such an opportunity there, maybe Ocean Spray or some of them can come up with some money up front. They are the ones that are going to profit the most in the end. The apple growers over the years they put in, I remember planting acres and acres of trees, macs, cortlands and red delicious, and now you can't sell them. Apple growers are going out of business because everybody is growing apples. It is the same thing. They can't ship them and they can't sell them. I guess I am just asking you to understand that this is part of the bond package. It already pushes the margins on the cost. That is why we voted Ought Not to Pass. Thank you.

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

Representative SHIELDS: Mr. Speaker, Men and Women of the House. Somebody correct me if I am wrong, but we are not really approving this bond issue, although I think it is very meritorious. We are just approving putting it on the ballot in the next election. I hope you will vote against the pending motion.

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

Representative GILLIS: Mr. Speaker, Men and Women of the House. You know during the campaign I heard the Chief Executive and the Majority Leader say they wanted to help Washington County. What I heard was we need specifics. We can't get any more specific than this. It is an idea and we need help. If I have to, I will get down on my knees and beg if that will change some minds to swing some help to Washington County. We are looking for jobs, ladies and gentlemen. We are not looking for charity. We are looking for jobs. I vote very conservative because I come from a conservative area. There is not much money. We struggle very hard in our part of the world. I voted against Land For Maine's Future. Maybe it was \$45 million and I knew \$5 million was going up for the cranberry industry and I failed to push that button. It didn't happen. Now you are making a choice here because you want \$50 million for the bond and you don't want to go \$5 million for a cranberry industry. Again, if I have to get underneath the table on my knees I will do it. You probably won't be able to hear me through the microphone, but we really need the money. I would ask that you vote against the pending motion. Thank you.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. Fifty million dollars to buy land. Sixty million to subsidize Bath Iron Works. We are asking for \$5 million to help Washington County. Thank you.

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. To a member of the Appropriations Committee, what was the primary reason for the vote? Was it a question of the limit or was it a question of the program in terms of its need or desirability?

The SPEAKER: The Representative from Eagle Lake, Representative Martin 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 issue was largely the limit. We have been struggling, as you may be aware, for the past week or so to stay within or close to the 90 percent rule. The other issue was that we heard no support for the bill at the time it was heard. I believe one person spoke before the committee on it.

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

Representative MARTIN: Mr. Speaker, Members of the House. As a non-believer of the 90 percent rule, never have been and never will be, I am going to support this bond issue. I will do so not only to help Washington County, but the Representative from Caribou, Representative Sirois, has already gotten the bill through this Legislature, which will investigate and work with the Department of Agriculture establishing a cranberry industry along the St. John Valley in Aroostook County. If the only reason why we didn't do it was because of the potential limit, then I think we ought to send it to the voters and as a result, I will be voting for the bond issue.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. The cranberry subject has come before the Agriculture, Conservation and Forestry Committee over the last four years. If we in Maine are going to have a thriving economy in the rural areas of Maine, this is one of those industries. It is just getting started. We need to promote it. I would hope that we would vote against the Ought Not to Pass. Thank you.

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. I have remained silent on this for several reasons. The primary one being the incredible work the Appropriations Committee has done, in particular, on the behalf of agriculture. Those of you who have been following your own areas may or may not know that for the first time in the foreseeable past and present agriculture has actually been invested in. It has been on the table by Appropriations. They didn't just respond to our request and give us part of what we asked for, they gave us every single penny. I find it extraordinarily difficult to stand up and support something that a 12 to 1 report comes out and says I am sorry but we can't do this right now. I have talked to the committee and I have talked with the House Chair. One of the things that they may not recall is that FAME has money for agricultural loans, but FAME has through technical difficulties not been willing to release that money to the cranberry industry. In the interests of that, I would like to commit this bond back to the Committee on Appropriation and Financial Affairs and request that they carry it over and let us work with FAME in the interim to see if that money can be freed up. If it isn't, then we can all

advocate very hard on behalf of this bond issue. I support the cranberry industry as does every member of Appropriations. There may not be the necessity for this if we can free up the money from FAME that is there for just this kind of purpose, but is not being granted to the industry. Thank you.

Representative **PIEH** of Bremen moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Parliamentary inquiry or question to the Speaker. Can someone give me the amount of money that has been laid out for agriculture this year? I heard the good Representative Pieh say that there were all sorts of money laid out for agriculture. Could you give us that figure please?

The **SPEAKER**: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. Agriculture received on behalf of the Soil and Water Conservation Districts, \$1.2 million. We received for marketing and promotion over the two years, \$500,000. We received in order to implement our nutrient management over the two years \$240,000. We received \$20,000 per year for an educational program for the future farmers of America. We received about \$150,000 over the two years for the Maine Conservation Corp. We also received an amount I believe between \$20,000 and \$30,000 in the aggregate over the two years for tax exemptions for purchase of materials to build manure storage sheds and for property tax exemptions on those sheds. We also received \$60,000 over the two years for the Aroostook Soil and Water Board to look at their irrigation. We may have also received funding for the Maine Pest Control, but I don't remember. It was in the Part II. Agriculture hasn't had any money in a long time. I thank Appropriations. Please don't any of you run down and take it away. It has been wonderful. It is the first time we have had that kind of acknowledgement. I would like to be able to take the time to see if we can get this FAME organized. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I would submit to you that this is something that cannot wait. I think this is an industry that is looking for some help to get going. With the competitive world the way it is, I think delaying this will only make it unsure of whether they are going to have the funding to do this. I would hope that you would vote against committing this bill to committee. Thank you.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I am opposed to committing this to the Appropriations Committee. I feel that the committee has already dealt with this. If we are concerned about the 90 percent rule or if we were concerned about it, then I think this \$5 million could have been found somewhere else. This is a fledgling industry. We are looking for things to help Washington County. This is a great opportunity. Let's vote to do this. Let's vote to oppose sending this back. Mr. Speaker, I request the yeas and nays.

Representative **BROOKS** of Winterport **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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 Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I thank Representative Pieh for her list of monies. I would only suggest in listening to them most of that money is going to be used for regulations of present businesses. Regulations put on by the State of Maine around environmental stuff basically to help meet DEP or LURC regulations. This bond issue would get new businesses started. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I was doing some quick tabulations when I heard those numbers and all the total numbers there is less than \$3 million to the agriculture out of a \$4.8 billion budget. Now we are looking at this bond for Washington County. You have heard the arguments, I just wanted to point out all of those numbers we heard are less than \$3 million. I urge you to vote against the pending motion.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. There is nobody that appreciates what the Appropriations Committee has done this year more than I do. I also have been on Agriculture, Conservation and Forestry for six years. During that six years the low person on the low commission on totem polls was agriculture. Finally, this year we got at least our fair share of what we asked for. I thank the chairman of that Appropriations Committee very much for that contribution. Besides that, we have been trying to get agriculture started again in the State of Maine. What we have going for us now for every dollar invested the returns is either \$11 or \$12. We think this in itself will do the same. If this is committed, the \$5 million committed for the bond issue, then the people out there are going to decide which one is which and how much they are going to spend in it. Please, I ask you, let's help Washington County. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I rise in opposition to committing this back to Appropriations. We need to look at the state as a whole. I serve on a statewide board of directors and Washington County is a poor community. We have sat here for six months. It seems like six months in the last two days, but we have tried to do things to let people earn and take part in the American dream, move Maine ahead. Five million dollars, I know that any group is only as strong as the weakest part. Washington County is crying for jobs. Washington County wants to keep their young people there. They want to have a part in this dream. We need to send this out to the voters and let them decide. I ask you to vote against this and then let us come and put this to the voters. Thank you.

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

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. I also agree with Representative Sullivan. It is not just Washington County. I am from Oxford County and everyday when I pass through going home to Oxford County, Androscoggin County has a cranberry farm and I have watched him. He has had to investigate how to do this. It is a long process and this is only the second year that we have had those little red cranberry fields starting up again this spring. He even had to go to Wisconsin to get help to come back and make the plans for him. I think it is something that we should really take some time to invest in and to pay attention to. Here is an opportunity to at least ask the people of the State of Maine to vote on it. I would say vote against this motion.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I guess it seems there is great support for this bond, this package. I guess I would ask to support the chair of the Agriculture Committee, Representative Pieh, in this motion to commit. I think she is on the right track. I think we can work within FAME and the money that is there. Let's free that up for this industry. I think we can do that anyway. It is ironic that the Minority Report is the gentleman who suggested that we had to trim the environmental bond this morning, because we had to meet a limit. I just find that to be ironic in this discussion. I hope you will allow us to commit to committee.

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

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

Representative **ROWE**: Mr. Speaker, Men and Women of the House. I came down here because I felt the need to. This is a 12 to 1 report. You can see who is on the Majority Ought Not to Pass Report. You know these people. These people have worked hard this year. They are asking you for a chance to commit the bill back to committee. They had a public hearing. They didn't hear a lot at the public hearing. They tried to prioritize. They are hearing from a lot of people today. You know what I am saying here. I am asking you to give these people a chance to take the bill back and bring it back to us in a little while this afternoon. I would ask you to vote to commit the bill back to the Committee on Appropriations and Financial Affairs. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I don't have any problems at all sending the bill back to Appropriations because I believe it will give them an opportunity to review again and to ignore the 90 percent rule. If that was the issue that occurred before Appropriations, then I fully support that bill going back to the Appropriations Committee to review that now that they know the position of the members of the House. I think that is entirely appropriate. I do not believe, however, that this bill should be carried over. Therefore, I will vote today to send it back to committee with the understanding that we will be voting on this bond issue before we adjourn.

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. With all due respect to the previous two speakers and I do have respect for the committee process, but I do have to remind you this is only 13 people in the whole State of Maine. I don't think these people in Washington County and I don't think this industry can wait for us to find money somewhere else. I don't think they can wait for us to decide whether or not we want to go beyond the 90 percent rule. I think we ought to send this out to the people and deal with this right now. If it goes down, it is one thing, but I don't think we ought to delay it. Thank you.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I think you need to know that this morning when we talked about bond issues we were \$13 million over the 90 percent rule. When we caucused between the two different parties individually our level was 13 over. When we came back we were told that when the leads met, we were told that the conversation was that we wouldn't have to stick to the 90 percent rule. I find it very interesting that now that 90 percent rule doesn't have to be enforced. If we are going to have the 90 percent rule when we are negotiating in the Appropriations Committee, then that should hold out here on the floor as well. That is my opinion anyway. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative **KNEELAND**: Mr. Speaker, Men and Women of the House. I am on the Ought Not to Pass on this bill and not because I have anything against the cranberry association or their business because last session I put in the bill and got it passed to give them a cranberry specialist. There are some problems with this bill, as far as I am concerned. FAME gives out loans to the PMIF Market Improvement Fund, which is for potatoes in Aroostook County and all over the State of Maine. It is under a 45/45/10 rule, 45 from FAME, 45 from a bank and 10 from a grower. Also they have a marketing fund too where they can buy machinery and other equipment. That is under the same rule. This one is not that way. This one needs to be looked at because it is almost 100 percent from FAME and that isn't the way I feel this program should be conducted. That is why I voted against it. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. It has been brought up that the vote on this according to the calendar was 12 to 1. I have been here seven years and I have seen 15 to 0 be discussed on the floor and beaten. I don't think that is a good argument of stopping this vote on this particular bill. I probably have mouthed off about this as much as anybody has in the corridors, committee wise and the whole thing. I have nothing but respect for my chair lady and for the chair lady of Appropriations and my good friend Representative Kneeland from Appropriations. If they were to guarantee me, Appropriations, that, in fact, they will take the time to study this and to know the impact that it has on Washington County, then I will support them in committing this to the Appropriations and Financial Affairs. I certainly don't want this to be belittled in any way. It is vitally important to Washington County. I think it is vitally important to the State of Maine. We have been looking for jobs and trying to get jobs. There is a

chance to get them, then why are we voting against it? I can't believe it. Thank you very much.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I would be happy to offer to study this issue further with Representative Cross. I would also invite all members to join us in the Appropriations room at any time when we hold public hearings. I am delighted to hear the support today for cranberries, but we did not hear that support when we held the public hearing nearly two months ago. I would also point out that in the bond package it contained significant resources for the rail line from Calais to Brewer as well as the Part II budget contains equipment to improve that rail line. The committee has been very conscience of regions and very careful to appropriate money into rural areas, both north and down east. As you have heard from my seatmate and fellow chair, we have put more resources into agriculture this year than has been put in it in the time that I have been in the building, including a position having to do with integrated pest management for cranberries at the University of Maine as well as the Maine Meat Act. Thank you.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. I just wanted to stand and briefly agree completely with the statements of my colleagues on the Appropriations Committee. I want to say very sincerely that I don't think any one of us dismiss the importance and of the agriculture industry in the entire State of Maine. I want to say that even though the people from Washington County look at this as their particular issue, frankly, it is not an issue just for Washington County. Oxford County that I come from has a fine agricultural history. We have a number of people who are converting to sell and grow and sell cranberries. I think it is important for my district. I think it is extremely important for my district to be thoughtful how these loan funds are established and set up. I think as Representative Kneeland said, we want to be very careful to make sure that we didn't have a program that was already in place that we could model and use wisely. We have had over \$700 million in bond requests. We had to whittle those down. We are here in the very last moments of the Legislative Session. I think that what we don't want to do is do something hasty. I appreciate your attention and I appreciate your support. I certainly hope you will let us study this in a timely way. Thank you.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I understood the Representative from Portland to say that they would bring it back later today and the Representative from Eagle Lake to say he would vote for it if it came back before adjournment. Is that the reality that we will hear it within the next day or two or are we talking about carrying over?

The **SPEAKER PRO TEM**: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Rowe.

Representative **ROWE**: Mr. Speaker, Men and Women of the House. When I said that I was talking about today. I was talking about getting the bill back today. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Based on what I have been hearing the discussion occurred in Appropriations Committee on the 90 percent basis that had been established. I think that maybe it is appropriate that I talk about the 90 percent because, frankly, you need to know where that came from and why it came from and how it got into almost an established process and a requirement. The 90 percent basis on reissuing bonds based on outstanding bonds occurred when the state's bond rating was changed during the '80s based on the state's economic condition. One of the agreements that we made with the bonding houses was to go into this 90 percent issuing of bonds based on the previous issue that was being retired so that you ought not to get into the assumption to believing that this is something that is written in stone or is for us to forever follow. I think that this potentially gets us into trouble, especially when we are in a situation like we are now. All of us want to help Washington County, not only Washington County, but northern, eastern and western Maine. I think that this is one of the ways that it can be done. I don't know that for sure, but I do know that if they don't get the assistance, we will not be helping them. I know it is great to study and I know and have been through all those things, but I don't think that we ought to rely on this. That is why I asked my initial question earlier, was the decision by Appropriations based on the 90 percent rule or was it based on something else? What I heard was it was based on the 90 percent rule. That is why I am more than willing to send it back to Appropriations so they can take a look at it and get it back to us before we adjourn.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. An end of session reaction or a knee-jerk reaction, this whole issue did not have the same consideration when it was in committee obviously a number of weeks ago. I am just amazed at how this issue takes on a new color or new flavor so to speak. There were some problems that I recall at the public hearing on this. It was very minimally attended and it was short. It is my understanding that this industry has not even asked for private financing. Why is the state going to go into the business of financing an industry when they made apparently no effort, at least as it was reported and as I remember it, to get private financing. This shouldn't be about the 90 percent rule. I would hope that we would be considering this based on whether it is good or bad for the State of Maine and its citizens. It should not be about Washington County. I have cranberry growers in my district, northwest York County in Alfred. They got their money through the private sector. Why are we even talking about this? Thank you Mr. Speaker.

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

Representative **BUCK**: Mr. Speaker, Men and Women of the House. In response to some of the questions the last speaker asked, I would just like to respond about the process and the product. He talked about the waning days of the session. We all get caught up in this idea of the process. I understand full well how hard the Appropriations Committee has worked and the Transportation Committee and all of us. The problem is we get so hung up on the process we don't understand what the problem is. Ever since I was a child, I have heard about the problems facing Washington County in Maine and the economic

conditions down there in terms of the rest of the state. Every Legislature I have ever known talks a great deal about it, but somehow we never end up addressing the issue. I can appreciate the fact that the cranberry growers or the potato growers in York County have invested themselves in research and development or whatever it is they do. In fact, that is why I am up here. I am a big believer in the private sector. This county that we are talking about is particularly unique in that it has the highest unemployment rate. It has all sorts of problems that the rest of the state doesn't have. It seems to me that if we can invest millions of dollars to buy public land so that the people in York County can go fish, we certainly can invest \$5 million so that we can perhaps provide a few more good paying jobs to the people of Washington County. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I think we have heard bipartisan support for this issue here this afternoon. I heard my friend now in the corner indicate to this House his promise that this issue would return back to us if it is recommitted to Appropriations. It would return back to us before we go home. There has been a stable that I have learned ever since December when the gentleman over in the other corner gives his word, he means it.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Commit the Bill and all Accompanying Papers to the Committee on Appropriations and Financial Affairs. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 397

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

NAY - Bagley, Brooks, Kasprzak, Labrecque, Mack, Marvin, Pinkham, Shields, Snowe-Mello, Stanwood, Stedman, Waterhouse.

ABSENT - Ahearne, Cameron, Cianchette, Clark, Colwell, Cote, Cowger, Frechette, Hatch, Joy, Matthews, Muse, O'Brien JA, Powers, Richardson J, Samson, Shorey, True, Usher, Wheeler GJ.

Yes, 119; No, 12; Absent, 20; Excused, 0.

119 having voted in the affirmative and 12 voted in the negative, with 20 being absent, the Bill and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

**ENACTORS
Acts**

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)
(S. "A" S-380)

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

(S.P. 409) (L.D. 1198)
(S. "A" S-405)

An Act to Ensure the Quality and Safety of Child Care and to Expand Home Visiting Services

(H.P. 938) (L.D. 1315)
(S. "A" S-435)

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

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

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 (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-740)** - Committee on **TAXATION** on Bill "An Act to Reduce the Sales Tax to 5%"

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

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

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative GAGNON of Waterville moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **TAXATION**.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **TAXATION**.

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 Commit the Bill and Accompanying Papers to the Committee on Taxation. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 398

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Clough, Collins, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland,

Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Quint, Richard, Richardson E, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Foster, Gerry, Glynn, Kasprzak, MacDougall, Mack, Mendros, Sherman, Shields, Snowe-Mello, Stedman, Waterhouse.

ABSENT - Ahearne, Cameron, Cianchette, Clark, Colwell, Cote, Cowger, Duncan, Frechette, Hatch, Joy, Muse, O'Brien JA, Pinkham, Powers, Richardson J, Samson, Shiah, Shorey, True, Wheeler GJ.

Yes, 118; No, 12; Absent, 21; Excused, 0.

118 having voted in the affirmative and 12 voted in the negative, with 21 being absent, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook for Purposes of Education Funding (EMERGENCY)

(H.P. 1593) (L.D. 2241)

FINALLY PASSED in the House on May 25, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-426)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

JOINT ORDER - Relative to the Commission to Review Traffic Congestion including Truck Traffic on Route 236 from Kittery to Berwick

(H.P. 1596)

READ and **PASSED** in the House on May 25, 1999.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers

(H.P. 698) (L.D. 965)

PASSED TO BE ENACTED in the House on April 26, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**)

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

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

Non-Concurrent Matter

An Act to Amend the Laws Pertaining to Excise Tax Collection

(S.P. 411) (L.D. 1200)

PASSED TO BE ENACTED in the House on May 7, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-134)**)

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

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

Non-Concurrent Matter

An Act Regarding Taxation of Low-energy Fuels

(H.P. 940) (L.D. 1337)

PASSED TO BE ENACTED in the House on May 21, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)**)

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

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

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

ENACTORS

Emergency Measure

An Act to Clarify the Solid Waste Laws as They Relate to the Exception to the Ban on New Commercial Landfills

(S.P. 839) (L.D. 2238)

(C. "A" S-441)

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. 121 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery

(S.P. 116) (L.D. 313)

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

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

SENATE PAPERS

Non-Concurrent Matter

JOINT ORDER - Relative to Establishing the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG

(H.P. 1581)

(H. "A" H-582)

PASSED in the House on May 14, 1999.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On motion of Representative SAXL of Portland, the following item was **REMOVED** from the Special Study Table:

JOINT ORDER - Relative to establishing the Legislative Task Force on Patterns of Development

(S.P. 827)

- In Senate, **READ** and **PASSED** pursuant to Joint Rule 353.

TABLED - May 14, 1999 by Representative SAXL of Portland pursuant to Joint Rule 353.

PENDING - PASSAGE.

On further motion of the same Representative, the Joint order was **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

On motion of Representative SAXL of Portland, the following item was **REMOVED** from the Special Study Table:

JOINT ORDER - Relative to Establishing the Task Force to Study Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students

(S.P. 598)

- In Senate, **READ** and **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276)** pursuant to Joint Rule 353.

TABLED - May 17, 1999 by Representative SAXL of Portland pursuant to Joint Rule 353.

PENDING - PASSAGE AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276).

On motion of Representative SAXL of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-276)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-766)** to **Committee Amendment "A" (S-276)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-276) as Amended by **House Amendment "A" (H-766)** thereto was **ADOPTED**.

The Joint Order was **PASSED** as Amended by **Committee Amendment "A" (S-276)** as Amended by **House Amendment "A" (H-766)** thereto in **NON-CONCURRENCE** and sent for concurrence.

On motion of Representative SAXL of Portland, the following item was **REMOVED** from the Special Study Table:

JOINT ORDER - Relative to Establishing the Committee to Address the Recognition of the Tribal Government Representatives of Maine's Native Sovereign Nations in the Legislature

(H.P. 1524)

- In House, **READ** and **REFERRED** to the Committee on **JUDICIARY** on April 8, 1999.

- In Senate, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-271)** in **NON-CONCURRENCE**.

TABLED - May 17, 1999 by Representative SAXL of Portland pursuant to Joint Rule 353.

PENDING - FURTHER CONSIDERATION.

On further motion of the same Representative, the House voted to **RECEDE AND CONCUR.**

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

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Improve Alcohol Server Education Courses"

(S.P. 320) (L.D. 954)

has had the same under consideration, and asks leave to report: That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

GAGNE of Buckfield

O'BRIEN of Lewiston

McALEVEY of Waterboro

Senators:

FERGUSON of Oxford

CAREY of Kennebec

MITCHELL of Penobscot

On motion of Representative GAGNE of Buckfield, the Committee of Conference Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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)

Which was **TABLED** by Representative BRYANT of Dixfield pending the motion of Representative TREADWELL of Carmel to **RECEDE AND CONCUR.**

Representative MATTHEWS of Winslow **REQUESTED** a division on the motion to **RECEDE AND CONCUR.**

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

A vote of the House was taken. 90 voted in favor of the same and 22 against, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1609)

An Act to Improve the Collection of Restitution

(S.P. 268) (L.D. 761)

(S. "A" S-86 to C. "A" S-67)

On motion of Representative PEAVEY of Woolwich, 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" (S-67) as Amended by Senate Amendment "A" (S-86)** thereto was **ADOPTED**.

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 **Senate Amendment "A" (S-86)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-86)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-763)** to **Committee Amendment "A" (S-67)** which was **READ** by the Clerk

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

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. This is the bill on the victim's restitution that I spoke to you about this morning. It takes away the fiscal note and just leaves the language. It allows the Department of Corrections to garnish wages for offenders who are not paying their restitution to victims. I hope you will allow its passage.

House Amendment "A" (H-763) to **Committee Amendment "A" (S-67)** was **ADOPTED**.

Committee Amendment "A" (S-67) as Amended by House Amendment "A" (H-763) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-67) as Amended by House Amendment "A" (H-763)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1606)

An Act to Allow Three Hunters to Hunt Deer Together

(H.P. 704) (L.D. 971)

- In House, Passed to be Enacted on May 24, 1999.

- In Senate, Passed to be Enacted on May 24, 1999.

On motion of Representative **DUNLAP** of Old Town, the Bill and all accompanying papers were **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative **McNeil** who wishes to address the House on the Record.

Representative **MCNEIL**: Mr. Speaker, Men and Women of the House. Although I did not write this myself I have been given the privilege and honor of presenting this to you. This is from the group of us who are first-time legislators here in the House. It is in appreciation to you for your sensitivity and fairness in running this House. I would like to read this to you, if I may. "Dear Mr. Speaker, we the members of the freshman class of the 119th Maine Legislature wish to extend our thanks and appreciation to the Speaker for the unfailing courtesy, respect and tolerance he has demonstrated to us throughout the First Regular Session of

this Legislature. As freshman legislators most of us approached our new job with enthusiasm and energy, but also a sense of bewilderment and apprehension. Learning the legislative process has been a struggle and often times our enthusiasm has lead us to situations which could easily have caused us to be embarrassed or humiliated. Through it all the Speaker has demonstrated remarkable patience and tolerance for our mistakes and has been courteous and respectful of all members. We, therefore, wish to take this opportunity to thank the Speaker and look forward to our Second Session under his direction. Sincerely the undersigned members of the freshman class." This has been signed by all of the members. Our Clerk has a copy of it for you to frame. If perhaps the newcomers could stand up. They are all sincere in this as the man who wrote it.

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Lobbyist Registration Fee Provisions

(S.P. 503) (L.D. 1504)

(C. "A" S-263)

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** on June 3, 1999.

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on June 3, 1999.

- **RECALLED** from the Legislative Files pursuant to Joint Order (S.P. 854).

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

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

ENACTORS

Emergency Measure

Resolve, to Modify the State Valuation for the City of Westbrook and the Town of Livermore Falls for Purposes of Education Funding

(H.P. 1593) (L.D. 2241)

(S. "A" S-426)

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. 110 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Create the Capital Riverfront Improvement District

(S.P. 760) (L.D. 2136)

(C. "A" S-302; H. "A" H-764)

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. 103 voted in favor of the same and 13 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Bond Issue - Public Land Mandate

An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources

(H.P. 1607) (L.D. 2253)
(H. "A" H-762)

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

Representative MADORE of Augusta **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 21 and Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 399

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Chick, Chizmar, Clough, Collins, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Gagne, Gagnon, Gerry, Gooley, Heidrich, Honey, Jabar, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, 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, Povich, Quint, Richard, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Twomey, Usher, Weston, Williams, Mr. Speaker.

NAY - Bowles, Buck, Campbell, Carr, Gillis, Glynn, Goodwin, Jones, Kasprzak, MacDougall, Mack, Mendros, Plowman, Sherman, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Ahearne, Bolduc, Bryant, Bumps, Cameron, Cianchette, Clark, Colwell, Cote, Cowger, Frechette, Fuller, Green, Hatch, Jacobs, Joy, Lovett, Muse, Pinkham, Powers, Rines, Samson, Shorey, True, Tuttle, Volenik, Watson, Wheeler GJ.

Yes, 101; No, 22; Absent, 28; Excused, 0.

101 having voted in the affirmative and 22 voted in the negative, with 28 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Resolves

Resolve, to Increase Certain Reimbursement Rates under the Medicaid Program

(H.P. 1313) (L.D. 1896)
(S. "A" S-386 to C. "A" H-602)

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

Acts

An Act to Enhance the Payment Options for Certain Employers

(H.P. 214) (L.D. 292)
(S. "A" S-361 and S. "E" S-412 to C. "A" H-477)

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

On motion of Representative MATTHEWS of Winslow, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 400

YEA - Andrews, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Brooks, Bruno, Buck, Campbell, Chick, Chizmar, Clough, Collins, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Etnier, Fisher, Foster, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, McAlevey, 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, Plowman, Povich, Richard, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Sirois, Snowe-Mello, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Bagley, Baker, Berry RL, Bouffard, Brennan, Bull, Carr, Cross, Dudley, Dunlap, Duplessie, Gagnon, Gerry, Goodwin, Jabar, Mailhot, Martin, Matthews, Mayo, Mitchell, Norbert, Perkins, Quint, Rines, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Townsend, Tracy, Tripp, Twomey, Williams.

ABSENT - Ahearne, Bryant, Bumps, Cameron, Cianchette, Clark, Colwell, Cote, Cowger, Frechette, Fuller, Green, Hatch, Jacobs, Joy, Kneeland, Lovett, Muse, Pinkham, Powers, Samson, Shorey, True, Tuttle, Volenik, Watson, Wheeler GJ.

Yes, 90; No, 34; Absent, 27; Excused, 0.

90 having voted in the affirmative and 34 voted in the negative, with 27 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**.

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

(H.P. 99) (L.D. 112)

FINALLY PASSED in the House on April 5, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79) AS AMENDED BY SENATE AMENDMENT "A" (S-448)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 320)

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

June 5, 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 it indefinitely postponed Bill and its accompanying papers "An Act to Exempt Military Retirees from State Income Taxes" (H.P. 360) (L.D. 485).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 321)

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

June 5, 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 it indefinitely postponed Bill and its accompanying papers "An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System" (H.P. 1130) (L.D. 1589).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

CONSENT CALENDAR

First Day

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

(S.P. 279) (L.D. 797) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$9,400,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion

to Digital Broadcasting" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-443)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

former Representative Fred W. Moholland, of Princeton, who was a member of the Maine House of Representatives during the 110th, 111th, 112th, 113th and 114th legislative sessions. A tireless advocate for truckers and the trucking industry who served as chair of the Transportation Committee, he was involved with the development of Route 6 and Route 9. We acknowledge his dedicated service to the State of Maine. He will be greatly missed by his family, colleagues and friends;

(HLS 577)

Presented by Representative MARTIN of Eagle Lake.

Cosponsored by President LAWRENCE of York, Representative DUGAY of Cherryfield, Representative BAGLEY of Machias, Representative GOODWIN of Pembroke, Representative SHOREY of Calais, Representative GILLIS of Danforth, Senator CASSIDY of Washington, Speaker ROWE of Portland, Representative USHER of Westbrook, Representative MURPHY of Berwick, Representative MURPHY of Kennebunk, Representative CLARK of Millinocket, Representative TRACY of Rome, Representative TUTTLE of Sanford, Senator BERUBE of Androscoggin, Senator CAREY of Kennebec, Senator O'GARA of Cumberland, Senator RUHLIN of Penobscot, Senator MICHAUD of Penobscot, Senator PARADIS of Aroostook, Senator NUTTING of Androscoggin, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator SMALL of Sagadahoc.

On **OBJECTION** of Representative MARTIN of Eagle Lake, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Earlier today former Representative Fred Moholland passed away. He had been confined to a nursing home the last months even though he had trouble with his legs, his mind was fine. He served, as you have already heard, five terms in this body and part of that as chair of the Transportation Committee. His colorful stories about the highway and trucking were always something that members of the House were always looking forward to. Every so often you knew that where he had picked up some of the words were from some truck stop somewhere along the way. He was always one of those who spoke and worked very hard for Washington County and in particular for the trucking industry. He will, there is no question, be missed by his family. When he was no longer a member of the Legislature, he

continued to come to this Legislature to every Transportation meeting he could have the time to come to, to continue to lobby for Route 6 and Route 9. Certainly there is no question that he was a tireless worker for the people of that county. I am pleased to present for you today and on behalf of the family, this Resolution and Memorial.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. It was an honor and a privilege to serve with Representative Moholland from Princeton. Representative Moholland sat right over here in Seat 133 in what we called the illustrious rat's nest. He was the king of the rat's nest. Often times during crucial votes he would look down the line and say, "Tracy, rat's nest all green." He wanted me to vote green with him. He was a true representative of his people back home in Washington County. He was a great chairman of the Transportation Committee. He will be deeply missed by everybody. Thank you.

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

Representative GILLIS: Mr. Speaker, Men and Women of the House. I knew Representative Moholland from my basketball days. He used to be a referee. He was always a colorful character. If any of you people served with him, you would know that. He really had a way about himself and I really shouldn't let this out, because this is ammunition for some people for re-election, but Representative Moholland when it was time to get re-elected he used to take his truck and he would throw some watermelons on the back and some hay and he would show up on the fourth of July in just about every community and you would see people going over to his truck and he was always passing out the watermelons. People knew Fred Moholland. Thank you.

ADOPTED and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State (EMERGENCY)

(H.P. 1017) (L.D. 1428)

FINALLY PASSED in the House on May 21, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY HOUSE AMENDMENT "A" (H-586)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY SENATE AMENDMENT "A" (S-447)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

JOINT ORDER - Relative to Establishing a Commission on Sawmill Biomass

(H.P. 1583)

House **INSISTED** on its former action whereby the Joint Order was **PASSED** in the House on May 19, 1999.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-451)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits (EMERGENCY)

(H.P. 76) (L.D. 89)

FINALLY PASSED in the House on May 12, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312) AS AMENDED BY SENATE AMENDMENT "A" (S-444)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish the Task Force on State Office Building Location and Other State Growth-related Capital Investments

(H.P. 226) (L.D. 304)

FINALLY PASSED in the House on May 20, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY SENATE AMENDMENT "A" (S-458)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission

(S.P. 390) (L.D. 1169)

PASSED TO BE ENACTED in the House on May 7, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72) AS AMENDED BY SENATE AMENDMENT "A" (S-455)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection

(H.P. 899) (L.D. 1256)

FINALLY PASSED in the House on April 26, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169) AS AMENDED BY SENATE AMENDMENT "A" (S-446)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection (EMERGENCY)

(H.P. 1103) (L.D. 1550)

FINALLY PASSED in the House on May 17, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)** and **HOUSE AMENDMENT "A" (H-540)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425) AS AMENDED BY SENATE AMENDMENT "A" (S-456)** thereto and **HOUSE AMENDMENT "A" (H-540)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish the Commission to Study Children in Need of Services (EMERGENCY)

(S.P. 643) (L.D. 1825)

FINALLY PASSED in the House on April 29, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87) AS AMENDED BY SENATE AMENDMENT "A" (S-445)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims (EMERGENCY)

(H.P. 1414) (L.D. 2021)

FINALLY PASSED in the House on May 14, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENT "A" (S-232)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENTS "A" (S-232) and "B" (S-457)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

(S.P. 725) (L.D. 2045)

FINALLY PASSED in the House on May 24, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254)** and **HOUSE AMENDMENT "A" (H-639)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254) AS AMENDED BY SENATE AMENDMENT "A" (S-450)** thereto and **HOUSE AMENDMENT "A" (H-639)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers

(H.P. 689) (L.D. 956)

FINALLY PASSED in the House on May 26, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623) AS AMENDED BY SENATE AMENDMENT "A" (S-454)** thereto in **NON-CONCURRENCE**.

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

**ENACTORS
Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,400,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion to Digital Broadcasting

(S.P. 279) (L.D. 797)

(C. "A" S-443)

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. 98 voted in favor of the same and 8 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

(H.P. 1394) (L.D. 1999)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FURTHER CONSIDERATION**.

On motion of Representative DUPLESSIE of Westbrook, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment "A" (H-767) to Committee Amendment "A" (H-305), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-305) as Amended by House Amendment "A" (H-767) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-305) as Amended by House Amendment "A" (H-767) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Cowger who wishes to address the House on the Record.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. Regrettably I was absent from the chamber when the

vote was taken on Roll Call 399. Had I been present, I would have voted yes and I would like the record to so reflect.

SENATE PAPERS
Non-Concurrent Matter

JOINT ORDER - Relative to Establishing a Commission to Examine the Adequacy of Services at the Togus Veterans Administration Medical Center

(H.P. 1052)

PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466) in the House on May 7, 1999.

Came from the Senate **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466) AS AMENDED BY SENATE AMENDMENT "A" (S-449)** thereto in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE
Ought to Pass

Report of the Committee on **TAXATION** on Joint Order - Establishing the Commission to Study Single-sales Factor Apportionment

(S.P. 771)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY SENATE AMENDMENT "B" (S-452)**.

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

The Joint Order **READ**. Senate Amendment "B" (S-452) **READ** by the Clerk and **ADOPTED**.

The Joint Order was **PASSED as Amended by Senate Amendment "B" (S-452)** in concurrence.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Limit Publicly Owned Land"

(H.P. 520) (L.D. 727)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

Representatives:

COWGER of Hallowell

GOOLEY of Farmington

VOLENIK of Brooklin

PIEH of Bremen

WATSON of Farmingdale

GAGNE of Buckfield

CROSS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-753)** on same Bill.

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CARR of Lincoln

FOSTER of Gray

GILLIS of Danforth

READ.

Representative PIEH of Bremen moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative CARR: Mr. Speaker, Men and Women of the House. This is an act to limit publicly owned land. Representative Joy apparently didn't get back in time so just to give a little background on this bill, the bill would limit publicly owned land in this state to no more than 7 percent of the total land area and 10 percent of the land area in any one county. This was put in for obvious reasons to try to limit some of the areas that have had substantial growth in purchased land by the state and also perhaps to allow some of the counties that haven't been receiving the same amount of land to be purchased by the state. I just kind of wanted to go on record that this is what the bill is about. I would ask for a roll call.

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

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

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

ROLL CALL NO. 401

YEA - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Chick, Chizmar, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Twomey, Usher, Watson, Williams, Mr. Speaker.

NAY - Berry DP, Bowles, Buck, Campbell, Carr, Clough, Collins, Foster, Gerry, Gillis, Glynn, Heidrich, Jodrey, Jones, Lindahl, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Perkins, Plowman, Richardson E, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Ahearne, Belanger, Cameron, Cianchette, Clark, Colwell, Cote, Cross, Duncan, Frechette, Hatch, Joy, Kasprzak, Lovett, Muse, Pinkham, Powers, Samson, Shorey, True, Tuttle, Volenik, Wheeler GJ.

Yes, 92; No, 36; Absent, 23; Excused, 0.

92 having voted in the affirmative and 36 voted in the negative, with 23 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS
Emergency Measure

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

(H.P. 99) (L.D. 112)
(S. "A" S-448 to C. "A" H-79)

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

Representative MACK of Standish **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 402

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

NAY - Buck, Marvin.

ABSENT - Ahearne, Belanger, Cameron, Cianchette, Clark, Colwell, Cote, Cross, Duncan, Frechette, Gillis, Hatch, Joy, Kasprzak, Lovett, Muse, Nass, Pinkham, Powers, Samson, Shorey, True, Tuttle, Volenik, Wheeler GJ.

Yes, 124; No, 2; Absent, 25; Excused, 0.

124 having voted in the affirmative and 2 voted in the negative, with 25 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Improve the Collection of Restitution

(S.P. 268) (L.D. 761)
(H. "A" H-763 to C. "A" S-67)

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

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy (EMERGENCY)

(S.P. 763) (L.D. 2155)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AS AMENDED BY HOUSE AMENDMENT "A" (H-688) thereto in the House on May 26, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AS AMENDED BY SENATE AMENDMENT "A" (S-462)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Establishing a Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

(S.P. 332) (L.D. 986)

FINALLY PASSED in the House on May 27, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY HOUSE AMENDMENTS "A" (H-641) and "B" (H-685)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY SENATE AMENDMENT "A" (S-459)** and **HOUSE AMENDMENT "A" (H-641)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program (EMERGENCY)

(S.P. 393) (L.D. 1172)

FINALLY PASSED in the House on May 17, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196)** and **HOUSE AMENDMENT "A" (H-543)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AS AMENDED BY SENATE AMENDMENT "A" (S-460)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Create the Business Advisory Commission on Quality Child Care Financing (EMERGENCY)

(S.P. 486) (L.D. 1446)

FINALLY PASSED in the House on May 11, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179) AS AMENDED BY SENATE AMENDMENT "A" (S-461)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor (EMERGENCY)

(S.P. 571) (L.D. 1638)

FINALLY PASSED in the House on May 6, 1999. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117) AS AMENDED BY SENATE AMENDMENT "A" (S-463)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

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

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-18)** in the House on June 4, 1999.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill and accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE.**

The House voted to **ADHERE.**

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

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)

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

TABLED - June 4, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - FINAL PASSAGE.

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. 109 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

An Act to Amend the Nutrient Management Laws (EMERGENCY) (MANDATE)

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

(S. "A" S-430)

TABLED - June 4, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENACTED.

Was 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. 108 voted in favor of the same and 1 against, and accordingly the Mandate 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.**

SENATE PAPERS

Non-Concurrent Matter

An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code (EMERGENCY)

(H.P. 1053) (L.D. 1484)

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-387)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)** and **SENATE AMENDMENT "C" (S-442)** in **NON-CONCURRENCE.**

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

ENACTORS

Emergency Measure

Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits

(H.P. 76) (L.D. 89)

(S. "A" S-444 to C. "A" H-312)

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. 115 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

(10-2) Resolve, to Establish the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development

(H.P. 226) (L.D. 304)

(S. "A" S-458 to C. "A" H-292)

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. 115 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection

(H.P. 899) (L.D. 1256)
(S. "A" S-446 to C. "A" H-169)

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 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State

(H.P. 1017) (L.D. 1428)
(S. "A" S-447 to C. "A" H-557)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, 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, to Establish a Task Force to Study the Improvement of Public Water Supply Protection

(H.P. 1103) (L.D. 1550)
(H. "A" H-540; S. "A" S-456 to C. "A" H-425)

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. 119 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Study Children in Need of Services

(S.P. 643) (L.D. 1825)
(S. "A" S-445 to C. "A" S-87)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

(H.P. 1414) (L.D. 2021)

(S. "A" S-232 and S. "B" S-457 to C. "A" H-455)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

ENACTORS

Acts

An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission

(S.P. 390) (L.D. 1169)
(S. "A" S-455 to C. "A" S-72)

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 Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers

(H.P. 689) (L.D. 956)
(S. "A" S-454 to C. "A" H-623)

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

(S.P. 725) (L.D. 2045)
(H. "A" H-639; S. "A" S-450 to C. "A" S-254)

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

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

COMMUNICATIONS

The Following Communication: (S.C. 322)

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

June 5, 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 it rejected a Committee of Conference report on the disagreeing action between the two branches of the Legislature on Bill "An Act to Treat All Employees with Respect to Leaves of Absence for Legislative Service" (H.P. 235) (L.D. 339).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

The following Joint Order: (S.P. 855)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Friday, June 18, 1999, at 10:00 o'clock in the morning.

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

READ and **PASSED** in concurrence.

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

Non-Concurrent Matter

An Act Concerning the Review of State Solid Waste Management Policies (EMERGENCY)

(S.P. 391) (L.D. 1170)

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-185)** and **HOUSE AMENDMENT "A" (H-550)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AS AMENDED BY SENATE AMENDMENT "A" (S-464)** thereto and **HOUSE AMENDMENT "A" (H-550)** in **NON-CONCURRENCE**.

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

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

After Midnight

ENACTORS

Emergency Measure

Resolve, Establishing a Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

(S.P. 332) (L.D. 986)

(H. "A" H-641 and S. "A" S-459 to C. "A" S-296)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program

(S.P. 393) (L.D. 1172)

(S. "A" S-460 to C. "A" S-196)

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. 112 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Create the Business Advisory Commission on Quality Child Care Financing

(S.P. 486) (L.D. 1446)

(S. "A" S-461 to C. "A" S-179)

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

Representative MENDROS of Lewiston **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 403

YEA - Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Campbell, Chick, Chizmar, Clough, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Matthews, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan,

Treadwell, Tripp, Twomey, Usher, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Carr, Collins, Foster, Goodwin, MacDougall, Mack, Marvin, Waterhouse.

ABSENT - Ahearne, Belanger, Bruno, Buck, Cameron, Cianchette, Clark, Colwell, Cote, Cross, Duncan, Frechette, Hatch, Jones, Joy, Kasprzak, Lovett, Mayo, Murphy E, Muse, Pinkham, Powers, Samson, Shorey, True, Tuttle, Volenik, Wheeler EM, Wheeler GJ.

Yes, 114; No, 8; Absent, 29; Excused, 0.

114 having voted in the affirmative and 8 voted in the negative, with 29 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor and Route 236 Corridor

(S.P. 571) (L.D. 1638)

(S. "A" S-463 to C. "A" S-117)

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. 116 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy

(S.P. 763) (L.D. 2155)

(S. "A" S-462 to C. "A" S-303)

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. 118 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

(H.P. 1394) (L.D. 1999)

(H. "A" H-767 to C. "A" H-305)

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

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

Emergency Measure

An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code

(H.P. 1053) (L.D. 1484)

(C. "A" H-387; S. "C" S-442)

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 3 against, and accordingly 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**.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-144)** - Minority (3) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create a Uniform Standard Governing Legislative Leave of Absence"

(H.P. 502) (L.D. 709)

TABLED - April 7, 1999 by Representative SAXL of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. This is a long awaited day. I think I have the distinction of having a bill held on the Unassigned Table for the longest period of time of anybody. I would now move in the lateness of this hour that this bill be Indefinitely Postponed. I would also ask for a roll call, Mr. Speaker.

Representative **BROOKS** of Winterport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

Representative **RINES** of Wiscasset **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I certainly don't want to say any disparaging remarks. I don't have those types of intentions or feelings toward the hardworking teachers, but I hope you understand what this bill is. I guess everybody does because you have it in your hand. Quickly, all employers of five or more employees by statute have to give one-term leave of absence in the State of Maine to come over here for the Legislature. There is a provision in here that teachers, however, the employers of teachers must give unlimited leave of absence. This bill simply would repeal that and level the playing field and everybody would be on the same footing. I think it is a very reasonable proposal and I applaud Representative Brooks for bringing this forward. Thank you.

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

ROLL CALL NO. 404

YEA - Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Campbell, Chick, Chizmar, Collins, Cowger, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Green, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, McDonough, McKee, Mitchell, Murphy T, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Quint, Richard, Richardson J, Sanborn, Savage C, Saxl JW, Saxl MV, Sherman, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Thompson, Tobin D, Townsend, Tripp, Twomey, Usher, Watson, Williams, Mr. Speaker.

NAY - Bowles, Bragdon, Bumps, Carr, Clough, Daigle, Dugay, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Labrecque, MacDougall, Mack, Madore, Marvin, McAlevey, McGlocklin, McKenney, McNeil, Mendros, Nutting, O'Brien JA, Peavey, Perkins, Plowman, Richardson E, Rines, Rosen, Savage W, Schneider, Shields, Snowe-Mello, Stanwood, Stedman, Tessier, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Ahearne, Belanger, Bruno, Buck, Cameron, Cianchette, Clark, Colwell, Cote, Cross, Duncan, Frechette, Hatch, Jones, Joy, Kasprzak, Lindahl, Lovett, Mayo, Murphy E, Muse, Pinkham, Powers, Samson, Shorey, True, Tuttle, Volenik, Wheeler EM, Wheeler GJ.

Yes, 73; No, 48; Absent, 30; Excused, 0.

73 having voted in the affirmative and 48 voted in the negative, with 30 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act Concerning the Review of State Solid Waste Management Policies

(S.P. 391) (L.D. 1170)

(S. "A" S-464 to C. "A" S-185; H. "A" H-550)

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. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Tax Law Regarding Tax Liability of Innocent Spouses

(S.P. 308) (L.D. 910)

(C. "A" S-173)

PASSED TO BE ENACTED in the House on May 11, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173) AS AMENDED BY SENATE AMENDMENT "A" (S-466)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Restore Municipal Revenue Sharing

(H.P. 701) (L.D. 968)

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-218)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AS AMENDED BY SENATE AMENDMENT "A" (S-467)** thereto in **NON-CONCURRENCE**.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I am sure a lot of you will find this hard to believe, but I really didn't want to rise. I do have a question on this. This is a \$1.1 million fiscal note coming out of the Rainy Day Fund. I would like to know why this is needed all of a sudden at 1:00 in the morning just before we end to take \$1 million out of the Rainy Day Fund. If anyone could answer that question for me.

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 Waterville, Representative Gagnon.

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. Without getting into a very long explanation about the facts, back when the first trigger kicked in from the 6 percent down to the 5.5 percent there was a period in which the money had to be credited if you recall how the trigger worked. What happened was the Executive Department ended up stripping off the money for the reserve before sending that money to the local fund balance. As most of you know, the revenue that comes into the state, 5.1 percent of that is turned over to the local fund for municipal revenue sharing. That should have been reserved at the time. That is what this bill does. It is money that had been shifted to the Rainy Day Fund, in my mind, inadvertently. This is a correction to that.

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

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

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman who wishes to address the House on the Record.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. This is a very important date in history of the United States, June 6. Fifty-five years ago a lot of people gave their lives as they went on the beaches in Europe. I hope when we adjourn tonight we can keep those people in our memories and leave in lasting tribute to those people.

ENACTORS

Acts

An Act to Amend the Tax Law Regarding Tax Liability of Innocent or Injured Spouses

(S.P. 308) (L.D. 910)

(S. "A" S-466 to C. "A" S-173)

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 Restore Municipal Revenue Sharing

(H.P. 701) (L.D. 968)

(S. "A" S-467 to C. "A" H-218)

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

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

On motion of Representative **MARTIN** of Eagle Lake, the House adjourned at 1:35 a.m., until 10:00 a.m., Friday, June 18, 1999 pursuant to the Joint Order (S.P. 855) and in honor and lasting tribute to former Representative Fred W. Moholland, of Princeton and the World War II Veterans who gave their lives in service to our country.