

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
8th Legislative Day
Friday, February 25, 2000

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

Prayer by the Reverend John Zehring, South Parish Congregational Church, Augusta.

National Anthem by The Golden Oldies Barbershop Quartet of Monmouth and Farmingdale.

Pledge of Allegiance.

Doctor of the day, John H. Burton, M.D., Falmouth.

The Journal of Tuesday, February 22, 2000 was read and approved.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler who wishes to address the House on the Record.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. A few years ago this body appropriated \$50,000 to help save the shipyard in Kittery. With this money we were able to accomplish this and the shipyard is still going at a strong rate. As an individual here today, it has really helped grow the community and help the shipyard become a place of happiness and a place where people enjoy visiting. It is turning around what we thought was going to be the end of a beautiful shipyard. Captain Tom Williams has skillfully developed a positive and effective working relationship between shipyard management and trade unions. He led the Navy in adopting a new approach to shipyard structure management naming out leasing to private sector underutilized shipyard facilities. The Navy signed the first lease with Seavey Island LOC for a former Naval prison. Seavey Island LOC's plan is to renovate, develop and market this historic building into high-tech Class A office space. Round two of out leasing is currently underway with lease awards expected later this spring. This program of out leasing benefits the American taxpayers by reducing the shipyard's cost to maintain its infrastructure and has added the benefit of potentially bringing higher paying jobs to Southern Maine. We have a lot to be proud of in Southern Maine and in the State of Maine because this shipyard is not only a Southern Maine shipyard, this shipyard is the State of Maine shipyard and the shipyard of the United States, which I feel is probably one of the highly noticed growing shipyards that is turning around what would have been the end. I would like to thank Captain Williams for all he has done and is doing. In June of this year the shipyard will be celebrating its bicentennial, June 10, 11, and 12. It would be pleasure to see everybody from this body come down and see the turnaround that we have had on the shipyard. Thank you again Captain Williams.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont who wishes to address the House on the Record.

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to rise today and echo the comments of the good Representative from Eliot, Representative Wheeler. I worked at the Portsmouth Naval Shipyard and we have the tradition of having the excellent shipyard commanders

and Captain Williams is no exception to that. We in the community have often admired his ability to innovate, have very innovative and creative programs, which Representative Wheeler mentioned. We have a state of the art hazardous transfer station there now and the out leasing program, which has been instituted by Captain Williams. I have often admired his innovativeness, his ingenuity, his energy and his leadership in our community. I would like to thank him today for ensuring the viability of the Portsmouth Naval Shipyard for many years to come. My colleagues, the Portsmouth Naval Shipyard, believe it or not, is in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick who wishes to address the House on the Record.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. As I heard the comments from two of the colleagues from Southern Maine, I felt that many of you probably were aware that I served in the industrial part of the Naval shipyard, the great Naval shipyard, building some of the great ships of the line. I served there for 40 years and 5 days. I believe that I should stand and say that I am pleased to see the present shipyard commander here visiting with us today. My thoughts are, even though I retired some time ago, it is important to keep that industrial base here in New England. It takes a long time to build the training through generations of employees that have served there at the shipyard. I thought I should stand and thank the shipyard commander for coming here this morning. I have never met him, but I am sure that the shipyard is in good hands.

COMMUNICATIONS

The Following Communication: (H.C. 344)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

February 22, 2000

The Honorable Mark W. Lawrence

President of the Senate

The Honorable G. Steven Rowe

Speaker of the House of Representatives

119th Legislature

State House

Augusta, Maine 04333-0003

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Banking and Insurance from the review and evaluation of the State Employee Health Commission under the Government Evaluation Act. In its review, the committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Lloyd LaFountain III

S/Representative Jane Saxl

**READ and with accompanying papers ORDERED PLACED
ON FILE.**

The Following Communication: (H.C. 345)

STATE OF MAINE

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

February 17, 2000

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Health and Human Services with respect to the Maine Advisory Committee on Mental Retardation (MACMR).

The committee has concluded that the MACMR is operating in accordance with its statutory authority. We are satisfied that the MACMR is conducting its work in accordance with its duties under the law and believe that MACMR is doing a good job fulfilling its statutory mandate.

We believe the MACMR enabling law should remain in place. We are recommending no change to the law.

Sincerely,

S/Sen. Judy A. Paradis
Senate Chair
S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 346)

STATE OF MAINE

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

February 18, 2000

Honorable Mark W. Lawrence
President of the Senate
Honorable G. Steven Rowe
Speaker of the House of Representatives
119th Maine Legislature
Augusta, Maine 04333-0003

Dear President Lawrence and Speaker Rowe:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Natural Resources with respect to the Advisory Commission on Radioactive Waste.

Pursuant to Title 3, section 954, we are submitting with our report legislation that would implement our recommendations.

Sincerely,

S/Sen. Sharon Anglin Treat
Senate Chair
S/Rep. John L. Martin
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 347)

STATE OF MAINE

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

February 18, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 1052

An Act to Assist Disabled Fly-fishing Anglers

L.D. 1313

An Act to Give the Commissioner of Inland Fisheries and Wildlife the Sole Discretion to Determine the Need for and Location of Boat Launches

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

Sincerely,

S/Sen. Marge L. Kilkelly
Senate Chair
S/Rep. Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 348)

STATE OF MAINE

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

February 18, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 1080

An Act to Direct State Capital Investments to Locally Designated Growth Areas

L.D. 1457

An Act to Decrease Restrictions on the Sale of Land

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

Sincerely,

S/Sen. Sharon Anglin Treat
Senate Chair
S/Rep. John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

JUDICIARY

Bill "An Act to Correct the Inadvertent Repeal of the Abandoned Property Disposition Process for Municipalities" (H.P. 1845) (L.D. 2582)

Presented by Representative CAMPBELL of Holden.
Cosponsored by Senator FERGUSON of Oxford and Representatives: BERRY of Belmont, BRUNO of Raymond, BUCK of Yarmouth, FISHER of Brewer, JOY of Crystal, NASS of Acton, Senators: NUTTING of Androscoggin, RUHLIN of Penobscot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

UTILITIES AND ENERGY

Bill "An Act to Create the Alfred Water District" (EMERGENCY) (H.P. 1848) (L.D. 2586)

Presented by Representative NASS of Acton.
Cosponsored by Senator LIBBY of York.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Public Law

Joint Standing Committee on Marine Resources

Representative ETNIER for the **Joint Standing Committee on Marine Resources** pursuant to Public Law 1999, chapter 397, section 7 asks leave to report that the accompanying Bill "An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones"

(H.P. 1846) (L.D. 2583)

Be **REFERRED** to the Committee on **MARINE RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Public Law

Joint Standing Committee on Marine Resources

Representative ETNIER for the **Joint Standing Committee on Marine Resources** pursuant to Public Law 1999, chapter 330, section 6 asks leave to report that the accompanying Bill "An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries"

(H.P. 1847) (L.D. 2584)

Be **REFERRED** to the Committee on **MARINE RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Joint Standing Committee on Natural Resources

Representative MARTIN for the **Joint Standing Committee on Natural Resources** pursuant to Maine Revised Statutes, Title 3, section 955, subsection 4 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Natural Resources Relating

to the Review of the Advisory Commission on Radioactive Waste and Decommissioning Under the State Government Evaluation Act"

(H.P. 1849) (L.D. 2587)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1844) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: BULL of Freeport, FULLER of Manchester, GAGNON of Waterville, NORBERT of Portland, QUINT of Portland, SKOGLUND of St. George, SOCTOMAH of the Passamaquoddy Tribe) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO SECURE A NUCLEAR WEAPONS ABOLITION TREATY

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, nuclear weapons pose a continuing threat to civilization and to life itself; and

WHEREAS, maintaining, operating and supplying the nuclear arsenal costs United States taxpayers \$250 per household each year for a total of \$25,000,000,000 per year; and

WHEREAS, the spread of nuclear weapons, possibly even to terrorists, is nearly inevitable unless nuclear weapons are abolished everywhere; and

WHEREAS, the cessation of all nuclear weapons test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced types of nuclear weapons, constitutes an effective measure of nuclear disarmament and nonproliferation in all its aspects; and

WHEREAS, an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, hereby call upon the governments of all nuclear weapons states to secure a nuclear weapons abolition treaty that sets a timetable for the worldwide elimination of nuclear weapons in the near future; and be it further

RESOLVED: That We, your Memorialists, request the President of the United States and the Congress of the United States to secure a nuclear weapons abolition treaty; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Secretary-General

of the United Nations; each Member of the Maine Congressional Delegation; and any other officials as determined appropriate.

READ.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. This Resolution calls on Maine's Congressional Delegation, the President of the United States, Russia and other officials to enact a treaty to gradually eliminate the World's nuclear weapons. When the Berlin Wall fell we all rejoiced. The Cold War had ended and we proclaimed the dawn of a new day. Although that long period has ended, the darkest threat hanging over our heads during that time remains the threat of a nuclear holocaust. There is no issue more important than the avoidance of such a catastrophe. Whatever our interest, passions or goals today, they and we are threatened by the possibility of nuclear war. Carl Segan once said, "I find it incredible that any thinking person would not be concerned in the deepest way about this issue." I would agree. Fortunately some of our constituents are thinking beyond what we do here in this place.

A group called Peace Action of Maine representing hundreds of citizens across the state and the Organizations of Physicians For Social Responsibility asked that this Resolution be placed on our calendar for approval. They have been working hard here and across the country and across the World trying to remind us of the dangers of nuclear weapons. Certainly we know about these dangers, but the truth is we are all in denial about our situation. It is so persuasive, so complex, so devastating and so horrible that simply we don't like to think about it and as citizens we don't. It is denial that is one of the most serious problems that we face today. If all of us sitting here had a real and immediate sense of the consequences of nuclear war, we would look at today's Resolution and vote yes without hesitation and this is what I hope you will do.

We speak over and over here about the value and the quality of human life. We say if this bill saves just one life, it will be worth it. This Resolution repeated around the World will save all of us. We will save our planet. Don't look upon this as just another empty meaningless statement. When you go home tonight, tell your family what you did today and why you did it. Nuclear proliferation must end and every step that we take toward that goal is important. Albert Einstein once said regarding this difficult and risky task of disarmament, "What is the alternative?"

I want to read you the list of towns and organizations that have passed this abolitions ordinance. They are: the City of Portland, the Town of Vienna, Deer Isle, Sedgwick, South Bristol, Orono, South Portland, New Gloucester, Woolwich, Sebago, Wayne, Georgetown, Bangor, Arrowsic, Manchester, Belfast and Falmouth. Add to that also the organization, Maine Veterans for Peace, the Winthrop Maine Wayne People for Peace. I mention that last organization because it is one of the few organizations around the state that not only are working toward nuclear arms abolition, but are also working for peace in a way that you and I are here every day. Peace within ourselves, peace within this body and peace within our community.

I am 58 years old. I have teethed on war. You have fought in it. Our fathers have fought in it. When the war was over in South Carolina we said the A-Bomb would protect us all. We lived near Aiken, South Carolina. The "Bum Plant", as we called it, hired a whole lot of people. It didn't stop war. My brothers went into the Korean War. My husband went into the Vietnam

War. My students went into Desert Storm and wars have continued across the world. The Cold War may have ended, but nuclear proliferation has not ended wars.

Denial is, as I say, the most serious issue. When I was in high school in 1958, I remember reading about a giant tidal wave that was approaching in the Pacific, the Hawaiian Islands. People were warned about this for some time before it hit the islands. Many people refused to believe or said that nothing that large could possibly happen. Many people stayed. A teacher even took her classroom down to the ocean to see it. They all perished and those who stayed perished. The warnings are there, but because it is of such an incredibly large problem, it is hard for us to understand it, but that doesn't say that we are not interested in it. A poll shows that 87 percent of Americans approve of or favor an international treaty eliminating nuclear weapons. The other group also shows that 89 percent of American do, in fact, approve of such a treaty. Most people feel powerless, which leads to avoidance, denial and silence. We need to speak out and remember that when the people lead, the leaders will follow.

The Cold War has been over for a decade, yet the nuclear genie that we would like to put back in the bottle is still alive and well. In fact, in May 1998, India and Pakistan each tested nuclear weapons and we added their names to the club comprised of the US, Russia, UK, France, China and Israel. Between these nuclear powers over 36,000 nuclear warheads still exist. Certainly over the past two decades efforts have been started to reduce these numbers, but no requirement for full dismantlement of warheads, only the separation from the delivery system. In fact, over \$45 billion will be spent over the next eight years to simply maintain and stockpile over 14,000 of these weapons. We have spent over \$5.8 trillion; try if you will to put that number on a piece of paper in front of you. Can we understand what that is? We have spent over \$5.8 trillion since 1940 on nuclear weapons. Plans are to resume building plutonium pits for over 80 new warheads a year at Los Alamos in New Mexico.

In a recently released study by the Brookings Institute called *Atomic Audit*, the cost and consequences of US nuclear weapons since 1940 reveals this high cost of nuclear deterrents. Steven Swartz who is the director of the project mentioned several other findings, which I would just like to share briefly with you. He said, "The cost of our nuclear programs has been not only in dollars, but in human lives. An estimated 70,000 to 80,000 people worldwide have died or will die prematurely from a fatal cancer attributable to fallout from US atmospheric testing." *New England Journal of Medicine* on April 30, 1998, in an article called *Accidental Nuclear War* doctors concluded that the risk of accidental nuclear attack has increased in recent years threatening a public health disaster of unprecedented scale. US and Russian nuclear weapons systems remain on high alert. With the aging of Russian technical systems and the economic disasters of that country, the risk of accident has increased dramatically. Millions of people will be exposed to this potentially lethal radian from fallout, approximately 6 million. It is surmised.

I could go on, but what I want to end with here are two things. Many retired generals have supported this abolitions treaty, including Retired General Colon Powell, Retired General Lee Butler, former Commander of the Strategic Air Command and one of my idols as a woman of the '50s growing up, General Dwight Eisenhower. I loved what General Dwight Eisenhower said in a letter to a friend. It is in his biography. He says to the

friend after thanking him for a letter that had been written to him. He says, "I have spent my life in the study of military strength as a deterrent of war and in the character of military armaments necessary to win a war. The study of the first of these questions is still profitable, but we are rapidly getting to the point that no war can be won." This is in 1956. "War implies a contest. When you get to a point that the contest is no longer involved and the outlook comes close to destruction of an enemy and suicide for ourselves in arguments as to the exact amount of available strength as compared to somebody else are no longer the vital issue. When we get to the point, as we one day will, that both sides know in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete. Possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die."

I would just close by saying that for a woman who has teathed on war and went to bed during World War II, just as my friends in Germany did, frightened by the dark. As my friends sat in their long johns with their little names embroidered by their mothers on their pajamas worried that they would not wake up the next day. They were diving under desks at my grade school, worrying about my husband in Vietnam and if that war would accelerate to the point that we might not be there. I can tell you that my life has been devoted to thinking about what we could do. I have gone from the kind of public activism through stages of denial to simply trying to live a quiet, peaceful life in my own way as I know you do to. I do think there comes a time when we, as a collective body, have to say and continue to say, please think about what you are doing. Gradually try to eliminate nuclear weapons. When the people lead, the leaders will follow.

I hope you look upon that Resolution as that. We unanimously pass Resolutions under the hammer, very important ones. Let us not pause on this one. Let's move on to pass this Resolution onto people who will know that this collective body still cares about something that is a tremendous problem that we face today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearn.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. Let me first point out and I can state with absolute certainty that every member of this body would want a World without nuclear weapons, but we must, however, face reality. The one place where a World without nuclear weapons would ever exist is in novels, papers, and textbooks and in our own imaginations. There are numerous questions that must be addressed before we can even discuss the remote possibility of a treaty that would create a World without nuclear weapons. Who would oversee and enforce the provisions of such a treaty? What action would be taken against a nation that is not in compliance with the treaty, especially if that nation was the only nation that possessed nuclear weapons? What would the World really look like if, in fact, nuclear weapons were eliminated? These questions are just a few of the vast many that should be addressed before we even consider to vote to memorialize the United States Congress and the President to support such a treaty. What organization will oversee and enforce this treaty? The United Nations, only twice since the creation of the UN has it ever taken direct action. That was Korea, when North Korea invaded South Korea in June 1950 and the Persian Gulf when Iraq invaded Kuwait in November of 1989.

The use of force was authorized in Korea only because the former Soviet Union was boycotting the UN Security Council over the issue of seating Red China on the Security Council.

No nation will surrender its autonomy or allow action to be taken if its interests are at stake, especially any of the permanent members of the UN Security Council. Remember, it will only take one no vote of one of the five members of the UN Security Council to veto any action. I can state with absolute certainty that no nation of the five will give up this right. Do we create another World body to oversee this treaty? Who will decide the membership? What authority would this body have? What if a nation with nuclear weapons refuses to join or unilaterally disarm? The next question is how do you try to control the knowledge of how to create, build and deploy nuclear weapons? There is no nation, terrorist organization or for that matter any undergraduate student in the field of nuclear physics who doesn't know how to build a nuclear device. Sure the critical components are uranium, plutonium, trigger devices and the delivery system are difficult to obtain. The very knowledge is readily available. For example, it would be relatively simple to build a crude nuclear device in a 55 gallon oil drum, place it in a hull of a ship and sail it into New York City or Los Angeles Harbor or any harbor. When the knowledge of how to build a nuclear device exists, we cannot dream of a nuclear free World. Would a duty of this new World body be to control this knowledge? I cannot imagine that any nation or group of nations would grant a World body such broad authority.

Next, what action would be taken against a nation that refuses to comply? Would a coalition of nations be formed to use collective measures? Would the nations of the World be willing to go to war to enforce compliance? What if the proposed action would be at odds with issues that are of great interest to China or Russia? Do you, for once, believe that India will surrender its nuclear weapons or Pakistan or even China refuse to sign this treaty? If force is authorized will the United States be required to participate? There is question after question that has to be addressed on this very issue of non-compliance. It defies logic for any nation, especially the United States, to enter an agreement that is impossible to implement or police.

Finally, what would a World without nuclear weapons look like? One would assume that there would be relative peace. However, if the threat of nuclear war or a retaliatory nuclear strike is eliminated, what will compel nations with expansionist policies not to use force if they could not negotiate through diplomacy? A nuclear free World would be a World safe for conventional aggression. What will prevent China from invading Taiwan or most of Asia? What will prevent North Korea from once again invading South Korea? There is no question in my mind that the US military budget would have to be significantly increased to counter new threats. It would most likely require the reinstatement of the draft to ensure the ability to implement the recruitment of sufficient soldiers to triple or quadruple the number of ground forces required to ensure peace. It should be absolutely clear that the United States should not be the World's policeman, but certainly we should act as necessary to protect the interest of national security of the United States.

One can argue that the existence of nuclear weapons has, to a certain extent, kept relative stability and peace during the Cold War. Neither the United States nor the former Soviet Union has ever engaged in direct conflict. Yes, there are numerous hot spots, but those were a result of the former Soviet Union's expansionist policies as the United States contained those

policies. It should be clear that the complete elimination of all nuclear weapons is impossible. To achieve the complete nuclear disarmament will require the complete and absolute control of the means of development and production of nuclear weapons. This knowledge is widely available. To control this information will trample on the very foundation of the nation's economy. We cannot fall into the false belief that it is the existence of arms that causes war rather than the political tensions, which lead to their use. There is a basic premise that we will have to accept to gain true peace. That is, war results from unresolved political differences, not from the existence of arms. The United States should continue with the process of negotiation arms control agreements with those new nations who possess nuclear weapons. We should also pursue agreements that will halt the proliferation of nuclear weapons.

The treaty that is being sought for in this Joint Resolution will put the national security of the United States at risk. As a result the very freedoms that we all treasure would be altered to a point that would affect the very foundation and principles that made this nation what it is today. The dream of a World without nuclear weapons is just that, a dream. To achieve real and meaningful peace is to realize and to acknowledge that we have conflicting differences. It will be through diplomacy that we can manage and contain conflicts between competing nations, competing systems and competing ambitions. I ask you, unfortunately, to vote no on this Joint Resolution. I request a division.

Representative AHEARNE of Madawaska **REQUESTED** a division on **ADOPTION**.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Most of us in this body were raised in a generation that understands what duck and cover means. I can remember the nuns on a monthly basis yelling that out in the classroom and our ducking and covering underneath the desk. We heard earlier about the fear of nuclear war and as a young 18-year-old Marine, I remember filling out my will, which didn't take very long to fill out during the Cuban Missile Crisis. Many of us that came of age in the 1950s had a certain fatalism that we would never see 21. Now the boomers are on the verge of entering social security. My first reaction to reading the Resolution a year ago and today is to say yes, because it is an ideal that is a utopian goal, a nuclear weapon free World. As a historian, I have to look at reality. There was a certain feeling when the wall came down that the World was going to be a safer place. Sad to say, but that hasn't happened. Just in the last few years we have seen the sale of technology over the objections of the American Military to the Chinese, specifically missile guidance systems and access to satellites for pinpoint accuracy. We are now more at risk in the last year or two than we were when the wall came down.

We have seen a failure in the last year or two to shut down the dream of nuclear secrets and nuclear information at Los Alamos. I was there in November and say all the declining morale at that facility because of that failure to provide proper security. We are also more aggressed because in the last year or so, US aid, military, cultural and economic, instead of going into the Russian economy, it went into the Russian Mafia and into the hands of Russian politicians. Russian military troops and Russian nuclear scientists haven't been paid. In many cases they and their families this winter are living in tents.

Nuclear triggers and parts are as plentiful throughout Europe as old Moxie glasses are at a Maine summer yard sale. We are more at risk.

If we abolish our nuclear weapons as this Resolution asks us to do, then there are six things we need to do as a nation. If you are for this Resolution, then you need to make a pledge as an American citizen and a taxpayer to follow through. One, are we dramatically ready to increase the percentage of the federal budget to build up our conventional forces? To do so, are we prepared to bring back the draft and to require as many European countries now to mandatory the universal military service for the ages of 18 through 22? Are we ready now to stand with troops and American lives against the reemerging Russian nationalism and expansionism? Are we prepared as a nation to take out tyrants in North Korea and Iraq where state terrorism includes nuclear weapons? The last commitment that would have to be made is are we finally ready to fund and put in place President Reagan's anti-missile system? If you vote yes for this Resolution and you are not willing as a citizen and a taxpayer and a parent to make that commitment to those six points, then you put the US at risk. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to speak briefly. This is not a bill. This is a Resolution. I don't think that we need to get into all the particulars. Something was said about this just being a dream. I would remind you of all the posters your children have on their walls. If you can dream it, it can happen. Finally, the words of Henry David Thoreau, "If you have built castles in the air, that is where they belong. Now put the foundations under them." I don't speak as a historian. I am not a historian. I am a teacher of literature and a reader of literature. I can tell you that history only records the events. Literature records the words of the people who lived through the events. I have read more of those words, perhaps than I have of history. It is those words, which I remember. They are the words of Hiroshima by John Hershey about the people of Hiroshima who lived through such firestorms. The people of Dresden in *Slaughterhouse Five* who lived through the firestorm. The men in Vietnam who finally, finally decided to tell their stories, unlike warriors of the past. We are reading those stories today and we are affected by those. I would remind you too that it was not history that helped to end slavery. It was not history who helped to win civil rights in our war against racial prejudice. It was hearing people's voices talk about what those events had meant to them. When we listen to people who have gone through these experiences and not just the dates and the facts and the figures, I think we can conclude that this is a Resolution that we can at least say that we are for even if we don't know how we can do it. Thank you very much.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I realize now that I need to practice how quickly I push my button or not work quite so hard preparing my notes. There have been so many articulate and comprehensive thoughts on this today, I will only add a few brief remarks. Since we are quoting people who have influenced our history, I would like to reference the quote of none other than Joseph Stalin, who in 1935 when being pressured by no lesser moral authority than the Pope himself responded, "The Pope, how many divisions does he have?" We are in the kind of cruel

World that requires force to defend ourselves. That has always been the case and that will always be the case. In that thought, I don't believe that this Resolution should affect our wishes.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Just a little background on my knowledge of the subject. I started early in my military career as a nuclear weapons delivery pilot and later became a nuclear weapons biological and chemical weapons employment officer. I witnessed the Cold War from the early '50s through just about the time the Berlin Wall came down. A little bit of history on the other things that have happened in our country prior to the Cold War, we entered World War II unprepared, outgunned, we did not have the best aircraft in the World, we didn't have the best ships in the World, but we built them with the genius of the American industry. We built ships and airplanes and guns to win World War II. We also, during that time, developed a nuclear capability, which saw us through the end of the Cold War. Without those nuclear weapons, the Cold War may very well have had a different outcome.

In the handout that was passed to everybody on a salmon sheet, I would ask somebody who may be knowledgeable, there was a comment that there have been several crisis in the last 40 years when nuclear weapons have come dangerously close to being intentionally or accidentally launched. Ladies and gentlemen, there are enough safeguards on nuclear weapons so that the possibility of an accidental or intentional launch of a nuclear weapon are almost, practically zero, because of those safeguards. We now have Nuclear Test Ban Treaties, Nonproliferation Treaties. Have those treaties prevented Pakistan, India, China and perhaps others from developing nuclear capability?

The last comment I would like to make is I am a little familiar with tidal waves also. The comments were made that when the tidal wave approached the islands of Hawaii, the water receded from the shoreline and the people went out to witness this phenomenon. Anybody who knows anything about tidal waves should have been headed for the high ground. I would say that is a very good analogy here. Rather than running for a nonverifiable treaty, let's take the high ground and make sure we continue to maintain a credible nuclear deterrent.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to rise this morning, but I feel it necessary. There have been many quotes. I remember and some of you have it also in your little booklet that has been passed out, a quote by a very fine scientist who said that nothing in life is to be feared. It is only to be understood. I believe those of you who are only trying to understand this by what you are reading that perhaps you would listen to someone who has traveled and been to nearly every country in Europe, all the countries in the Middle East, countries in Africa and Asia, to understand that we are still the ugly American. Another phrase that I was brought up on here in Maine is I have been there and I have done it because I have gone to those places. I had the privilege of going to a small college in the Midwest and I was taught physics by someone who was involved in the development of the Atomic Bomb. I was taught mathematics by one of the leading scientists who was on the Manhattan Project.

He was right in the City of New York developing the Atomic Bomb.

In 1988, before the Gulf War, I was in Dhahran for 14 days and was called to see if I would go to Kuwait, Iraq and Iran. I have done some crazy things in my life, but I got in an SNJ two-seater with a captain to go to those places. In one particular place I asked them to please keep the propeller going because I didn't want to stay there too long. I am not a warmonger, but I was raised to be a patriot and I have served my country in two wars. We must in some way protect ourselves because I know of no way where some of the countries that I have traveled are ever going to be satisfied with a treaty. A good example of that is when we tried and we sent people into Iraq to make sure that these particular items were not being developed. I hope that we will not pass this even though I understand that it is certainly a suggestion. I thank you very much.

Representative **BAKER** of Bangor **REQUESTED** a roll call on **ADOPTION**.

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 Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I am not a historian. My understanding of history might be explained as the experience of a person for a country. However, I will say here this morning that my thoughts go back over time from my recollection of history of this country and some of the things that have happened that make it possible for us to be here today and living in a free society. Whether it is July 3 in Gettysburg, the Gulf War, World War II or wherever, but it was my privilege to see the destruction from weapons that were flown without a pilot. I saw the beginning of the faster aircraft and the fighting that was brought in. Through all of this, I was privileged to be able to be returning to this wonderful country in August 1945. We were coming up from the evening meal and the news was on. That is where we learned about this. I had no doubt in my mind that we were going to be destined to go to the Orient. I believed then that I would not be going to the Orient. Some of the people didn't really understand the impact of what that news meant that evening. As I listened here this morning, there are many facets, many things that I think about. The nuclear program has provided for a great measure of our health today. I would say that it saved many lives then and above all things whoever controls whether we talk about money for star wars or whatever controls the space, controls the World. Thank you.

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

ROLL CALL NO. 437

YEA - Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Colwell, Cowger, Desmond, Dudley, Dunlap, Etnier, Fisher, Fuller, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Peavey, Pieh, Powers, Quint, Richard, Richardson J, Rines, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Sullivan, Townsend, Twomey, Volenik, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Duplessie, Foster, Frechette, Gagne, Gerry, Gillis, Glynn, Gooley, Heidrich,

Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Neal, Perkins, Perry, Pinkham, Plowman, Povich, Richardson E, Rosen, Samson, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tessier, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Goodwin, Matthews, Stevens.

Yes, 51; No, 97; Absent, 3; Excused, 0.

51 having voted in the affirmative and 97 voted in the negative, with 3 being absent, and accordingly the Joint Resolution **FAILED** of **ADOPTION**.

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 35)

ORDERED, that Representative Richard H. Campbell of Holden be excused Tuesday, February 8, 2000 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Donna M. Loring of the Penobscot Nation be excused Friday, February 18, 2000 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jean Ginn Marvin of Cape Elizabeth be excused Tuesday, February 15, 2000 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Eleanor M. Murphy of Berwick be excused Tuesday, February 22, 2000 for personal reasons.

READ and **PASSED**.

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 Require the Labeling of Irradiated Food Sold at Retail"

(H.P. 1378) (L.D. 1985)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft

GILLIS of Danforth

GAGNE of Buckfield

WATSON of Farmingdale

PIEH of Bremen

GOOLEY of Farmington

FOSTER of Gray

CARR of Lincoln

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

VOLENIK of Brooklin

COWGER of Hallowell

READ.

On motion of Representative PIEH of Bremen, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel"

(H.P. 972) (L.D. 1370)

Signed:

Senators:

KILKELLY of Lincoln

KIEFFER of Aroostook

RUHLIN of Penobscot

Representatives:

TRAHAN of Waldoboro

HONEY of Boothbay

DUNLAP of Old Town

TRUE of Fryeburg

CLARK of Millinocket

BRYANT of Dixfield

TRACY of Rome

COTE of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-806)** on same Bill.

Signed:

Representatives:

PERKINS of Penobscot

CHICK of Lebanon

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Ladies and Gentlemen of the House. I brought this bill mostly because I have a son that is in the service. He has spent five years in Germany. He has spent nine months in Bosnia. He is now in Korea for a year. While he has been home in the years that he has been in the service, he is in the Army, there have been many instances when he would liked to have gone ice fishing with his brother, hunting with his father when he was alive or maybe just for a day. At that time he didn't feel that it was worth paying for a license to do so. He was home just recently before he left for Korea and he would like to have gone ice fishing with his brother and his nephew. Not having the time really or the money to think about buying a license for one day, he decided against it. There are many of our service people from Maine who have the opportunity to become residents of another state so that they don't have to pay their income tax to the State of Maine. My son is proud to be a Mainiac. He wants to stay being a Mainiac. He would also like to feel that Maine recognizes the military personnel by granting them a free hunting and fishing license. Granted it only costs about \$10. It is a reduced amount. Still I

feel that we owe our military people who protect us and go without a little bit of recognition. Thank you Mr. Speaker.

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. It is my understanding that active military personnel can return home during hunting season and fishing season and by application get a free license to fish. If anyone could answer that, is that in fact true?

The SPEAKER: The Representative from Pembroke, Representative Goodwin 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. That provision applies to personnel who are stationed in Maine. What we did in the First Regular Session of the 119th, I believe, we reduced the fee for Maine residents who are stationed in other parts of the World or country to obtain a season hunting or fishing license for \$10, which is half the current fee. We had done that last year and it was the feeling of the majority that we had taken care of our resident military personnel and our non-resident Maine citizens and that we needed to go no further. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Ought to Pass as Amended, the Minority Report. I have strong feelings about the support of our people that are serving in the military. As you have heard here this morning an amount of money for the privilege has been mentioned as something not too great. I believe that we could extend this privilege without any fee to those people that are serving in the military as the Representative from Turner referred to her son and having heard this before the committee, I believe it is proper and would ask that you would defeat the present motion and provide for the people serving. I served in the military and I know that once when I was on furlough I was able to hunt in Maine. It is something you enjoy. They are people that were born and brought up here. I just believe that this body would do well to serve those folks that are protecting us by their service. Thank you.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I would just like to join with the good Representative from Turner. I put in a very similar bill to this one on behalf of a constituent. The idea, in fact, incorporated into this legislation. I would urge you to vote against the pending motion and go on to accept the Ought to Pass report. I would just like to remind members that the title of the bill as you see it on the screen reducing the age to obtain a license is no longer part of the committee report, the Ought to Pass report. The actual bill as it came out of committee was simply related to military personnel. I urge you to vote against this pending motion so we can go on to discuss that section. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. My understanding is that the fiscal note on this bill is only \$10,000. Could that be affirmed by somebody who might know?

The SPEAKER: The Representative from Sanford, Representative Tuttle 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. To answer the question, the fiscal note was amended. The true fiscal note has been estimated at \$325,000 a year. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I don't know where that fiscal note came from, frankly. We were told in the committee that they didn't think there would be that many people involved in this. It just seems to me a reasonable gesture to do for military people. When I was in the service stationed in North Carolina, I did a lot of hunting and I know this would be received warmly by me as a young person down there and also in Florida. It just seems to me that this sends a message out to people that we do respect what these people do for us. They lay their life on the line in crisis. They serve our country. It seems to me a reasonable step here. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would like to clarify a point. It was not the sentiment of the majority on the committee to in any way show no lack of appreciation for military service and the people engaged in military service. In fact, that is why we so resoundingly passed last year the reduction in the fee for military personnel. There is a fiscal component to this that goes beyond the simple fiscal note. That is when you are talking about selling hunting and fishing licenses, you are talking about funding wildlife management. Part of that component is leveraging federal dollars for every license you sell. If you give away a license, you are not selling a license. Therefore, you are not leveraging those federal dollars. The \$10 fee is a minimal enough fee that covers the administrative costs and the costs of printing the license. It gives the military personnel a good deal when they come home to Maine to hunt or fish. You still leverage many more federal dollars to help your wildlife management. It is not at all an exertion on anyone who serves in the military that we did not approve this bill or Representative Cowger's bill. The intent was to keep a sound fiscal house and also, where we can, respect those who serve our country. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. On the point that the good Representative from Old Town made about that this does get matching funds when we see the license. It was my suggestion in the committee that we send a letter to our Congressional Delegation urging them to realize that we are doing this for service people and that they would exempt us from deleting the matching funds. In other words, they would honor what we are trying to do here. We would still get the matching funds. I certainly am not suggesting

anyone on the committee doesn't want to honor and respect the service people. Thank you.

Representative GOODWIN of Pembroke **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. 438

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Bowles, Brennan, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Carr, Cianchette, Clark, Cote, Cross, Daigle, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Gooley, Green, Hatch, Honey, Jabar, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, McDonough, McKee, McKenney, McNeil, Mitchell, Murphy E, Muse, O'Brien JA, O'Neal, O'Neil, Perry, Pieh, Plowman, Powers, Quint, Richard, Rines, Sanborn, Savage C, Savage W, Saxl MV, Shiah, Sirois, Stanley, Stanwood, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Tripp, True, Usher, Volenik, Watson, Wheeler EM, Winsor, Mr. Speaker.

NAY - Andrews, Berry DP, Bolduc, Bouffard, Bragdon, Brooks, Campbell, Chick, Chizmar, Clough, Collins, Colwell, Cowger, Davidson, Davis, Dugay, Duncan, Foster, Frechette, Gagne, Gerry, Gillis, Glynn, Goodwin, Heidrich, Jacobs, Jodrey, Jones, Joy, Labrecque, Lemont, MacDougall, Mack, Madore, Mayo, McAlevey, McGlocklin, Mendros, Murphy T, Nass, Norbert, Nutting, O'Brien LL, Peavey, Perkins, Pinkham, Povich, Richardson E, Richardson J, Rosen, Samson, Saxl JW, Schneider, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stedman, Tobin D, Tobin J, Treadwell, Tuttle, Twomey, Waterhouse, Weston, Wheeler GJ, Williams.

ABSENT - Stevens.

Yes, 82; No, 68; Absent, 1; Excused, 0.

82 having voted in the affirmative and 68 voted in the negative, with 1 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

ORDERS

On motion of Representative **AHEARNE** of Madawaska, the following Joint Order: (H.P. 1850)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out, to the House, a bill repealing certain inactive boards and commissions established in the Maine Revised Statutes, Title 5, chapter 379 and making other changes to reporting deadlines and sunset review.

READ and **PASSED**.

Sent for concurrence.

On motion of Representative **GAGNON** of Waterville, the following Joint Order: (H.P. 1851)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out, to the House, a bill to

implement the tax policy recommendations of the task force created to review smart growth patterns of development.

READ and **PASSED**.

Sent for concurrence.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass** on Bill "An Act to Prohibit Dragging in a Portion of the Taunton River Area" (EMERGENCY)

(H.P. 1745) (L.D. 2451)

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MacKINNON of York

Representatives:

STANWOOD of Southwest Harbor
USHER of Westbrook
ETNIER of Harpswell
VOLENIK of Brooklin
PINKHAM of Lamoine

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

Signed:

Representatives:

HONEY of Boothbay
BAGLEY of Machias
McNEIL of Rockland

READ.

Representative **ETNIER** of Harpswell moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-805)** on Bill "An Act to Clarify the Process for a County Bond Referendum Election"

(H.P. 1706) (L.D. 2412)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
McDONOUGH of Portland
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

BAGLEY of Machias
TWOMEY of Biddeford
BUMPS of China

READ.

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-803)** on Bill "An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State" (H.P. 1482) (L.D. 2122)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville

GREEN of Monmouth

DAVIDSON of Brunswick

STANLEY of Medway

LEMONT of Kittery

MURPHY of Berwick

BUCK of Yarmouth

CIANCHETTE of South Portland

LEMOINE of Old Orchard Beach

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

Signed:

Senators:

DAGGETT of Kennebec

MILLS of Somerset

Representative:

COLWELL of Gardiner

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 873) (L.D. 2281) Bill "An Act to Grant Municipalities Greater Flexibility in their Arrangements for Tax Base Sharing Agreements" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 930) (L.D. 2380) Bill "An Act to Implement Recommendations of the Commission on Performance Budgeting" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 941) (L.D. 2391) Bill "An Act to Simplify the Approval Process of Existing State Tax Increment Financing Districts" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 865) (L.D. 2263) Bill "An Act to Amend the State's Fair Debt Collection Practices Laws and to Provide for Nonprofit Debt Management Services" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-493)**

(S.P. 867) (L.D. 2277) Bill "An Act to Conform the Maine Tax Laws for 1999 with the United States Internal Revenue Code" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-490)**

(S.P. 870) (L.D. 2280) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-494)**

(H.P. 1678) (L.D. 2344) Bill "An Act to Repeal the Nondiscrimination in Pharmaceuticals Pricing Law" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 90) (L.D. 103) Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-812)**

(H.P. 1147) (L.D. 1644) Bill "An Act to Clarify Laws Governing Simulcasting" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-807)**

(H.P. 1633) (L.D. 2285) Bill "An Act to Amend Maine's Probate Code" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-817)**

(H.P. 1664) (L.D. 2333) Bill "An Act to Clarify the Laws Relating to Corporate and Other Entities" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-818)**

(H.P. 1684) (L.D. 2351) Bill "An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-809)**

(H.P. 1700) (L.D. 2406) Bill "An Act to Clarify the Prosecution of Aggravated Operating Under the Influence" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-810)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 900) (L.D. 2350) Bill "An Act to Clarify the Laws Governing Solid Waste Disposal Districts"

(S.P. 532) (L.D. 1594) Bill "An Act to Promote Equity Among Health Care Clinics" (C. "B" S-487)

(S.P. 688) (L.D. 1934) Resolve, to Reinstate Emergency Assistance for Dependents of Veterans (C. "A" S-482)

(H.P. 1801) (L.D. 2528) Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the

Department of Agriculture, Food and Rural Resources
(EMERGENCY)

(H.P. 1643) (L.D. 2303) Bill "An Act to Amend Truck Weights"
(C. "A" H-804)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours" (EMERGENCY)

(S.P. 777) (L.D. 2176)

(C. "A" S-488)

Bill "An Act to Amend the Low-emission Vehicle Program"

(S.P. 868) (L.D. 2278)

(C. "A" S-486)

Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2001"

(S.P. 950) (L.D. 2489)

(S. "A" S-491)

House As Amended

Bill "An Act Regarding the Maintenance of Private Roads"

(H.P. 332) (L.D. 448)

(C. "A" H-793)

Bill "An Act to Allow Three Hunters to Hunt Deer Together"

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

(C. "A" H-799)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act to Provide Health Insurance Benefits to Dwight Parsons

(S.P. 852) (L.D. 2251)

(C. "A" S-481)

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. 138 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.

Emergency Measure

An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors

(S.P. 861) (L.D. 2259)

(C. "A" S-477)

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. 120 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.

Emergency Measure

An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court

(H.P. 1624) (L.D. 2271)

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

Acts

An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired

(H.P. 123) (L.D. 154)

(C. "A" H-772)

An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit

(H.P. 768) (L.D. 1091)

(C. "A" H-785)

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

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

(C. "B" H-783)

An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District

(H.P. 1042) (L.D. 1464)

(C. "A" H-773)

An Act to Provide Degree-granting Authority to the SALT Institute for Documentary Field Studies

(S.P. 862) (L.D. 2260)

(C. "A" S-476)

An Act to Expand the Maine Technology Institute Board

(H.P. 1636) (L.D. 2287)

An Act to Make Minor Changes to the Community Development Definitions to Maintain Compatibility with Federal Regulations

(S.P. 885) (L.D. 2300)

An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License

(H.P. 1654) (L.D. 2323)

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 Provide Funds to the Bureau of Veterans' Services to Enhance the Efficiency of Regional Field Offices in Delivering Services to Veterans

(H.P. 1667) (L.D. 2336)

(C. "A" H-780)

Resolve, to Provide Funds to Assist in the Expansion of the Maine Veterans' Memorial Cemetery System

(H.P. 1668) (L.D. 2337)
(C. "A" H-775)

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

An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code

(H.P. 1613) (L.D. 2256)
(C. "A" H-779)

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, does this bill address the full conformity for the self-employed who provide health insurance to their family's employees that was lost of taken away in the early morning hours at Appropriations last year?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. The answer is yes. This is the same bill that we had last year. It is putting us in conformity with the federal law. It is exactly the same bill that was passed. We are hoping we receive better treatment at the Appropriations Table this year.

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, first of all, I would think it would be the policy of this House that we would do everything we could to encourage the private market to provide their employees, making it easier to provide insurance. My question to anyone who may care to answer, since we are now in that tax filing year, what procedure has been put in place to make sure these employers and their employees get this full conformity?

The SPEAKER: The Representative from Kennebunk, Representative Murphy 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. I appreciate the question. We were assured by the Bureau of Revenue Services that they would be tracking this issue and that this bill isn't exactly the same as the last bill because it does provide retroactivity for this past tax year. They are able to track those returns and provide that as an amended return or as an adjustment on next year's return.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I want to comment on the Representative from Kennebunk's comments regarding the Appropriations process. The process last year in the closing hours, we did, we had the budget process. The bill wasn't in the budget. It wasn't in there by either party. It wasn't in the Executive's budget. It was on the Appropriations Table. I would say I wish I could read the Executive's veto message for you on bills that had ongoing costs. I suspect he would have had to veto it because of the ongoing nature. I would also like to say that this conformity applies to self-employed individuals.

On **POINT OF ORDER**, Representative PLOWMAN of Hampden asked the Chair if it was appropriate to comment on the actions of the Chief Executive regarding legislation.

The Chair instructed Representative BERRY of Livermore to refrain from comments with respect to actions of the Chief Executive with respect to prospective actions.

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

Representative BERRY: Thank you Mr. Speaker. I was merely referring to actions that he had taken. I believe that was appropriate. I will be careful. The legislation that is before us is to make the tax exemption to the federal level for self-employed individuals. There are no income guidelines when we talk about Medicaid recipients or low-income programs. We talk about income eligibilities. We put them through that. This unfunded federal mandate, in a sense, is before us. I don't see the flags waiving. I do support efforts to insure all Mainers. I think it is a goal we should work for and we have worked for. I just wanted to make those comments. I know that it will be on the table and we will look at it there. Thank you Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. To respond to my good friend, Representative Berry, I believe we need to do this. I don't think the Legislature needs to make it more difficult for the private sector to provide health insurance for their employees, especially when that money is taken away for that full conformity and used for new spending programs. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. It is with a little bit of a rye smile that I listen to this debate today. A piece of legislation that has gone quickly through this process with the support of the committee of jurisdiction, Democrats, Republicans and I bet some of our unenrolled members as well. It seems that this is a debate without a purpose here on the floor of the House today. What I will do is stand up and tell you right now that health care is a major issue in the State of Maine today. We have 180,000 people uninsured. We have 110,000 people who have lost access to their primary insurer. We have 48,000 people in an individual market that is collapsing all around us. We gotta do every single thing we can to help insure Maine people here today. We have to look at tax incentives. I encourage you to support this today. As we supported tax conformity, every single session I have been here without regard to party. We have got to do more than that though. We have to insure the uninsured parents of children. We have to make sure we have access to prescription drugs. Absolutely, stand up today and support access by looking at tax incentives for small businesses. Be

there every single day when we are fighting the fight for small businesses to deal with the issue of uninsured people and the cost of shifting health care costs due to the uninsured here in the State of Maine. Be there every single day when we are looking at the cost of prescription drugs in the State of Maine and the shifting costs of prescription drugs to small businesses in the State of Maine. Be there every single day. I hope that we don't have to have partisan votes on nonpartisan issues. I hope we don't have to have debates on issues that have not engendered any opposition on the floor of this House because we may be here for a very long summer. Thank you very much.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 22, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (S-485) - Minority (1) Ought Not to Pass - Committee on TRANSPORTATION on Bill "An Act to Amend the Motor Vehicle Laws"

(S.P. 893) (L.D. 2312)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.

TABLED - February 22, 2000 (Till Later Today) by Representative JABAR of Waterville.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-485)** was **READ** by the Clerk.

Representative **WHEELER** of Bridgewater **PRESENTED House Amendment "A" (H-814) to Committee Amendment "A" (S-485)**, which was **READ** by the Clerk.

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

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Would the presenter of the amendment please explain what the amendment is doing?

The **SPEAKER**: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. The amendment deals with the first section of the original bill, which requires the drivers of tractor-trailer units to produce duty status records. This bill exempts the toll receipt from that requirement because toll receipts are punched ahead

in some instances. It is unfair to the trucker to have to produce that. They take that and compare it to the log and in some cases the log doesn't jive with the toll receipt and they are charged with falsifying toll records and that is a substantial fine. If there were some way to make sure the toll tickets were done at the time the truck went through the tolls, it would be fair. I would ask that you support the amendment.

House Amendment "A" (H-814) to Committee Amendment "A" (S-485) was ADOPTED.

Committee Amendment "A" (S-485) as Amended by House Amendment "A" (H-814) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** Tuesday, February 29, 2000.

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

SENATE PAPERS

The following Joint Order: (S.P. 1013)

ORDERED, the House concurring, that when the House and Senate adjourn the House does so until Tuesday, February 29, 2000 at 9 o'clock in the morning and the Senate does so until Tuesday, February 29, 2000 at 10 o'clock in the morning.

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

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 1014)

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out, to the Senate, a bill to implement the land use recommendations of the task force created to review smart growth patterns of development.

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

READ and **PASSED** in concurrence.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 22, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds to Build the Capitol Park Connector Trail"

(H.P. 1642) (L.D. 2302)

TABLED - February 22, 2000 (Till Later Today) by Representative **TOWNSEND** of Portland.

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

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. When last we met I had moved the Ought Not to Pass report. I just wanted to give you a brief amount of information with which we made our decision. To date, there have been 37 paths built around the state in communities ranging from Caribou to South Portland and from Bethel to Calais. Thirty-two of those have been built with a combination of

federal and local funds. Five have received some state highway funds. Zero to date have been built using a combination of federal funds and general fund money. Our discussion was not about the value of the paths. They are fabulous. I used one in Brunswick all fall and I can't wait to get back. The feeling of the majority of the committee was that to appropriate general fund money for this purpose was unfair to those communities who had gone ahead and built theirs not using the general fund. It would open the door to the expectation of every community in the state that they should come to the general fund for appropriations for their path. I do request that you join me in voting Ought Not to Pass.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. With all due deference to the good chair from Portland, as a sponsor of this legislation, I would ask you to vote against the pending motion so that we can go on and accept the Ought to Pass report. I just want to point out that the spring of this year is going to bring a very exciting construction project to the Kennebec River Valley. A six and a half mile multiple use trail is going to be built from Augusta to Gardiner adjacent to a state-owned railway, which the railway itself is seeing increased use. This trail is being built with \$1.2 million in federal funds and over \$300,000 in local match, which is mostly in kind services. The federal funding is being provided because this is a route that is actually designed to lessen rush hour traffic in Route 201 to and from Augusta. It is actually providing an alternative commuting route. This new trail outside our window here is passing right near the Eastern end of our own Capitol Park on the state owned rail right of way that follows the Kennebec River. This bill provides us an opportunity to connect the trails in our own Capitol Park with the new Kennebec River Rail Trail. It has a very small fiscal note of \$75,000.

As you all know, Capitol Park is under the jurisdiction of this body, this Legislature. Here we have an opportunity to connect with and participate in a unique project. I believe that visitors from all over the state come to our State House and our park will be able to access the trail that is being built with the connector being proposed under this bill. Keep in mind that employees from the State Office Building right outside our window and our staff right here in the State House will, in fact, be a able to commute to work by bicycle if the connector to the trail is being built and access is provided. Providing opportunities for lunchtime exercise is going to make for a healthier and more productive workforce. Who knows, maybe even a legislator or two, will venture down to the trail for a little exercise. None of these opportunities will exist if a convenient connector is not built from Capitol Park under legislative jurisdiction to the rail trail just below. I urge your support of this legislation. I know there is a concern for setting a precedent of further funding pathways throughout the state with state money, but this is a unique situation since Capitol Park is the responsibility of the State Legislature and no one else. Let's fund this minor improvement and improve access to the special place of Capitol Park. This is truly a project of statewide significance and deserves our support. Again, I ask you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Powers.

Representative **POWERS**: Mr. Speaker, Men and Women of the House. I am one of the three members on the Minority Report and would like to explain my position on that. One of the

ways that I manage our long hours and intense sessions while here in Augusta is to try to take a walk or a run. It doesn't happen often, but I make that effort. For instance, last May on one of the three weekends in a row when the Appropriations Committee was in, we had some time on a Saturday. I was pleased to discover the trails that are on the far side of the river that it was rather unpleasant running across the bridge and winding my way down under the bridge to find them. It was a pleasure to have that. This trail that is being developed from Gardiner all the way up to Augusta is something that I will look forward to. What I think is an important piece to consider is what responsibility the state will take as a significant employer in this city to connecting its property to that trail. If any of you have taken the opportunity to go to the end of the park that is here to our east, you have to cross the road and drop down a rather impossible embankment to get to where the rail and trail right of way will be. This proposal is to develop a handicap accessible walkway trail connector from down on that right of way near the river up to the Capitol Park, which is all the state's responsibility from the park on up though this property. I would like my employer to be responsible for their part and support our effort to get people out to be using other than vehicles to exercise. I stand here to encourage you to vote to encourage your employer to do that. Therefore, defeat the pending motion and go on to pass the Ought to Pass report.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I don't think anyone is surprised when Capitol Park is mentioned that I am standing up to speak. I would like to reiterate what the previous speakers have said. This is not an Augusta issue. This is Capitol Park and this complex belongs to the entire state. Of the four years that I have been here, the one issue that has generated more passion than any other was last year's problem with Capitol Park. I am not talking about just my district. I am talking about those who heard about it throughout the state. It is our park they said. The Capitol Complex and the park is our park. I heard this from all over the state. So, to connect that to the trail is just a logical extension of that. I agree with the Representative from Rockport, Representative Powers, that as the largest employer in the state, we should be encouraging our employees to get out and exercise. This is a wonderful and beautiful area. It is a wonderful opportunity and I think it is one more gesture from the state that we value our park and the surrounding community. Thank you very much.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. As the chair of our committee has already discussed, it is not the worthiness of the project we are against. It is setting a precedent. There are 151 members in this body who think there is a project that the state should probably fund at their local level that we are not doing. This is not about Capitol Park. It is not a piece of Capitol Park. It is to connect Capitol Park. It is two different things. While we all applaud exercise and God knows I need a lot more than what I get. I am sure many of you feel the same way. This project doesn't rise to the level of other needs we have right now. Seventy-five thousand in the scheme of \$340 million doesn't seem like a lot, but when all of 151 of us come back next year and say that I have this great project at home, it is only going to cost \$20,000, just think

of all the exercise all the people in my area will have. To think that everyone is going to come to Augusta to use this thing, well, the State of Maine belongs to everyone. I would invite everyone to come to Raymond and come sit on the beach at Sebago Lake. It is a real nice place. You are all welcome, but I am not coming forward to you to say I want you to pay for the cleanup for that beach. That is a town responsibility. We do it graciously for our tourists. I am going to ask you to support the Majority Report on this and vote for Ought Not to Pass. Like I said, it is not the merit of the project, it is the precedent that it will set.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. There is another aspect of this that I heard during the public hearing. It has been referred to today and that is the fact that Capitol Park is under the jurisdiction of the Legislature. We are all aware of what happened last year. To me, it raised suspicion about this. In fact, the park outside the front of this building is no under the control of the Legislature. It is the Legislative Council. They are the ones that screwed it up last year to be frank about it. Why should this project be any better? I am suspicious and as worthy as this project is, I think this Legislature, in fact, ought to be in control of the facilities and the park and we ought to vote and debate on what happens to these facilities. That is not what is happening. I urge you also to support the Majority Report. 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 rise to defend my position on the Minority Report. Other members have spoken to theirs. I understand the issue as far as setting a precedent. I am also concerned that as the largest employer in the area, I think we do have a responsibility to add to this community. Many of our own communities will go out if we have a local project and we will approach a local business to help donate and bring materials or whatever and support the community. I feel that this is a project that will benefit the community. I think it will also be available to those that do visit the Capitol. I know people that will go 30 or 40 miles to go to use a bike trail or a hiking trail. They will do that. I think we are just looking to fund that connector piece to get to the trail from the Capitol Park. It takes a lot of work to go down the embankment. I think it is not just a nice thing to do. I think it is a good thing for us to do as a large employer in this area and support the community. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I would contend that this project is different. I might want something in my own town, but my town will have to come forward and do it. I think when we are talking about Augusta, we are really talking about the one place in the state where people come to do the business of government. It is different. We are spending, I think, well-spent funds to bring the Capitol back to life and make it a place that we can all be proud of. This building needs to be in a context. We need to consider the environment as well as the building. I think that connector is a wonderful idea. I hope that we will look at this project as one that can set the tone for the rest of the state and that we will honor Augusta as the place where we all come and where the people come to do the people's business. Thank you.

Representative MITCHELL of Vassalboro **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. 439

YEA - Ahearne, Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Cote, Cross, Daigle, Davidson, Davis, Duncan, Dunlap, Etnier, Fisher, Foster, Frechette, Gagne, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Richard, Richardson E, Richardson J, Rines, Rosen, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shields, Snowe-Mello, Stanwood, Stedman, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Baker, Berry RL, Bolduc, Brooks, Bryant, Bull, Campbell, Colwell, Cowger, Desmond, Dudley, Dugay, Duplessie, Fuller, Gagnon, Gerry, Green, Jabar, LaVerdiere, Madore, Martin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien JA, Powers, Quint, Samson, Sanborn, Saxl JW, Sirois, Skoglund, Stanley, Tessier, Volenik, Watson.

ABSENT - Cianchette, McAlevy, Shorey, Stevens, Twomey, Wheeler GJ.

Yes, 106; No, 39; Absent, 6; Excused, 0.

106 having voted in the affirmative and 39 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox" (EMERGENCY)

(H.P. 1787) (L.D. 2507)

TABLED - February 22, 2000 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS** Report.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, February 29, 2000.

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

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews who wishes to address the House on the record.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. On page 9 of the calendar under Orders, item (4-1), on the Joint Resolution for the Nuclear Test Ban Treaty, if I had been here, I would have voted yea.

On motion of Representative O'BRIEN of Lewiston, the House adjourned at 11:49 a.m., until 9:00 a.m., Tuesday, February 29, 2000 pursuant to the Joint Order (S.P. 1013).