

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 23, 2000 – May 12, 2000

**Appendix**  
**House Legislative Sentiments**  
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ONE HUNDRED AND NINETEENTH LEGISLATURE  
SECOND REGULAR SESSION  
32nd Legislative Day  
Thursday, April 13, 2000

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

Prayer by the Honorable Joseph E. Brooks, Winterport.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.C. 645)

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

April 12, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not To Pass Report from the Committee on Labor on Bill, "An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park," (S.P. 386) (L.D. 1165), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-637)** on Bill "An Act to Improve Standards for Public Assistance to Maine Employers"

(S.P. 967) (L.D. 2516)

Signed:

Senators:

RUHLIN of Penobscot

MILLS of Somerset

DAGGETT of Kennebec

Representatives:

GAGNON of Waterville

GREEN of Monmouth

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

DAVIDSON of Brunswick

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

Signed:

Representatives:

LEMONT of Kittery

BUCK of Yarmouth

CIANCHETTE of South Portland

MURPHY of Berwick

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637) AS AMENDED BY SENATE AMENDMENT "A" (S-689)** thereto.

**READ.**

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

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. Often times I hear from constituents that government ought to run more like business or in a business like fashion. Today we have the opportunity to do that. To approach the way we spend money in a more business like way with this bill before us today. It has to do with the way we distribute tens upon millions of dollars of economic development aid that we send out to various businesses in the state. There has been a lot of discussion on this bill and I would like to highlight some of the points of this bill.

This bill would require businesses, in order to receive ongoing economic development aid, to be paying at their plants at least two-thirds of the county average, what we are calling a livable wage within the county in which they are located. This bill will apply to those businesses that receive \$10,000 or more per year in economic development aid. It isn't all the businesses. There are many, many businesses that fall underneath that threshold. This bill will also provide an economic hardship waiver to be administered by DDCD in situations where for a period of time the business cannot meet that qualifier. Later on if we pass this bill there will be an amendment to the bill that will also deal with some of the information that has been brought up since it left the Taxation Committee. That will provide prorated benefits. In other words, if a business were not to qualify or I should say that if within a business let's say 80 percent of their workforce does qualify, then they would be eligible for 80 percent of the benefits that would be coming to them.

Mr. Speaker, men and women of the house, I think this is an opportunity that when we hand out taxpayer money, as in any business when you hand out money and you are going to pay somebody to do something, you often want to know what you are getting for that money and make sure there are some assurances to make sure that we get the best value for the dollar that we spend. I would encourage you to vote for the Majority Report. Thank you.

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

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to urge you to defeat the pending motion. In my view, this bill as we have it before us right now is a huge speed bump in the road to good jobs, strong economy and healthy communities. The good House chair of Taxation just spoke about what this bill does. I would like to expand on that a little bit to make sure it is clear to everybody what it does.

It says for a company that is in the BETR program, TIF, Governor's training initiatives or receives economic development assistance, as I think it was referred to before, from the state greater than \$10,000 and any combination thereof. It says that you have to pay a new minimum wage. We refer to it as a super minimum wage. We had 16 different super minimum wages because there is new wage established for every county and he

described how that is arrived at. Let me just tell you what some of them are. The wage, for Androscoggin would be \$7.78. For Cumberland, it is \$9.20. For Penobscot it is \$8.03 and for Sagadahoc it is \$9.66. That is what it does with respect to wages. It also says that these companies have to provide a health insurance plan to their employees. They have to pay 60 percent of the health insurance for the employees and they have to pay for 50 percent of the cost of their dependents. The real zinger in this aspect of the bill is the health insurance they have to provide, the standard, the benchmark, for the health insurance is the state employees health insurance plan. It is the one we all receive too. I think we would all admit that that is the absolute gold standard for health insurance. Very few businesses can provide and do provide health insurance like the state does. This bill says the health insurance provided to those companies that receive these benefits, has to be at least 80 percent as good as that plan.

Think about this for a minute, with respect to the wage aspect, all employees that work for these companies would have to pay this new super minimum wage. As I said, it is different by county. It is not the average employee for these companies that has to make these minimum wages, it is every employee. A company needs to hire somebody to sweep the floors or do some filing. The tourism business, there are tourism businesses that would fall within this. They have to pay those wages. Think about the health insurance benefits. Does every employee that works for these companies that currently receives these benefits, do they receive health care insurance that matches that gold standard? It would be nice to think that they all could, but the practical matter and the sheer fact is that they don't and they can't right now.

I don't question the motives behind this bill, but I have to tell you that the net affect, in my opinion, is an all out attack on good jobs, a healthy economy and strong communities that we live in. When I think about communities, I think about the municipal officials that I have heard from. I have heard from many all over the state that have contacted me and they are concerned about this bill.

I would just like to read a couple of quotes from some of the municipal officials and how they feel about this bill or bills that have been similar in front of us. Lee Young, the Mayor of Auburn, says, "The City of Auburn has already developed standards for companies receiving TIFS. We do not want the state to pass more standards for companies to receive tax incentives. Let home rule prevail. Let us make those decisions ourselves." That is what she had to say in Auburn. The Town Manager of Millinocket said that people need to know that these programs are not a moving target. We need to do better on that end and to stop all these inane debates every year. We have heard from municipal officials all over. I personally have heard from a large number of businesses in every part of the state that are very concerned about this. It causes me to think about a headline in maybe the *Wall Street Journal* that says that Maine prescribes wage and benefit levels. When I think about businesses that read that paper and are considering Maine in their next relocation or expansion for their business. I don't think that is the message we want to send to them.

I suppose there are two schools of thought when it comes to this. Businesses are the backbone of our economy. They provide us good jobs. They support our families and they help us support our communities or they are simply a source of tax revenue. I believe they are a lot more than a source of tax

revenue. The partnerships of these programs that we are talking about today, TIFS, BETR, Governor training initiatives and things like that they help our economy and that there is an enormous return on our investment that we get.

This bill doesn't solve anything. It doesn't solve anything. If that is the real concern of this Legislature, it doesn't solve anything. It only punishes the businesses and therefore, the people. Explain to me how this is going to have a positive affect when you look at in its full dynamics and look at it as a business model and all the constraints on businesses and when they have to make their decisions in light of this, should this be enacted, what does it do to improve wages and benefits? I don't think it does anything.

I also think, what does it say to a company, a good employer that has an employee or two, even, out of 100, that don't meet that super minimum wage, maybe some of the jobs that I mentioned earlier. You know what it says, you are out of the programs. You are not good enough to be a partner with the State of Maine or with your municipality. You are not good enough. Those employees that don't make that, they are not good enough. I don't think we ought to say that. So many of these businesses that these programs assist they may be needing a small company, start ups, they are on a continuum, maybe to being our best, strongest and healthiest employer of tomorrow. Ladies and gentlemen, a bill like this could snuff them out long before they ever get to be the next Envision Net. I know we are all tired and its late and I probably shouldn't take any more time, but as you can tell, I do feel very strongly about this. I don't think this is good for the State of Maine at all. I think this is nothing more than the division of politics or the politics of division I mean. It divides us geographically. It divides us rich and poor, both companies and municipalities. It sets up the haves and have nots. We had a long debate about a minimum wage setting and want minimum wage in the State of Maine. Now we are contemplating setting sixteen different minimum wages for certain businesses. If this is the politics of division, I would suggest that if we are divided, we will fall and our economy falls with it. This is not good public policy. I urge you to think long and hard because the Maine economy will pay dearly for this and a lot of hardworking individuals and families will be hurt. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative CIANCHETTE of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative LEMOINE: Mr. Speaker, Men and Women of the House. This is not a bill about the sky falling. It is probably not a bill that will get the attention of the *Wall Street Journal*. If it did, I would hope that the headline would be that Maine people demand return on investments. That is what we have at issue before us. We have substantial public monies that are being spent to support companies that are employing people at sub living wages. The question for the body to consider that is before us now and hopefully will be fine tuned as we proceed this morning is to what extent are we willing to allow public monies to be invested without requiring some kind of benefit for Maine people and some tangible benefit? In this bill, that is very simply a minimum wage. We have tailored the bill to look at

regions throughout the state. Some regions have higher wages than others. This bill takes that into consideration. It does four important things. I ask that when you consider this measure, you look at this.

The four things that I wanted to be considered and I think need to be clearly articulated are, the first is a living wage for Maine people. Those are our constituents. People trying to support families and people who if they do not receive a living wage through working, are going to be receiving assistance through public benefits. The rest of our community, the people in our communities are supporting these public funds for the companies. They will support the public's expenditure of funds for the recipients of benefits to individuals. We need to protect the public interest with public expenditures. The second point is economic hardship waivers are available. If any particular company is receiving funds and is unable to for some reason pay these wages, they have in this bill the right to appeal that decision. They can say for whatever reasons, import export reasons or whatever else may be the case, we cannot comply and need a waiver and that decision about a waiver will be made by the Department of Economic and Community Development. It is certainly a friend to economic development incentives in this state.

The third point is that it is a limited incentive that is at issue because if a full workforce is in noncompliance, only if an employer's full workforce is noncompliance, does that employer lose the full benefit. Otherwise it is a percentage. If you hire 100 people and you pay 99 of them at the proper wage as defined by their location under this bill and one of those employees is receiving less than a living wage, you would lose 1 percent of the public benefits that you are getting from the tax incentive program. It is a very limited penalty in reality.

The final point that I would like the body to consider is not on a living wage issue at all. It is one of the more important elements of this program. It creates a new standard for communities giving out TIFS and it should reduce the competition that we have seen between communities as they get into a bidding war for businesses. I really would encourage every member to look at this bill. That is in section 3 of the original language and it says that if you are going to give out, as a community or a company, if you are going to apply for TIF benefits and do that to relocate, you have got to have a good reason for that. You can't say the expansion and the benefits were not available in your existing location. This is a crucially important part of this bill and I hope that the body will be aware of that because it should reduce the competition between communities that is a natural outcome of the policies we have at this point.

For two reasons, I hope that the body will adopt the Majority Report and see what else happens this morning. The first is that we will do things for Maine working people and the second is we will do things for Maine communities. Thank you very much.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I have a couple of comments as I look at this. First of all, I would suggest that probably the career centers, if the vocational schools can shut down, because if the industry has to count their training programs that they put on through the training centers at the technical colleges, this is going to jeopardize their chance to get any money through this program, then they would probably not send their workers to the

career centers for further training. Secondly, I have a problem when I look at the statistical sheet in that packet that was put out yesterday. It says that York County can pay a minimum wage of \$7.52. Somerset County must pay \$7.77. If you can tell me that York County can give a living wage at \$7.52 and with the cost of living in York County because of housing and all of that compared to Somerset County, which has one mill, a unionized mill that drives up the cost because we have a low population, it just doesn't make any sense to me to use this kind of a philosophy in developing a plan for this accountability. Could I pose a question through the Chair? To anyone who may wish to answer, how were the county rates determined? How were they calculated and set?

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. The so-called super minimum wage that the Representative from Hartland is referring to is based on two-thirds of the average county wage. Those wages are, as the good Representative is aware, are researched and cataloged by the Maine Department of Labor.

The notion in reference to the comment earlier by the good Representative from Hartland that the Maine quality centers and career centers would perhaps be closed down. I would bring his attention to the provision of the bill that sets a threshold of \$10,000 in actual receiving of benefits before this law even kicks in. It is my understanding that of the roughly 35,000 businesses in the State of Maine, there are only 200 that would even meet that minimum \$10,000 threshold. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. In my brief time here in Augusta, I have tried to bring you the perspective of what it is like out there to be what will probably be a member of one of those 200 companies that will be affected by this bill. I can share with you some unintended consequences that I think we should be deeply concerned about. Let's assume this bill passes. What are you going to do then? If I ran the business, the first thing I would do is I would look at my pay and benefit package. I would cut off the dental plan. I would cut off my support for a short-term disability and long-term disability and so forth. I would cut out every benefit that doesn't count towards this program. I would pour whatever money was left into the salary and that is all I am trying to do is get over this salary. If you look at the amendment proposed for this bill, it even drafts out health care. Fine, you give a person absolutely nothing for benefits, but salary. You meet the objective and you are fine. That, of course, leaves the worker out there trying to buy health care for himself without the protection of a group coverage. I think it is a terrible thing to do. What else am I going to? I am going to look at my labor force. I have some janitors. I don't want to pay janitors \$9.60 an hour so I am going to outsource that. I will just cut the workforce down. I will hire contract janitors to come in. I will contract yard keepers to do the lawn mowing, snow plowing. I will outsource my printing, my photocopying, my mail service, I will drop some of my manufacturing assemblies and I will cut everything down that can be cut through outsourcing so that I don't have to be tied to this bill. If you don't think that is going to be motive, think again. You put a requirement like this in law and the objective will be to

meet the law. It will no longer be the objective to get my people good package and to attract workers. It will be meet the law first and then with whatever I have left over try to be attractive to get the right workforce and I don't think this was realized by the authors of this bill. I understand you want to do something good, but you realize this is what happens in the real world. I hope that you see that these are every fatal flaws and are problematic to the point where this is probably is not a good bill to pass at this point in the session. Thank you.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to talk to you about some of the consequences of what is happening right now with some of these big companies. I would like to talk about two companies. One is right in Waterville. Avian Farms recently announced that it is closing. We are losing 118 jobs. Avian Farms has received a lot of benefits in the way of TIFS and other of these tax breaks and they are leaving. We do not have any recapture provisions, no way of getting back some of the money that we gave them to encourage them to come to Waterville and create jobs. Even in the federal level if you have accelerated depreciation, the government makes you pay back if you cash in. It is called recapture. If you have taken advantage of a tax break before it runs its course, you have to pay it back. We don't have any such accountability and bills similar to that have failed in this House. If we are not going to recapture some of these tax breaks when these companies take advantage of them and leave town, then we have to at least do something to make sure that they pay our employees a living wage.

Another company that I would like to talk about, I have an editorial in front of me involving Wal-Mart, child labor violations. They have been cited for 1,436 violations of Maine's child labor laws. They take advantage of TIFS and all these other tax breaks and we don't hold them accountable. We have a difficult enough time even making them comply with Maine law. Does it really make any sense to allow this to happen and not have them accountable in any way, no recapture, no living wage? They can pay anything they want. They can make these kids work as many hours as they want. Besides being a violation of law, it is unfair advantage to these other local companies that are struggling to keep up with Wal-Mart. It just doesn't make any sense. We give all kinds of tax breaks for capital investment and certainly that is an excellent idea to attract companies here and businesses here. At some point, we have to start investing in human capital and the people of this state and making sure that if we are going to get these people here, at least make them pay a living wage. A living wage at \$7 or \$7 something an hour is not going to break any of these companies. I urge you to support the Ought to Pass as Amended. Thank you.

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

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise again just to respond to a couple of things that have been said. My good friend on Taxation and seatmate, Representative Lemoine, suggested that this was proportionate should a company have employees, even if it is only 1 percent of their employees that falls below, then their reimbursement on BETR or their TIF monies are proportionately reduced by 1 percent. That is, in fact, as much as it pains me to say so, but Representative, that is not accurate.

There is an amendment that the Senate put on, which I also think would be problematic that may be offered should this report pass, but this bill as we have in front of us, ladies and gentlemen, does not do that. In terms of what wages need to be, the wage must exceed one-sixtieth of the average weekly wage as determined by the DOL. We know that DOL collects that data continuously and updates it. That is going to provide a moving target for these minimum wages also.

In my final point that I would like to respond to at this time, is regarding the 200 companies that will be affected. That information came from an advocacy group. It came from the Maine Citizens Leadership Fund and the Cambridge Institute. I apologize for not knowing the exact name of the group, but they have been working the issue very hard. I understand that. I understand advocacy. That data is from those groups. That is not anything that we have been able to have substantiated by the DECD. In fact, they have not been able to tell us exactly what the effect would be on jobs and how many companies would be affected? Certainly we have no way of knowing how many jobs or companies that is going to affect in the future. Thank you Mr. Speaker.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I did want to respond quickly because I want to make sure we don't get in any confusion. The Good Representative from South Portland is correct that the proportionality and stripping away the health care requirements is in the Senate Amendment that we would take up assuming if this bill were to pass. We can discuss it at that time. It is not part of this bill, but the majority does support the amendment. I also wanted to respond quickly, if I may, the issues that the good Representative from Arundel discussed and the type of gamesmanship that corporations may be playing in order to circumvent the spirit of this law if it were to pass. That was something that we took into consideration that that may have to occur if, in fact, in order to save the business. That is why we have that factor in there concerning economic hardship waivers to make sure that doesn't happen. If, on the other hand, the business is going to play these games and circumvent the law in a way to provide more corporate profit, well that might be something we have to come back and deal with at some point.

Currently, from what I understand, the number of corporations in this state that would fall under this law, there is about 130 or so corporations that would have to be subject to this new law, of which currently only 22 are paying this living wage. They are, of course, some of the corporations that are taking advantage of economic development aid. One of the concerns that I have and I supported economic development over the years, but my concern is that when you have a product out there that is not a good product and has no accountability, but we don't know what we are getting for the product. Somewhere along the way, ladies and gentlemen, as times get a little more difficult and funds get a little more tight in the state and they are going to go. They are going to go away. They are going to be the low hanging fruit. What are we getting for this? What are the requirements? We are providing tens of millions of dollars in economic development aid for jobs that are substandard. My fear is that when the state and the people of the state may be facing hard economic times, there will be cuts made in economic development at a time when we shouldn't be doing it. Don't make a small minority of corporations in the state

to take advantage of these programs and who perform some of the gamesmanship that we have heard about, ruin it for the good corporations. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I am concerned that there was no exemption in this proposal for some of the employment programs we have. I will give you an example. In Cumberland County where we are asking for a minimum wage of \$9.20. I will give you an example of welfare to work, which is one of them. Why do the sponsors of this bill not want to exempt a company participating in a welfare to work program and can you understand that without such an exemption, you cannot expect that incentive to continue? Thank you.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. I went back and looked at the bill and after the good Representative from Harland's question and I realized that this bill only covers four specific programs, the Business Equipment Tax Reimbursement Program, TIFS, the Jobs and Investment Tax Credit and the research and expense tax credit.

If I might continue? Few issues really have sparked such spirited debate in this chamber. We have been all over this before as the issues that have focused on corporate subsidies and corporate accountability. I need to make it perfectly clear that I support the toolbox of economic development incentives that are currently being used to grow jobs in the State of Maine and my voting record on Taxation and in this chamber reflects that support. I have supported these four programs that are covered by this legislation. What I do not support and what I cannot support and I would suggest that this chamber should think very hard about that is the notion that somehow these subsidies are entitlements and not incentives. Somehow programs that once were designed as incentives for job creation are now being declared by the business community as no adjustments required entitlements. I don't agree with that. I am absolutely opposed to that notion.

Just a few statistics. In a press release from the Maine Chamber of Commerce dated 3/29, Dana Connors, President of the Chamber, stated, "Our survey of companies impacted by these negative proposals shows that 75 percent of companies using BETR will not meet the wage and health benefits requirements proposed by LD 2516." I am sure they didn't intend to mislead on this, but frankly, given the fact that in this bill only employers that receive subsidies of more than \$10,000 a year, approximately 200 statewide and if DECD doesn't have that information, then I would suggest that we demand they get it, although I know they have it. Only 200 would even be affected by this legislation. I just can't get the math to come out to 75 percent of the 200 companies that get more than \$10,000. Eighty-five percent already meet the wage level of this legislation. That leaves, as the good House chair of Taxation said. That is between 25 and 30 companies that might possibly have to increase wages to keep 100 percent of their incentives. Those are incentives, not entitlements. Approximately 35,800

businesses would not be affected by this bill and 30 might be. Even those 30 would not lose their entire subsidies under the Senate Amendment, which is the manner in which this bill came to this chamber.

A few weeks ago I got a call from a constituent, a young father of two small children, two little girls, the sole breadwinner for his family. I could hear the stress and the anger in his voice as he asked me, what was the Legislature thinking when they gave all these tax breaks to business to create new jobs? Because I support those incentives, I immediately went into automatic response. There were 30,000 new jobs created with the lowest unemployment in a decade and good investment in the future. My constituent listened patiently and politely and they said deliberately, when these companies came to the Legislature and asked for tax breaks, they said if you give us these subsidies, we will give you good paying jobs. I am telling you, you gave them the money and they gave us workers the shaft. Here is the problem. My constituent works for the largest retailer in Maine. Indeed, the largest retailer in the USA. He has one of those good paying jobs for \$6.75 an hour, our taxpayer subsidy incentives or entitlement, whatever you want to call it. It has bought the State of Maine and my constituent a job whose wages pay so little that number one, he and his family are eligible for food stamps. Number two, he and his wife and children are eligible for Medicaid. Number three, he is eligible for the federal earned income tax credit. In fact, this young man is playing by the rules. He is working hard. He is doing what we want. He is working hard for a company that receives BETR, TIFS and other tax subsidies and his earnings were below the federal poverty level for 1999.

Let's talk about the Chamber of Commerce designated super minimum wage and what that would do for my constituent. That is the bill that we are talking about. In Kennebec County, that is \$8.07 an hour that super minimum wage. I would put him above the federal poverty level by 5 cents an hour. It is not much, but \$1.32 more an hour than he was making before. One thirty two an hour may not seem like much, but to his family it would mean \$52.80 more a week and \$2,745.60. I will leave it up to you to decide what they might buy, but with two girls and a wife I guess it is safe to say he would probably put it to good use. Unfortunately, even if the so-called super minimum wage, this family of four would still be eligible for a number of low-income assistance programs. I guess \$8.07 an hour just doesn't buy that much any more.

My point is this, when we put these valuable economic development incentives in place, we did it with a promise of good paying jobs for our workers and support for our good Maine businesses. I don't have a problem with that. I agree with that. The vast majority of Maine's businesses are doing exactly what we ask, but for that small percentage who are not, you gotta ask yourself, why should the taxpayers of Maine pay twice when we subsidize low wage jobs? Why pay the subsidy and then also pay the hidden cost for low wage employees like food stamps, Medicaid, federal earned income tax credit? Why not do what we said we were going to do and reward the good businesses and keep our promise of good paying jobs, a living wage to the workers of Maine. Thank you Mr. Speaker.

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

Representative GAGNE: Mr. Speaker, Ladies and Gentlemen of the House. I know we hear a lot about accountability and I think people should be held accountable and

we need to see a return on our investments. I want to also add a group of people that I feel I represent and that is the women in my district and the women in the State of Maine. I want that face to be looked at today too. A lot of times you will find that they are the ones that are raising the families. They are the ones that are alone there with the two or three children who are left behind. They are the ones who have to try to find a job, which we are always criticizing them because they collect so much welfare. I really think that this is the time when we have an opportunity to invest in the community. We talked about the fact that the economic development that has been provided that businesses have given us that growth. Well, I think the women in our community and the people in our state need economic development assistance too. That assistance comes from getting a living wage. Really, a living wage is \$11 an hour if you want to talk about how much it should be. This bill, at least, gives a percentage based on where in the state you are located. In my area, \$7.40 an hour is not a great deal of money.

It provides a beneficial wage for women who are on this lower wage to be strengthened financially and maybe stand up on their own when they are raising their children and taking care of their home. I think this is so important. I was a single mother for several years when my kids were in their high school and college age and that is a very expensive time. Fortunately for me, I had a teaching job that paid better than minimum wage and I could take care of them and pay my mortgage and take care of all the responsibilities that a single parent has. I would like to see all women have that opportunity that when they come home at night, they have an independence from a burden of poverty. They have this independence and this self-esteem that has been able to be given to them even a little bit. This is not enough, even what you are giving here and arguing about it, is not enough. They can take care of themselves and their families and they don't feel dependent on someone else or always have to seek out this other person or this other party that is going to save them. They can stand on their own two feet. Women need that so much, everywhere in the world, but especially here in Maine.

I want to put another face on this too. I had a young woman call me. Her name is Stephanie. I am going to say her real name. She was one of my students when I was teaching in Turner. She is now one of my constituents in the Town of Hartford. She is probably a good example of a lot of the young women who call me up and ask me, what am I going to do? How am I going to get help? I have reached this point and I can't get anything from my husband or whatever it might be. She has a spark of something growing inside here that I see that I would like to invest in. She had such a difficult time in high school. She had a family that was not going to support her. In trying to get through that she came from the kind of culture that you have a child and live off the state. She didn't even know that a guidance councilor in our school was to help her go on to college. She just thought they were a counselor, but she didn't know. I was surprised with this because I don't know how many times I talked with her. She just called me that she wanted to go to college. She just got a divorce from her alcoholic husband. It was interesting too and I know this gets a little long, but she had called me over a year ago trying to make things work with him. She couldn't get any help from the state for even both of them together because they owned a car that was worth more than \$2,000. You can't get any assistance if you have any amount of

money or investment of that kind. That marriage failed and now she is alone with the two children to do this.

This bill will continue to support business investments. That is not going to stop, but it would also support her. I told her I would pay for that first course she is going to take in college. I want to invest in her. I think this living wage would invest in her too and this would be investing in good jobs like they say business is doing by providing the jobs. Let's give it that little boost and provide this good job for her. This will bring a stronger community because the business cares about an investment like this to make them better. I feel they are investing in Stephanie. That is why we need this bill. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I urge the body to support this Majority Report and the good efforts of the Representative from Waterville, Representative Gagnon, who has done a great job. It is interesting as we debate this issue and as a member of the Labor Committee to listen to the discussion and some of the opposition to this bill. Where is the Department of Labor and the commissioner in fighting for this bill? The commissioner charged, I believe, to fight for working men and women. This Governor needs to fight for working men and women. I can't think of a better way than to institute a living wage. Money that we, as taxpayers, support businesses with and they turn around are paying substandard wages and this is the minority of businesses. When I have talked about my businesses and polled them over the years and this year specifically in about the same kind of percentage in their strength and support of raising Maine's minimum wage, they also say it is time that we stop giving our tax dollars to corporations that don't pay a living wage to their workers. When will we get it here? When are we going to deal with that balance, that scale that is out of balance today that says, ladies and gentlemen, we have a right as a Legislature and as a citizenry to demand more in terms of accountability with respect to our tax dollars that we give to businesses.

The Governor in a recent discussion with Main Public Radio, was asked a question about the working men and women. What have you done to help working men and women? His response was, well, my Department of Labor is doing all it can to attract new businesses to Maine. He only gets it half way, it seems to me. It is good to bring businesses here to Maine, but it is also important to say we have a quality of life in Maine. We have a workforce second to none in Maine. We have an environment that we want to protect in Maine. We want to be a leader in every area, but we don't want to leave at the back of the bus working men and women. There has been no wage growth in Maine and even across this country in terms of the lowest paid workers in this country and in this state. When are we going to get that message? When are they going to have an opportunity to come from the back of the bus to the front of the bus? This is a fair bill. This is long overdue.

It is important and time today to talk about a living wage and to talk about tax equity and fairness. Citizens are demanding it. Poll your constituents and ask them. Should those businesses that we subsidize pay a living wage? You will get an interesting answer. It will be a large and tremendous response from your citizens. They are the ones that pay the toll. They are the ones that we are here to support, not the large corporations, not Wal-Mart, not Crowe Rope in Winslow that I am not too happy about. Last year when I was campaigning or two years ago, I was told



by Crowe Rope that you can come over and shake hands. When it came to about two or three days from when I was going to head over there, I was told you can't come over and shake hands with our employees. This was in the middle of, what I believe, was some unfair labor practices going on with Crowe Rope. They didn't want me there. I think I know why.

I do support working men and women and so does this Legislature, I am proud to say. We know who we are beholden to. It is the people that elected us. Certainly in this country what we are about is righting wrongs in this country. There is a terrible wrong because the people left out in this posterity and in this wonderful economy are those working at the lower end of the economic income. In Maine we are right there. It is time to give them a living wage. It is time to demand accountability. Our taxpayers, our citizens and our voters are demanding it. I challenge anyone in here to refute that. Thank you Mr. Speaker.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I want you to know that you probably didn't expect me to stand up on this bill although it has to do with wages. If I had my druthers, I definitely would not speak after the last speaker. I would have spoke before as the warm up act. I can't imagine that we could sit here with a straight face giving huge tax breaks, giving TIFS of great amounts and not demanding some accountability. I can't even imagine it. It is beyond me. We talk about a lot of issues down here, but I think in every session I have been here and before I ever arrived here, the one issue was always wages. You know, if you can get something for nothing, you are not going to pay for it. That is more or less the message that we have been sending from this Legislature for a long time. You come here and use our employees and do what you will, offer them little, we will subsidize them with our welfare and we will always look down our nose. I got news for you folks, I pay 8.5 percent in taxes on my wages every year so we can give tax breaks to industries. I have a problem when we are giving a tax break to Wal-Mart who is breaking every child labor law in the state and they are paying minimum wage. I have a real problem with that. I think if we are going to do this, believe me, every year I have bit my lip every time the budget comes up with the BETR Program in it. Every year I have bit my lip and I have voted for it only because I wanted to bring some businesses in here that I thought might be good corporate citizens. Yes, some have come. As a matter a fact, many have come, but there are many out there who do not want to pay their employees a living wage.

We talk about health care, these gold plated health care plans. My husband works for one of the biggest industries in Somerset County and guess what, when his doctor referred him to have some tests, they refused to pay. Surprising. He is now on my health care plan here at the state. I am paying big bucks that I should be paying to insure somebody who had insurance and still does have insurance, but to make sure that those medical bills get paid so we all get taken. I want you to know, you can talk about it now or you can talk about it later and whether all the lobbyists out in the hall weigh in or not, makes no difference. The choice is yours. You have that button. I think it is time to put a stop to this or there will just be in the next session a movement to overturn the BETR Program all together. There are a few of us around who believe if we are going to give TIFS or something, then we ought to get something back. We don't mean minimum wage jobs. It should be a living wage so they

can support their families in a good fashion. I thank you and that is all I have to say on the issue.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. There is, I think, a general misunderstanding on some of these issues. There are a couple of advocacy groups out there who have talked about the so-called double dipping affect between the BETR Program and the TIF Program. I think, although I understand that they have every right to advocate for what they believe, I sincerely believe that they misunderstand those two programs. We have debated a long time. I won't go into the details, but the BETR Program was designed for capital investment. It was designed to encourage businesses to either move or build in Maine. There were no strings attached to that. The basic program is to provide the capital so that businesses can expand in Maine. It is administered by the state.

We have a TIF Program that is administered at the municipal level. They are two separate and distinct programs and yet these folks would lead you to believe that somehow the business community is pulling the wool over our eyes by taking advantage of both of those programs and they call it a double dip, when, in fact, local community leaders use both of those programs to provide the incentives to these businesses to move into an area. Both of those programs are supposed to be used if they can in terms of attracting businesses to Maine. It is not a double dip. If we look at the success rate of the BETR Program and the TIF Program, if we listen to these folks, they talk about jobs costing the Maine taxpayer in some cases \$40,000 a year.

I guess you can get statistics to do whatever you want with them, but I used the same businesses that they did and I came up with some interesting facts myself. For example, Champion Paper employs almost 1,400 people and the cost per employee for those benefits is \$545 a year. Fairchild Semi-Conductor employs a little over 1,300 people and that costs per employee is \$326 a year. I can go on and on. The point I am trying to make is that even though I am reluctant to offer tax breaks to anyone, either business or individual or whatever. It is a good investment for Maine. The average wage at Champion Paper is \$53,000 a year. The average wage at Fairchild Semi-Conductor is \$47,000. I think we all understand that were it not for those incentive programs, many of those jobs would not exist today.

I love clichés. You use them when you can't think of anything original to say. I think we ought to be looking at this in terms of the glass is half full, not half empty. The good Representative from Skowhegan, the House chair of Labor, indicated that she didn't like paying that 8.5 percent state income tax. None of us do. She didn't like the BETR Program. I agree with her. I don't like either one of those. We don't need the BETR Program if we eliminated the personal property tax, I am convinced that businesses in Maine would thrive, but the fact of the matter is those two issues are tied together. Because our income tax rate is at 8.5 percent, we have to have the BETR Program and the TIF Program and all of those other programs in order to entice businesses to move here to Maine. It is all in perception. Whether we like it or not, if we are going to continue to have high tax rates in this state, we are not going to attract businesses here that offer high paying jobs, thus we have to have these subsidized or incentive programs for businesses.

It is easy for the folks that advocate for this to look at it from that point of view. On the other hand, what are we, as a Legislature going to do, today? What we have to do is to

continue to provide these incentives to Maine businesses so they will stay here and hopefully grow until we can reduce our appetites for spending at the state level and reduce the taxes that cause the problems in the first place.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. I stand in support of the Majority Ought to Pass as Amended Report. I have three basic reasons why I support this. I will probably give you a lot more. First of all, I don't believe that we should be giving public assistance to any company that knowingly violates law, such as child labor laws that were violated by Wal-Mart in the past year. Secondly, we give tens of millions of dollars to companies like Wal-Mart, state money, my taxpayer money. In return, I expect those companies to pay at least a living wage for their employees. Otherwise, why are we doing this? Maybe that is why the State of Maine has dropped from 31st in the country in family income to 36th in the last seven years. Maybe we have invested too much from jobs that pay less than a living wage. Third, I don't believe we should be investing or giving public assistance to companies that undercut their competitors who may be other Maine companies that may not even be getting state subsidies. Maybe that is why we have gone from 31st in the nation to 36th because of this kind of thinking we have. I urge you to support a living wage where a man and a woman that goes out and works fulltime, 40 hours or more, earns enough money so they can take care of themselves and their families rather than having to collect food stamps or other public assistance. I think the companies that do business here in the State of Maine should be offering these kinds of jobs and we should be supporting those kinds of jobs. We should be trying to do better, not worse. I urge you to please support the Majority Ought to Pass Report.

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

Representative **SHOREY**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard the large retailer bantered around quite a bit here. Let's look at some of the companies that will be affected, possibly, by this living wage as it is called in some of the rural areas. Please indulge me in this. I am going to read you off some companies. Some of you will recognize these companies. They are in your districts. Dell Manufacturing, Creative Apparel, Spectrum Printing, Portland Machine Tool Services, Eastland Shoe, Talk America, Dot Data New England, US Strainright, New Balance Athletic Shoe, Affiliated Labs, Aldermen Industries, Triple A Northern New England, Skowhegan Savings Bank, New England 800 Company, William Arthur, Electronic Manufacturing Systems, CN Brown, Industrial Medal Recycling, Pittsfield Woolen Yards, Sugarloaf Mountain, Tenefford Weaving Company and these range from Androscoggin, Waldo, Cumberland, Lincoln, Oxford, Kennebec, and Franklin Counties, all over the state. It isn't just the large retailer that we would be punishing. We are also looking at the smaller employers that employ our neighbors. Thank you.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. That is an interesting list, which was just shared with the House. For debate purposes, I guess I will just simply point out that the very first, for example, Bell Manufacturing, if this bill

were to go into effect, would have a penalty of \$128.48. Thank you.

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

Representative **SHOREY**: Mr. Speaker, Ladies and Gentlemen of the House. Again, for debate purposes, goes up to \$30,000 and then \$20,000. Yes, that was low, but the other numbers are high. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to consider the effect of this legislation. We are going to differ on what we think this legislation is going to accomplish. I believe that the things that you, the proponents of this legislation, would like to have accomplished are good things. They are fair things. They are equitable goals. I don't believe this legislation is going to accomplish that, in many cases. It seems to me that the net affect of this legislation will be to discourage businesses and in many cases from applying for these programs. Some of you may think that that is good that businesses won't apply. Maybe it is good if certain businesses didn't receive the benefits of these programs. Some businesses in the state may be perverting the goals that we had hoped to accomplish when we established these programs. I submit to you that many of the businesses that won't apply are the small businesses that we most need in this state and that we most depend on. They will no longer apply for these programs because they won't be able to comply with the directives in this piece of legislation. The effect will be fewer business startups, increased difficulty for businesses to expand. Those are not goals that we want to accomplish. I am sure that no proponents of this bill wants those things to happen.

Why do I feel that is the effect? Let me just bring out a couple of points to you, please. County wage rates vary greatly. I am going to speak about York County because that is the area with which I am the most familiar. The good Representative from Old Orchard Beach, Representative Lemoine, lives in an area along the coast where we are fortunate to be having prosperity. McDonalds is paying over \$8 an hour plus benefits to hire help. There is another part of York County. There is Acton, Parsonsfield, Newfield, Shapleigh, Cornish, small towns that some of you may not even be familiar with. They don't have \$8.50 an hour McDonalds jobs. They don't have McDonalds. The reason they don't is because they don't have any businesses to attract people out there. They are not going to have businesses if we don't create a climate in which business can succeed. Think about the other affect that I see as a result of this legislation. If some businesses do receive these incentives and some businesses do comply with them, their wage rates are probably going to increase mostly. What is that going to do to the other smaller businesses that are located in the same location and draw from the same workforce? Those smaller businesses are going to be unable to find employees. They are all going to flock to this other employer. Once again, we are going to hurt small businesses. I see the net affect of this as increasing our unemployment in rural Maine. I can't believe any of us wants to increase our unemployment in rural Maine.

The last point I would make to you is in regards to the statistics that were used in part to support some of the arguments for the proponents of this legislation. Those were developed by a firm in Cambridge, Massachusetts. They were also used in front of our committee for a bill that we studied. We

asked questions about the data. Every time we asked a question, the response was, we don't have that answer right now, but we will get back to you. We will tell you where we obtain this data. They never got back to us and frankly, I think the data was very suspect, at best. Finally, I would submit to you that if they have legislation like this in California, ladies and gentlemen, you would not have a Silicon Valley.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to bring you a little different perspective on this bill. I guess I come from the municipality side of it. If this bill passes today, it establishes two separate groups of requirements for each program creating confusion, cost and uncertainty for businesses and communities. Many of Maine's nearly 150 TIFS will be active for 20 or more years. If we pass this today, we will be changing the regulations and the rules by which new TIFS will come under as of October 1, 2000. In a municipality, if they have a TIF now, they will have to be reporting under one set of rules and regulations. If they get another TIF out, they will be coming under another set of rules. For a small municipality, that bookkeeping will be a nightmare. Coming from a municipality who is just trying to get a little industrial park going and working with one of our industries there in the town who is working with us to get the little industrial park going, they happen to own the land. I am very concerned because I am trying to talk the rest of my board into thinking about a TIF and if we do get a company, what percentage we will give, what we can do for infrastructure with the other percentage that we give in the town? I am not sure that if we put all this bookkeeping onto the towns that the people will ever vote it. By passing this, you are talking local control of TIFS. You are taking the TIFS today that are completely local control. You are changing the rules and regulations for them to make a decision. When the TIFS were put in, it was put in in state law allowing the towns to do that. Now you are changing the rules. If a municipality wanted to change the rules, I think they would bring a bill to us. They would come up here with an LD to change the rules for TIFs. The TIFS are working. They are working in many towns. They are working in the town next to me. Two industries and they are both fine industries have gotten TIFS. It has helped them.

When we go back to saying about the double dipping of BETR, I happen to serve on the Taxation Committee when BETR was put in in 1995. We debated the double dipping. I wouldn't say how long it took us to debate that. That was one of the concerns that I think everybody in that committee had. What are we doing giving these companies another tax break? In the debate and the decision that was made, back then and still today, they have a choice. They can get BETR or they can get investment tax credits. We passed in the BETR law that they could not get both because it would be what we would call double dipping. The committee at that time, we came out unanimous, we did not call it double dipping if they got TIFS and BETR. We already took care of, in my opinion, double dipping. I don't believe that BETR is double dipping in any way. I applaud the Governor for coming up with a program to help businesses come to the state and right now we are trying to get the little businesses across that river from New Hampshire where the businesses are coming, Somersworth, which is 20 feet from my town hall, it just got a Velcro company coming in with 200 jobs. We have 1,900 jobs going into the trade port where Pease Air

force Base used to be in Newington. Every night I can read the paper and New Hampshire is on the move. I really feel as though the Town of Berwick, which I represent, and serve on the board, is also on the move because we are doing it and it is because of these programs that we are able to look at some of these little businesses and say, take a look at us. Look what we offer over in the State of Maine to help the tax base in a town that lost an \$18 million expansion for a business there because the DEP in the State of Maine took two years to decide whether they were going to give them air emissions or not. They couldn't wait any longer and they went to New Hampshire. We are smarting a little bit still from that. Anything that we do here on this bill as far as TIFS are concerned, you are hurting every municipality in this state. Most municipalities do not give TIFS. They know what they are doing. They know what they are getting for good jobs. I would hope that you would defeat the Majority Report so that we can go on to accept the Minority Report. Thank you.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. This is not about double dipping. We will have plenty of time to discuss that on another day. What this is about is the question that we often get when we are back home. Someone buttonholes you in the town office or in the little store or wherever it is and says, what are you doing with my money up there? I sometimes look back and say, how much time have you got? Sometimes people say, gee, I thought we had welfare reform. How come people still need to get all these programs? We could save a lot of money if we didn't need to do all these programs. How come these people aren't out working? Well, they are. They are working very hard. They are trying very hard to do the right thing. I also was on Taxation when we put in the Governor's program for business incentives. My feeling, ladies and gentlemen, is that both the state and working men and women should do better with BETR. That is all this bill asks. It is not going to affect the small businesses. Most small businesses do not receive more than \$10,000 in benefits. It is not \$10,000 of profits. It is not \$10,000 of anything. It has to be over \$10,000 in benefits from a particular program. Most small businesses don't receive that much. Those businesses that do, in most cases, do the right thing. There are some who do not.

The message that this sends is that we, as a state government and as a state community, respect people who go out and work hard. That is all this bill asks you to do. The net affect, the businesses that do the right thing, the small businesses who get smaller benefits, are going to continue to get those benefits and they are going to continue to grow, we hope. For the people of Westbrook, Winslow, the small town of Corinna, they have lost the big businesses. They know what the effect of losing benefits are all about. The effect says we should do better with BETR. That is what we should do because it is the right thing to do. It does send a message. It says to the people outside the state who look at the state and do not, in fact, rate taxes as their number one consideration. When businesses look at the State of Maine, they take a lot into consideration and a

great deal of it has to do with the quality of life here. When the message goes out, we care and respect all of our citizens, that is an important message. We need to do better, all of us, with BETR. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker, the good Representative from Yarmouth, was 100 percent right when he said if our tax structure in the State of Maine wasn't so onerous to businesses we wouldn't need any incentives. I felt compelled to speak on this issue because in the 117th, the first term I served up here, one of the bills I put in was to completely eliminate the Business Equipment and Machinery Tax. Completely eliminate it across the board, not just piecemeal. I was going to do that by capping the corporate income tax at a certain level and any growth revenue that was created by expansion in businesses and businesses moving in would take that revenue from the corporate income tax and return it to the municipalities because the Constitution requires us to make the communities whole and this tax at the local level.

I have to respond to a couple things that were said about the double dipping. The state triple dips. That was one of the reasons when I was a non-elected citizen back home and I looked at this tax that we had in the town area. It just didn't make any sense. You go out and buy a piece of equipment and you get taxed on it. You use the piece of equipment creating jobs and generating an income, you get taxed on that and then they tax you for using the machine that is generating the income. It made no sense. It is completely a crazy policy as far as I am concerned.

We talked about earlier, the good Representative from Winslow said, he dared people in here to get up and poll your people in your community to see if they support this. I will tell you that we did. We had a community economic development manager who did a comprehensive survey of the town and asked the town if they supported incentives to businesses to move into Bridgton? Seventy percent said they did with no strings attached. Guess what, people in my district want a job. We have two businesses. We have a business that has a TIF in town in their manufacturing business. We have another business that just moved into a mill that got closed down. I am sure you heard about it, the Bridgton Knitting Mill. We have Dye Electric move in there and the town has a special town meeting and put some money towards doing that.

We constantly talk about making business accountable. What I saw in my community in the early '90s was a lot of people without jobs. People who couldn't afford to hire somebody to go to work because of the workers' comp and so forth and so on. A living wage is wonderful, whatever you describe that as. Mine varies because my hourly rate varies from job to job. My living wage is a moving target. My concern with a lot of these efforts, noble as they may sound, is that not only will they not provide a living wage, but they may provide no wage. Businesses when they make an investment under these laws that we pass depend on predictability. Every time you put in something as an incentive for a business to do something and you move that thing around, what does that say to the businesses that want to expand and invest and create jobs? What does it say to people from outside the state when they look at all these things going around? People say it is not the tax rate, it is the quality of life.

I will tell you back in 1994, there was a candidate running for Governor that had a little piece of page out of a magazine that he got on a flight. It had a picture of the United States, a map, and the whole thing was colored gray except from six states that were colored orange. The message was if you have any money in the states colored orange, take it out. If you don't have any money in these states, don't put it in. One of those states was Maine. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I think we are missing the big picture. We are forgetting or we are fail to remember that private industry and business is the basis of our whole economic structure. We spent \$4.5 billion. That is our budget for this biennium in the State of Maine. That is all money that comes from taxes. That is all money that comes from business. It is an unshakable fact. Your local, county and federal employees are paid with tax money. They are paid with tax dollars that come from business and people who work for private businesses. The programs and services that we provide at the local, county and the state level, they are all paid for with tax dollars that come from businesses and are paid by people who work for businesses. Local, county, state and federal governments produce absolutely nothing. They merely redistribute the tax dollars that they collect from businesses and from people who work for these independent businesses. Continuing to bash businesses as opposed to encouraging business growth as extremely shortsighted, in my opinion. I would like for you to think and remember this. If we don't have businesses in this state, we don't collect business taxes. If we don't have businesses, we don't have people employed by businesses who pay taxes. There are no jobs and no taxes paid. If there are no taxes paid, then there is no money for public sector jobs or programs and no money for local government, state government and no money for all of the programs that you vote into existence here on a regular basis. Think about it. If we don't have businesses and private business to pay taxes, there isn't any money.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. The last time I checked anyone who wants to go into business has to accept risks. Not everyone in the State of Maine owns a business. When I was on the city council, Nissen's Bakery was located in Portland, Maine. The City of Biddeford was lucky enough to entice them to Biddeford. Economic development, jobs, jobs, jobs and we were thrilled that Nissen's Bakery was coming to Biddeford. I don't know how Portland felt about it, but we were very glad. As a city councilor, I heard from the people of Biddeford. Elizabeth Noyes was still alive then. She has done a lot of charitable work and she cared about her workers and she cared about what she did. Had she been alive when the sale took place, Elizabeth Noyes was not looking for a tax break. She didn't believe in them. She did not want a TIF from the City of Biddeford. We were not through negotiations and sadly she passed away. Because of the fiduciary responsibilities, we had a new set of players and the lawyers came in and said we need to change this now and we are looking for a TIF. I was on the city council and I asked how much Nissen's made. I am not against profit. This is the American way. They were looking for a TIF. I voted against that TIF. I am on record today as the only city councilor in the City of

Bideford who voted no. That is unheard of. Who would vote against a TIF?

The story gets better. Nissens was sold to another company, IBC. They came for a second TIF. Imagine a second TIF for the same company, but my city has never seen a TIF they didn't like. Yes, the TIF was granted. Not even a year had passed and they went on strike. That was just recently, not too long ago. They went on strike because they would not honor the contract that those men and women had signed. They had to stand in front of the plant. I am very glad today that I did not vote for that TIF.

There has been a study done on living wages. I will tell you who it affects. It affects working people, not people on welfare and not everyone on welfare isn't a working person. There are people on welfare who are hard working people who need help. I won't play that game. Living wage, men and women who can't make ends meet. There has been a study and if two people who work who pay rent, who need food, who have a car and not a brand new car, a car that you can just get around in, something that you can register and still get inspected, you need over \$11 to make ends meet in today's markets. That is what we are talking about. That is the living wage we are talking about. I urge you to support this legislation. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House. I have certainly enjoyed this debate and I will just share with you the debate on the Taxation Committee was just as lively. I think both sides have stated their positions very well on this issue, even though we have drifted at times onto the merits of the BETR Program and the minimum wage.

We are talking about tax policy here. We are not talking about tax giveaways. We are not talking about tax breaks. We are not talking about corporate welfare. We are talking about tax incentives that grow the economy and increase the revenue base to the State of Maine, creates jobs and encourages investment and now we are going to have these programs in place to encourage business and encourage growth in the economy and we are going to turn around to these businesses and mandate to them, in essence, what they are going to do with these tax incentives. They are going to address their wages and they are going to take care of a benefit package for other employees. I think this is labor policy. I think it belongs as labor policy. There is no way do I believe it has anything to do with tax policy. Thank you.

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

Representative DUPLESSIE: Mr. Speaker, Ladies and Gentlemen of the House. I rise a little bit miffed. We are hearing all of this debate going on and it only affects 22 employers, I believe, that the Representative from Calais spoke about. We are not talking about small employers. We are talking about some large employers here that get more than \$10,000 a year in value. We are talking employers that were mentioned. I will mention a couple of the companies by name, CN Brown, 733 employees, 80 percent are below what we are talking about in this bill. Another firm in York County, 104 employees, 93 percent below. I am concerned on what these employers are paying and would pay less if they could, but because of the economy, they have probably had to go up 5 cents or 10 cents an hour in the past year. We hear about how private business creates jobs.

That may be true, but let's remember labor creates all wealth, Abraham Lincoln.

May I pose a few questions? The good Representative from Yarmouth, Representative Buck, talked about double dips or not double dips. I guess I would like to ask the question and maybe I missed something here, is the politically correct term, dual utilization? I would also like to ask, how many here in this chamber would like their family members to be employed at these wages, not this so-called super minimum wage as we have heard it expressed, because I won't use the words super minimum wage, it is not even a basic wage?

The SPEAKER PRO TEM: The Representative from Westbrook, Representative Duplessie 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 question from the good Representative from Westbrook, my simple answer is he may call it whatever he wishes. While I have had the opportunity to stand on the floor a second time, I would like to respond to the good Representative from Monmouth when she discussed a constituent who asked her, what are you doing up there with my money? She gave her what I thought was an excellent answer. I also have constituents that say to me, what are you doing with my money up there? The simple and quick answer is, we are spending it, all of it. That is why we have the problem that exists here today. I believe in the proposition that this bill will reduce job growth and it will retard wages. If you consider that proposition, you might also want to consider what that New Zealand legislator once said, "If the truth of a proposition depended upon the number of people who believed it, the earth would still be flat."

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. I am going to borrow a phrase from my good friend from Durham, Representative Schneider, and say that I am probably whistling in the wind here. I think we all know where we stand. There are a couple of different things that have caught my interest. The concept that business pays people and people pay taxes, therefore, the long arm of business comes down to tell the representatives of the people what to do with the taxes paid on the incomes earned by the labors of our constituents is kind of interesting. I don't think it works that way. Previous speakers have painted a picture of business incentive programs as being a sort of lifeline for the poverty stricken in our rural areas. I think that is an appropriate analogy. I would like to take it a step further and ask what value is a 10-foot lifeline to someone who needs a 15-foot lifeline? What value are 100 10-foot lifelines, if what we need are 100 15-foot lifelines? I don't know exactly how we get there, but I think we either have to add five feet to the lifeline or we have to go buy some new lifelines. Either one, I think, is an option. I think what we are trying to do here is add five feet to the lifeline. Thank you.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. In response to Representative Buck and I have always wanted to rise to answer one of his questions and he does ask very good ones over the course of time, my answer to him would be in light of the last speaker, he should either phone a friend, poll the membership or ask for a lifeline. Thank you Mr. Speaker.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. This issue is important to me. I happen to run a small business. I pay a lot of taxes, as far as I am concerned. In looking at a publication, the economic development subsidies in Maine, which came out in 1999, there were companies filing disclosure reports for that period and there were large companies and there were some small companies and some of the large companies did lose jobs and they had received BETR and TIF monies. I look at that as a positive thing because you have to have investment to create jobs. I don't want to send the wrong message. There are other states who aggressively want Maine businesses to move. They spend money to attract our businesses to move out of state. Michigan is a good example. North Carolina is another one. It is tough doing business here in Maine. The taxes are way too high.

Just a couple of examples of the companies that had received TIFS and the BETR Program and others. Let me just mention a couple, LL Bean is one, a large company, they received \$838,000. They created 78 new jobs for an average cost of a little over \$10,000 per job. Poland Spring Water Company received \$311,000. They created 75 new jobs at a cost of a little over \$4,000. Franklin Saving Bank, which is up in my area, they received \$14,000 and they created seven new jobs at a cost of \$2,000 per job. New Balance Athletic Shoe, which received \$161,000, they created 142 jobs at a cost of a little over \$1,000 a job. I call that a pretty good investment. Hancock Lumber Company received \$19,000. They created 55 jobs at a cost of \$351 per job. I think that these incentive programs do work. I just want to say that in support of those programs. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I thought my second time speaking was a question, but never mind. Throughout this long debate we have heard no response to my earlier question about why this bill does not tend to exempt employment programs like welfare to work? Apparently that is an acceptable casualty to this level of public policy. We have heard no clarification about what you intended to do about businesses who will redirect businesses into salary in order to qualify? Apparently that is acceptable public policy also. Recently I heard another Representative in this body demonize, once again, we are very good at demonizing companies here, another company which is near and dear to my heart and that is Nissen's Baking Company. My father worked there for 50 years as a union employee driving a fork truck at Nissen's Baking Company. I, myself, worked there many summers going to college. They had a problem. They had to move. They were too large for their Washington Avenue facility in Portland. They could not expand the number of truck docks.

They could not back trucks off the street because Washington Avenue was too crowded. They had to move. They chose a location nearby in Biddeford with access to railroads so they could get their raw materials delivered. If this bill were to pass, they would be too close to the original facility to qualify for tax benefits. If this bill were to pass, then the state tax policy would be to encourage them to go 100 miles away. That way their employees at the old facility it would be uneconomical for them to commute to the new facility. When you are forced to move because you cannot grow and you make a perishable product and you can't ship it, you gotta move. You have to leave. You force them to go that far away, understand another problem with this bill, one of many problems, is you are forcing people to lose their jobs when they react to the economic reality upon them. Thank you.

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

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I think what we are talking about here is accountability. We are not talking about all these places we have been with all the debate. We are talking about accountability. I think our constituents demand accountability. We are using taxpayer's money. Recently we had a large firm by my district that wanted a TIF. The first thing that the town fathers asked me, was get the language out and let me take a look at what you put in statute so I have something to go by. We pull it out and there is no accountability in any of that. They look at me and say, what are you doing up there? No accountability, they don't have to create jobs. You don't have to keep jobs. This is a small step in the right direction so that people can go back and have some accountability. I would encourage you to vote for the pending motion. Thank you.

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

Representative **STANLEY**: Mr. Speaker, Men and Women of the House. You heard me a few days ago talk about some unemployment figures. Now I am going to give you some living wage figures in the same counties that are affected by the unemployment. In Aroostook County the living wage is \$6.77. In Lincoln County it is \$6.63. In Piscataquis County it is \$6.58. In Waldo it is \$6.63. In Washington County it is \$6.65. Ladies and gentlemen, the same areas that have the high unemployment also have the lowest standards for the living wage. I will tell you, the good Representative from Kittery talked about a tax policy. I feel I have talked about tax policy too, about targeting our tax policy. I think it is about time that we do some targeting of our tax policy. You take a person living in Piscataquis County at \$6.58 an hour. That is only \$260 a week. You take that person there if we were to create a tax policy where we can create \$6.58 an hour jobs where we can let people stay in these counties, live in the town that they grew up and raise their families where their mothers and fathers were born and everything. I think that this would be best step for the State of Maine. I will tell you that I live in a rural area and a lot of other people live in rural areas. When you have to go somewhere else to make a livable wage, you are taking away from the whole quality of life for that family, from the parents, grand parents, the grand children right straight down through. For \$6.58 an hour job in Piscataquis County, that is the average. You must know that we have a lot of jobs under that. I will tell you that anything we can do to help people stay in these rural areas and let them grow up with the life that they want to live, it is something in the right direction and our tax policy ought

to be directed in these areas that need the need. This bill here would help the people living in this area be able to say there. To me, that is very important. I will tell you, when you grow up in life, it feels like you grew up in a city or where you grew up, you want to live where you were brought up because that is where you were raised. If there is anything we can do to do that, it would be in the right direction. That is why I am supporting this bill. Thank you.

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

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I have heard over and over in the last, quite some time, that this bill will not affect small businesses. I would just like to say that to my mind that is not true. Let me illustrate the point. A business investing \$500,000 would fall under this bill. If they live in a municipality that has a mil rate of \$20, then their property tax is \$10,000 on that equipment. Five hundred thousand dollars is a lot of money in some ways, but it is not a lot of money to certain small businesses. It is a small business level of investment. This bill would most likely make the BETR Program unusable and prevent them from making this investment. This does affect small businesses. Let's not fool ourselves into thinking that it doesn't. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I do apologize for rising again. It is just that we have made this debate very glowable and the bill is very surgical. The bill does only address, currently, right now, roughly 20 to 30 companies out of the 36,000 businesses in the State of Maine. I don't know what might happen tomorrow, but that is what it does today. It doesn't affect LL Bean. It doesn't affect Hancock Lumber. They are not on the list. Let's talk about what it really does. It is about tax policy. I hear on the other side a great concern for small business. I have that same concern. I am a small businessman. It is implied for keeping wages low. Let's keep these wages low. With this bill, we are not stopping businesses from paying low wages. We are just saying that if you pay low wages, the worker getting them doesn't have to use his tax dollars or her tax dollars to subsidize his or her own low wage. That is what we are doing.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Very simply, we call an economic system where public funds subsidize publicly owned businesses, we call that kind of a system socialism. We used to call an economic system where public funds subsidize privately owned businesses, we used to call that kind of system, national socialism. Perhaps times have changed. Perhaps now we simply call it capitalism. Thank you.

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

#### ROLL CALL NO. 630

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

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

ABSENT - Bolduc, Bragdon, Brooks, O'Neal, Plowman, Sirois, Stevens, True.

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

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-637) was READ by the Clerk.

Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637) was READ by the Clerk and ADOPTED.

On motion of Representative CIANCHETTE of South Portland, the House RECONSIDERED its action whereby Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637) was ADOPTED.

The same Representative moved that Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637) be INDEFINITELY POSTPONED.

Representative SAXL of Portland REQUESTED a roll call on the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637).

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

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

Representative **CIANCHETTE**: Mr. Speaker, Men and Women of the House. I promise that I will be very brief. As you know, I didn't support the report that we just passed. In my opinion, the amendment that we are contemplating tacking onto this makes this even worse. I distributed a sheet last night. I know everybody can read. I hope you had a moment to look down through it. I would just like to say this, earlier in the debate the good Representative from Old Orchard Beach, Representative Lemoine, said that certainly DECD is a friend of economic development to this state. Colleagues of this House, this report that I passed out on a yellow sheet last night is the opinion of the DECD. They do not support this. They are concerned that this bill establishes two sets of requirements for

each program. It is going to create confusion, a lot of cost and uncertainty for both our businesses and maybe even more importantly, for our communities. Municipalities will be unable to develop accurate budgets because they are going to be trying to hit a moving target. Rural Maine will be further disadvantaged and their income gap will widen. Home rule and local decision making will be restricted. Municipalities will be pressured to take on more risk because they are not going to be able to count on the TIF agreements that they have in place because it is going to be a variable source of revenue for them and it is going to shift municipalities to relying more on general obligation bonds. I believe this is going to hurt workers. As this is amended now and I don't think we need to go through the details, it is going to give the businesses an incentive to take monies that were earmarked for benefits health insurance or what not and put it over onto wages. They may increase the wages to meet these new minimums, but with the law of economics at work, they are going to have to cut their costs somewhere else and they will do that. This is not in the best interest of the community and workers. I encourage you not to adopt this Senate Amendment. Thank you very much.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I am very sorry to hear people on the other side of the aisle say that this will not benefit Maine people. It will benefit Maine people. The companies that have already received the benefit and over \$10,000 are the ones that we are asking to now be responsible to their workers. I think just as the company officials who are able to say to the communities, we are here because you asked us and we are pleased about the tax benefits, can smile also to their employees and say that we are going to pay you a living wage as you are the people that are making this company successful.

In the communities where people go to buy groceries or go to get medical help, if they are receiving welfare help because their wage is so low that they are eligible, do not feel as proud to be living in those communities. I think that if people who work at the low wage jobs wore their vests, that say, I work at Wal-Mart or Rite Aid and I am here using my food stamps, we would realize in those communities who those other people are. I think that if they have to go and use the food stamps, remember we are talking about workers, just as we are talking about the businesses who are making the incentives are also working at those businesses. We have two groups of people. One who are receiving the incentives. What if we call that welfare and the people who are the workers and when they receive the food stamps they could say that is an incentive for you to keep working at low income. I think we would take another look, a big long look, at how many people are wearing the vests that say, I work at Rite Aid. I work for CN Brown. I work at Wal-Mart. I am a worker, but I am a poor worker. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 631**

YEA - Andrews, Bagley, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall,

Mack, Madore, Marvin, McAlevey, McKenney, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ahearne, Baker, Berry RL, Bouffard, Brennan, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Sullivan, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Bragdon, Brooks, O'Neal, Plowman, Shorey, Sirois, Stevens, Tessier, True.

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

68 having voted in the affirmative and 73 voted in the negative, with 10 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637) FAILED.**

Subsequently, **Senate Amendment "A" (S-689) to Committee Amendment "A" (S-637) was ADOPTED.**

**Committee Amendment "A" (S-637) as Amended by Senate Amendment "A" (S-689) thereto was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-637) as Amended by Senate Amendment "A" (S-689) thereto in concurrence.**

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

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

**ORDERS**

On motion of Speaker ROWE of Portland, the following Joint Resolution: (H.P. 1947) (Under suspension of the rules, cosponsored by President LAWRENCE of York and Representatives: AHEARNE of Madawaska, ANDREWS of York, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BOLDUC of Auburn, BOUFFARD of Lewiston, BOWLES of Sanford, BRAGDON of Bangor, BRENNAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, CAMERON of Rumford, CAMPBELL of Holden, CARR of Lincoln, CHICK of Lebanon, CHIZMAR of Lisbon, CIANCHETTE of South Portland, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CROSS of Dover-Foxcroft, DAIGLE of Arundel, DAVIDSON of Brunswick, DAVIS of Falmouth, DESMOND of Mapleton, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, ETNIER of



Harpwell, FISHER of Brewer, FOSTER of Gray, FRECHETTE of Biddeford, FULLER of Manchester, GAGNE of Buckfield, GAGNON of Waterville, GERRY of Auburn, GILLIS of Danforth, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, JABAR of Waterville, JACOBS of Turner, JODREY of Bethel, JONES of Pittsfield, JOY of Crystal, KANE of Saco, KASPRZAK of Newport, KNEELAND of Easton, LABRECQUE of Gorham, LaVERDIERE of Wilton, LEMOINE of Old Orchard Beach, LEMONT of Kittery, LINDAHL of Northport, LORING of the Penobscot Nation, LOVETT of Scarborough, MacDOUGALL of North Berwick, MACK of Standish, MADORE of Augusta, MAILHOT of Lewiston, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MATTHEWS of Winslow, MAYO of Bath, McALEVEY of Waterboro, McDONOUGH of Portland, McGLOCKLIN of Embden, McKEE of Wayne, McKENNEY of Cumberland, McNEIL of Rockland, MENDROS of Lewiston, MITCHELL of Vassalboro, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, NASS of Acton, NORBERT of Portland, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEAL of Limestone, O'NEIL of Saco, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PIEH of Bremen, PINKHAM of Lamoine, PLOWMAN of Hampden, POVICH of Ellsworth, POWERS of Rockport, QUINT of Portland, RICHARD of Madison, RICHARDSON of Greenville, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAMSON of Jay, SANBORN of Alton, SAVAGE of Union, SAVAGE of Buxton, SAXL of Bangor, SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIAH of Bowdoinham, SHIELDS of Auburn, SHOREY of Calais, SIROIS of Caribou, SKOGLUND of St. George, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STANWOOD of Southwest Harbor, STEDMAN of Hartland, STEVENS of Orono, SULLIVAN of Biddeford, TESSIER of Fairfield, THOMPSON of Naples, TOBIN of Windham, TOBIN of Dexter, TOWNSEND of Portland, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TRIPP of Topsham, TRUE of Fryeburg, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WILLIAMS of Orono, WINSOR of Norway, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BENNETT of Oxford, BENOIT of Franklin, BERUBE of Androscoggin, CAREY of Kennebec, CASSIDY of Washington, CATHCART of Penobscot, DAGGETT of Kennebec, DAVIS of Piscataquis, DOUGLASS of Androscoggin, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, KILKELLY of Lincoln, KONTOS of Cumberland, LaFOUNTAIN of York, LIBBY of York, LONGLEY of Waldo, MacKINNON of York, MICHAUD of Penobscot, MILLS of Somerset, MITCHELL of Penobscot, MURRAY of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PARADIS of Aroostook, PENDLETON of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, TREAT of Kennebec)

**JOINT RESOLUTION HONORING JOSEPH W. MAYO  
FOR HIS YEARS OF PUBLIC SERVICE**

WHEREAS, Joseph W. Mayo has distinguished himself by his leadership and countless achievements in state and local politics and by his service to State Government, attaining the

elected office of Representative from House District 80 in 1983, the elected office of House Majority Whip during the 114th and 115th Legislatures and the elected office of Clerk of the House as of October 1, 1992, where he has served during the 115th, 116th, 117th, 118th and 119th Legislatures; and

WHEREAS, Joseph W. Mayo's untiring devotion to politics and public service to the citizens of the State formally began when he was elected to serve out the term left vacant by the untimely death of his father, the Honorable James H. Mayo; and

WHEREAS, Joseph W. Mayo's dedication and commitment to representing his constituents earned him 5 consecutive terms as the State Representative for the citizens of the Thomaston area; and

WHEREAS, he earned a reputation as a tireless advocate for a modern corrections system, conservation and water quality protection and tax equity and as an outspoken supporter for his constituents and their issues; and

WHEREAS, well-known for his intellect and devotion to the legislative process, he is a leading parliamentarian in the State and Nation and a member of Mason's Manual Revision Commission, which is responsible for updating and editing *Mason's Manual of Legislative Procedure* used in state legislative chambers throughout this country; and

WHEREAS, Joseph W. Mayo has been cited numerous times for his outstanding accomplishments and efforts for the common good and betterment of others, and he is highly respected for his untiring devotion to his family, church and community; and

WHEREAS, always a team player, he is known by his colleagues for his good humor and quick wit; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, extend our heartfelt appreciation to Clerk of the House Joseph W. Mayo for his outstanding service to the citizens of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Joseph W. Mayo, his wife Rebecca M. Wyke and their children James, William and Katherine in a tangible token of our appreciation.

**READ.**

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

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

Representative ROWE: Mr. Speaker, Colleagues of the House and distinguished guests. First let me say that I believe this Joint Resolution is a total surprise to Clerk Mayo. We did not get Clerk Mayo's consent because we were afraid that he would not have given it. Today with this Joint Resolution, with this time and with our words we honor our Clerk of the House, the Honorable Joe Mayo. He is a man who cares for and loves this institution that we call the Maine House of Representatives more than anyone I have ever known. A man who has given as much of himself to this institution as any person who has ever served here. Colleagues of the House, Joe Mayo embodies all that is great about the Maine House of Representatives and Maine State Government. I know I speak for all of those, everyone in here when I say that. His professional sense of duty and purpose is unparalleled. His dedication and his loyalty to this institution, when I say this institution, not just the people that pass through this chamber, is total and complete.

Clerk Mayo's interest in politics began at an early age. He once told a reporter that he decided politics had to be important if his parents let him stay up past his bedtime to attend town

meetings and watch the national election returns on television. As you probably know, Joe is a loving husband of Becky Wyke, our Chief Deputy Secretary of State, and he is also a loving father of Jimmy, William and Katherine, a loving brother and friend to thousands of people. Joe is so proud of his children and if you spend just a few minutes listening to Joe as I have, you will find that out firsthand. He likes to talk about his children. He is so proud.

One of Joe's good friends and colleague is Millie MacFarland our Assistant Clerk of the House and also Rita Melendy, his assistant in the Clerk's Office. I would like to thank both of them for their help today. I would like to thank Millie especially for her assistance in preparing this Resolution. I would also like to thank the other members of the Clerk's Office for their outstanding service during this Legislature. I know that Joe would want me to thank them. Joe constantly reminds me that it is his staff that makes him look good. I know that the members of the Clerk's Office are indeed a close team. They work well under the leadership of Joe Mayo. We all work well together because of Joe's leadership.

As the Resolution states, Joe Mayo is not just a leading parliamentarian in Maine, he is also a national leader. Joe is a member of Mason's Manual Commission, which is a group of Clerks and Secretaries from State Legislatures who are responsible for updating and revising Mason's Manual of Legislative Procedure, which is used in Legislative Chambers throughout the nation. In addition to his service on the commission, Joe was also appointed as a principle member to the Executive Committee of the American Society of Legislative Clerks and Secretaries. I was talking to Assistant Clerk MacFarland about this and she told me at the society's annual meetings after the days work had been completed, Joe could always be found in the hospitality suite in the evenings playing a card game called Bourre, which I understand is a Louisiana style of cut-throat poker. Assistant Clerk MacFarland tells me that Joe saved his quarters and he carried them to the annual meeting for two purposes. First, just in case he kept losing and second, so he could make sure his friends had all the quarters they needed to play the game with him.

Colleagues of the House and other distinguished guests, we all know that Joe Mayo's years of public service are legendary. He spent almost all of his adult life serving the citizens of this state. That is a true statement. Almost all of his adult life serving the citizens of this state. Maine is certainly a better place because of Joe Mayo and his service to the State of Maine. We are all better people because of Joe Mayo. I could go on, but I want to stop and give others a chance to speak.

I would just like to close by saying that I consider myself one of the luckiest persons on Earth because I have been privileged to serve as Speaker of the Maine House of Representatives, but I consider myself even more blessed to have served as Speaker with Joe Mayo serving as Clerk of the House. I thank you Clerk Mayo and I thank you Mr. Speaker.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I am without notes before you today, but I am with a great deal of emotion and I hope that I can do this adequately. You can definitely tell a lot about a person by the friends that have. If you look around this chamber I think you will find a lot of people who think of Joe Mayo as their friend, as their mentor, as their colleague, as their leader and as their devoted husband and father. Joe Mayo is a caretaker. He is a person who lives with his heart and with his passion for life and with his intellect knowing very deeply in his heart what is right, but also knowing how to get there.

I think of Joe as a mentor to me in so many different ways from my first day in this chamber from talking about our dads and talking about our love of public service, our belief in this system and whether we have the red lights or the green lights and whether we prevail or lose in the debate about a sense of doing what is right.

Joe Mayo has lived his whole life in this chamber. As a child watching his dad serve here, as an adult as a rank and file member and as a candidate for the leadership posts, as a successful leader and as Clerk of the House. I, for one, in the greatness of this place it is a direct reflection of Joe Mayo's service here with His sense of decorum, his passion for issues and for details and for politics, his sense of fun.

Joe called me up the other night. He had gone home to get a little bit of rest after much prodding from myself, the Speaker, the Assistant Clerk and a half dozen other people. He called me up because he didn't want to miss what was happening on the floor of the House. He said, "Saxl, what are doing? Are you having a roll call on a motion to Insist for a Committee of Conference on the Brewer Band? You are not going to get out of here until July?" He said it with glee because I think different from each and every one of us in this chamber, I don't think Joe wants to go home.

I want to say that Joe Mayo is just about the best person I have ever had the chance to work with or to know. Seeing him with his kids, whether it is going bowling with KK and watching his son play Little League and go to the New England Championship or the pride in his eye on their accomplishments and the love in his heart for everything they do. It is what makes him a special person to me. There are many of us in this chamber who have been touched by Joe. In fact, I think, each and every one of us in some way. I know that I just wanted to have a chance to say publicly in this beautiful body, which reflects the passion of Joe Mayo wouldn't be this beautiful if Joe Mayo hadn't known that it belonged to be this beautiful. In this beautiful hallowed chamber I just wanted people to know that I love Joe Mayo. I respect him and I thank him for his great friendship to me and his leadership and his caring for me. Thank you so much Joe.

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

Representative **SHIAH**: Mr. Speaker, Colleagues of the House, guests, friends and family. I, too, want to take these few moments to thank Joe for his wonderful service both the Speaker and the Majority Leader have spoken eloquently. I know as a former whip when I got elected to this position Joe said, "The most important thing you can do is keep a bottle of Excedrin handy, because there are plenty of headaches with this job." He was right. Joe, I agree with the words of the Majority Leader about your caring for this institution, the value placed in it, working well and running well. I have been fortunate to work with

you over the last two years. You have given me a lot of advice in this corner on how to do things and how to proceed procedurally and I know you have to many members of the House. It has just been a real joy to work with you over the last six years and even previously to that we worked on some stuff as you well know. I, too, just want to say thank you so much, Joe.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. Unlike yesterday when I stood up for another member of this body, today I do have something to say. I think of coming to this body not having known Joe Mayo before I got here and soon joining in on his Wednesday morning classes to learn the House Rules and going on to the Joint Rules and Masons, but always remembering that the House Rules were the most important rules. In fact, Joe taught me something that I tried to help out on much to the chagrin of people on the first floor in the Revisor's Office and OPLA that despite the Joint Rules and the Senate Rules and Statutes and sometimes even pushing the Constitution a little bit, whatever the House wants to do, they can do. I have learned that from the master. He has taught me well and I have tried to uphold that tradition. It reflects on his opinion of the House of Representatives as the most important body in this state. Joe Mayo always has an opinion if you are interested in asking for that. He is always going out of his way to serve all of the legislators of this body. He always loves a joke. I think Representative Quint can attest to that. He is always caring about you and your family. He is always very loyal, always. Most importantly, he is always your friend and I want to thank him for being there. 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 have a lot of fun with Joe. Anybody who has seen Joe kind of duck behind his podium because he can't control his laughter understands that I have struck again. I think back to the first time I talked with Joe Mayo. After a lot of agonizing, I decided to run for public office. The former member of this body that kind of convinced me into that said that you really ought to talk to Joe Mayo. Joe knows more about public policy and the election process than anybody. You have got to call Joe. He gives me the number and I kind of prepare myself and I pick up the phone and call Joe Mayo. I said, "Mr. Mayo." He said, "Yes." I said, "This is Matt Dunlap. I live in Old Town and I am going run for the Legislature." He said, "Great, great. Nice talking to you. Bye." I sat there for a moment with a phone in my hand and I thought, what have I gotten myself into?"

I did get elected and I came down here and I realized after a couple of weeks when I was walking up and down the hallways admiring these photographs. I have mentioned this to a few of you. You know what I am talking about. I was looking at these photographs and I noticed they were members of past Legislatures. I thought isn't that nice. One day it kind of dawned on me after I sort of did the math and recognized a few of the later names that those were all Speakers of the House that probably within a matter of hours after I leave this chamber, no one in my district will remember me, let alone anyone here. It was a very valuable objective lesson because I realized it was a very liberating feeling that I could do what I felt was right without any political liability.

As I have been here over time, I have come to understand something and that is what this institution means in and of itself.

Joe understands that probably better than anybody. This institution itself is more important as the people's House than any of the individual accomplishments that we take home with us after session. We can all go home and say we got this bill passed or that appropriation for whatever in our district. The fact of the matter is that for the benefit of the people of the State of Maine this institution is where it really truly all happens. I think that Joe has a better sense of that translation of what happens here and what it means to the people of the state. In everything that we do, it makes the State of Maine and much better place. Just the whole sense of how this place operates is Joe Mayo, because he has helped make it be the way it is.

Certainly I would like to thank my good friend, Joe Mayo, for those lessons in what this place means and how we can really have a lot of fun in doing what we do. It has meant the world to me and I would not trade the experience of knowing Joe Mayo for anything.

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

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House, distinguished guests and Clerk Mayo. Yesterday in caucus I sat doing a crossword puzzle beside Joe Mayo. One of the blanks to fill in was, desert of Mongolia. I passed the paper over to Joe. He whispered to me, Gobi. That is an inside joke. I remember from the time that Joe was in the seventh grade he had always had a great affinity for things having to do with Mongolia.

I remember Joe as a fourth grader when he came into Thomaston Grammar School and then I believe he survived three years in my geography and history classes in grades 6, 7, and 8. Joe was always an encourager. I never saw Joe do anything that he didn't enjoy and others enjoyed doing with him. He was an inspirer right up through school. I still have in my possession at least one of Joe's literary works entitled, *How My Family is Surviving the Fuel Crisis*. As a token of my esteem and affection for Joe, I shall never show it to any of you.

Joe was in the Legislature before I was. I suspect he might have been instrumental in suggesting that I be asked to serve here. He was always a key figure in making sure that I returned and that I sat in the front near him because he knew I needed comfort and encouragement, which he has provided ever since. I think it is important to notice and observe, as others have said, because Joe is an encourager, because he is everyone's friend in this body, that draws us all closer together as friends of Joe Mayo. I am indeed very proud to wish congratulations and give thanks to one of my former students, Joe Mayo.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I first met Joe Mayo through his father. I think there are three of us sitting in this chamber today that served with your father. I actually knew about him before I came to the Legislature through my wife though seminars and conferences they had gone to. Her superlatives were that he is a good man and my experience was he is a good man. I believe here in Maine there are strengths in genes. I think a good father and a good son. I have always wanted to use this term, it is a new century and I am much older and you are much older, but I can remember you coming to the Legislature and you were a young "whippersnapper". That feels good to say that.

You served on Taxation and the 1980's were an awful lot like today. The money just kept rolling in, but no matter what the

session and no matter how much money we had Joe Mayo always had one or two tax increases he wanted to get passed. I always teased you that you never met a tax that you didn't like. You see him as a Clerk, very formal and a lot of respect. When you would get into a floor fight with Joe Mayo on the issue of taxation, he would beat you. In case you didn't know you had been beaten, he would come all the way over and tell you, how did you like it? It was kind of a one, two whammy.

As a teacher back in private life, I heard of the contest for Clerk. My reaction was good for you, because I knew the integrity that you would bring to it. The job you occupy is making the legislative trains run on time. You do that. We all come up here and we are prima donnas. There are 153 prima donnas in this chamber and we all like to say this place works because of me. In reality it is the staff and the Clerk that make the trains run on time.

I do have a problem though. You and I used to Joe and Tom. Since I have come back, you were so formal. I am always Representative Murphy and I keep saying Joe and you won't respond Tom in the four years that I have been back. Can we do a little trade here? I will start calling you Clerk Mayo. The affection our caucus holds for you, you know because you count the votes or you stand there and you see it when we elect the Clerk. There is just kind of a running joke in our caucus. If you win the House, you get to organize the House. The standing joke is maybe if we won 131 seats out of 151, we could organize the Clerk's Office. There is always someone standing there who says that Joe would still win. He will still get the votes.

I was asked by the press the other day as we have these closing hours of this session what advice I would give to you and what words I would have to say. It was, as you have done for all the years we have served together since I have come back four years ago, that you through your professional help work very hard on keeping me from making a fool out of myself on the floor when it comes to procedures and the tone. I appreciate the advice. This Legislature is going to finish its work and it is because you have helped us finish it. You have helped make this Legislature something we can be very proud of, Joe or Clerk Mayo. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House and guests that have joined us today. First I want to congratulate those who managed to make this a secret, because with Joe here it is very difficult to keep anything away from him from those of you who are aware. I first met Joe Mayo back in 1980, as I well remember and then, of course, when his father passed away he was one of those who chose to, luckily for us, to be a candidate for the Legislature. Then, he was elected whip and I, of course, at that point served as Speaker. He made sure that we lost no issue as whip. It didn't matter if had 91 or 97 members here, he made sure that we got every vote and tried very hard to make sure that we somehow would work out an agreement among ourselves so that the other party would be able to stay with their minority on every issue. One of the tougher ones I remember was a bill that we almost tried to repeal this year. It was dealing with little people who were married and their spouse earned money in New Hampshire. I am sure the Representative from Kennebunk remembers that debate and Joe won. Some of us weren't so sure about it, but we ended up being convinced that that was right.

When Joe decided to run for Clerk of the House, my one question was, remember you are going to a semi-nonpartisan office, partisan to be elected, but then you have to serve everyone. Can you do that after you have been whipped and whipping every member of the caucus? He said he could do that. I said that I wasn't so sure of that. After he served as Clerk, I became convinced that there was no question, in my opinion, he was serving them too well. I knew where Joe was coming from so, I felt that he was doing the job that he ought to be doing.

Masons was mentioned. Let me tell you a little bit very quickly. Masons was actually a privately owned Masons Legislative Document. The National Conference of State Legislatures decided that they needed to have a document and they purchased the rights to Mason's Rules and Procedures. You know them. The Manual of Legislature Procedure is, of course, now what we use. Joe is one of the first members of the Clerks and Secretaries around the country who volunteered to work on putting it together in some form so that it would continue to be a document. Of course, now there is a Permanent Revision Committee of which he has been a part of to keep it updated. They have never bought all the rules I wanted, of course. I tried hard to get them to agree to some, which didn't make it in.

Seriously, I think that what we have been able to have with Joe is really a dedicated staff, which he has been able to hire and keep and to make us look good, because that is really what happens. I want you to know that without Joe there that staff would not be the kind of staff that it is. Some of you may or may not know, but the University of Maine at Fort Kent is going to be giving Joe an honorary degree at its graduation on May 13<sup>th</sup>. I am going to take opportunity to invite you all to the graduation in Fort Kent on the 13<sup>th</sup> of May. We look forward to that day and we hope that as many of you who can come will come. I just want to say that I have been proud to be and continue to be his friend. Thank you Joe for the service that you continue to provide to the people of Maine.

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House and Clerk Mayo. The position of Clerk of the House takes much more than just simply parliamentary prowess. It takes great management skills, not only skills to manage all the employees and the paper in this body, but also to take care of the many small needs of all of us legislators. Joe possesses both those skills. As a member of leadership, I have been fortunate to travel some portions of the United States where we meet with other leaders from other bodies and from different states. There is always one name that comes up. We have our little nametags and we have Representative Richard H. Campbell, but there is this other item on the tag that says, Maine. After they get down through the formalities and they hit Maine they say, "Oh, you must know Joe Mayo." Joe Mayo is Maine. Joe, we truly appreciate your skills and talents. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House, honored guests and Clerk Mayo. Clerk Mayo lives about a street over from being my constituent, but I still kind of consider him one. I feel I need to speak on that reason and for many others. I am very honored to be part of this occasion and proud to know you Joe. Politics aside, except

during election time, you have always been there for me. You have always asked me if there is anything you can do for me whenever I am around your office you are asking me what can I do for you. I so often wondered how does he do it? How does he take care of the pins for the kids and how does he take care of getting this all in order and how does he do it all. I also believe your staff is a great part of that and I want to thank them also with this occasion. It is amazing the details, because I am certainly not a detailed person.

Your kids have been mentioned. Your family has been mentioned often here today and I believe they are here. I want them to know how very proud I know that Joe is of his family and his kids. I just can't express what we were dealing with when his son won the New England Championship in baseball a couple of years ago. I can't express the pride that I felt emanating from Joe. One time I saw him running across the soccer field running to one of the games in his coat. I actually thought it was my husband. He was running across. He had just got out of here and was running across not to miss it. It is a really scary thought if you weren't here, Joe, what would happen in parliamentary procedure. We have seen a few times this year that Representative Martin and you have gone at it. It is a real interesting thought to think what would happen. In regards to parliamentary procedure, you know it in and out.

I want to close by saying that speaking from my entire family, you know who I am talking about Joe, they give their love, their affection, their appreciation and we give our gratitude. It is an honor to know you. Thank you very much.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House and special guests here today and Clerk Joe and Becky. I stand up to thank Joe for the people of my district, which was part of your district. Joe represented District 80 and than we were redistricted and now I represent District 60, which does encompass Warren, which Joe had represented. The people of that area love Joe. I will tell you now the reason they are not here is because this building wouldn't hold them all, Joe. They would have been here had they known that you were being honored today. I also want to mention another role that Joe plays the no one has mentioned today and probably hasn't even thought about and maybe doesn't even know. You talk about Joe being the glue that holds this place together, I am telling you, you ought to see Joe when he moderates a town meeting. He has done that in Knox County for many, many years. Just the other day Joe and I were talking about had I attended a particular town meeting? I said, yes, I did. We compared some notes and I said it wasn't the same without you there Joe, but they did their very best. They didn't follow all the procedures that you would have, but we thank you from the bottom of our heart. Joe, I thank you personally for always remembering Bud when I see you and talk to you. Thank you.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House, Joe and honored guests. At one time Joe served part of my district in Rockland, as did Rita Melendy. Never a day goes by that I go to the store that somebody says, how's Joe? Please send him my best. From the citizens of Rockland, I send my love and thank yous. From myself, I want to thank you for guiding me along. When I first came I stood with a script in my hand that Joe had given me and I still didn't read it

right. Joe sat there like a teacher to a child urging me on and smiling and I want to thank you from the bottom of my heart.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House and guests. Those of you who were not here in 1983 don't know really the sense of fun that Joe exhibited in 1983. In 1983 I sat up in the balcony. I was not down here on the floor. When you sit up in the balcony, you see a lot of things that you people down here on the floor don't know that other people see. I remember when Joe Mayo first came to this body and he sat beside another young fellow, Jeff Mills, and beside them was a lady named Edie Beaulieu, I think. Poor Edie, they nearly drove her crazy. They had a lot of fun and sometimes I used to say to my husband, what about those two young guys? Are they paying any attention to what is going on here? They did have a lot of fun and then when I was elected it was the middle of the session and it was really wonderful, Joe, to come down here and find somebody I knew that could tell me what I was supposed to do once I got down here on the floor. I have really appreciated all of that. Thanks a lot Joe.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House and friends. It doesn't seem that I ever knew politics without Joe Mayo in the middle of it. The good thing is he has been a friend to all of us for a long time. When I look back I have been through four Speakers, but one Clerk. I have been through three co-chairs on Labor, but one Clerk. I have had two Governors, but one Clerk. Joe it looks like we are going to graduate together. I want to thank you for your sense of style, I am not talking about your haircut. We all know the good Representative Quint helped you get that haircut. We will thank him later. You have a style and a grace that we desperately need in this body. You are always ready there with a bit of humor or to comfort or some compassion when we need it the most. I thank you for your friendship. I thank you for overlooking my faults when people try to report me and pointing the finger back at them. I thank you for your dedication to your family, not only your personal family at home with Becky and the children, but your dedication to every one of us here in this body. I thank you for your advocacy for your working members in the Clerk's Office. I want you to know that I thank you from the bottom of my heart and I love you very much. Thank you.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. I am fortunate enough to have inherited a town called Friendship from Joe. It is a mixed blessing really. Friendship would want me to thank you, but I also wanted to say it for myself that I think when I came up here to run, unlike the experience of those on the other side of the aisle, Joe was here. In fact, I think it was staged. Marge Kilkelly just happened to be sitting around ready to talk to me and encourage me. All the way through when I was working to get elected, he said, "Run hard, run strong, knock on the doors, don't be partisan, be yourself, be honest, don't run a dirty campaign." I appreciated that and then when I got here like all of us, I think, in this body, we look to you for support and two things I want to thank you for specifically. One, when I would be having trouble sometimes trying to decide how to vote, I would ask Joe. He would say just be sure you can sleep at night and you will know that you have made the right

decision. When I had to choose between Friendship and Monhegan, two of my districts, any of those people that were here then know how difficult that was. Joe said, "If you vote the way that you know you should vote, you will be reelected. You can be honest about the stand you take." I thank you for that.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. When I first got elected, we were taught the rules of decorum. One of the rules is that when you are in the chamber and you are at your seat you have to vote. We are reminded of that constantly by the Speaker to check our switches. The first part of the session didn't seem to be a problem, but this year a number of times I have been told to look up and have caught the Clerk looking at me and whispering to me to vote. I gotta tell you the reason I haven't been paying attention is because it is your fault. Let me tell you how I am going to pin this on you. My seatmate here the good Representative from Auburn, Representative Bolduc has been having classes with you a number of Wednesdays and learning about the parliamentary procedure and all of the different rules of the House. There is nothing more exciting than somebody who is brimming with new knowledge. One thing they want to always do is share that knowledge. I have been the recipient of your teachings to the Representative here from Auburn, but as a result he is so excited and so anxious to share what he has learned from the previous lesson that I get somewhat distracted. Not only do I thank you for imparting your knowledge through your student to me, but also for keeping me in check and reminding me when to vote. Somebody who has a great deal of knowledge and somebody who knows a lot often times they don't make the best teacher because they forget what it is like to know the knowledge for the first time. They forget because they know it so well. I think what I appreciate most about you and your ability to teach is it is as if you are teaching it for the very first time. For me, as a freshman, I certainly can't speak for the freshmen, but I can speak for this freshman. I appreciate that more than you will ever know. For that, I thank you. Thank you Mr. Speaker.

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House and distinguished guests. I distinctly remember Clerk Mayo when I was a freshman in the 113<sup>th</sup>. He was running for House Whip, I believe, at the time. He was very persistent and he kept going around and I told him I wouldn't make up my decision until the day that we came in to be sworn in. I happened to go downstairs to the Hall of Flags and he was sitting there. I went up and told him that at this time I would not be supporting him for the Whip position. The following term when I came back in the 114<sup>th</sup>, I did support the good Representative and I can honestly tell you right now standing here and with a little historical perspective for the members that were here at the time and the good Representative Murphy from Kennebunk was saying that Clerk Mayo is cool, calm and collective. I can honestly say, ladies and gentlemen, he was truly the lightning rod down there in the corner for the Democrats. You could hear the thunder roaring down through the chambers, but when that bolt struck, look out, because Joe had hit his mark.

I would like to thank Joe for his friendship over the years and his great inspiration to all of us in this chamber and not only

here, but for the people of the State of Maine and the people in the United States of America where the good Representative from Holden said that his name has been brought up at numerous times. There is one thing that I would like to say to Joe and his family and to all of us here and the people of the State of Maine, Tina Turner has a saying, "You are just simply the best." You are simply the best, Joe. We appreciate your dedication and loyalty to the people of the State of Maine. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I first met Joe Mayo 10 years ago. He may forget that time. That was in Rockland. It was during the platform negotiations. It was quite an experience for me to spend a weekend in a conference room with Joe Mayo. He got a little edgy once in a while, but people gave it back to him. He took it and he gave it back. We formulated good policy I thought. I respected what he had to say and I have enjoyed my association with Joe Mayo for the last 10 years. I see a former Clerk behind the glass and I want to tell you that for Ed Pert, I may be speaking for Ed Pert and I may not be speaking for Ed Pert, I think I am, but both of us are proud of what you have done in your political career. I want to thank you for all your kindness that you have shown me in the last 10 years.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would be remiss if I didn't say anything about my good friend, Joe Mayo. As many of you are aware, Joe and I are both of Irish dissent and the way you can always tell an Irishman is he calls me Johnny and I call him Joey. I remember in 1986 when my Irish flag that was in my office was flying over the State House and every reporter in the State House was asking me what happened. I didn't know, but I told them to go see Joe Mayo. Joe told me he didn't do it, but Joey, I bet you were the culprit.

Joe and I are probably the only ones that cry when Representative Tom Kane sings "Danny Boy" off key. I served with both Joe and his father along with Representative Murphy and Representative Martin. From my recollections, I think that Joe Mayo was the first majority assistant that called himself the Majority Whip. When I ran for the other body 15 years ago, Joe was the first one to come up to me and tell me that I had made a mistake. He told me that John, you are a man of the House, as I am. He was right. I remember the time six years ago when I considered running for this body again. I was very undecided. I think Joe Mayo was the one who encouraged me to run again. I also remember the time when he brought my desk to Sanford on a Sunday. He didn't have to do that, Mr. Speaker, but Joe Mayo did in his own time. I can also remember with fondness the times that Joe always enjoyed killing my bills when they appeared before the Taxation Committee when I was in the other body. Joe, I thank for 20 years of friendship and for your good sense of humor, thank you my friend.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I have heard universal love for Joe today, but the first time I ever heard the name Joe Mayo happened to be on an August day probably 20 years ago when there was a Special Session going on and I stopped in here to see a friend as I was

heading back from Auburn. This was late in the afternoon. It was a beautiful day. A young Representative by the name of Mayo was jerking everybody around over something to do with the prisons. I sat out on the porch back then, the righteous could go out there and have a cigarette, and there were truly several out there that were who were ready to throw him off the deck. He was playing with parliamentary procedure. As we all know, we certainly thank him for his abilities in that. It has helped a lot of us through our first years as I am sure the good freshman from Eagle Lake will say, it has probably eased his way through. My good friend from Sanford said something that I was going to say and used a term that I was going to use. I certainly can't stand term limits. I was lucky. I was here for the last group when they left. There were several people here who had served a long time and had been truly special folks around here. When I go, I will think of a handful of them and the good Clerk as truly the Men and Women of the House.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I, too, had the honor of serving with Joe Mayo. I got to tell you that unlike the good gentleman from Sanford, Representative Tuttle, Joe, you never told me I was making a mistake when I went down to the other body. I think it is time to dispel the rumor, because I have been telling all of you I served with Joe Mayo in the House and privately I have heard he has been denying that. However, that is true and you served the citizens of your district and the state with distinction and like your father. God bless you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. Last year when we were about to be sworn in, my folks wanted to come and watch the swearing in, but they had a couple of health problems that required some special seating arrangements. I didn't think much about it, I gave them the Clerk's number and I said he will take care of it, I am sure. Sure enough they had a decent seat up there amongst the crowd. It was really overcrowded. I went up afterwards and I was talking to them and I asked if they wanted to meet the Governor? There are a lot of notables around here, maybe you can meet the Speaker of the House or the President of the Senate or the Chief Justice of the Maine Supreme Judicial Court. Their eyes lit up and they said, "Where is Joe Mayo?" I don't know what you told them, but it must have been good.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House and guests. I have had the privilege of to know Joe Mayo long before I served in this body. I remember when Joe was first elected in 1983 because I was around representing the fire fighters. I was often here. The good Representative from Portland, Edie Beaulieu, sat beside Joe. Edie was like my adopted mother. There were times when there were some labor bills that I might have been concerned with. I could always speak with Edie and I could say so and so is with us and I always knew that Joe Mayo was a loyal friend to the working men and women of this state.

Over the years I have really got to know Joe from the other side of the doors. Last year there was an issue at one time and I just made a comment to Joe and it was a partisan comment. Joe said, "Bob, I am nonpartisan, I have to be fair to all." I really

appreciated that. I very much watched him this past year. He does operate very much nonpartisan. He is very fair to everyone. That is a really good trait. Joe, someday the Supreme Being will say, good job faithful servant. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House and friends. Joe came to the Legislature in 1983 just shortly after I did. I have known Joe for a number of years. I am going to tell you the side of Joe that is a little different from what we have heard here today. My first year on Taxation, which is the early '90s, Joe came up to me with a bill. He said that this is a good bill, would you cosponsor it with me? I glanced through it and knowing Joe everyone said how honest he was. I took their word for it, so I cosponsored the bill. I thought it was kind of odd nobody else was on this bill, but Joe and I. The day came for the public hearing on the bill and Joe came up and said, "I have to be in a certain place. I can't make it to present the bill. Would you do it?" I said, "Sure." I walked into the Taxation Committee and the room is full. There is not even standing room. I went over to the chair and said, "Why are all these people here?" He said it is on such and such a bill. I said, "You are kidding. No wonder Joe couldn't be here." I got up and presented that bill and in my breath I said, "Joe Mayo, I will crucify you so help me God." I was sputtering under my breath. When we got through I said, "You can do with this bill what you want to." Joe, I swore I would never forgive you for that, but I have forgiven you and I do love you. I wish you the best.

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

Representative **USHER**: Mr. Speaker, Men and Women of the House and guests. It goes back to 1980, I can recall serving with his Dad, Representative Jim Mayo. After the passing of his dad, we had a collection to help this young "whippersnapper," as Representative Murphy called him, to get elected. We passed the hat and raised a few funds and Joe came up here with a lot of spirit. He showed it and he still shows a lot of spirit. I remember all the good times and I really thank you for working with the Little League in the community activities and helping all the freshman get settled in this big body. That is what they really need when they get up here. A lot of them don't know which end to go on. Thank you for helping the other end of the hallway get started. I know the Secretary is down here asking for advice all the time. You are very helpful. I have seen many occasions that we go in recess and we check with Joe. He is helpful and we greatly appreciate all you have done for the State of Maine.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House and Clerk Mayo. Images jumble through my mind today of experiences I have had in this House while working with you Joe. One that especially stands out was the morning after committee announcements had been made under Speaker Gwadosky and I had been named to the Committee on Appropriations and Financial Affairs. I was a little nervous, but kind of excited. I encountered the Clerk and Speaker Martin and they were laughing at me and now I know why. You have been a steady friend through turbulent times and always had words of comfort and solace when things were not going well and deviously funny when things were going well. You are a joy to know and work with. We are all very lucky. We love you.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House and distinguished guests. Joe Mayo, my friend. The most significant thing as I am reading through all of these is I haven't really known you for a long time. I know that we have lots of connections that go back into the middle of the '70s through our affiliation with CYO and all of those things. That connection has run though up until today. In fact, we were talking about it at lunch. Your friendship and support of me has been considerable. I have lots of funny stories to tell and if anybody wants to hear them, I certainly would be happy to share them with you.

On a serious note, many times when I have just sort of shaken my head and said I can't do it anymore, I have always gone in, closed the door and sat down and you have talked to me and told me why I need to continue to do the people's business and how important that is. That is something I will always remember. One of the things I always joke about ever since I got here, when I see Joe, I always go Joe, you are my favorite Clerk. I always say that because he is my favorite Clerk. He always retorts and says, "I am the only Clerk you have ever known." That is true. I guess I just want to say in closing, Joe, you are my favorite Clerk.

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. Mr. Clerk, when I was still in college, I came up here because my parents thought it would be a good idea to see just exactly what I was getting into. I drove up here late one night after squash practice. It was late in the evening. I had been kicking around this idea of running for the Legislature. It happened to be the night that we were running the table, the Legislature was running the table. I sat up there and I watched as the Clerk and Speaker Martin ran the table. Anyone who has seen that happen, massacring bills under the hammer, sounding like two Martians who speak French in an auction debate. I walked outside and I got on the phone and I called my father. I said, "Pops, I don't understand what they are saying." He said, "Son, this is policy. This is statutes." I said, "No, I don't understand what they are saying."

Through the shuffle of what we do here day to day, I think one of our biggest faults as a group is that we underestimate how much our colleagues and our friends mean to us, both while we are here and the impact they have on us when we go home. The other day I was sitting with my great friend, from Orono and we were talking about how we couldn't believe this gravy train of fat paychecks and high life was going to come to an end shortly. We said, "Why do you think it is difficult?" I said one of the reasons is because we grew up here. People come in with different challenges. I am lucky. I don't have to be away from a family at home like the Representative from Harpswell has too. We all have jobs and different things that tug at us. One of the challenges that I think you have when you come in here when you are young and right out of college is you are struggling to become a man or a woman. In life, I think God does us favors. He gives us beautiful views. He gives us beautiful experiences. He gives us beautiful people. Joe, when I ran, I knew you. Before I ever even thought about running I knew you, because I knew the promise of who you were. I dreamed that I would meet people that were fair, passionate, like to have fun and like to goof around, were non-partisan. I always envisioned and dreamed of

that promise. If I had only walked in this building and you were the only one here, that promise would have been met. Thank you for doing that word that is on the board today justice. We use it every day here. It is the word honor. It is both a verb and a noun and it never works unless you have both. I just want to thank you for helping me become a man and all that you have done. I love you Joe.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House and Clerk Mayo. My mother had the honor of serving with you for many years. She wanted to be here today, but she can't because she is working for Drew Ketterer. When I was elected many years ago at the tender age of 21, I was very scared. The hard part was getting elected, but then when I got here I realized it only got harder. I was scared of parliamentary procedure. I was scared of lobbyists. I was scared of the Appropriations Committee. I was scared of the House Pages that hung out in that Page Cage in the basement. You never really knew what they did. I was very tentative. I knew that my mom had always taken care of me. I said to her, "Mom, I am really scared. I can't go down to Augusta and be in the Legislature with these experts, these people who are all policy experts and people who know about every issue and people who know how to get elected and win by landslides." She said, "No, you got elected and you won by a landslide. Don't worry. I am not worried about sending you to Augusta at all, even though I am your mother and I want to protect you, because I know that Joe Mayo is there and he will protect you." You have. I am no longer scared and I know that the people of Maine are so well served by this body because of the emphasis that you have put on strengthening and improving the Legislative Branch. I know that the Chief Justice is here and the Governor was here earlier and they are branches of government are special and important in their own ways too. The Legislative Branch is so much improved because of you and your knowledge and your protection of it. I just want to thank you for helping my mother and thank you for helping me. I love you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House, honored guests and colleagues, especially Clerk Mayo. I just want to say a few words, because the good Representative from Orono has reminded me that we all have our own personal thank yous to give to you, Joe, but I would like to speak on behalf of the election class of 1994. There are a lot of us in the room today that came in here six years ago. I believe we were the largest new class of freshmen that the Clerk and all of his staff had to deal with. I remember feeling in a lot of ways the same way Representative Stevens felt when she came here many years ago. We were all told time and time again by lots of people when we are asking questions not to worry. If you had to get up on the floor and ask to have a particular piece of legislation tabled or set aside or a sentiment that you needed to express later in the day, week or even the month, Clerk Mayo and his staff would always be there to give you your little scripts. You never had to worry. Sometimes even with the script, as had been referred to before, we misread them, but we were always prompted to do it again. Would the good Representative like to repeat that motion? Joe, you have been just a wonderful help to all of us and especially to our big class of 1994. We can't thank you enough.



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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House and distinguished guests. I rise this afternoon to honor Clerk Mayo. As Representative Davidson and Representative Stevens has pointed that they grew up in this body. I grew up since I was 10 years old and my father was first elected here. I remember when I first came down here to be an Honorary Page when the Representative from Eagle Lake was Speaker of the House and Mr. Pert was Clerk of the House. It seemed like an auction to me. Every time when Speaker Martin slammed the gavel, I must have jumped 15 feet. When I came down from a school function, everybody asked me what is it like to have a parent serving in the Legislature? It is very rewarding. You never know what is going to happen because everyday things revolve around everybody in the Legislature. Working as a part of the Chamber Staff five years ago, it doesn't seem that long ago, with Clerk Mayo and running around doing the duties of a Page and seeing the loyalty of Clerk Mayo to both sides of the aisle. It is just astonishing to anyone who works for them, no matter if you are a Democrat or Republican, he is always fair. He is always willing to give the extra hand that you need. When I decided to run in place of my father who got termed out, he was always there to help me if I had any questions. We are talking about Representative Dunlap sending down jokes. When I was up at the podium yesterday afternoon Representative Dunlap sent down a joke and Mr. Mayo just keeled right over and just started laughing. I thought Mr. Mayo was having a seizure and I was scared to death. When I saw Rita run over to him and then Millie, I really got scared. What do I do now? Representative Saxl was on the phone and I was waiting for him to get off the phone just in case anything would happen. It is good to see that laughter is still a big enjoyment of the Clerk. I would personally like to thank you and so wouldn't my father who served with you and having the friendship that you brought to us. Thank you Mr. Mayo.

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

Representative **MADORE**: Mr. Speaker, Ladies and Gentlemen of the House. I should probably reintroduce myself. I am better known as the thorn in Joe Mayo's side. I will tell you why. In my first term we happened to have a break. It was a long debate and it was at night. Joe and I happened to be talking about something and Joe decided to share with me that he and his wife had just bought a house in Augusta. I said, "Where is it?" He told me the address and he was smiling. I said, "Oh, you are going to be my constituent." Joe was smiling the whole time. It was a smile like someone had just driven over his foot with a truck. The whole time I kept thinking he is thinking right now, how can I physically move that house across the street? Sorry Joe. Then there is campaign time when everyone would say to me, God they are calling me to run against you. The more I go I kept hearing these people over and over again saying how they were called and called. I thought I am going to get tee shirts that say "Just say no to Joe." They said it was you.

Partisanship aside, there is common ground. Joe's love for this institution is, I think, in his blood. He loves this place and about two years ago Joe and Millie and the former Speaker Mitchell, who is up in the gallery, and I had the privilege of serving on the committee that restored this chamber. I would say to you, look around today because all over is the handprint of Joe Mayo. As we begin to restore this building, you should

understand that the pride that I hope the people of Maine will feel when they come to visit this place is all due to Joe and the feeling that this place needs to have new life breathed into it, take pride in it and share it with everyone around them. I think the other thing that I would want to say is that this year I have watched through your illness and how you have dealt with that. I was reminded of a poster that I had in my room back in high school. It was a picture of a runner running down a road all by himself. The caption was, "The race is not always to the swift, but to those who keep running." I would say to you, Joe, I wish you the courage to keep running. Thank you.

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

Representative **BOLDUC**: Mr. Speaker, Men and Women of the House. Good afternoon Joe. I didn't know that we were doing this for you today and I know I said I would be here by 11:00 this morning and it was 3:00 before I came in. I was sitting here today and I wanted to take the opportunity to thank you for some of the things that you have done for me while I have been here. I wrote some of them down to kind of keep track. I want to thank you first for the classes you have been giving me in parliamentary procedure. It has been of help in understanding what occurs in the House. Things are more interesting as a result. Thank you also for reminding me of the session times and letting me know what times during the day we were going to meet. Thank you very much for looking the other way with the phone bill last month on the state credit card. Thank you last year when I had to have my nomination papers in, I had a few hours left and the City Clerk in Auburn was giving me some difficulty, you called and straightened things out rather quickly. When I got back you told me my rear was grass if I did that again. Most of all thank you for looking the other way as well this past year regarding the speeding tickets, which have piled up. I wish you had that kind of influence with the Auburn Police Department. Thank you very much.

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

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House and Clerk Mayo. It is a hard act to follow. In the interest of full disclosure, I should say something from the Republican side of the aisle about similar. No, not a speeding ticket. Three years ago Joe asked me to step into his office. I am going to have to breach his confidence to repeat this story and I hope you will forgive me. It wasn't election season, it was the first session of the 118<sup>th</sup> Legislature. I just had an interesting phone call from a constituent. He didn't tell me who it was or what town or what party. The fellow had said that he had just moved to Maine and moved into my district and was looking for work and wanted to know the details for running for the Legislature. I thought it might be good for him. Joe wanted to give me a heads up and he explained what he told them. I asked Joe if this person was going to be a threat? He said, "No, he didn't ask me, but I volunteered and told them how much you made and he said forget it." The long hours that we all put in here are double when it comes to the Clerk and his staff. I want to thank Joe's wife and kids for sharing Joe with us and allowing him to come and work very, very hard for us for all those hours that he is not home when he has been here attending to the people's business. Thank you.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House and Joe. One of the things that I wanted to thank Joe for is his advice since I have had the honor to chair Taxation. There are constant reminders. I am glad to see there are members from the other body here that the other body can initiate bills that generate revenue and how we have to deal with that constantly, it seems like, in our committee. One of the things that all of us have to do in being a Citizen Legislature is balance the time that we have here and balance that with our full-time jobs and with our families. As most of you know, I have a young family. What I have learned is that you can't segregate the time. You can't say this much time for family, this much time for your job and this much time for public service. It ends up being somewhat of a blend. I really want to thank Joe for allowing that to happen and for allowing his staff to let that happen. You see my kids down here paging and my wife sits up in the gallery once in a while. I get to spend a little time with my family. They are starting to enjoy what goes on here. It is hard to believe. In allowing me to communicate with my office and allowing us to be a true Citizen Legislature because there are many of us who could not serve if we had to segregate because there just is not enough time. I would like to thank you, Joe, for that and for your friendship over the last few years. Thanks Joe.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House and Cousin Joe. Actually there are many people I tell that to that believe it. I have to correct something that the good Representative from Sanford said earlier this afternoon when he equated the fact that Cousin Joe is Irish. He is a little, however, when I first came here six years ago we talked about having a similar name. Joe told me something that I have remembered. He said that he was really Portuguese, 90 percent Portuguese and 10 percent Irish. We said that we forgive him for that if it was 10 percent with maybe a little more or a little less. He said when his forefathers came to this country, they had difficulty, the people in immigration, had difficulty spelling and pronouncing what the name was. He doesn't, I think, really know the full derivations of it. Some Irishman who was copying down the names decided that Joe's name would be Mayo and that is what has carried forward to this point. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. There have been many wonderful tributes to Joe today. Joe, you deserve them all. I just want to salute you and thank you for the shared laugh, good advice and council and for the good fight that we fought. Thank you Joe.

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

Representative **COTE**: Mr. Speaker, Members of the House, guests and friends. I, myself, was going to hold back and wait, but I got thinking that when I first ran in 1998 and I got elected. When I won the primary, the first chance I got to meet Joe and Millie was at the Candidate College. It was with my friend Dave. He is a good friend of Joe's. Everybody wondered who beat Tom Shannon. Everybody heard Bill Cote. Who is this Bill Cote? Nobody had to ask me who I was. Joe knew who I was, because he saw me come in with Dave. Nobody can get into those Candidate Colleges unless you are elected. It is to know the ropes. That is when I first met the House Speaker and the former House Speaker. Everybody is asking around, who is this

kid that beat out Tom Shannon, the only incumbent to get beat out? Joe says it is this man right here. This is Bill Cote. Everybody kept asking me, are you Connie Cote's son? I said, "No, but her son is Bill Cote." When I started to say that to everybody, Joe started to laugh and said, "They have different middle initials." That is when I first met Joe. Joe and I became good friends ever since. When I was in a jam or I was in trouble or I had a problem, he was the man that could straighten it out with me. Joe, I thank you for being there for me.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I just wanted to go on record to tell Joe that I love him and to tell you that you are not holding this House together with glue. You are holding it together with my gum. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

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### SPECIAL SENTIMENT CALENDAR

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

#### Recognizing:

the following members and coaches of the University of Maine Hockey Team, the Black Bears, who made it to the 2000 National Collegiate Athletic Association Division I Hockey Semi-Finals: A. J. Begg, Ed Boudreau, Trapper Clark, Kevin Clauson, Niko Dimitrakos, Robert Ek, Captain Ben Guite, Barrett Heisten, Chris Heisten, Doug Janik, Martin Kariya, Dan Kerluke, Captain Cory Larose, Lucas Lawson, Captain Jim Leger, Robert Liscak, Cliff Loya, Anders Lundback, Magnus Lundback, Peter Metcalf, Mike Morrison, Justin Payson, Tom Reimann, Michael Schutte, Gray Shaneberger, Matthias Trattinig, Eric Turgeon, Captain Brendan Walsh and Matt Yeats; Assistant Coaches Grant Standbrook, Gene Reilly and Dave Bauer; and Coach Shawn Walsh. We acknowledge their excellence and extend our congratulations on their achievements;

(SLS 513)

On **OBJECTION** of Representative STEVENS of Orono, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House, Coach Walsh and Black Bears. Welcome to Augusta. We are grateful that you have taken the time to come here today to celebrate with us on your excellent season. During the final games, we were with you. We were watching the games and we were celebrating and suffering as we reached the end of the season. We have supported you completely and we are very proud of you. As the Orono Representative, it is a distinct honor to represent you and I wish you well in the future. For those who are graduating, I hope that you will always remember me. Thank you.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, thank you for coming down today. It is a pleasure to have you back, yet again. This is becoming a very happy ritual. You know, what you do and what we do or at least the end result of that is not very far off. What you do is you represent the University of Maine and you

represent the University of Maine to a great many people. I am reminded of that in my capacity as assistant director of admissions as I travel all over the Northeast. I am reminded of just what an impact you have. I am not sure that you are even aware of it. People come up to me all the time from all over and they say, Orono, the Black Bears. That is due in large part to you. I thank you for your sportsmanship and the way that you carry yourselves both on and off the ice. Congratulations on a fabulous season. I was unable to serve as honorary coach this season, but as an honorary coach I am 2 and 0.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House and our beloved hockey team. I would be remiss if I didn't stand to congratulate you as a former president of the University of Maine and now a proud alumni. I was happy to watch you make our college look great and make our little state shine. You did an excellent job. I was very proud of all the work you did.

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. I have watched the program grow over the many years under two great coaches, Coach Jack Simler and Coach Shawn Walsh. To establish any team in one year and then to become consistently competitive is one thing, but to show consistency in a national level is a tremendous feat. The Frozen Four is the ultimate experience for any college team. You have been there many times in the past and we look forward to you being there many times in the future. On behalf on the Penobscot Valley, we are proud of you. On behalf of all the citizens of Maine, we are proud along with you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I was talking to my colleague, the Representative from Topsham as we waited for folks to filter slowly back into the chamber after our wonderful honor for my friend Clerk Mayo. I saw you patiently in the gallery and waiting in the back of the chamber. Representative Tripp said to me, "Don't worry about them. They are used to this. They waited through those four overtimes of the St. Lawrence/BU game. We appreciate your patience, your determination, your focus and your leadership in our communities, as well as on the ice. You have made us all very proud of your efforts. Coach Walsh, I salute your never ending desire to win and the leadership you have instilled in these gentlemen. I thank you for all the kids on the ice who see you everyday and think of you when they try to do a little bit better each day. You have been a great role model for them and for all of us. Thank you for your great efforts.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. You may note that there are a few chairs empty today. There are distractions that take us from the body. Last time I saw this many empty chairs, they were in front of a large screen TV that happened to work its way into the building and we were watching you guys play hockey. There are distractions that take us from our work. Some are better than others.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. You may be aware of the fact that I am a strong supporter of the Black Bears. I just want to thank you for the thrills you have provided us and for the wonderful entertainment. You are just beautiful on the ice. I must say at the beginning of the season, you had me a little worried there, but you can be very proud of what you did. You are our Hockey East Champs and you did very well in the frozen four. We are proud of you.

**COACH WALSH**: Thank you Speaker Rowe and members of the House. We are obviously very pleased and privileged to be here. I am glad that we got here early because it was a real privilege for us. I think it was a learning experience for our guys in the theme of citizenship to listen to the tremendous honors of Clerk Mayo. I think it is only fitting since his son won a New England championship, one of our players here last night was named First Team All New England and we are going to ask Doug Janik from Massachusetts to present Clerk Mayo with an autographed stick from our team this year. Joe, thank you very much for what you have done for the State of Maine. Congratulations to that young Mayo up there that looks pretty darned proud. Speaker Rowe, I know in your job a big part of it is saving people, saving times, saving bills and saving things like, so it is only appropriate that our goal tender that made all those saves down the stretch run, gives you an autographed stick from our team as well. Matt Yeats, if you would come up and present one of our sticks to Speaker Rowe. Thank you.

I think each year that our program has had success and has grown things never cease to amaze me and whether it is Representative Saxl's 60 inch TV screen here in Augusta or the thousands of people who were not from Orono, but were from the State of Maine that were down in Providence last week when we were down there. It was the city and the streets were taken over by Black Bear fans and we would ask around and they were from Millinocket, Presque Isle and many, many from Portland. It stuns me to see our impact in the state. Fox TV in Portland asked me the day after our loss, our loss wasn't a loss, it was the end of a journey. It was a terrific journey. I don't look at it as wins and losses. He asked me what do you think this team is known for? I thought for a second and I said two things. Number one was resiliency. Number two applies to your mission. It is this trophy right here. Jim Leger right over here was honored and named last Friday as college hockey's top citizen. He was the best citizen across the country in college hockey for what he does in the State of Maine away from the rink. He ran the Toys for Tots campaign in our area. He got our whole team involved. He speaks to schools all over the area. He goes out and talks to kids and he is constantly mentoring kids. He is tutoring fellow students. I think this team has embraced the model of helping others and of serving a mission. Someone mentioned to me, as the flag ship school for the university system, the one thing that separates us is public service. That is a huge part of our mission that goes a lot further than goals, assists and saves. We are real proud of that. We are very proud to be here today. Thank you for bringing us up here and if I can ask for one second, I want you to meet Jim Leger. He is college hockey's finest citizen. Jim, would you say a word or two to the House.

**JIM LEGER**: Thank you Mr. Speaker and the House. I would like to say how appreciative we are of the team and the coaching staff for you to honor us today. It is great to have so many supporters in the State of Maine. When we were standing up top we had time to hear everyone speak for Clerk Mayo. It

just shows the passion that you have here for him. That is the way we want to try to play the game with passion. It is definitely one of those things that everyone has and thanks for having us here.

**PASSED** in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1665) (L.D. 2334) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1121)**

On motion of Representative **KASPRZAK** of Newport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Could the chair of the Judiciary Committee kindly explain this bill? Thank you.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. In response to the good Representative from Newport, the chair would move that this item be tabled until later in today's session.

On motion of Representative **THOMPSON** of Naples, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

The following item was taken up out of order by unanimous consent:

**ENACTORS**  
**Acts**

An Act Concerning Fingerprinting and Background Checks for School Employees

(S.P. 987) (L.D. 2540)  
(C. "B" S-692)

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

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I appreciate the opportunity to stand once again to oppose Committee Amendment "B." After the vote was taken, several people did come up to me and said something very important. Representative McKee, my conscience was tweaked today. I didn't ask them if they wanted to change their vote, but I know exactly what they are saying. Let me talk to you just for a few minutes about something that I didn't talk about before. Fourteen thousand Maine teachers have already submitted to

fingerprinting. Many more are to come. I believe they are part of not a vocal minority, not 40 or 50 people who crowded the Education room, but they are part of what I call the bedrock of the educational community. They are the rank and file. They are the plotters. They are the folks who have accepted learning results, mainstreaming, learning disabilities, technical prep courses, AP courses, design teams, quality of learning, performance portfolios and you name it. These people are here for the long haul. They are here for the long haul because they care about kids more than themselves. There has been no polling of all members and I think that is very important. I don't see our desks besieged with pink slips. I don't see or hear the evidence of those rank and file teachers calling you constantly. They are not outside our doors. Why? Because they are going about the business of Maine education. They are quietly doing what they have always loved to do.

I would equate the institution of teaching to my own marriage, the institution of marriage. When you meet someone and you are attracted to them, infatuated, you get to know them and pretty soon you fall in love. We fall in love with the profession of teaching too. At some point we decide on a serious relationship with teaching. After a while, teaching, like marriage, has a certain saneness to it, a certain predictability and sometimes there are shifts. Sometimes there are changes. Conditions change, we reexamine our initial decisions. Our relationships with teaching, but if that relationship to teaching was founded on a serious commitment and a deep and abiding love, nothing short of something cataclysmic will tear us away from our marriage or tear us away from teaching. I will admit that a small number of teachers have decided that fingerprinting is that cataclysmic condition.

There were many conditions of hire when I started. Would I be willing to teach this many classes and this many students? You know, that changed over time. Five classes became six one year and it became seven another year. Yes, our negotiating team could say you don't really have to teach six or you don't have to teach seven. Folks, I know most teachers say I know I don't have to, but I will because I want to offer that poetry class or that chemistry class or bio-ethics or whatever. Conditions of hire change. Our populations swell in our schools and we have kids in the classroom. Class numbers grow and all the many, many reform changes that we have gone through, those were not part of condition of hire. I am telling you that in teaching, it is a matter of constant change, much like marriage. People change, conditions change, but if you have that deep and abiding love for the profession and you have the serious commitment to it and you care about kids most, you will put kids first and you will stay in the relationship.

The rank and file, I believe, I could be wrong, because I haven't polled them either, but I believe that the rank and file are doing what they have always done. They are looking at it and deciding that kids are more important than they are this time. I used to play a lot of bridge and my favorite expression of late has been, kids safety trumps teacher's civil rights if that is what the problem is. Kids safety and kids themselves trumped teachers. Perhaps an up or down vote on fingerprinting would have had more integrity, but I do believe that this amendment is a flawed compromise. It lacks fairness. It is a concession to a tiny minority of our profession. I would urge you if your conscience has been tweaked, it has been tweaked because something inside of you is saying that maybe she is right. Vote

for the rank and file. Vote for those of us who know that as always we put kids first.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I am not going to change any minds. I don't intend to. First of all, again, I will start with a disclaimer. I am a public school teacher. I have always put kids first and I continue to put kids first. I am somewhat insulted that rank and file are not putting kids first and I consider myself rank and file. Yesterday I tried very hard and I will try again to articulate the real concern I have about kids and this law. We are going to go home, pat ourselves on the back and say aren't we good. This will look really good for my reelection because we protected kids. I want you to know that as a rank and file person who has given up a better financial career in sales, we haven't done anything for kids to protect them. Until we change the law that demands that no sweet deals are made when allegations are put forth to students. We move those teachers someplace else and until we have enough people in DHS to investigate the claims that those teachers put forth. We have done nothing. My fear is that once again the Legislature will start to do something and tell everybody out there how great we are and children will continue to suffer.

There is a resolution being put forth by Representative Trahan from the other side of the aisle. I strongly support that, but I haven't seen an outcry here from this body to support his resolution. Let's start a task force. Let's do some other things. Let's not just pass a law and say put it on somebody else. I care about kids. I have put kids first my entire life. What I have seen and one of the reasons why I ran for this office is because too often administrators, lawmakers and everybody else starts a job and leaves it half finished. Regardless of what happens today, A, B or current law, your work has just begun. My fear is from what I have heard that the big thing is how this vote comes out.

My conscience is tweaked a little when we believe we are successful and we haven't even started to look at the problem. I am the one who sees those children come in. I am the one who listens to those children. A child that doesn't have the homework and just as you are about to really rag on them, you see the eyes tear up. You step outside and they tell you about their uncle, their father, their mother and the beatings. Don't tell me I don't care about kids. Don't tell me 24,000 teachers don't care about kids. I implore you to not end this job. There is nothing else on the horizon and all we have done is much like I heard about those protective orders is we have put out a piece of paper and we have demanded a vast majority of absolutely qualified school personnel and we say, there, we have protected our kids. It is a fallacy. The job isn't even half done and we are leaving. Another Legislature sits here and we have hidden the fact that we haven't gotten to the true thing. Won't we look good when we run for reelection? We saved children. The decision is yours. Let's start with new hires. Let's put forth Representative Trahan's order and let's make a commitment to those of you who win election, come back here and to those that don't, work on the outside. I happen to think that children are more important than just one law. I hope you think about it.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. When I voted for Committee Amendment "A," I never believed in my mind that this was the answer. I never believed

that by supporting Committee Amendment "A" that we were solving all of the problems of abuse to children in the State of Maine. This bill is not about me. This bill not about getting reelected in November at all. You know what, I don't take great comfort that we have to pass this bill, at all. If it does pass, I still won't feel comfortable because this is not the end of what we need to do. It is true Representative Trahan has put in a resolution to deal with domestic violence and things that happen in homes. We are talking about things that happen in the school and we are talking about things like students that have improper relationships with people who are in positions of power.

We have to be vigilant about protecting the children of the State of Maine. There are lots of solutions. I can tell you that this discussion has not ended with regards to policy. Anybody who votes for this thinking that they can clap their hands and walk away from this, they are sadly mistaken. Because this is such a big broad based issue, we have to attack it a piece at a time. Because it is overwhelming and because it is something that we haven't talked about, we need to move forward because it is a very sensitive issue. I just want to go on record by supporting fingerprinting for teachers is not in any way absolving myself of the responsibility of trying to protect each and every child in the State of Maine. Those are my motives. I also want to say from my own personal experience that this does happen in schools. It happens on school buses. It happens in cafeterias. It happens on the way to school. It happens on the way from school. It happens while you are being tutored. It happens while teachers are giving you a ride home or picking you up. It happens. I know it happens. This is not about teachers. This is not about a single solution. This is about protecting kids. That is it. Those are my motives. I just want to be clear about that.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I beg you not to rescind the order. We have a compromise after a long debate. We are going to fingerprint new hires. After all the sound and fury, it seems to me that is a pretty good compromise. I do agree with Representative Trahan that we should look into child abuse. As a teacher and I think I qualify as a rank and file after 36 years in the classroom, there are hundreds of cases of sexual abuse reporting and they don't have enough policemen. They don't have enough Department of Human Services to investigate them. That is where we ought to move into. At least you have the new hires and probably they will come from out-of-state or whatever and that gives you some protection. This thing needs to be calmed down. I disagree with the good Representatives that say a lot of rank and files don't care. I am not sure that is true. I think they are stirred up. They are upset and they are angry. I have got e-mails from all over the state. I beg you not to do this. All it is going to do is stir up a hornet's nest and for what purpose? For nothing. If you really want to do something about child abuse, let's investigate the cases. There are hundreds of them in Portland. I have turned in a couple in myself. They don't have enough Department of Human Services, not enough policemen to investigate. That is where the problem is. Please consider your vote very, very carefully. Thank you Mr. Speaker.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. As I was riding in this morning in my

truck and listening to the radio, I was listening to a talk station and the announcer at the station had asked a question and someone was supposed to call in and give the correct answer and the person that called in was a teacher. They got the answer right and then the conversation continued and come to find out, the teacher was going to be fingerprinted today. The announcer asked him what he thought of the idea. His answer was, I think the teaching profession owes it to the parents of the children in our schools to guarantee as best we can that we are not a threat to those children. He had no problems with being fingerprinted today. Thank you.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I just would like to respond to a statement that was made a couple of speeches ago. He talked about compromise. This is a compromise. Ladies and gentlemen of the House, when it comes to a child's life, a child's mental well being, I am not willing to compromise. As I have stated before in my other life, I am a registered nurse. I have been nursing a long time. I have to tell you that of all the things that I have dealt with, I have worked on an ambulance. I have worked in an operating room. I ran an emergency room. I worked in critical care. The most horrible and horrendous experiences that I have to deal with that have left severe lasting impressions in my mind, is dealing with cases of child abuse, both physical and sexual. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. The cases that had piled up in the Department of Human Services, I think there were upwards of 3,000 that have all been investigated. The department found the money. We do not have that pile up that you have heard about. That is not to minimize the enormous problem of sexual abuse cases and child abuse and neglect cases that we have in our state. I welcome Representative Trahan's commission. It will focus anew our energy and our intelligence on this incredibly urgent issue, but I would also not forget the wonderful work of the Can Councils that we have in Maine that have been working for a long time, the Child Abuse and Neglect Councils. They have been at work. It is not as though many good people have not been working on this issue.

My concern about this compromise is that first of all, it is inconsistent. Report "B" imposes a burden only upon new employees seeking a license. It unfairly singles out new hires for suspicion. Report "B" purports to protect the rights of existing employees and union members, but it ignores the rights of nonunion members. Report "B" is inconsistent because it leaves it to each individual school superintendent to decide whether a veteran employee who transfers ought to have a background check. Report "B" is not a worthy compromise because it is incomplete. While it concedes that child safety is important and that adults with felony convictions should not work in our schools, it does nothing to guarantee the safety of existing employees and allows any existing employees with a criminal record to keep working without a background check.

Men and women of the House, in the last 10 years through sheer luck and good fortune, the department has learned about 42 of our people working in the schools who have prior convictions. Twenty-seven, three-quarters of those were guilty of sexual assault. We found out about those cases in this state

through sheer luck. We cannot leave the protection of our children to such a random happenstance. Fingerprinting is the only way to guarantee that we do not have personnel, custodians, bus drivers and all the others along with teachers in our schools who have previously pawed a child and been found out.

We fingerprint bank tellers to be sure that they have not mishandled our money or mishandled any money previously. Surely we need to fingerprint those to whom we have entrusted our most precious possessions or the future of the human race. Our children, our young people, to be sure that those individuals have not previously miss handled children. We require, of course, fingerprints for those who guard our prisoners because they have no choice but to be there. Our students have no choice but to be there. Parents have no choice but to send them there unless they home school. This is not a choice and we must respect that reality.

We have talked a lot about the imprint of the finger and what that means in terms of rights of the individual. I want to say to you that the imprint of sexual assault or inappropriate sexual behavior from a trusted adult has a far longer lasting imprint. I have a daughter who was raped three and a half years ago by a stranger. Her recovery is markedly faster than my 14 year old daughter who was assaulted by a trusted person. It has taken her 10 years and more and she is still recovering. She trusted this person. We have put her in that adult trust. I have to beg you please understand that while fingerprinting might not be wonderful, the imprint of sexual assault is absolutely devastating. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I want to make three comments and there are three technical comments about Committee Amendment "B" that I think every member of this body needs to be aware of when we take the vote. The very first one and the most problematic part of Committee Amendment "B" is that it gives superintendents the authority to order fingerprints and background checks on a case-by-case basis. That means under Committee Amendment "B" everybody who is currently a teacher is exempt from fingerprints and background checks. However, if a current teacher were to move from their current position and seek employment in another school district, that superintendent could chose to have that potential employee fingerprinted and a background check. If another person who is a current teacher and went to that same school district and sought employment, that superintendent could decide not to have that potential employee fingerprinted or have a background check. That is clearly discriminatory and we have had, as you saw yesterday, a letter from the Maine State Police that said the FBI will not conduct background checks or allow fingerprinting under those types of circumstances. This is a significant flaw in Committee Amendment "B." I think most people would agree, regardless of what you feel about fingerprinting and background checks, that it is unfair that one employee could be fingerprinted and another one could not. It is a significant flaw.

The second issue, as currently drafted, Committee Amendment "B" says that on application for a job, you have to be fingerprinted and have a background check. Everybody here knows that when you apply for a job, you may have 20, 25 or 100 applications, but only one person gets the job. What sense is it to have 99 other people fingerprinted and have background

checks at the application for a job when only one person will get the job. That clearly does not make any sense.

The last and third flaw in this amendment is that if a superintendent chooses to exercise their discretion to have somebody fingerprinted or do a background check, they have to pay for that. What incentive then is there for a superintendent or a local school board to do that fingerprint or background check if they are going to have to pay for it? I would offer to this body that Committee Amendment "B" has three fundamental flaws as it is currently drafted, one of which is so significant that both the Maine State Police and the FBI have said it is unworkable.

Lastly, I just want to make one other quick point. The Representative from Bangor, Representative Baker, has already made the point. Some people have talked about the fact that there is a backlog in the Department of Human Services of child abuse cases and that number that has been given is 3,000. That is a number from 1997. As of November of last year, there were zero cases of child abuse that had been reported to the Department of Human Services that had not been investigated. Thank you very much.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday I tried to point out some of the misgivings that I have, not only about this bill, but about other actions we have taken over the past few years that indicate to me that we may be headed in the direction of a police state. I want to take this time now to say that being opposed to a police state does not mean that I am not supportive of the State Police. I do appreciate the State Police and if anyone took offense at my comments, I apologize for that because I am very supportive of the State Police and appreciate a letter I have on my desk expressing their thanks to me for my support of the bill. Do not confuse supporting the State Police with opposing a police state. Another point the good Representative from Portland just brought to our attention that I had planned to mention yesterday, but thought you had heard quite enough from me is the absurdity of thinking that a law somehow becomes more palatable, more acceptable, if everyone has to obey it. A stupid law is a stupid law whether 50 percent are forced to obey it or 100 percent are forced to obey it. There is nothing that corrects a law about making it enforced uniformly. I think that is a poor way of thinking.

Mr. Speaker, I would like to pose a question through the chair to anyone who may be able to answer it. I have heard several times that other occupations here go through background checks and fingerprinting, such as bank clerk. I wonder if there is a specific place in Augusta where those files are kept on bank tellers or other occupations, if there is a central file for all these people who are fingerprinted and have background checks? How does one get access to these files if they do, indeed, exist?

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

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. I will attempt to answer the good Representative's question, no, there isn't a central repository. In one of my other lives, I used to fingerprint people for industry. People who get fingerprinted are insurance people, people who are selling securities and exchange or selling something that they call

insurance, but really are security exchange banks, obviously law enforcement. What happens when a commercial entity has their employees fingerprinted? Those prints are sent to Washington DC because the FBI won't do a criminal records check, which is different than a criminal background check we heard of yesterday without fingerprints because there are too many John Smiths in this world. The only way they will verify that if someone actually has a history is if those prints match. Those prints come back and are maintained in the employees personnel file. If I am a person selling securities, I move to another business, I can transfer those over as a true and attested copy and have them sent back in. As far as law enforcement is concerned, I am not sure whether they are maintained at the academy or not. I do know that law enforcement fingerprints, just as military fingerprints are maintained by the FBI. There is a central repository there. I hope I was able to answer your questions.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I would like to address many of the issues that were brought up today, but first, and I think one of the most important, is what the chair of the committee brought up earlier and that was the flaws in the bill. This flyer has been on our desk all day. When he brought them forward, they were concerns to me as well. I went and I retrieved with the very fine work of one of the aids in our office and all of the policy for every state in the nation that does fingerprinting. What I found was that the other states, they don't do the transfers. What they do is they fingerprint their teachers at the time of hire or at the time of certification. They do it all kinds of different ways. The one that stuck out the most was at the time of certification or if teachers left their state for five years or more, then they would have to be re-fingerprinted. More importantly, I now have all of the information that is necessary to fix all of the flaws in the bill, if they are there as they have been proposed. I have already talked to the other body about fixing those problems. I believe that is a non-issue now that we have all of the information. If need be, I will fix them myself in this body or I would be willing to provide that information to anyone in this body to fix the problem.

I ask you, are those same people that bring up the concerns, do they want to solve these flaws and problems or do they want to derail this bill so we can return to what they want, which is to fingerprint everyone? I say to anyone in this body on the other side of this issue, if you want to solve these problems, come to me and we will do that. I have everything we need right here.

The second thing in that handout, something that when I read it, it jumped at me. I said, Wow! I would like to read the unworkable section of this. "The FBI standards will not permit background checks to be done at the discretion of the employer because of concerns of discrimination between groups." Is the State of Maine employers of teachers? Yes. We are the employers of a lot of people. You could say that about the State of Maine if we just fingerprint teachers, are we not discriminating against one group of people? It says it right here on this paper. The FBI standards will not permit background checks to be done at the discretion of the employer because of concerns about discrimination between groups. That is the danger, again, in this bill. I am telling you if you pick out one group and you say they are more of a danger than another group, you are discriminating. As many people have told you in their testimony, this is going on everywhere and in some places a lot more than in schools.

Parents, relatives, close family members are where the vast majority of abuse is occurring.

Some people spoke and said things like the bill is flawed or we can't do transfers. It is prejudice to do it to just new hires and all kinds of different things about why we can't pass this legislation. I say to you we must pass this legislation that is on the board today because I am now convinced that because of those people out there in other states where this has already passed, I see that as a danger for those people to come here. I say we should pass this legislation of new hires to protect us from these people coming in. I have not been convinced that the teachers that are in our schools and the support staff are any greater risk than anyone else. Again, I am going to agree with Representative Sullivan that this is a problem everywhere. We need to address it everywhere.

Now I am going to tell you that probably in politics this isn't something that most people do, they don't give their legislation away, but I am going to right here and right now because I think that protecting children is far more important than getting credit for legislation. I have already submitted legislation and if I am not elected, God forbid, I ask you and this body to pick this up and go with it. Put a title in or whatever you need to do. When we get information from other states on child sex offenders, that information is delivered to the State of Maine. We don't have in place a way of cross-referencing that person's file with their licenses that they have in the State of Maine. They may have committed a crime in Florida and come back to Maine, but they may still hold a childcare license. I submitted legislation so that when that is delivered to the State of Maine to put in place the department or the resources needed to cross-reference that with people's licenses so that if they are in a high-risk area, we can yank their license. I have also put in legislation that would create lifetime supervision of sex offenders. What that would do is if a person has committed a crime against a child, they would not just be sent out into the public, this came from Oklahoma law, by the way, this study commission that I would propose, I will tell you a little bit about it. It was downloaded and sent to the Oklahoma Governor because they were so impressed with what I was trying to do. When the Oklahoma Governor gets this legislation, his office sends me back an e-mail and says that we have some legislation that might be of importance to you. This is what we are doing with lifetime sex offenders. What this legislation that they have given to me would do is it would not just release these people into our society, but it releases them into our society in little bits with state supervision. It helps them get a job, but more than that, it tracks them every inch of the way. It even includes polygraph tests in time to ensure that they will not commit this crime again. If they do, it will show up on the polygraph. I can tell you then that those people will not live a pleasant evening any night of their life. They will be followed. They will never commit crime again.

It is this type of thing that we need to do. We need to stop this horrible crime everywhere that it exists. We need to educate our children everywhere that they should not be touched in this manner. They should be aware that there are people out there. I will rap up here pretty quickly. I am sorry.

As you know, this is a pretty passionate issue to me. I followed this for a long time. I am very, very close to this issue for my own personal reasons and that is as far as I will go with that. I will guarantee you this in this room, fingerprinting these people randomly or taking a whole group is not going to stop the problem. A lot of people here have said that it won't stop the

problem and it might just save a few. I am sorry, but I am not happy with that. I want legislation that really goes after the problem and saves a lot of people and stops a lot of problems.

Representative BAKER of Bangor inquired if a quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. I won't belabor the point, but I would like to make a couple of points. Report "A," which is what we are looking at now is schizophrenic. I think it is schizophrenic because we are trying to do something short of doing what I think is right. If it is good enough to check the backgrounds of new hires, then it is good enough for everyone. This is not a bill about civil rights, invading someone's privacy or a police state. This is a bill about keeping children safe. We have to start somewhere. Let's start here. We have a captive audience. We have a captive audience in our schools because we require these children to go there. If parents won't send their kids to school or provide an authorized sanction alternative education, they are held responsible, criminally or civilly.

Let's talk about some figures. The Department of Public Safety told the committee when we asked them about this, what percentage of background checks for employment come back with a history? They said standardly about 15 percent. Probably half felony and half misdemeanor. Let's just look at the 10 percent figure with 45,000 teachers, 10 percent would be how much? Forty-five hundred. Let's take it down to 1 percent, 450. Let's cut it to half of 1 percent. It would be 225. If we give the professionals the benefit of the doubt, but this group of people the benefit of the doubt, if one-half of one percent of our teachers failed a criminal records check, that is 225 teachers. Let's just say that one-third of them are sex offender convicted. Let's say another one-third are drug trafficking convicted. That is all pure conjecture. That is 150 or 200 people teaching who lied on their certification application that they had no criminal history, which is grounds for removal or are not proper people. I don't think anybody in this room wants a convicted sex offender teaching a child nor does anybody in this room want a convicted drug trafficker teaching a child. Those numbers are real. The purpose of this is to shield our children who are sentenced to a 13 year sentence of education, which we hope they will extend to four more, from a group of people, not the group of people who are dedicated and not the group of people who spend their lives helping children to learn and grow but to a small group of people whose only interest is being near kids for one purpose and you know what that purpose is.

My sister-in-law is a master teacher. She is a state certified master teacher. I went in education early on because I wanted to emulate her. She would come home and spend two hours every night preparing for her second and third grade classes. She was a master gardener. She loved those children as much she loved her gardens and she treated each child in her classroom as many master teachers in this state do, as an individual entity. She fostered them and she helped them grow. She provided them with nutrition. She provided them with goals and allowed them to stretch, but her number one goal was to keep them safe.



Who speaks for the children today? The Parent Teacher Association, Maine Superintendents Association, Maine Principals Association, Sex Abuse Council throughout the state and at least half this Legislature. I would hope the whole Legislature would speak to the children today. We are not after teachers. We are trying to protect and shield children from a very, very small class of despicable people who, not anybody in this chamber, I believe, would allow them to teach or be near children if it was in your power. It is within our power tonight to remove them from those trusted positions. It is not a witch hunt. It is a safety check. It is a fire drill. It is a fire drill to keep our children safe. Anything short of that, I don't believe is fair to those children.

Representative SAXL of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I did not participate in this debate yesterday. I thought that Representative Davis from Falmouth who was a 36-year teacher said part of what I wanted to say. The Representative from Kennebunk said the other part, but maybe it needs restating. Before I do that, I would like to attempt to answer the three questions posed by Representative Brennan of Portland in regard to the flaws in Committee Report "B." The first one he mentioned was that the superintendents would now choose. If they had a new hire, they are going to choose who they are going to fingerprint. To me, that sounds like local control. Superintendents can make that choice. On the other hand, I don't think they will make the choice. Any superintendent would be a fool not to fingerprint because if someone comes and they weren't fingerprinted, a new hire, and then something happened in those classrooms or elsewhere, his head is in a big noose. I don't believe that choice is really going to be a choice. I think it is not going to be may, but shall. I think that will be done.

I think they also understand the reason, may, was in there was it was part of the compromise because on new hires, if you had shall fingerprint, then you have a mandate and the dollar signs turn up and you will have to pay for that. The second point that was made about the flaw on this bill said that all applicants would have to be fingerprinted. We had a bill here about lie detector tests and one of the things the State Police said was maybe it wasn't a good test, but what it did was people thought it was and it didn't apply. I would suspect that fingerprinting is probably a better test than a lie detector test. I don't believe that if someone has criminal background of some sort that they are going to walk in, new applicant or not, and say that they will be fingerprinted. I think that is a fallacious argument. They aren't going to apply. Why would I apply?

The third issue is a little bit weaker, but as I understand it, the superintendents have to pay. I believe that was the comment. That could be written is as part of doing business. I guess the other comment I would like to make and I have seen old newsreels of things that have happened in the past with hysteria in the country and I am sure you all have too. The language sounds strangely familiar to me. I am sure it does to you. I am not old enough to remember some of this, but I have seen the newsreels. The language of the debates, you listen to it. People know school systems sweep things under the rugs, deals are

made, we know. Teacher firings, we sweep it under the rug. They move on. Representative Murphy used that language saying that if that is being done at the superintendent and principals level and school committee level, then they are not doing their job. You come to the state to do their jobs. That language bothers me. It bothers me when I hear teachers quoted and say that we know there was something funny about that person. If they knew there was something funny about that person, where were they? Did they stand up? Are they not an accessory to a crime if they knew? I have heard it said many times that a teacher would be happy to rid the classroom of child abusers. We can all agree to that. I get upset when people are talking in that language, as if someone in here would be in favor of child abuse. I know we counter that no one wouldn't, but you are throwing the mud out there. To me, that is sad.

I have heard this figure thing again. I like numbers. We had a figure given of 15 percent of 45,000 or whatever it was. Ten percent of that is 4,500, by the way, the number of people who had felonies and misdemeanors. Who knows that? Is that the teachers or is that a block of people that live someplace else? I have a great deal of trouble with that data.

Yesterday I had some questions that I jotted down as we went through this. Before I come to the questions, some of which may not be pertinent anymore. I would like to say that as a practicing teacher for 30 years, at the end of my career, the last 10 or 15 years, schools were very aware of what was going on in society, if you will. I have heard it said here. Teachers were reporting child abuse, but also in the schools that I taught in, we were never to be alone with a child. Representative Skoglund talked about how things have changed. We kept the child for detention and the doors were always open. I coached a sport. We made sure there was always backup, if you will, for that individual. When you live in northern Maine, parents pick up late at night. We were never alone with children. I think you will find that, at least in our schools, that was a backup. You were never alone with a child. You never touched a child. Representative Skoglund referenced that too and I think it is very, very sad. My comments from yesterday, it is a sad day and people said that. This is a sad day when you cast aspersions on whole group of people. I have heard people testify as to how hard teachers work. They do.

I did this yesterday and I think I might as well put it on the record. The basic premise, I think we all understand is that, they want a suspect, but we don't say that. We know there are only a few in there. They are mostly males, I guess, whether you are age 21 or 61, a first year teacher or a 21 year teacher, a proven teacher, it means nothing. He has the work experience, but it means nothing. Church membership in the community means nothing. Volunteer firefighters means nothing. Working in town government means nothing. Military service means nothing. That is what you are talking about, these individuals who are teaching and teach our kids and I have known many of them.

The question I had, I think "B" is a good compromise. The question I had and I guess one of them is a technical question, what happens to prints of retired teachers if this went through? I had a question of are people taught to recognize pedophiles in the schools? You are taught to recognize everything else. You are taught to recognize child abuse. Shouldn't that be part of the training for teachers if we are trying to combat this thing. The other question I had and I am actually repeating myself, I have heard it said that teachers would be happy to get rid of classroom child abusers, which, if you will excuse me, are you

still beating your wife and please don't throw things at me. That is an old saying, it is probably not politically correct anymore. Do they have a specific person in mind when they are saying those things or is it gossip in the classroom? I propose we stay with the "B" as the best compromise that can do something good.

I might add one other thing, five years ago I heard it said that over half of the people of the State of Maine were within five years retirement. Five years have gone by. I don't know what the average age of the teaching force is now, but I would say it is rather high. I think you are going to be scrambling to get new teachers in and this bill talks about new hires. Thank you Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. The debate yesterday focused on three areas. I think areas that we need to address. The confidentiality laws, we heard an official set of figures and then we heard members talking about an unofficial set, which tells me that we heard comments made about the deal or sweeping under the rug that under the confidentiality laws, too many people aren't being prosecuted. Too many people are being allowed to walk and we hear that the previous employer can't say anything about it. That is a problem, not just for education, but for nursing homes and group homes. That problem of confidentiality isn't limited just here. I think it reaches all across our economy and that we have people at risk because of that.

I think the other item that we really didn't spend a lot of time with, but Representative Sherman has addressed that is the training. We talk about fingerprinting, but we don't talk about additional money for the training of the front line troops in the war against child abuse for earlier identification. What are the signs? We know they are being abused at home and other places. All of the studies say and the school setting is statistically insignificant is the official word used. What is in this bill that is going to help that classroom teacher identify that youngster that much earlier and be able to bring that needed help.

Many of you realize that when I speak I try to draw analogies and I guess that is my experience as a teacher. I guess a lot of times my love of movies, classic and modern, come in as well. I see this as a movie. I call it the usual suspects. There is a lineup that everyone in that lineup, Representative O'Brien, Berry, Green, Murphy, Sullivan, Skoglund, almost sounds like they could play in the backfield for Notre Dame. They are in the lineup. They are the ones you go and ask. They are the usual suspects. These are the teachers who are teaching in trailers. Twenty-five percent of those teachers in the state teach in trailers or in leased space. They teach with outdated textbooks. They have seen budgets because of the 1990s that they haven't seen raises that give them the salaries that should be afforded them for their profession. We are making dramatic changes in school construction, investment in GPA so we are starting to catch up. It is those veteran teachers that have continued to carry education in the State of Maine and every time the results come in, we brag and pat ourselves on the back about the results they achieve. We looked to enact legislation that went into those classrooms and said you need to fingerprint them and background check them.

What are other states doing? We heard reference to a teacher shortage that occurs now and is going to accelerate. I teach at Kennebunk High School. In the next three to four years, 20 or 25 percent of that staff is retiring. I think you saw in July or

August in the newspaper stories about superintendents talking about shortages. Not just like it always was in math and science, but in every single discipline. What are the other states doing to attract teachers? They buy back all your debt, your college debt, that burden you put on yourself because you had a dream to be a teacher and you wanted to work with kids. They buy your debt. You are debt free if you come to their state. They offer you lower mortgages at half or one third the current mortgage rate to encourage you. They give cash bonuses of up to \$50,000 sign up. It is not quite the Yankees, but you are being treated as a professional and people are saying that you are a value.

I started teaching in 1968, almost 32 years ago. The only thing that has rubbed me in a similar way is as a first year teacher, a Marine Corp veteran having to sign a loyalty oath. I swore an oath to the Constitution. I had no problems as somebody in the military because I was acknowledging civilian control of the military. That is a key stone. As a young Marine having to sign a loyalty oath that I was loyal to the State of Massachusetts and loyal to my country, this feels the same way.

Report "B," that is what is before you. It creates a united Northeast barrier against pedophiles. That is not just New England, but New Jersey, Pennsylvania and New York. They are saying pedophiles, we don't want you. We are going to screen for you. The chief argument for this bill is since last fall was we get phone calls and people hang up. That was the justification for this bill. We now with Report "B" in the northeast region will have a united front saying pedophiles, don't apply. Actually here in Maine, as you look at that northeast region, we probably have one of the toughest barriers to repel those pedophiles.

I guess I have to say that I see this as a referendum on what you think of teachers who are currently working in your classrooms, veteran teachers. Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I know the hour is late. A lot of people have wandered out of the room. Personally I am looking forward to coming back here the week after next to continue our work so I don't mind putting my 10 cents worth in about this bill. I am rather upset about some of the comments that I have heard. People who have insinuated that this is just a feel good bill and we will all go home and use this as campaign literature and we will pat ourselves on the back. I won't pat myself on the back. This is a first step. I don't know of many pieces of legislation that can be put in that are the catch all and do all for any topic. We come back here next year and we will end up tweaking 90 percent, 99 percent or 100 percent of the bills that we dealt with this year. We are still tweaking bills that we dealt with last year. Some of us will be back next year and we will tweak these bills. It is a constant that goes on always.

Representative Murphy talked about that we need studies. Where are the studies to teach teachers how to recognize signs of abuse in the homes? We have teachers teaching without books. We have teachers teaching in trailers. It has nothing to do with this bill. I put forth one bill and cosigned a couple of others this year that dealt with the dreaded g word, guns. Boy, what a dilemma that caused. There was one thing that I heard consistently with each one of those arguments while we were arguing those bills. People looked at me and said and people looked at those of us who were supporting those bills and said, show us the numbers. Show us the numbers and then we will go

forward with this. I would like to put a little topspin lob on that and knock it right back into somebody else's court and I would like any of the teachers in this room or the people who have said, shame on you for doing this. I would like to drop that argument right back on your side of the net and say, show me the numbers. I want to see one number. The number I want to see is zero. Can one person in this body tell me with 100 percent certainty that by doing this, we won't find one bad apple in the lot?

I have the utmost respect for every teacher in the State of Maine, but now to suddenly say I support Plan "B," let's just do the new guys coming in. Representative Murphy just announced to us that there is a plan. We are going to put a wall around New England and it is going to stop people. Pedophiles aren't something new. It isn't something people decided to just start doing. Do you think that there weren't people who called here five years ago and said, you don't fingerprint, great. I am on my way. Surely there are.

Again, I would like to ask a question that I asked last night. Once again, can somebody tell me how many other professions in the State of Maine are required to have fingerprints? I know that police are. I know that people who handle commodities, ironic that we call it that, are. My wife is a nurse. She is fingerprinted. How many others? I don't hear those people clambering and making this argument. I would like to know how many others, Mr. Speaker? Thank you.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. Unless there is someone and I didn't see anyone who could answer that question, I apologize in advance. My remarks are going to be very disjointed and perhaps they usually are, but they will be particularly tonight. I had a few remarks to say and I was going to keep it very brief and hopefully I still will. At times I felt like I was in a church service and I wanted to jump up and say amen. At other times I wanted to stand up and say no, you don't get it. This has become so passionate for so many of us on both sides of the aisle and on both sides of the issue.

I would like to begin by saying that I wish Representative Sullivan were here. I would like to answer a few of her concerns. I agree with her on several of her issues. I agree with her wholeheartedly. As I said last night, I could not do her job. I applaud teachers. I could not do it. I could not face what she has to face every day. Those faces that she talked about of the kids who didn't have their homework and when you really get behind the scenes it was because they were beaten last night or saw their parents beaten. I couldn't face that. That is why I chose this profession so I could somehow help kids this way rather than on the front lines because I don't have the fortitude that the Representative from Biddeford has and others in this hall. I couldn't do it and I thank her for doing it and I thank all the teachers for doing it.

This is not a referendum against teachers. I am sorry if certain members feel offended by that and feel that that is that way, but I am offended that it is being referred to as a referendum against teachers. Also, that it is a feel good re-election bid. I don't quite get that one because teacher's unions and unions have a voice and a vote and a lobby, but as I said last night, the kids aren't voting. The abused and the potentially abused kids aren't voting, so I don't get that one.

I agree with what has been said by the opponents of this measure that this is a very small step. This is only doing some of the job. Many of you have been here a lot longer than I have and are a lot more politically astute than I am and you know far better than I do, and even I get it, that you have to start with small victories. We get this one now. We talk about the fact that school boards are not doing their jobs. Superintendents are not doing their jobs. The big problem is they are passing them off and pushing them under the rug. Well, I know for a fact that it has happened in my system and I wish you could hear arguments that I have with my husband who is the chairman of the school board. His hands are tied. Until we change the laws, which we will, I will lead the fight to do it, should I become reelected to change those laws because we did in our system put a pedophile from one school to the other. That is a fact. That is not a rumor.

This obviously is a very impassioned issue on both sides, but think about what has happened over the past four or six years. The Education Committee has heard hours and hours and hours, far more than the seven hours that we have spent on this, and they have come out almost unanimously both years on this. Doesn't that account for anything? They have heard this over and over.

Representative O'BRIEN of Augusta inquired if a quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. That gave me time to calm down a little bit. I want to start where I ended off. I want to say, and I will be brief, for those who weren't here the one part of this is that the Education Committee has looked at this over and over again. Many, many more hours than we have. They have heard both sides. They have come out nearly unanimous both times. It is the men, the women, the Republicans, the Democrats, teachers and non-teachers, they have all come on this side. Doesn't that account for anything? I think it says volumes.

Yesterday we heard a very impassioned speech from the Representative from Wayne, Representative McKee. We are not together on a lot of issues. I applaud her. She is a very strong union supporter and she stood up and spoke against her union's endorsement of this bill. I applaud her for that.

I just have to respond to a couple things that were said regarding a teacher shortage. That holds no weight with me. We can work to get better teachers. I am all for paying teachers much, much more than they are paid now, if I am guaranteed that they are not in it for the wrong reasons. That just does not hold weight. The other thing that was said is we are casting aspersions on a group of people, the teachers. I am not casting aspersions on a group of people, I am casting aspersions on a group of people, those that would hurt children. There is a very distinct difference. I applaud Representative McAlevy who gave the figures. I am sorry for those of you who weren't here when he gave those figures, I am going to repeat them because I think they are very much worth repeating. I am sorry for those who did hear them. It was the first time I heard them and they are very, very interesting. The Department of Public Safety, we have asked them when they do background checks on other employers for other jobs, what is the percentage that come back

and they found has been convicted of a crime, either a misdemeanor or a felony? It was 15 percent. That means of 45,000 teachers, 4,500. He cut it down for those of you who weren't here to one-half of 1 percent, which means 250 teachers, not all pedophiles, some drug convictions and some others. Let's say half of those, 100, that means if there is 100 pedophiles, child abusers, in our system, then there is guaranteed to be 1,000 kids that are hurt. They are hurt not just once, but they are hurt over and over and over again. They are hurt for the rest of their lives.

I will close now and I am sure you are happy to hear that by telling you that I was physically feeling ill after yesterday's vote. I was very, very distressed. I don't judge. I want to make that clear. I am not judging anyone for the way they voted. I won't judge anybody the way they vote today. I know of the situations. I have mentioned a couple yesterday. There are a few now that I can't mention because of confidentiality. I can't say it. I can't use it. I know they are there. As we debate this, there is a child in this state that is getting hurt. I am sick about this. I agree with the previous Representative who said some have expressed, did they do the right thing? I would implore you, if you have a question, err on the side of the child because someone is getting hurt. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I am saddened to hear that this has been turned into a referendum on teachers. This is not just about teachers. Included in this bill are principals, superintendents, bus drivers, coaches, custodians, everyone that works in our public schools. I began teaching in 1965 and I worked in public schools until 1997. My wife began teaching in 1966, but she would love it if I said 1990, because that would make her quite young, and worked until 1996. Neither one of us can understand why anyone objects to being fingerprinted. Most of our friends in the same age group that we started teaching with, if you asked them what do you think about this, they will tell you some of the things you have heard today, like they are underpaid and underappreciated. If you ask them specifically, if you think this is a good idea, they will say yes. They will say that what is insulting to us is that you passed this law and then you didn't pay for it. That is what is bothering them.

This is not about putting a label on anyone. Fingerprinting is not triggered by any kind of a guilt accusation or by a criminal investigation. It is simply a uniformly applicable precaution at the time of licensing. Many states require many different groups to be fingerprinted. I believe, for example, in some states lawyers have to be fingerprinted. If ever there was a group that we could feel would have some kind of a sign on them, it might be them. I don't think they feel that way. If people want to work on confidentiality laws on providing training, bring that legislation before us. I will support it.

We have said that Report "B" is a compromise. It is not a compromise. It is another option, an incomplete one, I would say. If we built a barrier around New England, I would say it is a fishing net and the holes are very, very big. I ask you to reject the pending motion. Thank you.

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

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. It has been said many times that

Committee Report "B" is consistent, incomplete, unclear, unworkable and wasteful. The wasteful part is indeed there, but can be corrected as the rest of the flaws that are reported. I won't go into those because one of the earlier speakers covered the area. Many people have to be fingerprinted. All the military people in the United States have to be fingerprinted. Other industries require it. Background checks are done on many people. On Mt. Desert Island we have a Restorative Justice Program going and if you want to be a panelist on that program, you will have a background check done before you can even serve.

I would like to suggest that those flaws that have been reported in "B" be amended so that they are corrected. I would also suggest, again, that we should not waste these \$35,000 that has already been spent on the \$14,000 sets of fingerprints, but indeed require that those fingerprints be used and a background check be initiated. They say they have to do them batches of 5,000. I would have to question that. I would certainly hope that if it is so important for people to use this Committee Amendment "A" because we need it so badly, then why throw all this work away? We should go forward with what we do have in hand, no pun intended, and get these background checks done so that we can weed out anybody that is, indeed, a pedophile.

As an EMT, we are trained to look for physical abuse as well as sexual abuse. We are required by law to report it. I would certainly hope that anybody from a bus driver, custodian, cafeteria worker and certainly a teacher, should have to report and would report any suspected child abuse in any way shape or form. It is only the right thing to do.

In talking with my elementary principal yesterday on the phone, he suggests and has heard from his teachers, that fingerprinting would be more palatable to everybody if it was paid for and it was for new hires because he has a very tenured staff, the largest on the island in percentage. I called the superintendent of School Union 98 and they just had a very large group of teachers fingerprinted in March. They all agreed to do it with the exception of one who is willing now to turn in their credentials. Again, they feel they ought to be paid for by the state if it going to be a state mandate. There is very little resistance on the non-teaching staff, comments wise. The teachers and the professional staff are more apt to make the argument that it is a slap in the face and this type of thing where they were insulted by this. I think it is worthwhile doing it. I think it is a compromise and Committee Amendment "B" is the way to go. Thank you for your attention.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I know you don't want to hear any more of this, but remember we, on the Education Committee, listened for five years. I would like to make some responses, but I won't make them, because the people I would like to respond to spoke and left the room. Two things I would like to say. You have heard comments made about the unworkability of "B." One thing that has happened is people have talked about the unworkability and they have read the second sentence. I urge you to read the first sentence, which says, "According to the State Police and senior FBI officials, only mandatory state backgrounds can be performed by the FBI." Many people have referred to the second sentence, but they have not included the first. I also would like to refer to a letter on light yellow paper that came across your desk today from a Joanne Bushey from Oakland that was sent to

the Governor. You really ought to read that letter before you make you vote. May I ask a question, Mr. Speaker? What we are voting on that is on the board, is that Committee Amendment "B?" I would urge you to vote against it. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, the Representative from Kennebunk, Representative Murphy and the Representative from Hodgdon, Representative Sherman, quoted sources that education leaders are aware of inappropriate behavior, but are sweeping it under the rug. The admission of such a situation exists gives testimony that there are offenders within the education community and suggests to me that some other means need to be made available to solve the problem. I would suggest that that other means is fingerprinting. Thank you.

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

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. During nearly all this debate we have been talking about teachers. Yesterday, as I framed my mental structure on deciding on this bill, I thought about it around teachers and what was fair and what was unfair. The Representative from Augusta, Representative O'Brien, had it right. This is not about teachers. This is about children. When I realized what this debate was really about, then a lot of my own experiences in the mental health field, of over 40 years, as both an administrator and a clinician. It began to open up and enlighten me.

As my years as a clinician, I have provided therapeutic services to many adults, many adults who were abused as children. I have witnesses, I have seen and I have attempted to treat many of these scars. Scars, that particularly with women, had completely destroyed the capacity to relate as an adult. I have seen it scar marriages and other relationships. Men and women, as we talk about this, let's not think about it in terms of what is fair and reasonable for teachers. If we really look at children and what is our responsibility to our children, then I think we have to support Committee Amendment "A." Yesterday I voted for what seemed at the time to be the most comfortable. Searching out a comfort level, I voted for "B." Today as I look at this issue from the perspective of children and protecting children, I intend to vote for Report "A." Thank you Mr. Speaker.

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

**ROLL CALL NO. 632**

YEA - Berry DP, Bolduc, Bryant, Carr, Chizmar, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McKenney, McNeil, Mendros, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM, Williams, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Fuller, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar,

Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Martin, Marvin, McAlevey, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, Pieh, Quint, Richard, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Stevens, Thompson, Tobin D, Townsend, Tripp, Tuttle, Watson, Weston, Wheeler GJ, Mr. Speaker.

ABSENT - Berry RL, Brooks, Frechette, Mailhot, O'Neal, Plowman, Sirois, True, Usher.

Yes, 66; No, 76; Absent, 9; Excused, 0.

66 having voted in the affirmative and 76 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED** of **PASSAGE TO BE ENACTED**.

On motion of Representative BRENNAN of Portland, the House **RECONSIDERED** its action whereby the Bill **FAILED** of **PASSAGE TO BE ENACTED**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (S-692)** was **ADOPTED**.

On further motion of the same Representative **Committee Amendment "B" (S-692)** was **INDEFINITELY POSTPONED**.

The same Representative moved that **Committee Amendment "A" (S-691)** be **ADOPTED**.

**Committee Amendment "A" (S-691)** was read by the Clerk.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-691)**.

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We are back to where we were, I think, if I can sort out the days, yesterday. What you have before you now is a continuance, basically, of the present law. What we have before us now is a vote where you would make a decision. A yes vote would be that you want to fingerprint every teacher and every staff member, including those currently in the classroom.

CLARK of Millinocket moved that **Committee Amendment "A" (S-691)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE Committee Amendment "A" (S-691)**.

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

Representative MACK of Standish **PRESENTED House Amendment "B" (H-1120)** to **Committee Amendment "A" (S-691)**, which was **READ** by the Clerk.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. What my amendment does is it will amend Committee Amendment "A" and we will leave it where existing employees would be fingerprinted and the state will pay for the fingerprinting and background checks of existing employees, but when new hires go to get their fingerprint and background check, they would have to pay their own way for the new hires for their fingerprinting and background check.

Representative CAMERON of Rumford moved that **House Amendment "B" (H-1120) to Committee Amendment "A" (S-691) be INDEFINITELY POSTPONED.**

Representative MACK of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1120) to Committee Amendment "A" (S-691).**

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

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1120) to Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 633**

**YEA** - Ahearne, Bagley, Baker, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Green, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Daigle, Davis, Dugay, Duncan, Foster, Gagnon, Gooley, Hatch, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lindahl, Lovett, MacDougall, Mack, Madore, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Peavey, Pinkham, Savage C, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Treadwell, Waterhouse, Wheeler EM, Winsor.

**ABSENT** - Berry RL, Brooks, Frechette, Mailhot, O'Neal, Plowman, Sirois, True, Usher.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-1120) to Committee Amendment "A" (S-691) was INDEFINITELY POSTPONED.**

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

Representative **MENDROS:** Mr. Speaker, Ladies and Gentlemen of the House. I tried to save you all from having to listen to my voice during the last debate, but there were a few points that were said that I need to respond to. First of all, we heard the good Representative from Waterboro, Representative McAlevey, tell us that 15 percent of people when background checks are done on them, something comes up. That was basically what the department came back with. That was close to a concrete number. After that, we said, let's say it is 10 percent, let's say it is 1 percent, let's say it is one-half percent and we got to the number 225. He said what about a third of those being drug dealers and a third of those being pedophiles. He said in his own testimony that that was conjecture. That is all it is. I can see no hard evidence that says one-third of all criminals be they misdemeanors or felons are pedophiles. These numbers did a great job scaring us. They had no basis in fact. We are protecting children. I want to protect children. We

all want to protect children. There are lots of ways to protect children. As I said yesterday, put the people who commit the crimes in jail. Don't allow them to get away with it. Don't allow them to go to jail for 60 days. We have a witch hunt here against teachers because it seems like it will solve a problem, but it won't.

Another thing that I have to set the record straight on is that we were told that we can't do new hires only. Eleven states currently do new hires only. The FBI doesn't tell them they can't do it. I was hoping that I wouldn't have to respond to these points, but clearly they made a difference and they need to be responded to. Thank you.

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

Representative **MCALLEVEY:** Mr. Speaker, Men and Women of the House. In throwing out those figures previously, my intent was not to confuse or to scare anybody. I made it very clear that it was conjecture. I thank the good Representative for reiterating that fact. Let's throw out a figure that you can chew on. It is a real figure. Forty-five teachers have been decertified in the last 10 years for felony convictions. That is half of 1 percent.

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

Representative **SKOGLUND:** Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote down the item now before us. When it is defeated, I will move Committee Amendment "C," which repeals fingerprinting outright.

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

Representative **FISHER:** Mr. Speaker, Men and Women of the House. I stayed out of the fray yesterday and I stayed out of the fray this afternoon. There are a couple of things I did want to bring up because they have been mentioned several times. First of all, the teachers who have gone to have their fingerprints done this year. I almost feel it has been implied that they do so willingly with smiles on their faces. I am in the schools every day I am at home. I would like to get back there. These teachers that I have talked to, the vast numbers of them that had to go get their fingerprints done were doing so because they wanted to be teachers and they had to do it. They were very unhappy about the shadow that hung over their heads. They felt, as I do, that much of this is a result of somebody running around yelling the sky is falling in, like in that children's story. You say it enough times, people start to believe it.

The second thing I want to comment on is the figure that has been thrown out many times in the last two days and that is the number of 40 something that have been removed from the schools. How did they get there? Who didn't do their job? Is their a superintendent or an administrator in the State of Maine that doesn't have a telephone to make a call to check on references given by applicant to a job? Is there a superintendent or administrator that doesn't have the ability to write a letter to check on the person's credentials?

I have been involved in the process and I can tell you that of the six or seven people I was involved in hiring, I actually only made one phone call. The superintendent actually made a phone call about the same person. We ended up hiring him. It was a good hire. I give myself as an example, I was offered jobs by three different school systems and some of you may question the sensibility in that, but I came off the street with no resume. There was no advanced warning with one exception. I won't tell you that story because that is more bizarre than anything. All

three jobs were offered to me with no background checks, nothing. Asking around, I have only heard of one system in talking to my colleagues here, that does a good check. Don't superintendents have the right to ask new hires today for fingerprints? They certainly may. They can't force them, but they may ask.

The root problem was what wasn't done in the past. There is a serious shadow hanging over our head. My wife was supposed to have had her fingerprints done on March 30. She found out at the last minute that she didn't have to be recertified until next year so she had a year of grace. She was really upset that week when I left to come down here for my five days in Augusta. I was kind of glad I didn't have to be at home, not only because she had to have it done on the 30, but it was a nice birthday present. That was her birthday.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I would just like to address a previous statement. One of the speakers, the Representative from Waterboro said there were 45 cases where the certifications were suspended. I remind this body that they were suspended without fingerprints. If you would review those numbers, you would find that only one out of those 45 would be found with fingerprints. Since I have been here, I have stood in my seat and I have never dishonored my seat once. I have never given misinformation and I have never given mistestimony.

On **POINT OF ORDER**, Representative McALEVEY of Waterboro asked the Chair if the remarks of Representative TRAHAN of Waldoboro were germane to the issue.

The Chair asked that Representative TRAHAN of Waldoboro keep his remarks as close as possible to the issue.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I will restate my previous statement. It upsets me greatly when as a member of this body I, as a legislator, hear things that I believe are not true, not just today, but in the last week. I have heard things that were great stretches of the truth. I would ask this body when they make statements, both here and in the hall, that we stick to the facts. We sit in a very honorable seat and because I believe so greatly in that seat, I cannot stand and listen to that without speaking up. Thank you.

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

Representative **McALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative for clarifying his previous remarks.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 634**

YEA - Berry DP, Berry RL, Bryant, Campbell, Carr, Chizmar, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McNeil, Mendros, Murphy T, Nass, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Richardson E, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanwood,

Stevens, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Tripp, Twomey, Volenik, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Chick, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, Perry, Quint, Richard, Richardson J, Rines, Rosen, Savage W, Saxl MV, Schneider, Shields, Stanley, Stedman, Thompson, Tobin D, Townsend, Tuttle, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Brooks, Frechette, Fuller, O'Neal, Plowman, Siros, True, Usher.

Yes, 65; No, 78; Absent, 8; Excused, 0.

65 having voted in the affirmative and 78 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (S-691) FAILED.**

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have just taken a lap around the parliamentary track and we are back to where we were about 10 or 15 minutes ago. What we have before us is Report "A," which boiled down says that if you vote for this report, Report "A," you are voting to fingerprint current staff and you are voting to fingerprint teachers in the classrooms who are already there.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 635**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Brennan, Bruno, Buck, Bull, Bumps, Cameron, Chick, Cianchette, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neil, Perry, Quint, Richard, Richardson J, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Thompson, Tobin D, Tuttle, Watson, Weston, Wheeler GJ, Mr. Speaker.

NAY - Berry DP, Berry RL, Bragdon, Bryant, Campbell, Carr, Chizmar, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McNeil, Mendros, Murphy T, Nass, O'Brien LL, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Richardson E, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Tripp, Twomey, Volenik, Waterhouse, Wheeler EM, Williams, Winsor.

ABSENT - Brooks, Frechette, Fuller, O'Neal, Plowman, Siros, Townsend, True, Usher.

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

74 having voted in the affirmative and 68 voted in the negative, with 9 being absent, and accordingly **Committee Amendment "A" (S-691)** was **ADOPTED**.

Representative TRACY of Rome **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-691)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-691). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 636**

**YEA** - Ahearne, Andrews, Bagley, Baker, Belanger, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bull, Bumps, Cameron, Chick, Clough, Cote, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Foster, Gagne, Gerry, Glynn, Gooley, Heidrich, Honey, Jabar, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mack, Mailhot, Martin, Marvin, McAlevey, McKee, McKenney, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Neil, Perry, Quint, Richard, Richardson J, Rosen, Savage W, Saxl MV, Schneider, Shields, Stedman, Thompson, Tobin D, Townsend, Tuttle, Watson, Weston, Wheeler GJ, Mr. Speaker.

**NAY** - Berry DP, Berry RL, Bragdon, Bryant, Buck, Campbell, Carr, Chizmar, Cianchette, Clark, Collins, Colwell, Cowger, Davis, Dugay, Duplessie, Fisher, Gagnon, Gillis, Goodwin, Green, Hatch, Jacobs, Kasprzak, Lindahl, Lovett, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McNeil, Mendros, Murphy T, Nass, O'Brien LL, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Richardson E, Rines, Samson, Sanborn, Savage C, Saxl JW, Sherman, Shiah, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Tobin J, Tracy, Trahan, Treadwell, Tripp, Twomey, Volenik, Waterhouse, Wheeler EM, Williams, Winsor.

**ABSENT** - Brooks, Frechette, Fuller, O'Neal, Plowman, Sirois, True, Usher.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-691) in NON-CONCURRENCE** and sent for concurrence.

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

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

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**BILLS IN THE SECOND READING**  
**Senate As Amended**

Bill "An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund"  
(S.P. 1019) (L.D. 2588)  
(S. "B" S-696 to C. "A" S-650)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative **McKENNEY** of Cumberland, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-650) as Amended by Senate Amendment "B" (S-696)** thereto was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650)** was **ADOPTED**.

On further motion of the same Representative **Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-1128) to Committee Amendment "A" (S-650)** which was **READ** by the Clerk.

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

**Representative MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you are ready for another scintillating labor item debate tonight. This amendment will give some of you another chance to do what I know you want to do. I know some of you, deep in your heart, want to give small business some tax consideration. That amendment will cap the Unemployment Insurance Fund at 18 months. That is more than enough money to ensure solvency for this fund for years to come.

The small business colleagues that I speak to all want to make sure that that fund stays solvent. They have no desire to return to the bad old days. Those of you who have served in previous Legislatures know the history of the Unemployment Fund. It was patched together for years and always on the brink of insolvency. Sometimes we had to borrow to have enough in it. Finally in the last session we bit the bullet and fixed the fund for good. Some rates went up and a few went down, by the business community was happy and supportive that it was finally fixed. Now we want to go beyond solvency. We are being asked to go to two times solvency. That is way more than we need. This amendment will cap the fund at 18 months. That is one and a half times solvency. That is more than enough for even the most severe downturn.

We keep hearing around here what a bad deal **BETR** is. There are people in this body that would do away with **BETR**. One of the complaints about **BETR** and I would share that complaint is that it does nothing for the tiniest or smallest businesses. It only helps the big guys, LL Bean, Bath Iron Works, Wal-Marts. Voting for this amendment will finally mean some tax relief for the little guys. When we fill up the unemployment fund, small business will find their payroll taxes reduced. I call your attention to the amendment, look at the fiscal note. There is \$10.6 million of tax relief and the best part of it is it doesn't come out of the General Fund. It comes out of the Unemployment Fund where it just sits and does nothing. This is tax relief for the businesses on Main Street. This is something you can campaign on. When you call your business constituents, you can look them in the eye and let them know you provided real tax relief for them, finally. Please join me in accepting this amendment.

Representative **HATCH** of Skowhegan moved that **House Amendment "A" (H-1128) to Committee Amendment "A" (S-650)** be **INDEFINITELY POSTPONED**.



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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. It is late and we are back to square one. We are back to the "B" report from last night. I don't know about you, but when I watch a movie, I am done with it and I don't have to see it again. I think we have been through some previews today. In regards to this, first of all, the "A" Report puts funds in the UI Fund for 24 months. We are back to the Minority Report, the same one we debated last night and rejects the Department of Labor's recommendation for setting the plan yield and substitutes a system that would expose the trust fund to solvency problems over the years ahead. It exposes employers to higher tax rates during recessions and into the recovery period. That is the time that they can least afford it.

Under the Majority Report, the one we are trying to amend, they system would operate on a smoother basis varying the plan year less over the economic cycle, thereby avoiding increases in contributions during a recession or a recovery period. We heard a lot of discussions about if we get too much money in the fund, then there will be demands on increasing benefits and the whole nine yards. Here we are, and we haven't even started the new fund system, the first tax bills went out the first of the month and we haven't collected the money and small business is already at the table asking for \$10.6 million out of this fund. I find this absolutely ridiculous. They point at you and four fingers are pointing at them and saying that there are going to more benefits demanded and they can't even wait for the money to start coming in and they want money back.

I will regroup. I will let you know that you can vote for this, but on the other end of the hall it is going to be rejected. We are going to be right back to nothing and the fund will go beyond the 24 months. You think about it. The best thing that could happen on my side is that the whole bill dies and to be perfectly honest with you, at this point, I hope it does. You take 24 months or you can come back next year and you can try to cap it. Having said that, I will sit down.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I hate to put you through another debate on unemployment insurance, but I think we have to make some more of the facts known. First of all, in response to the good Representative from Skowhegan, Representative Hatch, if the fund reaches the 18-month adjustment level, the employers will not get any money back. They will get an adjustment in the amount of money that they have to pay in. They will not get any money back.

Number two, I think it is inappropriate to refer to possible actions by the other body. Number three, I would like to correct a statement that I made last night regarding the amount of money in the fund. I was looking for some answers and I wanted badly to get the answers and when you try to do something like that, you usually get bad results. I went back into the book today and found that on page 105 of the book that the Department of Labor gave us under scenario three, with the 18-month adjustment level for the fund, there would \$333 million in the fund. Under the Majority Report, there would be \$410 million in the fund. You can find that on page 203 and that is accurate. The figures that I gave last night were not accurate. I apologize for that.

When we came in the 118th Legislature, my first year here, we were told that the Unemployment Compensation Fund was on the verge of insolvency. The sky was falling and we had to do something immediately. We didn't do something immediately. We passed a piece of legislation that required the Department of Labor to come back to us in the early days of the 119th Legislature with enough information so that we could determine exactly what is wrong with the fund and what we had to do about it. They did that and we did our job last year with LD 1970, which those of you who can remember, it cured the solvency in the fund. Guess what the new law just went into affect the first of January and the first bills under the new assessment just went out. They are going to be in a \$13 million increase in contributions to the fund. In the meantime the fund increased by over \$60 million in 1999 under the old system. We are going to add another \$13.2 million to that. I can foresee that fund is probably going to increase this year by more than \$70 million.

I think that that is an excessive amount of money to be taking out of all the employers, particularly the small businesses in the State of Maine. I would urge you to vote against Indefinite Postponement of this amendment and let's go on and do what is right for the small business community in the State of Maine.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1128) to Committee Amendment "A" (S-650)**.

Representative SHIAH of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1128) to Committee Amendment "A" (S-650)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1128) to Committee Amendment "A" (S-650). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 637**

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

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

ABSENT - Brooks, Frechette, McKee, O'Neal, Plowman, Rines, Sirois, True, Usher.

Yes, 69; No, 73; Absent, 9; Excused, 0.

69 having voted in the affirmative and 73 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1128) to Committee Amendment "A" (S-650) FAILED.**

Subsequently, **House Amendment "A" (H-1128) to Committee Amendment "A" (S-650) was ADOPTED.**

**Committee Amendment "A" (S-650) as Amended by House Amendment "A" (H-1128) thereto was ADOPTED.**

Representative HATCH of Skowhegan moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

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

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

Representative **TREADWELL:** Mr. Speaker, Ladies and Gentlemen of the House. I hate to put us all through this once again, but I would really appreciate a vote against the pending motion, Indefinite Postponement. Let's do the right thing for small businesses in the State of Maine for a change, please.

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

Representative **HATCH:** Mr. Speaker, Ladies and Gentlemen of the House. I hope that you will follow my lead and Indefinitely Postpone this bill and papers. The Ds on the committee had reluctantly gone along with the 24 months in the capping of the fund. This was the Labor Department's recommendation to the committee and the other side of the aisle had gone with 18 months and gone with their own report. We had 12 months in the fund, but during the last recession we drained that fund. At the time when businesses could least afford it, we had to go and borrow money. Our businesses ended up paying surtaxes. Times are good we can afford to put the money into that fund. I truly believe that if we have a back-to-back recession, that fund will be run dry very shortly in 18 months. We would put our businesses back in that position of having to pay higher rates when they can least afford it. With 24 months in the fund, we will never have to worry about that. You can call me whatever you want, a tax and spend liberal or anything you want, but the truth of the matter is, the weather is fine and you need to be out gathering those crops for that rainy day.

If you are only going to put 18 months into the fund, I would like to see this bill die. The reason I would is because then we will guarantee that we would put more than 18 months in that fund. I don't come by this lightly. I really don't. I was never sold on 24 months. I would like to see it ride. You just stop and think about it. Are you going to put your businesses at risk because you didn't put 24 months in that fund when you could have when times were good and people could afford to do that? The rates are low right now. It is time to put it away. Let's do it. I ask you to join me in Indefinitely Postponing this bill and accompanying papers and let's be reasonable and rational and put that money into the fund now. Thank you.

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

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

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

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

Representative **CLARK:** Mr. Speaker, Men and Women of the House. To the Representative from Carmel, Representative Treadwell, if we pass the 18 months, how is that going to affect small business when right now we have 13?

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

Representative **TREADWELL:** Mr. Speaker, Men and Women of the House. In answer to the question, the way it will help small business is when this fund reaches the 18-month stabilization level, in order to maintain that level it will require less money to replenish the fund as unemployment checks are drawn out of it. That will require an adjustment to the contribution level from the employers of the State of Maine. The people who will be affected the most by that will be the small business owners.

I would like to continue. In response to the Representative from Skowhegan's comments about the danger of allowing the fund to stabilize at a level below 24 months. I would remind you that in 1999 the last session when we were working on LD 1970, which is the current unemployment comp law, the Department of Labor told us that no state that had 12 months of benefits or more had to borrow money during the recessions of the early 1990s. Thirty percent of the states that had less than 12 months of reserves, had to borrow money. There is always some risk involved. They only way to guarantee that you will never reach a zero point in that fund is to have an astronomically high level that would be guaranteed protection. That is not reasonable. I think 18 months is reasonable. Twenty-four months, I think, is excessive. Anything beyond that is definitely excessive. I think 18 months is a very good compromise.

I would remind you that if the motion on the floor prevails, we are going to go back to a 24 month unemployment fund level, which will be and I just read it here a second ago, under the scenario on page 203 in that manual that mentioned earlier, it would be \$401 million laying in that fund. Thank you Mr. Speaker.

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

Representative **DUPLESSIE:** Mr. Speaker, Ladies and Gentlemen of the House. I guess I did want to vote for small businesses. With the situation we are in, you have forced me to vote for small business. It will go to the Senate and then we will be in non-concurrence. I am puzzled. The Maine Labor Department is supporting this. They are the ones that wanted the 24 months. They look out for small businesses. All three Senators on the Labor Committee support this, including the Senator from Somerset that sits on the Taxation Committee. I feel very comfortable that this is something for small business. Thank you.

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

Representative **TRACY:** Mr. Speaker, Ladies and Gentlemen of the House. I was trying to get up earlier and ask

the question that the good Representative, Representative Duplessie from Westbrook has answered. If that is the actual case that the Department of Labor recommended and highly supported this during the deliberations on this and this does not truly affect small businesses, I have no recourse but to vote for the pending motion and take it from there and I would suggest you do the same thing. Thank you.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. I also stand and support Indefinite Postponement for the same reasons I gave last night. The federal government recommends that we have a 24-month amount of money in the fund. The state recommends it. The Department of Labor wants this. They ran scenarios to see how it would work. Three out of those six scenarios, if we follow this amendment will mean that we have to borrow money at some point in time with interest. The state used to be able to borrow money interest free at one time. Now you have to pay interest on those loans. If you want to help small business, you are not going to put them in the predicament that they have been in and that is paying a surtax on what they already pay and on a fund that wasn't very healthy. Right now we are having good times and now is the time to build that fund up and maintain that fund so that when the recession comes and I predict it will come and we will have enough money to pay unemployment benefits. Whether we have money in the fun or not, workers are going to receive their benefits. Under federal law they have to receive those benefits. The question is, do you want to have a fund that will pay those benefits or do you want to borrow money and pay interest when the fund runs out? You have to ask that question yourself. I feel kind of funny standing up here in a way, standing up here for business because supposedly us labor folks are not supposed to be for business, but we are. We support businesses we have some folks here, in fact, to support businesses. I am asking you to Indefinitely Postpone this because down the road you are going to be sorry. I am not going to be here so I won't have to answer the questions next year or the year after when we have problems, but those sitting in this chamber will. I ask you to Indefinitely Postpone this amendment.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending motion. I just wanted to remind you of a couple quick things. First of all, the federal government does not make any recommendation on the number of months. We don't have any documentation from our committee on a recommendation from the federal government for a number of months. As been stated before, last year the Maine Department of Labor recommended 12 months. It was tough for me to swallow and we are now going to 18 months. I would remind you that 18 months is a level for the fund. It is a stabilizing mechanism. If we go above 18 months, the employers will get a tax break so we can keep the fund at 18 months without overcharging them. If we go below 18 months, then the next year the employers would have to kick in a little more money so that the fund stays up at 18-month level. This is to try to level the fund at 18 months. If some emergency did ever hit and we went below 18 months, which this wouldn't allow to happen, because the level adjusts at 18 months. If we did some day have to borrow money from the federal government, we would be getting a below market rate on the

interest for that money. We don't want to have to borrow money. As I said, this Minority Report, if we don't Indefinitely Postpone it, will level the fund at 18 months so there will always be about 18 months worth of benefits sitting there to draw upon in case times get bad. Thank you and please vote against the pending motion.

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

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

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

Representative **SHOREY**: Mr. Speaker, Men and Women of the House. If we increase this fund to 24 months, is there anything in this statute that says that money cannot be used for another reason? What I am wondering is if we build it up to 24 months and there is an enormous amount of money in there and we decide we only need 18 months, can that money be accessed for another purpose?

The **SPEAKER PRO TEM**: The Representative from Calais, Representative Shorey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Jay, Representative Samson.

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. It can only be used for unemployment.

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

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

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who can answer and I apologize if this has been covered, if it was, I did not hear the answer. Are there any projections on how long it will take under the current statute to reach the 18-month level? Thank you

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. In answer to the question, the fund at the current time, as of about a month ago, had \$12.8 million. It is expected to be in the vicinity of \$15 million. That was a conservative estimate, \$15 million by the end of this year. I would expect that we will be approaching the 18-month level if not by the end of this year, but very shortly thereafter. That is based on the rate of increase in fund right now.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. Not to prolong this, but just to make a couple of points, there is more money in that fund now than there has ever been, practically in the history of it. There isn't a person in this body that remembers a time when there was more money in the Unemployment Fund. The other point that I made last night was small business pays the lion's share of this Unemployment Fund. We subsidize big business to the tune of something like 6 or 7 to 1. Thank you.

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

Representative **HATCH**: Mr. Speaker, Men and Women of the House. Unless I am mistaken, I don't know that the fund is

going to reach 18 months. The fund for the 24-month period wouldn't reach capacity until 2009. It is hard for me to believe that for 18 months it is going to reach it by the end of the year. I think somebody needs to check their facts. I was pretty sure on the point that 2009 was the date for the 24 months. If we looked through our little blue books here, we might be able to find that. With the draw down just in the usage and what not, that puts it back pretty far. It is hard for me to believe that it is going to take nine more years to get 24 months into that fund than it would for the 18 months. Maybe you want to check that out. By the way, should this bill fail, the fund will stay at 1.1 percent and won't move until there is another bill. I want you to remember that. Under either scenario, it will move up or down according to how many months you need in the fund. If this bill fails, the rates will stay at 1.1 percent because that is what is locked in right now. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I am glad that all of us are so concerned about making sure that small businesses have enough in their unemployment fund and that we dictate to them how much should be in it. Bear in mind that regardless of what is in that fund, ultimately it is the small businesses in Maine and not the taxpayers that pay that fund. My question is this. I think we should be equally concerned about a coming recession or a back-to-back recession, as was mentioned earlier, I haven't quite figured out what a back-to-back recession is. It sounds catastrophic to me. My question is, to anyone that can answer, how much does state government have in their fund? Can state government exist in that next session for 18 months? If not, should we not be addressing that during these good times? My real question is, how long can state government operate in the coming recession with the existing Rainy Day Fund that we have?

The SPEAKER PRO TEM: The Representative from Yarmouth, Representative Buck has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Men and Women of the House. At current time, there is \$250 million in the Unemployment Insurance Comp Fund. It went up by \$60 million last year and I would assume that we are going to get at least that much based on last year's revenue, plus there is another \$13.2 million that just went in in the increase in the unemployment contributions from the employers. We are going to get at least \$70 million this year. That would be my expectation. That is \$320 million. It I remember correctly, the Rainy Day Fund was just boosted up to something just over \$100 million. There will three times as much money in the Unemployment Insurance Comp Fund as there is in the Rainy Day Fund, which is set aside for the very same purpose that this Unemployment Comp money is set aside for.

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

Representative BOWLES: Mr. Speaker, Ladies and Gentlemen of the House. It is perfectly all right for you to argue your position. I know that you feel strongly about that, but please don't count your position in terms of your doing something positive for small business. Last year you hit small business with a massive tax increase with this unemployment compensation

adjustment. The wage base increased from \$7,000 to \$12,000 and although it is true that with the array system some employers found a reduction in the amount of their percentage. The figures, as I understand it, are that the average employer had over a 12 percent increase in his or her unemployment compensation insurance. It is perfectly all right for you to make that argument that you want to go to 24 months. If you can substantiate that, that is wonderful. Please don't try to pretend that you are doing small business a favor. If you do me many more favors like a 12 percent increase, I am not going to have a small business to stand here and defend.

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

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I think the good Representative missed a few a few points. The reason why we had to raise to 12 percent is because we weren't taking care of the fund. If we take care of the fund, we don't have to worry about raising the prices, they will come down. This is a stabilizing mechanism. That is what it is. I urge you to vote for the pending motion. Thank you.

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

**ROLL CALL NO. 638**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Samson, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Brooks, Frechette, McKee, O'Neal, Plowman, Rines, Sirois, True, Usher, Wheeler GJ.

Yes, 65; No, 76; Absent, 10; Excused, 0.

65 having voted in the affirmative and 76 voted in the negative, with 10 being absent, and accordingly the motion to INDEFINITELY POSTPONE the Bill and all accompanying papers FAILED.

Subsequently, the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-650) as Amended by House Amendment "A" (H-1128) thereto in NON-CONCURRENCE and sent for concurrence.

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ENACTORS

**Emergency Measure**

An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha  
(H.P. 1945) (L.D. 2689)

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

**Mandate**

Resolve, Authorizing the Members of the Sullivan Family to Bring Suit Against Waldo County and the State

(S.P. 605) (L.D. 1728)

(S. "A" S-603 to C. "B" S-601)

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

On motion of Representative TUTTLE of Sanford, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

**Acts**

An Act to Implement the Recommendations of the Task Force to Review Solid Waste Management Policy

(S.P. 1000) (L.D. 2565)

(H. "A" H-1113 to C. "A" S-628)

An Act to Implement a Maine Meat and Poultry Inspection Program

(S.P. 1083) (L.D. 2687)

(H. "A" H-1119)

An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf

(H.P. 1946) (L.D. 2690)

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

An Act Raising the Minimum Wage

(H.P. 253) (L.D. 357)

(C. "A" H-918)

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

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

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

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

**REPORTS OF COMMITTEE****Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration" (EMERGENCY)

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

That the Senate **RECEDE** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-605)**.

That the Senate **RECEDE** from its action whereby Committee Amendment "A" (S-605) was **ADOPTED** and **INDEFINITELY POSTPONE** the same.

That Committee of Conference Amendment "A" (S-701) be **READ** and **ADOPTED**.

That the Bill be **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-701)**, in **NON-CONCURRENCE**.

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

Signed:

Senators:

MURRAY of Penobscot

RUHLIN of Penobscot

FERGUSON of Oxford

Representatives:

FISHER of Brewer

POVICH of Ellsworth

PERKINS of Penobscot

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-701)** in **NON-CONCURRENCE**.

**READ.**

Representative MARTIN of Eagle Lake moved the Committee of Conference Report be **ACCEPTED**.

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

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. As I said, I am a lover of music. I don't like this report. I am all for bands going where they want to go, but I think it is a very bad precedent to take state money and send any band. This is a precedent setting measure and I urge you to think about it and vote against the pending motion. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. First of all, this is not a precedent setting action. There have been numerous groups of this nature throughout the years who have received support for activities of this nature. Let me take just a moment of your time. Bangor, Orland, Plymouth, Fairfield, Hancock, Dover-Foxcroft, Bucksport, Orono, Belfast, Old Town, Milford, Holden, Lincoln, Deer Isle, Monson, Lemoine, Southwest Harbor, Orrington, Ellsworth and until the 90 year old from Dexter retired from the band a few weeks ago, Dexter was included and, of course, Brewer. Twenty towns were involved with this organization. Yesterday or the day before, whenever we dealt with this, I mentioned that there were four counties. I apologize. There were five counties involved in this organization.

Just a quick reminder. This year is the 200th Anniversary of the nation's capitol. It won't happen again for another 100 years that we do something like this. The fee to go is in part a payment to help this committee, I am not talking about the

Brewer Band Committee, but the bicentennial committee in Washington to hold the event. The other day the Representative from Millinocket asked, how much money had they raised? I said several thousand dollars. They are close to \$10,000 that they have raised. What the committee did was lower to number to \$10,000. If matched by the Brewer Hometown Band Group, even with the \$10,000 they are still going to have to raise probably an extra \$5,000 above the \$10,000 that they have come close to now. They will have raised considerably more than the state.

I hope you will give them their consideration. Thank you very much.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. Being a band member/player myself in a local community band, I know this band. I believe it is the RB Hall Band. They have been in existence for I don't know how many years, 70 or 80 years or whatever. I know some of the players that play on that band. It is probably the best band in the State of Maine. In the summertime, especially, it is hard to find bands in the summertime, but this is a really good band. Where this is the bicentennial celebration, it is one of kind. If you have ever been to a parade down in Washington DC, I went to the inaugural in 1989 when Mt. Blue Band was down there, along with the Kennebunk Band. It is a big, big event. We need to have representation down there. I am firmly behind sending this band and allocating the money. Thank you.

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

Representative MARTIN: Mr. Speaker, Members of the House. The last thing I thought I would be doing tonight is debating an issue as this one. A couple people have asked me about precedent. I thought I would just fill you in. Over the years, the state has paid for bands going to Washington. We participated in helping with the 200th anniversary of this country. That was paid. That was assisted. We helped the high school band that was selected. We have helped bands going down for presidential inaugurals. The money has come from one of two sources over the years. It has come from the Governor's Contingency Account when they used to give the Governor a lot more money than we do now and they could use that for whatever they felt like. Governor McKernan, Governor Brennan and Governor Reed used to do that without any question. In the past, we have also done it by legislative act as well. If you are worrying about whether or not we are setting a precedent here, we are not.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I, like my friend from Eagle Lake, did not expect to debate this. I think the basic premise that we should take into consideration here is I do not believe that taking positive action on the pending motion would do anything to exempt the request from the Appropriations Table. I think in the spirit of fair play, we ought to allow this project to take its chances with other state priorities at the Appropriations Table and accept the report.

Representative McNEIL of Rockland REQUESTED a roll call on the motion to ACCEPT the Committee of Conference Report.

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

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

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

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. Who selected this band to go to this particular event?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Men and Women of the House. The band, as I understand it, applied to the Bicentennial Commission. I believe they sent a tape and their resume. They were accepted.

If I may continue for just a second, the organization is, as I think I said the other day, going to be playing the music of Maine composers. They will be playing at three concerts. One at the Tomb of the Unknown. One in the gala presentation and I have no idea what the third one is.

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

Representative O'BRIEN: Madam Speaker, May I pose a question through the Chair?

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I am under the impression a few years ago a local team, baseball team, wanted to go to the nationals. We came and asked the Governor for money because we were told there is a contingency fund that the Governor has for such things. If anyone can answer that question, if that still in effect? Two years ago there was a contingency fund that is for such matters. If anybody can answer that question?

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

Representative MARTIN: Mr. Speaker, Members of the House. The Governor has a contingency fund. He can use it for anything he so wishes. I don't know what the amount of the level of funding is because I know the Appropriations Committee has played with it over the years. I don't know where that is now. I don't know how much money is left in it. On July 1 after the end of the fiscal year it is replaced to whatever the level it is set at.

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

#### ROLL CALL NO. 639

YEA - Ahearne, Bagley, Baker, Belanger, Bolduc, Bouffard, Brennan, Bryant, Campbell, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemont, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKenney, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien LL, Perkins, Perry, Pieh, Pinkham, Povich, Quint,

Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shorey, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Treadwell, Tripp, Tuttle, Twomey, Watson, Wheeler EM, Williams, Mr. Speaker.

**NAY** - Andrews, Berry DP, Berry RL, Bowles, Bragdon, Bruno, Buck, Bull, Bumps, Cameron, Carr, Cianchette, Clough, Collins, Cross, Davis, Foster, Gillis, Glynn, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemoine, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McNeil, Mendros, Murphy T, Nass, O'Brien JA, O'Neil, Peavey, Powers, Savage C, Schneider, Shields, Snowe-Mello, Stanwood, Stedman, Trahan, Volenik, Waterhouse, Weston, Winsor.

**ABSENT** - Brooks, Frechette, McKee, O'Neal, Plowman, Rines, Sirois, True, Usher, Wheeler GJ.

Yes, 90; No, 51; Absent, 10; Excused, 0.

90 having voted in the affirmative and 51 voted in the negative, with 10 being absent, and accordingly the Committee of Conference Report was **ACCEPTED**.

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

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Clarify the Authority of Maine Game Wardens to Stop Motor Vehicles"

(H.P. 1627) (L.D. 2274)

House **ADHERED** to its former action whereby Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800) AS AMENDED BY HOUSE AMENDMENT "C" (H-852)** thereto in the House on April 11, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800) AS AMENDED BY SENATE AMENDMENT "B" (S-705)** thereto in **NON-CONCURRENCE**.

Representative **DUNLAP** of Old Town moved that the House **RECEDE AND CONCUR**.

Representative **MARTIN** of Eagle Lake **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. Maine Wardens are currently trained at the Criminal Justice Academy just like all law enforcement. When the new academy opens in 2001, the State Police, Sheriff, municipal officers and Game Wardens will all train together in the same training class. Wardens don't want to be traffic cops. They want to enforce fish and wildlife laws, but occasionally they find themselves in a position where they come across a drunk driver or someone who happens to have committed a criminal violation, such as theft from a camp or something like this in the real rural areas. They will then have to abide by the same reasonable and articulate suspicion standards as any other law enforcement officer. I assume they will probably call a trooper if it is an OUI or something like this or a deputy to follow up with an arrest and a

summons. Like I say, this pertains mostly to very rural Maine. I can tell you personally that I have been in a position many times when I was real glad to have a Game Warden show up and have the exact same powers of arrest as any other law enforcement officer. I urge you to vote green on the current motion. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This gets curiously and curiously. Just a little background on this. I know it is probably getting quite confusing, but I agree with everything the previous speaker said, except what you should vote for here. Last year the department came to our committee and said, look, there is one place in the statute that says they have all the powers and duties of Sheriff. It has been there for years. There is another section that says they can stop vehicles if they reasonable suspicion of a violation of Title 12, fish and game laws. Those two things are in the statutes. We are trying to clear them up. The Attorney General says we have to clear them up because they seem to conflict a bit. We are all in favor of giving them all the powers and duties of Sheriff. That is the original Committee Amendment. I was the author of that. That is what it says. That is what this bill is about, clearing this up, their powers and duties regarding vehicle stops. That is the title of the bill. That is the whole emphasis here that we are trying to clear up. This amendment that was put on in the other body takes off any discussion of vehicle stops. It says only the part that they have all of the powers and duties of Sheriffs. That is already in the statutes. This would clear up nothing. I hate to say it, but I think maybe people are getting tired in both bodies. This will absolutely not clarify things. I will stress it again. Last year they came to us and said, one thing we got to do, late in the session last year, at least we have to get a part in there so we can stop for drunken driving. It is unclear with those conflicting parts. They said they can't even stop anybody if they are weaving down the road. Last year we added a section that said including for public safety. That is in there, but I will tell you that that will sunset soon when we are done here if this dies between the bodies. The amendment that we voted for twice now with about 120 positives in here, all it says is that the department will write rules. They will be major substantive rules that will come back to the committee of jurisdiction regarding vehicle stops, boats, ATVs, snowmobiles. Let's get this cleared up once and for all. That is what they said they have been wanting to do. They wanted us to clear up the statutes so they could write the rules so they feel people would know what is going on. The best that we can do is to Adhere to our previous strong votes. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support this motion on the board. It will give the Maine Game Wardens the full enforcement authority of the Sheriff in the State of Maine. I have lived in rural Maine all my life and I appreciate the value of people working together. Sometimes it is a matter of survival. When it comes to law enforcement in rural Maine, the ability to work together is imperative. We rely on all of our enforcement officers to protect us in a time of need, regardless of what agency they represent or the color of their uniforms. Game Wardens have always been a part of my town and my district. They wear many hearts. Sometimes it is out to find a lost child

or arrest a night hunter. They provide a very specialized service to all the citizens of Maine even though their job is specialized, they are fully trained law enforcement officers. I think the people of Maine expect that Wardens should work together with all law enforcement officers and be able to assist in any enforcement situation. Restricting the ability for any law enforcement officer to respond to a person in need or causing that officer to have to think twice, can I or can't I, is not good policy making. I urge you to support the Recede and Concur. Thank you ladies and gentlemen.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. Here we are again. Actually what I should say is the same thing that President Reagan used to say, "There they go again." I just want to make it real clear. They are already using the powers of Sheriff. Were the other body to agree with what we have done, tomorrow morning they could continue to use those powers and the only restriction would be that several months from now, next year, they would have to come back to us with some rules that would govern what happens after that. Not what is going to govern between now and then, they would continue to do what they have always been doing. Bring us back some rules. That is all we have been asking for. It is curious to me why the department is so heck bent on not providing us some rules governing when they will and when they will not stop vehicles. I urge you to follow my light. It will be a red one and that we would move on to Adhere to our prior position. 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 just want to clarify a couple of things about this particular motion that is before us right now. I would also like to point out to my good friend from Wilton, that it really doesn't matter what we would like the other body to do. They have taken an action and it is counter to ours. If the bill does, in fact, die between the bodies, which is quite possible, given the margins of the votes in the last couple of roll calls, then as my good friend from Penobscot, Representative Perkins, pointed out, then the language that we do have in the statutes now, which does clarify that a Warden does have emergency authority. It was done as a temporary measure because it was sunset 90 days after adjournment of this session. That will go away. They will not be able to have clear authority to enforce all Maine laws, which was really the intent of the bill in the first place. I am very, very sorry that all of the issue of the regulatory checks has gotten involved. I wish it had not. It has consumed the entire debate. I have had many lengthy discussions with my good friend from Wilton about this. We are very, very close to agreement on this issue. We do differ on the issue of the regulatory checks when it involves motor vehicles. That is why this amendment takes out all of the motor vehicle components. There is not a motor vehicle stop component mentioned in here. It is strictly power and duties of a Sheriff. Even the title has changed, although it is not reflected so on the board.

The new title is simply, "An Act to Clarify Authority of Maine Game Wardens." Now, to be fair, the motor vehicle component is still addressed because under powers and duties of a Sheriff, that is cross referenced under Title 29A, Section 105, bla, bla, bla, about what an officer can do in the course of a vehicle stop. It is very boilerplate. It is very uniform. That is what this

amendment does. We are no longer talking about a Game Warden stopping someone because they have a fishing rod in their gun rack. That is no longer the issue. The issue is really very truly general law enforcement authority again. When we had that in the Committee Amendment, remember that went through under the hammer, which is even a larger portion than I lost by. That is something to think about. The comments from my friends from Northport and from Union, I think should be taken into account if we do decide to vote against this motion and stay on our previous action, kill the bill. If you are a Game Warden in the field, you are not going split the hair, can I make the stop or can't I? You probably just simply will not do it.

Our great concern when we were addressing this issue, was not really about whether or not they could stop somebody if they had a deer in the back of their truck. It was really, what happens if a Game Warden is doing some paperwork in the truck and there is a school bus stopped and somebody passes it. Do they have that authority to stop them or not? The problem in the statute is it was not clear whether or not they did have that authority. That is why this legislation came forward two years ago under another LD, which was passed with some different language and this was simply to further clarify the powers and duties of a Sheriff. This really does, in my mind, no harm. I know that others may disagree with me. They would like to see it more closely spelled out. They like to see the Game Wardens more tightly reined in because we have all found the phone calls where someone was treated discourteously by a Game Warden. However, I do not think you get to that problem by telling a Game Warden that they cannot stop someone if they believe that person is endangering the public. That is essentially the message we are sending if we fail to act on this motion. I do encourage you to vote to Recede and Concur.

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

Representative MARTIN: Mr. Speaker, Members of the House. I have listened to what the Representative from Old Town has told us tonight. Let me just say that Title 29A has not changed since I last read it and the powers are still where they are with both the State Police and the Game Warden and nothing has changed. The Representative from Old Town, to some degree, tries to bring you to the fact that perhaps a stopped school bus is the issue and if someone sees you go by a bus, that is a problem a Game Warden and he can't stop you. That is inaccurate. That is totally inaccurate because obviously the crime has been committed in his or her presence. That is not the issue. The issue is whether or not there are reasons to stop you when, in fact, you are carrying a fishing rod. That has not changed. The amendment that has come over from the other body, the amendment that you have now before you, if we were to accept the motion to Recede and Concur, is actually worse than anything we have done to date. It is worse than what we have killed today in this body. That is what is amazing to me. If we wait one more time and we get another amendment, that will even be worse. I really urge you not to Recede and Concur.

We are going the wrong way. What is ironic about all of this is last night the commissioner called me about five minutes to eight and said would you be willing to sit down and see if we could put together something together? I said, sure, we'll meet in the morning. This morning he came to me and said, I am sorry because I can't get anything approved by other people outside of this room. That was the end of that. Those of us in



this body who have made an effort and tried, we have basically been told that this is it, take it or leave it.

What happens if we go and stick with our original position? I want to make that clear because that is important. We will have given them the tools they need. They will have Title 12. They will have Title 29. They will have the powers of Sheriff and then on administrative stops, they are going on what is unrelated to the Fourth Amendment. They are going to have to come back and draft some rules and bring them back to the Legislature as substantive rules in January.

What clearer way to deal with the issue so that this Legislature or the 120th will deal with the facts as they ought to be. Right now what is happening is that people are imposing their own wills and desires as to what is a stop. They are imposing their desires whether it is based or coming from someone you know is a Game Warden because they are being told different things. That is inaccurate. We are not trying to prevent them from doing their jobs. We just want to make sure that they follow the Constitution of the United States as amended by the Fourth Amendment. I don't think that is too much to ask of any law enforcement officer.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. It is that time of night when the only thing that I can really say is please defeat the Recede and Concur and move on to Adhere. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Once again I would like to point out to you that the option of going back to what this House did originally is not an option if you vote against the pending motion. The bill will be dead. We will not be talking about major substantive rules in the 120th Legislature because the bill will be dead. This body has already voted to Adhere to its previous action.

I am a little bit surprised that the statute at hand is so hard to understand. What we are looking at, if you look at the original law, the issue about the stopped school bus is an issue. There is a disclarity in the law. If this bill does, in fact, die, it is in question whether the Game Warden will have the authority to stop that motor vehicle or not.

I agree with everything that the Representative from Eagle Lake has just said. It is not too much to ask that they abide by the constraints of the Fourth Amendment. There is nothing in the current amended version of this bill, which even addresses an incursion on the Fourth Amendment. All it says is powers and duties of a Sheriff. That has been well tested and well exercised in the courts and we know very well where we are.

I hope, again, that you will reconsider your previous action and vote with the Recede and Concur.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. We were just told a few minutes ago by the presiding officer that we should not try to rely on the actions of the other body. I was not aware that the Representative from Old Town was speaking for the presiding officer of the other body. Only the presiding officer of the other body can make a decision under parliamentary procedure as to whether or not the motion to Recede and Concur will be in order over there. I know what *Masons* says and that is not for me to interpret, however, what

the presiding officer of the other body will rule, as to whether or not the motion to Recede and Concur and to continue with our previous action will be. If a motion to Recede and Concur fails, I intend then to move to Adhere to our position and then whatever takes place will take place in the other body.

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

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. The argument that we need clarification of what Game Wardens can and cannot do, I think is perception. Every police officer in this state, whether it be a State Trooper, Deputy Sheriff, municipal officer or Warden who is responsible for marine resources is required by this government to go to the academy. They get certified. They can't practice law enforcement in any capacity unless they hold a valid certificate. That certificate says that they are a law enforcement officer for the State of Maine, not Deputy Sheriff, not a Game Warden. They are a law enforcement officer for the State of Maine. They all have the same rights and responsibilities, especially when it comes to dealing with a crime that is committed in their presence. In fact, if it is a felony that is committed in their presence, they are required to act upon it, whether it is in their jurisdiction or not. I don't think that is the issue here. I concur with the good Representative from Eagle Lake and his comments.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I just want to say one more time to make sure that people realize, the issue is vehicle stops. It isn't powers and duties of Sheriffs to carry out the usual duties of State Police even, as the good Representative from Waterboro said. The issue is vehicle stops. If you don't believe there is some confusion about what has been going on as far as vehicle stops and the public perception and the public misunderstanding and the public disgruntlement of some of the stops that have been made. You don't hear these as far as State Troopers go and Sheriffs because State Troopers and Sheriffs have always been acting under the same premise that they have to have articulable suspicion of a violation. The Wardens for decades have been acting with that for sure, but in addition they have been stopping for the package they called regulatory stops to check people's licenses, to check their bag limits in their vehicle. They have been treating people in vehicles the same as they would on foot. No expectation of privacy for the person in the vehicle. The vehicle that you keep in your garage at night that you have locks on the doors that you might have your computer, your telephone and your personal goods in. Some of them have been treating it as if you were on foot. That is what we are trying to clear up. If there is any doubt about it, three times now the department has come to the committee with drafts on the rules. The first one, they have backed off. I am not holding them to that now, but just to give you an example of the progression of the problem here. The first one had things like if the person in the vehicle has an orange hat on. That is in there. I have got it. It is right here. You can read it. A lot of us on the committee had a lot of qualms about that including the good House chair. They backed off from that and the next one was a little bit better, but it still did not follow the standards that Troopers and Sheriffs follow. They came up with a third one, the one just before the one we are dealing with now and it still has in there that they can stop a vehicle if that person is observed fishing, hunting or trapping, in

the vehicle. Obviously you can't be fishing. It doesn't say anything about violation. All I am trying to say is there is a lot of confusion.

One more thing, I will point out again that in the latest *Fish and Wildlife Magazine*, the official magazine of the state, there is a question and answer series written by the Chief Warden, Colonel Peabody, a wonderful man. Let me read this one sentence. For example, "If during fishing season, I watch a vehicle with a canoe on top drive away from a landing at remote trout point, can I check the person in the vehicle for a fishing license or any fish they may have caught?" A State Trooper couldn't do this and a Sheriff couldn't do this, but the answer is, "Yes, given the setting and the time of year, any reasonable person would believe that the person in the vehicle may have been fishing in the pond." That is what we are trying to clear up. That is why we want to come back with written rules in front of the committee. Thank you.

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

**ROLL CALL NO. 640**

YEA - Bagley, Baker, Berry RL, Bolduc, Bruno, Bumps, Davis, Desmond, Dunlap, Etnier, Fisher, Green, Hatch, Jones, Kneeland, Lindahl, Madore, Mayo, Muse, Pieh, Pinkham, Quint, Richard, Richardson E, Savage C, Saxl JW, Saxl MV, Schneider, Shiah, Stanwood, Stevens, Thompson, Tobin J, Townsend, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brennan, Bryant, Buck, Bull, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dugay, Duncan, Duplessie, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Matthews, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Povich, Richardson J, Rosen, Samson, Sanborn, Savage W, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tessier, Tobin D, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor.

ABSENT - Brooks, Frechette, McKee, Murphy E, O'Neal, Perry, Plowman, Powers, Rines, Sirois, True, Usher.

Yes, 35; No, 104; Absent, 12; Excused, 0.

35 having voted in the affirmative and 104 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

CIANCHETTE of South Portland

DAVIDSON of Brunswick

COLWELL of Gardiner

STANLEY of Medway

LEMONT of Kittery

MURPHY of Berwick

BUCK of Yarmouth

GAGNON of Waterville

LEMOINE of Old Orchard Beach

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-698)** on same Bill.

Signed:

Senators:

MILLS of Somerset

DAGGETT of Kennebec

Representative:

GREEN of Monmouth

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-698) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** thereto.

**READ.**

On motion of Representative GAGNON of Waterville, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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

Bill "An Act to Extend New Teachers' Probationary Periods"

(H.P. 1431) (L.D. 2054)

(C. "A" H-983)

**TABLED** - April 12, 2000 (Till Later Today) by Representative TRACY of Rome.

**PENDING** - Motion of Representative McKEE of Wayne to **INDEFINITELY POSTPONE BILL AND ACCOMPANYING PAPERS**. (Roll Call Ordered)

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I hope you will vote against the motion to Indefinitely Postpone. This is a bill that came before the Education Committee. It was an 11 to 2 Ought to Pass report. What this simply does is allow a superintendent to extend the third year of probation to a teacher where the superintendent believes that that would be beneficial to both the teacher and to the school system. The current law and the current presumption that a probationary period of two years would continue and this provision to extending it to a third year would only be used in a very limited way. The superintendent would have to make that

nomination to the school board. The overwhelming majority of members on the Education feel that this is a very prudent and reasonable step in terms of not rolling back the probationary period of teachers, but simply allowing the superintendent a little bit more discretion in those situations where he or she believes that that additional year would be beneficial to the teacher. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I urge you to vote against Indefinite Postponement of this bill and to vote in favor. Two years is enough time to evaluate a new teacher. We believe that every student deserves a highly qualified well prepared teacher. As a result, one of the most important responsibilities of school administrators should be to provide new teachers with the support system they need to be successful during their first two years in the classroom. At the end of this period, which is a long enough time, a decision should be made.

Just a word about the history. A strong support system for new teachers was established in 1985 under the Education Reform Act. This mentoring system was highly successful. Unfortunately, these support teams were done away with in 1991 when the money was deappropriated under the weight of a \$2 billion deficit. The two-year probationary period assumes a mentoring process, but there is currently no support system in place. To say that extending the probationary period for a third year would help teachers with no mentoring system in place, is a false argument. Good administrators do the right thing. The problem is with the administrator who is not doing the job. I urge you to vote to limit the probationary period to two years.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. Just to clarify a couple of points, the law regarding support teams for teachers was not repealed. School districts are still required to have support teams. It is true as the previous speaker pointed out, that money was deappropriated for those support teams, but the testimony that we heard that well over half the school districts in the state continue to have support teams. The Education Committee also voted out unanimously a bill to appropriate \$1 million for support teams. Thank you.

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

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to vote for the pending motion. Superintendents have enough power now if they want to use it, they can. They need to use their own power. If we allow that to happen now, next year we are going to hear the same thing. We need one more year. If only we had one more year, we could make better decisions. I would encourage you to stop it here. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. This bill helps a promising teacher to remain in the teaching profession. Once the teacher has been let go, it is difficult to be hired somewhere else in the same profession. There will be a cloud of doubt as to the reason the person are not hired. School districts want the best teachers and won't see the promise of this person. There are some checks and balances here. The superintendent is not the soul person to

make this determination. After this probationary teacher has been a year and a half in the classroom, the school board must make the final decision. This decision has to be reported to, and cleared by, the Department of Education and the Education Committee. Often it will be obvious whether a person is capable of teaching. However, in the rare case that a principal is unsure, wouldn't it be to the teacher's advantage to have more time? The school board can hire a teacher after only one year as a probationary teacher or after two years must either hire or let go. This remains standard practice and changes only in the case that an individual shows promise and probably needs a little more time to prove him or herself. I thank you Mr. Speaker.

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

#### ROLL CALL NO. 641

**YEA** - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bryant, Bull, Chick, Clark, Collins, Colwell, Cowger, Davidson, Davis, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Gillis, Green, Hatch, Jabar, Kane, Labrecque, LaVerdiere, Lovett, Martin, Matthews, Mayo, McDonough, McGlocklin, Mitchell, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Perkins, Povich, Powers, Richardson J, Samson, Sanborn, Saxl JW, Saxl MV, Sherman, Shiah, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Andrews, Belanger, Bouffard, Bowles, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clough, Cote, Cross, Daigle, Desmond, Duncan, Foster, Glynn, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, Peavey, Pieh, Pinkham, Quint, Richard, Richardson E, Rosen, Savage C, Savage W, Schneider, Shields, Shorey, Skoglund, Snowe-Mello, Stedman, Tobin D, Tobin J, Treadwell, Volenik, Waterhouse, Weston, Winsor.

**ABSENT** - Brooks, Frechette, Goodwin, McKee, O'Neal, Perry, Plowman, Rines, Sirois, True, Usher.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, with 11 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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The following item was taken up out of order by unanimous consent:

#### SENATE PAPERS Non-Concurrent Matter

Bill "An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility"

(H.P. 1863) (L.D. 2598)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** and the **BILL PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900) AS AMENDED BY HOUSE AMENDMENT "A" (H-919)** thereto in the House on March 28, 2000.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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

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On motion of Representative DESMOND of Mapleton, the House adjourned at 11:18 p.m., until 10:00 a.m., Friday, April 14, 2000.