

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
 38th Legislative Day
 Thursday, May 11, 2000

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

Prayer by the Reverend Sharon L. Hughes, St. Ansgar Evangelical Lutheran Church, Portland.

National Anthem by Mr. Timothy Neill Johnson, University of Maine, Augusta.

Pledge of Allegiance.

The Journal of Thursday, April 27, 2000 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Length of Service, Retirement Age and Retirement Benefits for State Police Officers and Certain Other State Employees

(S.P. 911) (L.D. 2363)

(C. "A" S-643)

PASSED TO BE ENACTED in the House on April 7, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-643) AS AMENDED BY SENATE AMENDMENT "A" (S-739)** thereto in **NON-CONCURRENCE**.

Representative HATCH of Skowhegan moved that the House **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

An Act to Improve School Safety and Learning Environments

(S.P. 298) (L.D. 870)

(H. "A" H-1102 to C. "A" S-657)

PASSED TO BE ENACTED in the House on April 11, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-657) AS AMENDED BY SENATE AMENDMENT "B" (S-795)** thereto in **NON-CONCURRENCE**.

On motion of Representative SAXL of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 438)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

April 24, 2000

The Honorable Mark W. Lawrence, President of the Senate

The Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry

during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	35
Unanimous reports	20
Ought to Pass	4
Ought to Pass as Amended	11
Ought Not to Pass	5
Divided reports	10
Committee Bills & Papers	5
Pursuant to Public Law	3
Pursuant to Statute	2

Respectfully submitted,

S/John M. Nutting

Senate Chair

S/Wendy Pieh

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 439)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 27, 2000

The Honorable Mark W. Lawrence, President of the Senate

The Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	70
Unanimous reports	53
Ought to Pass	2
Ought to Pass as Amended	17
Ought Not to Pass	31
Referred to Another Committee	3
Divided reports	17

Respectfully submitted,

S/Michael H. Michaud

Senate Chair

S/Elizabeth Townsend

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 440)

STATE OF MAINE

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

April 24, 2000

The Honorable Mark W. Lawrence, President of the Senate

The Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	24
Unanimous reports	20
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	10
Divided reports	4

Respectfully submitted,
S/Lloyd P. LaFountain III
Senate Chair
S/Jane W. Saxl
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 441)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	62
Unanimous reports	53
Ought to Pass	2
Ought to Pass as Amended	16
Ought Not to Pass	29
Referred to Another Committee	6
Divided reports	6
Committee Bills & Papers	3
Pursuant to Public Law	1
Pursuant to Resolve	1
Pursuant to Joint Order	1

Second named Committee on 1 jointly referred bill.

Respectfully submitted,
S/Carol A. Kontos
Senate Chair
S/Gary O'Neal
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 442)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the Second Regular Session of the 119th Legislature has been completed.

The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	34
Ought to Pass	1
Ought to Pass as Amended	18
Ought Not to Pass	14
Referred to Another Committee	1
Divided reports	10
Committee Bills & Papers	1
Pursuant to Joint Order	1

Respectfully submitted,
S/Robert E. Murray, Jr.

Senate Chair
S/Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 443)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	33
Ought to Pass	6
Ought to Pass as Amended	11
Ought Not to Pass	16
Divided reports	8
Committee Bills & Papers	4
Pursuant to Statute	1
Pursuant to Joint Order	3

Respectfully submitted,
S/Georgette B. Berube

Senate Chair
S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 444)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	60
Unanimous reports	53
Ought to Pass	6
Ought to Pass as Amended	21
Ought Not to Pass	24
Referred to Another Committee	2
Divided reports	4
Committee Bills & Papers	3
Pursuant to Joint Order	3

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Judy Paradis

Senate Chair

S/Thomas J. Kane

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 445)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	36
Unanimous reports	27
Ought to Pass	4
Ought to Pass as Amended	5
Ought Not to Pass	14
Referred to Another Committee	4
Divided reports	5
Committee Bills & Papers	4
Pursuant to Joint Order	4

Respectfully submitted,

S/Marge L. Kilkelly

Senate Chair

S/Matthew Dunlap

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 446)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

April 27, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	60
Unanimous reports	43
Ought to Pass	3
Ought to Pass as Amended	20
Ought Not to Pass	20
Divided reports	15
Committee Bills & Papers	2
Pursuant to Joint Order	2

Respectfully submitted,

S/Susan W. Longley

Senate Chair

S/Richard H. Thompson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 447)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	50
Unanimous reports	25
Ought to Pass	3
Ought to Pass as Amended	9
Ought Not to Pass	13
Divided reports	25

Respectfully submitted,

S/Neria R. Douglass

Senate Chair

S/Pamela H. Hatch

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 448)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 24, 2000

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	32
Ought to Pass	0
Ought to Pass as Amended	15
Ought Not to Pass	17
Divided reports	13

Respectfully submitted,

S/Beverly C. Daggett

Senate Chair

S/John L. Tuttle, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 449)

STATE OF MAINE

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

April 24, 2000

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	18
Unanimous reports	13
Ought to Pass	0
Ought to Pass as Amended	7
Ought Not to Pass	6
Divided reports	5

Respectfully submitted,

S/Jill M. Goldthwait

Senate Chair

S/David Etnier

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 450)

STATE OF MAINE

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

April 24, 2000

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	37
Unanimous reports	29
Ought to Pass	4
Ought to Pass as Amended	18
Ought Not to Pass	7
Divided reports	8

Respectfully submitted,

S/Sharon Anglin Treat

Senate Chair

S/John L. Martin

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 451)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON RESEARCH AND
DEVELOPMENT**

April 24, 2000

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Joint Select Committee on Research and Development during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	6
Unanimous reports	4
Ought to Pass	1
Ought to Pass as Amended	3
Ought Not to Pass	0
Divided reports	1

Committee Bills & Papers

Pursuant to Joint Order

Respectfully submitted,

S/Carol A. Kontos

Senate Chair

S/Scott Cowger

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 452)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 24, 2000

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the

Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	32
Unanimous reports	15
Ought to Pass	2
Ought to Pass as Amended	9
Ought Not to Pass	4
Divided reports	14
Committee Bills & Papers	3
Pursuant to Joint Order	3

Respectfully submitted,
S/Peggy A. Pendleton
Senate Chair
S/Douglas J. Ahearne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 453)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

April 24, 2000
The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	59
Unanimous reports	40
Ought to Pass	2
Ought to Pass as Amended	20
Ought Not to Pass	17
Referred to Another Committee	1
Divided reports	13
Committee Bills & Papers	6
Pursuant to Joint Order	6

Respectfully submitted,
S/Richard P. Ruhlin
Senate Chair
S/Kenneth T. Gagnon
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 454)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 24, 2000
The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second

Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	
Unanimous reports	
Ought to Pass	
Ought to Pass as Amended	
Ought Not to Pass	
Referred to Another Committee	
Divided reports	
Committee Bills & Papers	
Pursuant to Statute	

Second named Committee on 2 jointly referred bills.

Respectfully submitted,
S/William B. O'Gara
Senate Chair
S/Joseph M. Jabar Sr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 455)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 24, 2000
The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the Second Regular Session of the 119th Legislature has been completed.

The breakdown of bills before our committee follows:

Total number of bills	38
Unanimous reports	33
Ought to Pass	6
Ought to Pass as Amended	19
Ought Not to Pass	8
Divided reports	1
Committee Bills & Papers	4
Pursuant to Public Law	1
Pursuant to Statute	1
Pursuant to Joint Order	2

Respectfully submitted,
S/Richard J. Carey
Senate Chair
S/Thomas M. Davidson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 456)

**CENTER FOR CAREER DEVELOPMENT
SOUTHERN MAINE TECHNICAL COLLEGE
FORT ROAD
SOUTH PORTLAND, ME 04106**

April 28, 2000
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe,

I am pleased to forward a copy of the annual report for the Maine Quality Centers as required by statute. Copies have also been sent directly to members of the Joint Standing Committee on Business and Economic Development and the Economic Development Incentive Commission.

The Maine Quality Centers is an economic development program of the Maine Technical College System. The program's statutory mission is ". . .to meet the workforce education and training needs of new and expanding businesses in the State and provide new employment and career advancement opportunities for Maine people."

Please let me know if you have any questions or comments.

Sincerely,

S/James H. McGowan

State Director

Maine Quality Centers

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

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.

An Act to Increase the Minimum Wage in Maine

(S.P. 425) (L.D. 1262)

(S. "A" S-620 to C. "A" S-534)

TABLED - April 7, 2000 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative HATCH of Skowhegan, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The Following Communication: (H.C. 457)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 8, 2000

Dear Members of the 119th Legislature,

Enclosed please find H.P. 253, L.D. 357, "An Act Raising the Minimum Wage," which I am returning without my signature or approval.

This bill would increase the State minimum wage to \$5.75 on January 1, 2001 and to \$6.25 on January 1, 2002. Thereafter, the minimum wage would be indexed to the Consumer Price Index on a three-year cycle. The bill also calls for a referendum on this issue. As in the past, I am concerned that raising the State minimum wage above the Federal minimum wage of \$5.15, making Maine one of the 10 highest rates in the nation, will put Maine at a competitive disadvantage, making it more difficult to attract new jobs, even those paying substantially above the minimum wage.

The Department of Labor estimates that approximately 8,000 workers in Maine earn the minimum wage, of whom a significant percentage are teenagers. This represents about 2.1 percent of the State's hourly work force. While L.D. 357 would provide some help to this small group of workers, I have to be concerned with all Maine workers. That is why my administration has devoted considerable time and effort to attracting and growing good jobs in Maine.

As a result of that effort, we have learned that when making business location decisions, employers consider the cumulative effect of a number of factors including wages, workers' compensation costs, and tax burden. I remain concerned that an increase in the minimum wage is adding yet another factor to the list, which in turn could discourage job creation.

I recognize that an increase in the minimum wage will improve the earnings of some Maine workers. For this reason, my decision to veto this legislation is not an easy one. Nevertheless, I am unwilling to take the chance that the proposed increase will have an adverse impact on all workers by discouraging the creation of high wage jobs in our state.

My goal is, and has always been to make the minimum wage irrelevant by supporting economic growth that lowers unemployment and thereby leads to wage and benefit improvements well beyond the terms of any statutory provision, including this one. As we have seen in recent years, solid economic growth is the best cure for low wages; as tempting as it is, I am unwilling to jeopardize the continuation of that growth and its positive effect on all the working people of Maine by signing this bill.

I do support an increase in the Federal minimum wage. Such an increase would help all Maine workers and avoid putting the state at a competitive disadvantage. It appears quite likely that an increase of the Federal minimum wage will pass this session of Congress, which will make the increase proposed in this bill unnecessary.

Sincerely,

S/Angus S. King, Jr.

Governor

READ and **ORDERED PLACED ON FILE.**

The accompanying Bill "An Act Raising the Minimum Wage"

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

(C. "A" H-918)

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I ask that you join me in overriding the veto on the minimum wage referendum. It seems only logical that the last day I would be spending in this great chamber would be a day that I would spend sometime talking to you about helping the lowest paid workers in the state. I count it an honor and a privilege to be doing so. While the veto message reads like previous minimum wage vetoes, there are distinct differences. Number one, the veto eluded that we would be out of compliance with other states and be with only 10 other states and should wait for the feds to increase the minimum wage. I checked on the Internet last night and yes, there is still some discussion on the federal level in regards to an increase in the minimum wage to \$1. Over a three-year period that is 33 cents a year. There is also \$11 worth of tax cuts to the very wealthy included in that minimum wage bill.

Currently the states that have above the federal minimum wage are Alaska, California, Connecticut, Hawaii,

Massachusetts, New Hampshire, Rhode Island, Oregon, Vermont and Washington State. They all have minimum state wages above the others and their economies are booming. Other states currently looking at the wage issue are Alaska, looking for another increase. Connecticut is looking at the CPI, which is included in this bill that would kick in on July 1, 2001 and every 12 months thereafter. Georgia and Hawaii have CPI increases based on the economy of Hawaii. Iowa increases to \$6.15 on January 1, 2001 and to \$7.15 on January 1, 2002. Kentucky increases to \$6.15 in two steps and there is also legislation pending increases to tipped employees to full minimum wage. Those are waitresses in restaurants who earn half the minimum wage. I find that very interesting. I think that is something that we ought to look at next session. Minnesota increases and indexes the minimum wage. I don't have a number on that. New Jersey increases the minimum wage to 50 cents above the federal on July 1, 2000. New York increased the minimum wage to \$7.85 on September 1, 1999. Rhode Island is going from \$6.25 to \$6.75 on July 1, 2002 and adds a CPI. You might notice that there are quite a few New England states that have already increased their minimum wages above the feds.

Another sentence in the veto message relates to estimates that approximately 8,000 workers in the state earn minimum wage. They get their figures from the unemployment roles. It does not include temporary employees, part-time employees or seasonal employees or waitresses for that fact. According to my estimates, I figure there is about 50,000 minimum wage earners all below in the state. Last, and certainly not least, because I don't want to belabor this point, in the veto message it is and I quote, "the bill calls for referendum." It is absolutely true. There is no further reference to any opposition to a referendum. This bill was based on Washington State referendum. Sixty-six percent of the public decided that the Washington State ought to be above the federal wage. A question to each member of this illustrious body, are Maine citizens capable of making a mature and reasonable judgment on this issue? I hope your answer is, we think so. Thank you for your time. I ask for your support. There are three options, you can vote yes, you can vote no or you can take a walk. Thanks.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I think if we read the Chief Executive's veto message, it pretty well expresses the objections that I would have to the State of Maine increasing the minimum wage at this time. I think it is the responsibility of our federal government if we do need a minimum wage and I do believe we need an increase in the minimum wage at this time. I think it is the responsibility of the federal government to do that. The thing about this particular bill that bothers me a great deal is the fact that we have an escalator clause in the bill that will allow an increase in the minimum wage every three years as the consumer price index increases. This has the potential of putting us way ahead of the federal minimum wage or any other state's minimum wage for that matter. This would definitely put the State of Maine at an unfair competitive advantage as far as our labor force goes. I would not even speculate to where the Chief Executive of the Department of Labor came up with the 8,000 workers who are currently being paid minimum wage in the State of Maine, but I think that figure is probably founded on some very good information. The 50,000 individual figure that was just

given to us by the good Representative from Skowhegan, Representative Hatch, before I would put any stock and trade in that, I think I would like to know where those figures came from. I would encourage you to support the Chief Executive's veto on this bill.

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

Representative COTE: Mr. Speaker, Members of the House. I wasn't going to rise to speak on this issue, but I feel I have to. Being a cosponsor of the bill, I am totally in favor of the minimum wage hike for one factor and one factor only, I have been in the workforce, myself, for many years. I have earned nothing but minimum wage all my life. It is rough, especially if you have family members. If you are raising four, five or six kids and you are the only wage earner in the household, it is pretty hard to raise that number of family members on regular minimum wage. This past week I lost the count on how many phone calls I have received begging and crying asking me to vote for the minimum wage and vote against the Governor's veto on this. I have met with workers these past two weeks in different businesses and I have spoke to each individual personally, myself, about this bill. I have had more people cry because they can't make it on minimum wage. They need more money to survive and take care of their young ones. My ex-wife just went back to work. She is starting off at minimum wage, \$5.15 an hour. She has to take care of my son, raise him by herself along with my support. What I make for income is not enough for me to take care of him, her and my own bills and stuff. She can't make it on \$5.15 an hour, not with her rent every month, lights, food, medical bills, clothing and dental. There is no way these people can make it on \$5.15 an hour. I urge my fellow colleagues to join me and Representative Hatch and override the Governor's veto on the minimum wage bill. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is shall this bill "An Act Raising the Minimum Wage" become law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 695

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

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

ABSENT - Bolduc, Bragdon, Dudley, Labrecque, Madore, Matthews, McKee, Muse, Perry, Quint, Sirois, Stedman, Volenik.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly the Veto was **SUSTAINED**.

(H.P. 1214) (L.D. 1743)
(S. "A" S-638 to C. "A" H-913)

The Following Communication: (H.C. 458)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

May 8, 2000

Dear Members of the 119th Legislature,

Enclosed please find H.P. 1214, L.D. 1743, "An Act to Preserve Live Harness Racing in the State," which I am returning without my signature or approval.

I can appreciate and support efforts to maintain and improve the Harness Racing tradition here in Maine. The harness race, Maine horsemen and women, and the Agricultural Fairs are part of our culture and our history. I realize L.D. 1743 is intended to help maintain this tradition and culture, but I believe this approach will lead to a compromise of the very tradition it seeks to preserve. I believe tele-betting will ultimately undermine the traditional harness racing experience many supporters cherish.

Convenience gambling only serves to increase the pool of gamblers, thereby increasing the level of the wagering right down to the individual bet. While there may be short-term benefit to the Maine harness racing community resulting from revenues realized from tele-betting, I am not convinced that in the long-run, the tradition and culture will be preserved by encouraging remote betting from our living rooms. I am aware that access currently exists for wagering to occur over the telephone or the internet. Unfortunately, I'm also aware that we possess little authority to prohibit much of that activity as it almost always originates elsewhere.

The 1999 report of the National Gambling Impact Study Commission concluded that "convenience gambling, such as electronic devices in neighborhood outlets," (or telephones in living rooms!) "provides fewer economic benefits and creates potentially greater social costs by making gambling more available and accessible. Therefore, the Commission recommends that states should not authorize any further convenience gambling operations and should cease and roll back existing operations." I believe at the very least we ought to heed their advice not to further expand convenience gambling operations in Maine. I further believe that the Federal Government needs to develop national policies on the regulation and/or prohibition of this type of gambling activity. If the Federal Government is going to rely on states to control gaming activity, they must ensure we have the ability to do so. In the meantime, expanding easy access to gambling certainly doesn't constitute the kind of "value added" economic development to which I know we are all committed.

For the reasons outlined above, I am in firm opposition to L.D. 1743 and respectfully urge you to sustain my veto.

Sincerely

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act to Preserve Live Harness Racing in the State"

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. For the point of information, this legislation received 97 votes the last time it was before the body. As many of you are aware, LD 743 is "An Act to Preserve Live Harness Racing in the State." I find this proposed veto extremely troubling given the fact that the harness racing in Maine is in dire straights. What this legislation attempts to do is it will help stop the continued siphoning of Maine harness racing customers away from Maine businesses that service the Harness Racing Industry of the state on a statewide basis. As many of you are aware, the State of Pennsylvania has allowed its own pari-mutuel facilities to set up telephone wagering accounts in Maine. These customers, from the comfort of their homes, can now wager into Pennsylvania and eliminate Maine from deriving any income from those wagers. Just as recently as last week Pennsylvania has stepped up its solicitation of Maine customers. Every dollar that is placed out-of-state, negatively affects the livelihood of all agricultural fairs in the State of Maine. For those of you who supported the legislation and helped pass it, I am very thankful for that support. I would hope that we could still rely upon you once more when you are asked to cast your vote today. For those of you who did not support the bill, I ask that you would take the fair and honest look at this present LD and realize that your vote will do a lot to help the harness racing industry in Maine.

This is the first time in 20 years that I have actively risen to speak against a veto. I can tell you there have been many times that I have considered rising to do so, but have not. I would ask you, Mr. Speaker, men and women of the House, that you would give this LD your serious consideration and remind you that there are over 1,200 hardworking people in this state that derive their income and support of their families whose futures, in my opinion, are tied to this bill. Therefore, I would ask that you would vote yes to override the Governor's veto. Thank you Mr. Speaker.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the Governor. I will not try to further elaborate on his very eloquent statements in his veto message. I would only add that if we want to support the agricultural fairs, we have to first support the people who attend the agricultural fairs. Picking up a telephone from your living room or from your cubicle in your office to wager on a race is not attending an agricultural fair. Please consider this in context with the other issues that are before our voters this fall where we would look at additional expansions to the issue of gambling in the state. I urge you to sustain the Governor's veto so that we don't further encourage gambling by making it more convenient and therefore more of a problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Duncan.

Representative **DUNCAN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1743. As you are aware, this bill allows wagers to be made on harness and horse racing outside the State of Maine to be conducted through licensed off-track betting facilities in Maine rather than outside the State of Maine as is the current practice. I cannot state

strongly enough that this bill does not in any way, shape or form extend gaming, but instead it merely insures that a portion of the significant sums of money bet on horseracing outside the State of Maine remains in the State of Maine. Should this bill become law the entire agricultural community will benefit. Of all wagers placed at off-track betting facilities the State of Maine retains 18 to 26 percent of the profits. The bettor receives the same pay off by placing a bet through an off-track betting facility in Maine as he would be betting telephonically or over the Internet. The sole difference by wagering through a licensed off-track betting facility in Maine agricultural communities retains profits that otherwise would simply flow to outside state corporations.

The proceeds from off-track betting facilities are divided between the Maine Sire Stakes Program, the Horsemen's Purse Account, the Maine Harness Racing Promotion Board and the Agricultural Fairs. The agricultural fairs are a rich tradition in the State of Maine. By supporting this bill, Maine agricultural fairs will receive an influx of over one-half million dollars annually. They are funds that are sorely needed by our fairs in order to continue their tradition. Frankly, I simply do not understand the veto of this bill. Those who would support the veto of LD 1743 in their zeal to legislate morality to the citizens of the State of Maine fail to comprehend and understand that this bill does not, in any way, extend or promote wagering. Wagering is already occurring. The sole difference that this bill makes is that Maine harness horsemen and women, agricultural fairs, farms that produce hay and oats, horse racing tack dealers and distributors and the state, as a whole, will receive a portion of the funds that are already bet through outside state facilities. Where is the logic of giving away millions of dollars when it would be very easy to stop the flow of monies to outside tracks and outside corporations? Failure to override the veto of LD 1743 represents another nail in the coffin of harness racing and the fine tradition of agricultural fairs in the State of Maine as well as the already maligned farming industry. This bill keeps money in Maine to help Maine industry rather than allowing these monies to flow outside the state with no benefit to the State of Maine.

This bill in no way represents an extension of gaming. Gaming only will occur in existing licensed off-track betting facilities. I speak to you as a member, a director of the Northern Maine fair. I am the director of racing at that small fair. We race six days. That completes my testimony Mr. Speaker. Thank you.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. It was not a surprise for me to learn that the Chief Executive had vetoed this bill. I had, after all, sat down and discussed it with him face-to-face a few weeks ago. I knew of the strong likelihood that he would veto this bill. His veto is based on his personal convictions and dislike of gambling. I respect those feelings and I don't take the veto of this bill that I wrote personally, just as I believe that if we were to override his veto, he, too, would not take it personally. I believe there are a significant number of people in this chamber, who, like the Chief Executive, are philosophically opposed to gambling. I respect your right to feel that way and I would suspect that that is how you will vote as you follow your convictions. To the rest of the House members, however, who have either supported this bill or are indifferent to the gambling issue, I would ask that you join me in overriding this veto.

To refresh your memory, I will briefly discuss why I introduced the bill and what it does. First of all, I introduced this bill because currently there are some states, as the previous speaker has noted, that are providing free satellite dishes to Maine racing fans to watch races through their TV from all over the United States. They can then phone in their bets to these states. In doing so, however, they are depriving the State of Maine money that would go to the General Fund, money that supports the harness racing industry in Maine and money to support the agricultural fairs.

Some of the consequences of this veto is that the racing purses will become smaller and, therefore, encourage horse owners to take their horses out of state to other harness racing venues. This places many of the 1,000 harness racing jobs in this industry in jeopardy. It also adversely affects our OTBs and the staff that they hire. What this bill does is it allows bettors to pre-establish accounts at an OTB or a racetrack. They then can phone in their bets from home. Safeguards have been put into place to ensure that rules are being followed. For those of you that are opposed to gambling, you might keep in mind that there are no safeguards in the way that gambling is currently being done with these out-of-state entities.

In summary, this bill was vetoed not because it is a bad bill or that it is harmful, but because it conflicts with the Chief Executive's personal philosophy. I would hope that you would join with me in voting to override this veto. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to say one thing and to remind you that the Department of Agriculture does not support this bill. I would urge you to keep your vote to sustain the veto. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. In response to the last comment, the primary purpose why the department did not support it was because of the opposition of the Executive. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. I did not plan on rising to address this issue, but I need to clarify some things. The issue is not being against gambling. In my conversations with the Chief Executive, the number one concern was it needed to be studied further. The number two concern was the lack of enforcement. Number three, the lack of support from the Department of Agriculture. Thank you.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to share with you some of my memories and current dealing with this issue. I remember well when pari-mutuel harness racing was established in the State of Maine. Since that was established, there has been a great deal of changes in the selections of exotic betting that people going to the racetracks or in the off-track betting parlors have at their beck and call. Now, we have added another dimension of being able to do this from their homes. I will say, as probably all of you people are aware, that I am serving, currently, as President of the Maine Fair Association. I also have and do now own a racehorse that is racing here in the State of Maine at

Scarborough Downs. Regardless, and he has shown some promise this spring, of how he performs, as an individual I have no intention of taking my horse outside of the State of Maine. I will say to you that I hold an active driver's license and hopefully some time this summer I may have the privilege and the pleasure of riding with my totter.

I believe we might hear this morning about why someone supports or someone is opposed. The Maine fairs certainly are a worthwhile part of our State of Maine. They are the State of Maine. I don't believe, as a member of an acting fairs board of directors and having been involved with the state organization, that we should take money from the public. What do I mean? I mean that people that wager certainly have families and obligations. I don't believe that we should be taking that money in order to support the Maine fairs. I don't believe that when I sit down you will have any doubt where I stand on this issue. When a person makes applications to join the organizations you need to take part in harness racing in the State of Maine, one of the questions is, do you have the financial ability to support your horses? That is one of the questions that is on the application. While I have people that I know very well have seen at various racetracks in the State of Maine stand and ask me to support this LD, I would ask that we would consider the welfare of the women and children in the State of Maine that depend on paychecks for their very existence. I would ask you to think about this carefully and possibly be able to not override the Chief Executive's veto. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is shall this bill "An Act to Preserve Live Harness Racing in the State" become law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 696

YEA - Ahearn, Andrews, Bagley, Belanger, Berry RL, Bouffard, Brooks, Bryant, Cameron, Campbell, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dugay, Duncan, Dunlap, Duplessie, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Hatch, Heidrich, Jabar, Jacobs, Jones, Kane, Lemont, Lovett, Mack, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, Mendros, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perkins, Pinkham, Plowman, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shields, Shorey, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tracy, Tripp, True, Tuttle, Twomey, Usher, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Baker, Berry DP, Bowles, Brennan, Bruno, Buck, Bull, Bumps, Carr, Chick, Chizmar, Collins, Daigle, Davis, Dudley, Etnier, Foster, Gooley, Green, Honey, Jodrey, Joy, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lindahl, MacDougall, McKee, McNeil, Nass, Peavey, Pieh, Povich, Powers, Quint, Rosen, Schneider, Skoglund, Snowe-Mello, Stevens, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Weston.

ABSENT - Bolduc, Bragdon, Labrecque, Madore, Matthews, Muse, Perry, Sirois, Stedman, Volenik.

Yes, 94; No, 47; Absent, 10; Excused, 0.

94 having voted in the affirmative and 47 voted in the negative, with 10 being absent, and accordingly the Veto was **NOT SUSTAINED**.

Sent for concurrence.

The Following Communication: (H.C. 459)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

May 8, 2000

To the Honorable Members of the 119th Legislature:

I am enclosing H.P. 1939, L.D. 2682, "An Act to Provide Equal Treatment for State Employees under Certain Federal Employment Laws," which I am returning without my signature or approval.

This bill waives the state's sovereign immunity by generally and prospectively consenting to private lawsuits brought by state employees under the federal Fair Labor Standards Act (FLSA) as well as other federal discrimination and employment laws.¹

I cannot support this bill.

It is not necessary to surrender the State's sovereign immunity in this fashion in order to afford state employees full and adequate protection. The State is already subject to the FLSA, and has a long history of compliance with it. The FLSA is fully enforceable against the State by the United States Department of Labor, which can bring an enforcement action in federal court. The Maine Human Rights Act affords state employees the same protections for age discrimination or other discrimination claims. Sovereign immunity is not a current bar to Title VII or Americans with Disability Act claims, and state employees are able to pursue such claims against the state under either federal law or state law equivalents. The small number of state employees who are covered by the Jones Act (maritime employees) are able to assert claims under that Act.

The Legislature has traditionally approached waiver of sovereign immunity on a case-by-case basis, where it is able to weigh the equities of a particular situation in a specific factual and policy context. Absent a clear demonstration of need, it is imprudent to give away the State's long established immunity wholesale, particularly where state and federal law currently afford state employees sufficient protections.

In addition, the bill increases the State's liability exposure without an adequate (in fact, without any) fiscal reserve to cover. The bill may increase the number of civil suits filed, and expose the State for the first time to payment of attorneys' fees in FLSA enforcement actions (currently brought by U. S. Department of Labor which is not eligible to recover such fees, see Herman v. Davis Acoustical Corp., 21 F. Supp.2d 130, 137 (S.D.N.Y. 1998)). When the bill was reported out of committee, the original fiscal note projected an increased insurance cost of between \$700,000 to \$1 million to cover only the FLSA exposure. No appropriation has been identified to cover any increased exposure. Passing this bill is equivalent to signing in advance a blank check that may be payable in the future against an account that has not been funded.

Both the United States Supreme Court and the Maine Supreme Judicial Court have spoken eloquently about the history and significance of the State's sovereign immunity. We should not relinquish that immunity, a fundamental attribute of our sovereignty, without a clear demonstration that it is necessary and proper to do so.

Sincerely,
 S/Angus S. King, Jr.
 Governor

¹The bill is a response to the United States Supreme Court's decision in Alden v. Maine, 119 S.Ct. 224 (1999), in which the State, after seven years of litigation, successfully defended a suit brought by a group of state employees seeking to recover overtime, statutory damages and attorneys' fees under the FLSA. It should be noted that, even though the State prevailed in asserting the defense of sovereign immunity, these employees were fully compensated for their overtime claims and costs through a special pay bill included in this year's supplemental budget. This pay bill was in addition to a premium paid to the same employees under their previous contract that exceeded their overtime claim.

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act to Provide Equal Treatment for State Employees under Certain Federal Employment Laws"

(H.P. 1939) (L.D. 2682)

(S. "A" S-765)

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. We are on a roll. We have just overridden a veto in this body and hope that we will go on and continue to do that on this piece of legislation. I would love to tell you why. Many of you have come to this chamber and said that Maine should be run like a business. It has not always been the most convincing argument for me, but for many of the people in this chamber, that has been a convincing argument. Right now in the State of Maine private employers are held under federal law in their relationship with their employees. That means that private employers have to abide by the Fair Labor Standards Acts. Private employers have to abide by the Americans with Disabilities Act. It means that private employers have to respect issues around age discrimination. As of June of this year there was a Supreme Court case called Alden v. Maine. Alden v. Maine took a concept called sovereign immunity and it said that sovereign immunity wasn't just about the state and its relationship to citizens, but extended that decision to the state's relationship as an employer to its employees. I think it is a terrible decision.

What does it mean? It means that state employees, unlike private employees, don't have the protections of federal employment law. It means that a state employee who is unfairly asked and not compensated to work overtime cannot bring suit in federal court. It means that an employee for the Judiciary must seek redress in a Maine Court in which they work, if they are to have any redress. It is just not fair. How can we ask private employers in the State of Maine to accept the liability and a responsibility that we, ourselves, are not willing to take on behalf of the State of Maine? We have an opportunity here to tell our state employees that we appreciate them, that we value their service and we understand that what they do has merit and value. I hope that you will join with me in overriding the Governor's veto today and going on to make this a law. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I happen to disagree with my colleague from Portland, Representative Saxl. I think the Supreme Court decision was a marvelous decision. For once it

was very refreshing to see the Supreme Court look back at the federalist papers and the Constitutional Convention debate and actually apply the intent. In fact, these states had the very same concerns about sovereign immunity. The good Representative also said it was a perfect chance to show the state workers that we appreciate them. We did that in the Judiciary Committee when the original bill came up before us. It was put together to pay the probation officers for the overtime that they felt as though they deserved. There was a sovereign immunity part of that bill too and that was separated out into two separate bills. The bill dealing with the payment of the overtime was dealt with unanimously, if my memory serves me well, in the Judiciary Committee to go ahead and pay those state workers. Bear in mind that the state had an absence of malice when they classified those workers as not qualifying for overtime under the Fair Labor Standards Act. It was an honest mistake, but a mistake nonetheless, but the great thing about democracy is that we can correct those mistakes. For every wrong, there should be a remedy. There was a remedy in this case. It was taken care of without lawsuits, lawyer fees and without suspending sovereign immunity.

The good Representative is correct. The state went all the way to the Supreme Court. It valued the sovereign immunity of the state so much they battled that all the way to the Supreme Court and got a decision in their favor. The state is subject to the Fair Labor Standards Act and suits to enforce the Fair Labor Standards Act, clients may be brought on behalf of the state employees in federal court. The state is also subject to direct suit by state employees under the Maine Human Rights Act, which offers the same protections as federal and anti-discrimination laws. One of the things we have is a state entity as opposed to private businesses. We have two responsibilities in this issue. One, to make sure that the workers were treated fairly and the other is to protect the public first from unnecessary raves. I think suspending sovereign immunity in this case with a blanket sweep like this would certainly put the state and the public purse at risk. We can deal with these issues. We dealt with this one specifically. We can deal with ones in the future without dropping our sovereign immunity. I urge you to sustain the Chief Executive's veto on this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is shall this bill "An Act to Provide Equal Treatment for State Employees under Certain Federal Employment Laws" become law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 697

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

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Duncan, Foster, Glynn, Goodwin, Gooley,

Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Tobin D, Tobin J, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Bragdon, Labrecque, Madore, Matthews, Muse, Perry, Sirois, Stedman, Volenik.

Yes, 81; No, 60; Absent, 10; Excused, 0.

81 having voted in the affirmative and 60 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED. ORDERED SENT FORTHWITH.**

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

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

SENATE PAPERS

Bill "An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the Portsmouth Naval Shipyard"

(S.P. 1020) (L.D. 2589)

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

The Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Non-Concurrent Matter

Resolve, Regarding Access to Marijuana for Medical Use (EMERGENCY)

(S.P. 1012) (L.D. 2580)

(S. "A" S-776 to C. "A" S-597)

FAILED of **FINAL PASSAGE** in the House on April 27, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENTS "A" (S-776) AND "B" (S-797)** thereto in **NON-CONCURRENCE.**

On motion of Representative KANE of Saco, the House voted to **RECEDE.**

Senate Amendment "B" (S-797) to Committee Amendment "A" (S-597) was **READ** by the Clerk and **ADOPTED.**

Senate Amendment "A" (S-776) to Committee Amendment "A" (S-597) was **READ** by the Clerk.

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

Representative **KANE:** Mr. Speaker, Men and Women of the House. This is a technical amendment due to an oversight in the other body. Amendment "B" contained no emergency clause, whereas Amendment "A" had an emergency provision. The other body had intended to remove the emergency provision, but had not. Thank you.

On further motion of the same Representative, **Senate Amendment "A" (S-776) to Committee Amendment "A" (S-597)** was **INDEFINITELY POSTPONED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-597) as Amended by Senate Amendment "B" (S-797)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Non-Concurrent Matter

Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State (EMERGENCY)

(H.P. 1755) (L.D. 2461)

(S. "D" S-790 to C. "A" H-870)

FAILED of **FINAL PASSAGE** in the House on April 28, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870) AS AMENDED BY SENATE AMENDMENT "E" (S-800)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Resolve, to Establish the Commission to Study Ownership Patterns in Maine (EMERGENCY)

(H.P. 1809) (L.D. 2535)

(S. "A" S-775 to C. "A" H-932)

FINALLY PASSED in the House on April 27, 2000.

Came from the Senate **FAILING** of **FINAL PASSAGE** in **NON-CONCURRENCE.**

On motion of Representative O'NEAL of Limestone, the House voted to **RECEDE.**

On further motion of the same Representative, **Senate Amendment "A" (S-775) to Committee Amendment "A" (H-932)** was **INDEFINITELY POSTPONED.**

The same Representative presented **House Amendment "A" (H-1184) to Committee Amendment "A" (H-932)** which was **READ** by the Clerk.

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

Representative **O'NEAL:** Mr. Speaker, Ladies and Gentlemen of the House. This simply removes the emergency preamble.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1184) to Committee Amendment "A" (H-932).**

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 adoption of House Amendment "A" (H-1184) to Committee Amendment "A" (H-932). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 698

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Murphy T, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard,

Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McAlevey, McKenney, McNeil, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Fisher, Labrecque, Madore, Muse, Perry, Sirois, Stedman, Volenik.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-1184) to Committee Amendment "A" (H-932) was ADOPTED.**

Committee Amendment "A" (H-932) as Amended by House Amendment "A" (H-1184) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-932) as Amended by House Amendment "A" (H-1184) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-474)** on Bill "An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees and Volunteers"

(S.P. 951) (L.D. 2490)

Signed:

Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

BRENNAN of Portland
RICHARD of Madison
WESTON of Montville
WATSON of Farmingdale
DESMOND of Mapleton
ANDREWS of York
BELANGER of Caribou
SKOGLUND of St. George
BAKER of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-475)** on same Bill.

Signed:

Representative:

STEDMAN of Hartland

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-474) AS AMENDED BY SENATE AMENDMENT "D" (S-801) thereto.

READ.

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

Representative SKOGLUND of St. George moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

Representative **SKOGLUND:** Mr. Speaker, Ladies and Gentlemen of the House. I hope we don't have to re-debate this bill, but we do still have the opportunity to stop what I think is a very poor idea, the idea of fingerprinting all school employees. I have read that it is up to 47,000 people. If we do Indefinitely Postpone this, we will be back to the old bill unfunded. I think it would be just splendid at this point not to fund the fingerprinting. It will make a lot of people very angry. It will keep this on the front burner. This is the opportunity we have to make sure we don't make the terrible mistake of making regular fingerprinting and background checks of Maine citizens. This may not be what we wanted, but I think it is time that if you oppose fingerprinting, the best thing to do is to vote to Indefinitely Postpone this bill and all accompanying papers. Thank you.

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

Representative **BRENNAN:** Mr. Speaker, Men and Women of the House. I appreciate the political strategy that has just been outlined by the good Representative from St. George, but I think in fairness to teachers and fairness to other school employees that are affected by this bill, that we have the opportunity here today to provide the funding for the initiative that we have put forward. I will urge you to vote against the motion and please do the right thing and to provide the funding for the public policy that we have enacted. Thank you.

Representative **ETNIER** of Harpswell **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:** 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. 699

YEA - Dugay, Gillis, Goodwin, Hatch, Matthews, Mendros, Pieh, Skoglund, Stanwood, Tracy, Trahan, Twomey.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C,

Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bolduc, Labrecque, Madore, Muse, Quint, Sirois, Stedman, Volenik.

Yes, 12; No, 131; Absent, 8; Excused, 0.

12 having voted in the affirmative and 131 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

On motion of Representative TRAHAN of Waldoboro, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 700

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

NAY - Goodwin, Kasprzak, Matthews, Pieh, Skoglund, Stanwood, Twomey.

ABSENT - Bolduc, Labrecque, Madore, Muse, Sirois, Stedman, Volenik.

Yes, 137; No, 7; Absent, 7; Excused, 0.

137 having voted in the affirmative and 7 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-474)** was **READ** by the Clerk.

Senate Amendment "D" (S-801) to **Committee Amendment "A" (S-474)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-474) as Amended by Senate Amendment "D" (S-801) 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-474) as Amended by Senate Amendment "D" (S-801)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS Resolves

Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State

(H.P. 1755) (L.D. 2461)
(S. "E" S-800 to C. "A" H-870)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 701

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, 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, Dugay, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Labrecque, Madore, Muse, Sirois, Stedman, Volenik.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

ENACTORS

Acts

An Act to Regulate Push Polling

(S.P. 420) (L.D. 1257)

(H. "A" H-1178 to C. "B" S-502)

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

On motion of Representative TRAHAN of Waldoboro, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (S-502) as Amended by House Amendment "A" (H-1178)** thereto was **ADOPTED**.

On further motion of the same Representative, **Committee Amendment "B" (S-502) as Amended by House Amendment "A" (H-1178)** thereto was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-1185)** which was **READ** by the Clerk.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. If you remember right, late in the evening on the last day we passed a push polling bill with an amendment from the good Representative from Eagle Lake. Ever since that bill passed, I have had serious heartburn on the basic principle that we passed it. I will touch on that briefly. I believe, most of us believe, that push polling is ethically wrong. Because it is not regulated, there is a real opportunity to abuse push polling. What we have done is we passed an amendment that would allow for up to 250 phone calls in a House race and 500 phone calls in a Senate race and 1,000 in a statewide race. I submit to you that if push polling is wrong for over 250 phone calls in a House race, then it is wrong for any phone calls in a House race. What I have done is I have changed the bill from a bill into a resolve asking the Ethics Commission to adopt major substantive rules over the summer and then come back to the Legislature and introduce those rules regulating push polling.

It does two things. It addresses my concerns, but also it takes it out of our court. We are the people running for office and we, in some cases, might use push polling. I don't believe it should be us that regulates these rules. It should be an independent body. Who better to do that than the Ethics Commission that deals with election practices? I believe this addresses my concerns and it should be a bill that we would support. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I am not sure whether or not my amendment was going to create heartburn for anyone, but I know that this will. What we have managed to do is to talk about push polling and we don't have any definition in the laws to what push polling is. There is no one to be able to define it. I am not sure how the commission is going to be able to do it. In fact, I know they won't be able to

do it, because we have no legal definition whatsoever, to my knowledge, in any election law that I have read recently that defines what push polling is. If you really want to do nothing, adopt this amendment because the commission will be unable to do anything. Frankly, I think I will just leave it alone and let it accomplish nothing.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I think that most people in politics understand what push polling is. Every bill that ever starts here begins with nothing and turns into something. If we use that argument that was just put forth by the previous speaker, we could use it on every single bill that ever comes before this body. Every bill starts from nothing. This is a starting point to regulate push polling. That is my intent. Let the Ethics Commission define what push polling is. I have asked that it be included, that they look at other states and how they regulate push polling. I am sure other states will give us direction. I ask that you support this amendment now, because if we allow the original bill to go in, I want to use just a little bit of a scenario for you, using my journalism past. I look at this from that point of view. The Legislature adopts a bill that says that push polling is questionable ethically, but they turn around and say that it is okay to a certain degree. If you use that kind of scenario, you could say that slander is okay as long as you only do it up to five times. Deformation of character is okay as long as you only do it a couple of times. Is it okay to steal up to \$100? Either a concept is unethical or it is not. All I am suggesting is we don't outlaw push polling, we only regulate it. We should use the proper body to do that, the Ethics Commission. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. To the sponsor of the amendment, let me suggest that nothing is illegal unless the law defines it is illegal. There is no crime unless the law defines something as a crime. It has nothing to do with morality. It has to do with what the Legislature chooses to define anything as. The Legislature in this instance has not defined what push polling is. Therefore, there is no ability for the courts to decide what push polling is going to be or not going to be. All I am saying is I am not going to bother worrying about this amendment, I just want to make sure that one understands that this amendment will do nothing. That is all I am doing. If you want to do nothing, vote yes on this amendment. For those of you who believe that whether or not it is okay or not okay, ethical or not ethical, this gives you a way that you can vote for something and go back home and say you voted to do away with push polling. Someone is going to regulate it. If this is what you want to do and you want a campaign issue that you will be able to campaign on and say you have done something, by all means, vote for this amendment because in reality there is no definition in the law as to what push polling is. There is no definition in the laws what the crime is going to be. There is no ability for the commission to decide what and how they are going to regulate this. So, some of you have the best of both worlds if you choose to vote for it.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. To paraphrase a Supreme Court Justice when looking at a case regarding obscenity, he said, "I am not sure

how to define obscenity, but I know I will recognize it when I see it." We just heard that the court needs some kind of direction. Well, if that is what a Supreme Court Justice could say about obscenity, I am sure that we are going to recognize push polling when we see it, so would a court and so would an Ethics Commission. I would ask you to please vote to adopt this amendment.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I, too, will be supporting this amendment as chair of the Committee on Legal and Veterans Affairs. I had not been here for the initial debate on this issue. I was glad when I saw the amendment offered by Representative Trahan, I felt it was the appropriate thing to do. I can promise you that if you do pass this amendment and this bill, as chair of the committee, I will actively be involved and I know there are some concerns about definitions, but I will do everything in my power to make sure the concerns of the gentleman from Eagle Lake are met. For that reason, I would ask that we adopt this amendment.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House. To the good Representative from Eagle Lake, he mentioned when he was speaking that the legal definition of something is defined by the Legislature and doesn't become a crime until that is done. If this amendment passes and the Ethics Commission defines what push polling is in rulemaking, does not that rulemaking have the force of law?

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. In reference to the gentleman's question, as you know, by agency rule any rule would have to come back to committee and it would have to be adopted by the committee. He is correct in his assumption.

Representative TRACY of Rome REQUESTED a roll call on the motion to **ADOPT House Amendment "A" (H-1185)**.

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

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I support the good Representative's amendment. I wanted to, for the record, read what the National Council on Public Polls, who by the way, does not recognize push polling as legitimate research. This is their definition of a push poll as they put out in a press release in 1995. "A push poll is a telemarketing technique in which telephone calls are used to canvas vast numbers of potential voters and feeding them false and damaging information about a candidate under the guise of taking a poll to see how this information affects voter preferences. In fact, the intent is to push the voters away from one candidate and towards the opposing candidate. This is clearly political telemarketing using innuendos and, in many cases, clearly false information to influence voters. There is no

intent to conduct research." That is the definition for the record from the National Council on Public Polls. That is how they define the despicable act of campaigning and I hope we will support the good Representative from Waterboro's amendment. Thank you.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. Having just come through a situation with the Ethics Commission, they were asked to do some work in spelling out rules and things for lobbying. After they discussed this matter to great lengths, they felt that they did not have the authority to make those definitions and those rules. I think that by presenting them something like this, you are presenting them another situation where they don't have the authority to make those types of rules. I think that they would, in turn, refer this back to the Legislature as they plan to refer back to the Legislature in the next session a bill to clarify a definition of lobbying. The good Representative from Eagle Lake is exactly right in that without presenting them with a definition, there is no way that they can make rules on something of this nature. If you go back and think of the new bills that we have passed and all of the laws that are in our files, they start out with definitions. This bill is not starting out with a definition. Mr. Speaker, I don't think that we should be pursuing this amendment at this particular time until such action has been taken that gives a basis for this action. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle. 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 TUTTLE: Mr. Speaker, Men and Women of the House. I do understand the good Representative from Crystal, Representative Joy's concerns, but I am asking that we would allow the commission to do this and allow the committee to see if we can promulgate some clarification in this issue. I would ask that you would support the pending motion to accept this amendment.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan. 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 TRAHAN: Mr. Speaker, Honorable Members of the House. When I put this piece of legislation in, it wasn't my intent to bring on a long debate and get into this long fight about push polling. It appears it is going to turn into that. My intent was to allow this Legislature new policymaking and to act in a very responsible, trustworthy way. I believe the previous legislation was bad policy. It was a bad message to send to the people. We are the ultimate teachers with our policy. I think it is bad policy to be sending a bill that says it is okay to be half a liar. We should not be sending that kind of policy. I believe that through rulemaking the Ethics Commission can define push polling or they may find a different word for it. They regulate our election policies now. If we do a mailing, we have to have our disclaimer at the bottom of the piece of literature. That is for a reason. Push polling needs to be regulated. It can be very abusive to both a person's reputation and a candidate's future. I think this Legislature should take a responsible move and begin to regulate push polling with the appropriate body. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1185). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 702

YEA - Ahearne, Andrews, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dugay, Duncan, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jodrey, Jones, Kane, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Quint, Richardson E, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanwood, Stevens, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Watson, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Bryant, Cameron, Clark, Daigle, Dudley, Dunlap, Duplessie, Etnier, Fuller, Jabar, Jacobs, Joy, Kasprzak, Kneeland, LaVerdiere, Martin, Matthews, Mayo, Mitchell, Pieh, Powers, Richard, Rines, Rosen, Stanley, Thompson, Townsend, Tripp, Twomey, Usher, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Bolduc, Labrecque, Muse, Sirois, Stedman, Volenik.

Yes, 111; No, 34; Absent, 6; Excused, 0.

111 having voted in the affirmative and 34 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-1185) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1185) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

The following Joint Resolution: (S.P. 1093)

JOINT RESOLUTION ESTABLISHING JUNE 18, 2000 AS "WALK WITH THE ONE YOU LOVE DAY"

WHEREAS, on Sunday, June 18, 2000, the Maine Speakout Project will sponsor its 3rd annual "Walk with the One You Love Day" in the State of Maine; and

WHEREAS, the event is being held to foster greater appreciation for diversity and to make a strong, positive statement about the kind of community and State we want to live in and where all of us feel free to be ourselves in public without fear of harassment or violence, regardless of sexual orientation or any other difference; and

WHEREAS, the "Walk with the One You Love Day" is also being held in an effort to help raise awareness in our State that most citizens want laws that support committed relationships between all couples, regardless of sexual orientation; and

WHEREAS, during the walk, both gay and non-gay people walk together as an act of solidarity and community building to affirm the value of family and the belief that everyone deserves the right to be who they are, love who they want and walk with

whom they choose in the community without fear; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people of the State of Maine, take this occasion to urge citizens throughout the State to support and participate in this event; and be it further

RESOLVED: That a suitable copy of this resolution, duly authorized by the Secretary of State, be transmitted to the Maine Speakout Project.

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

READ and ADOPTED in concurrence.

ENACTORS

Resolves

Resolve, Regarding Access to Marijuana for Medical Use

(S.P. 1012) (L.D. 2580)

(S. "B" S-797 to C. "A" S-597)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE.**

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. Could somebody please explain what this bill does?

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. To answer the question, this Resolve sets up the task force for its official neighboring legislation for the task force, which has already started its meetings.

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

ROLL CALL NO. 703

YEA - Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Collins, Colwell, Cowger, Davidson, Dudley, Dugay, Duplessie, Etnier, Frechette, Fuller, Gagnon, Gillis, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Mayo, McDonough, McKee, McNeil, Mendros, Mitchell, Murphy T, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Quint, Richard, Rines, Samson, Sanborn, Savage W, Saxl JW, Shiah, Shorey, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Twomey, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Chick, Chizmar, Cianchette, Clark, Clough, Cross, Daigle, Davis, Desmond, Duncan, Dunlap, Fisher, Foster, Gagne, Gerry, Glynn, Goodwin,

Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, McAlevey, McGlocklin, McKenney, Murphy E, Nass, Nutting, O'Neal, Pinkham, Plowman, Richardson E, Rosen, Savage C, Saxl MV, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Tobin D, Tobin J, Trahan, Treadwell, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Campbell, Cote, Labrecque, Powers, Richardson J, Sirois, Stedman, Tripp, Volenik, Watson.

Yes, 65; No, 75; Absent, 11; Excused, 0.

65 having voted in the affirmative and 75 voted in the negative, with 11 being absent, and accordingly the Resolve **FAILED** of **FINAL PASSAGE**.

On motion of Representative SAXL of Portland, the House **RECONSIDERED** its action whereby the Resolve **FAILED** of **FINAL PASSAGE**.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I know this is a very difficult issue for most people in this chamber. I felt that most folks didn't have a chance to fully hear what was being considered. I ask you to look at Senate Amendment (S-797) and (S-597) and read with me. This is a task force of the Attorney General to implement the will of the people of the State of Maine when they voted to legalize marijuana for the use of medicinal purposes in the case of chronic and lethal disease, such as cancer, aids or HIV. The task force is charged with the mission of having the Attorney General convene a task force to study the implementation of a marijuana for medical purposes law and to recommend steps to implement the law and to provide access to marijuana for medical purposes. That is it. It is not about legalizing marijuana. It is not about going beyond the will of what the people have already established. If this referendum is to go into place, do you think the Legislature has a role in making sure the will of the people is expressed? They need to go through a rulemaking process to express federal concerns and state concerns as well as appropriate access concerns. You do not want to have the people of the State of Maine who are eligible for this trying to access marijuana from drug dealers. You do not want to have them trying to access marijuana from other sources which would put them in jeopardy of breaking one law, but complying with another law. Well, maybe you do want them to do that. It is up to you, but I just thought it was appropriate to take another step, take a second look at this. If you do want the referendum implemented that the State of Maine voted for, then, of course, you will vote no. If you think that there should be appropriate rules structuring the referendum, then you would support the Attorney General's effort to look at this and adopt appropriate rules. I hope that you will vote in favor of this.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I thank the Majority Leader for a very good presentation on the issue at hand. Right now it is absolutely legal for the people of Maine to go to the back alley to find some pot for their medical purposes. This current law was initiated by

public ballot and it is totally inadequate. We are trying to make some sense of it here. This legislation here will quite possibly save the State of Maine lots of illegal activity and save us some \$50 million in federal grants that we are bound and determined to lose unless we put some order into this legislation. Please support the motion for LD 2580. Thank you very much.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. During that referendum I was an opponent of that referendum. I sought out every letter to the editor and every way I could to engage and speak against that referendum. One of the number one arguments was that it would be in conflict with federal law. The people spoke and they spoke overwhelmingly. It was hard to understand that at first and I think at first I said it would be easy to tell you that down the road I could say, I told you so, when a Maine law would come in conflict with federal law. This study commission that this bill sets up has three of our caucus members on it, including a medical doctor. They are going to come back to the next Legislature and they are going to say one of two things. There is no way it can be done. The federal law is overwhelming or they are going to come back and say they have found a way to coordinate with the federal government to let this state law go into affect. Speaking as a very ardent opponent that felt this is bad public policy, but the voters spoke and it is now Maine law and now as a Legislature with the task force, we are trying a way legally to carry out the will of the people. We may not be able to do it. They may have enacted a bad law that just can't go into effect. We are not going to know until that task force comes back to us with their recommendation. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. Could someone tell us who the members are who have been appointed or what categories they are going to be appointed from to this task force?

The SPEAKER: The Representative from Waterboro, Representative McAlevey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. The members are appointed from a broad cross section of the Maine community. The Legislature is represented by the members of the Health and Human Services Committee and the Criminal Justice Committee. The report will come back on December 1, 2000 to Health and Human Services and to the Criminal Justice Committee.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. Do we know specifically who the legislators are serving on the committee?

The SPEAKER: The Representative from Waterboro, Representative McAlevey has posed a question through the

Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am the co chair of the committee along with the Assistant Attorney General James Cameron. We have the good Representative from Poland, Representative Snowe-Mello, the good Representative from Durham, Representative Schneider, the good Representative from Lewiston, Representative Cote, Representative Kane, Representative Shields and I hope I didn't leave anybody out. If I did, please ask for your recognition.

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

Representative **MCALVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I realize that the public has spoken through a referendum process. Licensed physicians are prohibited by federal law from prescribing marijuana or they will lose their license. I guess the only alternative is for the State of Maine or a state department within the State of Maine to become the dispensers of this drug. What does that make us? I will remind you that I attended the hearings to legalize marijuana in front of our committee as well as the medical marijuana hearings in front of DHS. I really feel a lot of empathy for the people who came and testified because at the first hearing in front of our committee, Criminal Justice, these people were healthy, vivacious, very strong advocates to legalize marijuana. Less than nine months later they came before Human Services and they had this whole list of maladies that they came down with in the last nine months that they needed marijuana for. What a series of bad luck for those individuals. I respect their fever. I respect their desire to legalize this. Yes, I do respect the fact that they launched a successful campaign for a referendum, but it was a sham and I don't think the State of Maine should be in this business. I will remind you when I started as a police officer years ago, you would stop somebody with a pound of dope that cost \$300 and if you stop somebody today with a pound of dope in their car, that dope is now worth \$3,000, \$4,000 or \$5,000 and you will get killed for it. People die everyday in America because of drug trafficking, drug dealing, drug abuse and drug overdose. Marijuana is one of the first steps to that ladder. I don't think the State of Maine, whether we have a bill enacted making it legal for medical purposes should in any whatsoever be party to killing those people.

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

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

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House. Is Doctor Dora Mills part of this committee? Does she have any membership on this? If she is, can you tell me what capacity she holds?

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. Dr. Mills is a member of the task force. She offered some very helpful testimony to us and gave us a report from the National Institute of Health and from the Institute of Medicine regarding substitutes for the prescribed plant. I thought that our first meeting was very helpful and very illuminating. I think that

the report, if I may continue, will go a long way in moderating the good Representative from Waterboro's concerns about the road that we need to travel. I think that this task force from what I gathered from the first meeting can accomplish a very, very good result.

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. As you well know, I am on the Health and Human Services Committee. I certainly have never in all my adult life been a supporter of the use of illegal drugs and drug abuse. However, I think it was very bad luck that two close friends of mine, one who lost her 21 year old son and another one who lost her 37 year old husband both to cancer, had to resort to sending their other kids out onto the street to buy marijuana to relieve their nausea, vomiting and the extreme agony over the process they were going through in the process of dying. Both of these people died, but marijuana helped them through the final stages of their disease greatly and it was not a shame to get marijuana legalized for what they went through. I urge your support of this bill.

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

ROLL CALL NO. 704

YEA - Bagley, Baker, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dugay, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Jabar, Jacobs, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Twomey, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chick, Chizmar, Cianchette, Clark, Clough, Cross, Davis, Desmond, Duncan, Dunlap, Foster, Gerry, Glynn, Goodwin, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, McAlevey, McKenney, Mendros, Nass, Nutting, O'Neal, Plowman, Rosen, Savage C, Schneider, Sherman, Tobin D, Tobin J, Treadwell, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Campbell, Labrecque, Sirois, Stedman, Tripp, Volenik.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Establish the Commission to Study Ownership Patterns in Maine

(H.P. 1809) (L.D. 2535)
(H. "A" H-1184 to C. "A" H-932)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 705

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

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

ABSENT - Bolduc, Campbell, Labrecque, Sirois, Stedman, Tessier, Tripp, Volenik.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees

(S.P. 951) (L.D. 2490)
(S. "D" S-801 to C. "A" S-474)

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

Representative MENDROS of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 706

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

NAY - Matthews, Pieh, Skoglund, Twomey.

ABSENT - Bolduc, Campbell, Labrecque, Sirois, Stedman, Tessier, Tripp, Volenik.

Yes, 139; No, 4; Absent, 8; Excused, 0.

139 having voted in the affirmative and 4 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Establish Fairer Pricing for Prescription Drugs
(S.P. 1026) (L.D. 2599)
(C. "A" S-686)

PASSED TO BE ENACTED in the House on April 14, 2000.
Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-803)** in **NON-CONCURRENCE**.

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

Senate Amendment "A" (S-803) was **READ** by the Clerk.

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

Representative **ROWE**: Mr. Speaker, Men and Women of the House. Good afternoon. This is the prescription drug bill back and with an amendment that is pending adoption. This is the Senate Amendment "A", the compromise amendment. I just wanted to take a couple of minutes to explain a couple of things. I know I will be followed by a couple of other people. Hopefully that will continue the explanation. I am not going to give a big speech on the importance of reducing the cost of prescription

drugs for seniors and others in the State of Maine. I think we all know that. We have had that debate. I think there is a strong feeling in here that it is necessary to do something. I am not going to give that speech again. You heard me a couple of weeks ago on that one. It is all been through and if I had time, I would say it all again. We know there is a major crisis. We voted, as you know, on the bill and we recalled it and it is back. It has been amended and we have that before us.

I just wanted to say a little bit about the amendment. There were negotiations that occurred during the past week, the past seven days or so, by legislators and members of the administration trying to work out a compromise. I would like to thank all of those people that worked so hard in bringing this to us today. I would like to thank Senator Pingree for her leadership in this area. She was the sponsor of the original bill and worked hard on this compromise. I would like to thank Representative Joe Bruno for his efforts in helping to work towards this compromise. Representative Bruno put a lot of effort into this as did Senator Pingree. I would like to recognize Representative Kane who also put a lot of effort into this. There were others. I would also like to recognize and give my appreciations to members of the administration, especially Kay Rand, Commissioner Concannon and Commissioner Longley, Fran Finnigan and others from the Department of Human Services and also the Department of Financial and Professional Regulation for their efforts in working together. This was indeed an effort where we all worked together to try to find the common ground. I think we all want to do something.

I am not here today to talk about what is behind us. I am here to talk about this amendment that we have. This amendment replaces the bill. It is an amendment to the bill. You really don't need to look at the bill. You just need to look at this amendment. I would like to quickly go through it and talk about what it does and why it is so important. The amendment does have a drug pricing aspect to it. Let me say that at the outset. The amendment provides that by January 5, 2003, the state will determine whether prescription drug prices paid under this new program are reasonably comparable to the lowest prices sold in the state. If they are, then nothing will happen. If they are not, there will be some prices set. That would be in 2003. I want to let you know that. That is in there. The way that will work if it should come about, that would involve major and substantive rules. This Legislature would be involved in reviewing those rules that implemented that procedure, that price control procedure. That is still out there. It is in the year 2003.

What this bill does is it includes a program that I believe, and I believe many of us that are familiar with this believe, will cost that price control to become unnecessary. We believe the prices will come down. I would like to explain how that is going to happen. This bill proposes, as of January 1 of next year, individuals can receive a card. It is called the Maine RX Card. That is the program. This card would be available to anyone who is a Maine resident. Individuals who have private paid prescription plans as part of their private health insurance, probably aren't going to want to use this because they are going to get a better deal under their plan. Those individuals who qualify for Medicaid are going to get a better deal under Medicaid. It is for this large group in the middle that is estimated at over 300,000 people that are Maine residents that currently have no prescription benefit coverage at all. These are the people who pay the highest prices for prescription drugs in the state. Many of these people are the ones who can least afford it.

That is who this is really targeted at. Those individuals will be able to go into a pharmacy and receive a discount. The discount won't be terribly substantial, but it will be a discount. The Representative from Raymond will cover more details about this. It will be anywhere from 12 to 15 percent in that ballpark, but that is a discount and it is a very good discount. The hope is that as we build the number of individuals using this program, we will capture that data and the state will become what is known as a pharmaceutical benefit manager and will be able to use its buying power to negotiate with the manufacturers to get the same low cost on buying drugs that the federal government gets through its programs. The prices of the federal supply schedule, for example. Those prices are very low as compared to the prices that many people are paying in this state. In fact, those prices are very comparable to what we see in the Canadian Province.

The idea would be that individuals would use a card and get a discount. It would be modest at first, but it would grow. How would it grow? It would grow because as we build the numbers and negotiate with the pharmaceutical managers, we will negotiate lower prices because of our numbers. The pharmaceutical manufacturers would agree to pay rebates to the state. The state would take those rebates and they would pass those on to the consumers, via the pharmacy. If I go into the pharmacy and I buy a prescription drug, I get a discount of 30 percent eventually or maybe higher. That pharmacy would give me that discount at the counter and then the pharmacy would receive from the state the rebate that the drug manufacturer paid the state less any administrative costs at the state level.

You may ask, who is going to want to do this? Isn't this going to be a problem for retail pharmacies? I believe that many will participate. In fact, it is optional. If you don't want to, you don't have to, but I believe many will. In fact, I think most will because they want to serve the people of the State of Maine. Initially there will be a fee, a \$3 fee, which will be a professional fee paid to the pharmacist on a per dispensing basis, a per prescription basis. That will be to help offset the losses and the margin that the pharmacies actually incur. Basically, up front, the pharmacies are passing on a savings to consumers.

Is this going to work? Many people believe it will. It will work because we want it to work. It will work because of the buying power of the state. There are also deterrents in the bill that deter pharmaceutical manufacturers from not participating. For example, if a pharmaceutical manufacturer now participates in the Medicaid Program, they will have to continue to participate and they will have to participate in this program. We also put in this statute a very strong profiteering clause so that any manufacturer or distributor of prescription drugs charges an excessive price for drugs or restricts the supply of prescription drugs in retaliation for this law, the state will be able to bring suit and can indeed access a civil penalty of up to \$100,000 for each such action. Courts can also grant injunctions preventing such sales and can award triple damages, cost of suit and reasonable and expert attorney fees. There is some powerful language in here that would give the state the tools it needs if we find manufacturers that refuse to cooperate and indeed retaliate because of this.

The statute authorizes cooperation with other states and other entities and authorizes the state to enter into a cooperative agreement for purchasing strategies with other governments or with other public or private entities in order to ensure access to affordable prescription drugs for Maine residents.

Participation at the retail pharmacy level is option. You don't have to participate if you don't want to. If you do participate, there will be that \$3 professional fee, which is on top of the dispensing fee, which is currently very low. It is currently \$3.35. I understand that hasn't been increased since 1982, hence the \$3 in addition to that. The state must also make timely payments to the pharmacies. We need to make sure we do this. If we don't do this, the pharmacies aren't going to be able to deal with the cash flow problems and be able to turn this around and make the program work. This is a partnership between the State of Maine and the retail pharmacies and the drug manufacturers and the wholesalers. It will require some cooperation to make it work. Many of you, I know, are upset because this doesn't go far enough. It is what we have before us today and it is a compromise. We think it will work. I am very pleased to be here today to be telling you about this.

Again, my thanks and appreciation to those individuals who have worked so hard in putting this together. I would strongly encourage your support of this. I will say there are one or two technical changes. I have another amendment coming in a few minutes, which makes a couple of small changes. I want you to know that because you may see me get up again. This is a very good amendment. It replaces the bill. I strongly encourage you to support it. Thank you very much Mr. Speaker.

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

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

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

Representative **BUCK**: Mr. Speaker, Men and Women of the House. Representative Rowe, earlier in your presentation you mentioned the fact that you assumed that within a year or two drug prices will come down anyway. I am curious as to how that will happen? The second question I have is, if we imposed all of these restrictions on pharmaceutical companies that participate in, for example, Medicare and Medicaid and require them to participate in this program, what is to prevent them from saying that if that is the case, we are not going to sell any of our products in Maine?

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 Portland, Representative Rowe.

Representative **ROWE**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the questions from the Representative from Yarmouth, I may not be the best one to answer this, but what I intended to say was these prices aren't going to come down by themselves. If they were, we wouldn't have to do anything. We are going to get this thing started. We are kind of going to jumpstart this program. The pharmacies are going to offer a modest discount. They will be reimbursed for at least part of that by this professional fee. The hope is that in a short time, once we start building this program up and we believe by October 2001, nine months after the program has gotten going, we will have the volume to negotiate the state as a pharmaceutical benefit manager to negotiate with drug companies to offer the discounts. They do this now. Drug manufacturers offer discounts to millions of people in this country through our federal government, the VA Centers, the federal supply schedule, they are terrific discounts. Our question is, if

they can do that for some people in this state, why can't they do that for others? That is what we are going to use. We are going to use our purchasing power. We, also, as I said, had some deterrents in here.

The second part of your question dealt with, what is going to prevent the drug manufacturers from walking? Some may. We do have the profiteering language in there. We are also going to advertise. There is the section in here to provide public notification of those drug manufacturers who refuse to participate. Those individuals in the state that prescribe medications, physicians, advanced nurse practitioners and others will know who is actually participating and who is not. We believe this will work because it is working now for the federal government. We are basically replicating something that is working without price control. Indeed, there may be a need for those in the year 2003, but up front there has not been price controls. It is basically using the marketplace. It is using our power as a large consumer group. The state would be negotiating on behalf of those individuals for the discounts to receive the rebates. That is the genius of this program. I think it is a compromise. It has the support of a lot of people who know what is going on. We have looked at other states and I believe it will work. That is my best effort at answering your question. If I didn't do a good job, there may be others who can help. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Several months ago even though we all agreed that drug prices are too high in Maine, a problem compounded even further because we are a state with too low per capita income, I had spoken out several times against the first bill, the original bill. There were major concerns. It was unconstitutional, large bureaucracy, Legislative and Executive Branches advocated their responsibility to an unelected board, any potential relief was at least two years away and it was litigation focused. I only bring that up because those concerns have been alleviated with this bill. This is not the original bill that is now before us. It is now modeled on the Low-Cost Drug Program. The focus now is on that 20 or 25 percent that come into the pharmacies in our communities that are the cash customers. They are uninsured and in my district they are overwhelming uninsured seniors.

In the short term we are going to provide rebates from the drug manufacturers that will provide a 12 to 15 percent discount for that narrow 20 or 25 percent segment. The state will then begin to use its clout as a big buyer. We are a big buyer. We are going to use that to leverage bigger discounts from the companies. The Governors of our region, we heard from our Chief Executive yesterday, they will begin to beef up our clout because we are a small state, a small part of the national market, but they are going to begin working together. They are going to begin jaw boning using their bully pulpits, their ability to speak to the press and carry the message to the public to force steeper discounts.

The threat of prosecution under the ancient profiteering law is a hammer. Its most important uses is that it will allow sunshine into the pricing records of the drug companies, which will allow us to determine the answer to the question, is Maine being discriminated against because of our small population? I will tell you up front that I don't like the possibility of price fixing in 2003, but sometimes in life you just need to pick up and wave around a 2 x 4 to get someone's attention. I think we need to wave that 2

x 4. If and when that decision has to be made in 2003, it is going to be the Legislature and the Executive Branch that make that decision, not an unelected board.

I want to take this opportunity on the floor and in the record to thank Representative Joe Bruno. I don't think the press has picked up on your role in these negotiations. I think as we get to the end of this session, I think your input on the health and quality of life of Mainers cannot be measured. Thank you Representative Bruno. I would like to thank two pharmacists, Racheal and Betty. They are the pharmacist owners of the Kennebunk Village Pharmacy in Kennebunk. They have a philosophy that they will undercut the chains on their prices on prescriptions. Starting Monday as I began hearing the different proposals, I began running those proposals past them. How would this affect your business? At one point when the wholesale formula was wholesale minus 10, plus only the \$3, their response was, we can't survive. That information was input to the Governor's negotiating team and to Representative Bruno. At that point, I was opposed to anything that was developing. By Tuesday afternoon it went to wholesale, minus 6 and to \$6.35. Racheal and Betty responded that it would be good for our customers and we can live with that. On Tuesday afternoon, I made my decision to support it. It really wasn't a hard decision.

I really had two choices. I could turn my head and I could pretend that I didn't see 20 or 25 percent of our population being overcharged. I could be passive. I could pretend the problem didn't exist. The other choice was to use the power of the marketplace to work the price down. Use our buying clout with hopefully other states joining with us to leverage those prices down. In the old days they used to call it being a good Yankee trader. There was a real clear choice for me as a Representative or as Representatives we need to lead as a state.

I think maybe as an aside if I could speak directly to the Maine people. Those drug company ads that are being pitched on TV, pitching directly to you as a consumer, ignore those ads. Turn to your doctor or turn to your pharmacist. Seek help from the professionals. If you don't respond to those ads, those ads will end and we will see dramatic reductions in the costs of drugs. Maine consumers with their consumer buying power decisions can send a powerful message to the drug companies. I would urge you today to support this proposal before us.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. The proposal before us today represents the very best of what state government can accomplish on behalf of its citizens. There are many winners here, Maine taxpayers who are subsidizing our Drugs for the Elderly Program, small businesses and self-insured employees, the 325,000 Maine uninsured citizens, 57 percent of whom are elderly and who must pay out of their own pocket for their prescription drugs. Even the pharmaceutical industry itself can be a winner if it cooperates. It will have ample time and opportunity to do so. In so doing, it can expand its pool of customers and therefore expand its own businesses, revenue and profits in a far more acceptable and legitimate way than it is currently doing. The bipartisan leadership together with Executive and Legislative collaboration is clearly the kind of government that our citizens expect of us. I commend our leadership for their achievement, which has given a whole new meaning to the old adage, as Maine goes, so goes the nation.

I ask you to give a resounding affirmation to this legislation and let us send a message to the country that Maine is indeed prepared to lead the way in this critical issue. Thank you Mr. Speaker.

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

Representative **BRAGDON**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition of the proposed amendment for several different reasons. I must disagree with the last speaker, to me this represents the absolute worst kind of public policy. This represents something that was done with limited involvement from the committee of jurisdiction, of which I am a member. It was done completely in secret with key stakeholders being cut out of the process because of their opposition to the plan or perceived opposition to the plan. We, as members of the Legislature, just received a copy of this today. We are just being made aware of some of the details of it in overview form yesterday. I don't think that that is good public policy when you are dealing with a law that is going to affect every single Maine citizen and how they act on a day-to-day basis.

The other thing that I would like to remind this Legislature is something that happens all the time when you look at programs such as Medicaid and other state funded services. When you arbitrarily set prices below market level, money has to be made up somewhere. We see this in the Medicaid Program and deal with this all the time on the committee. Medicaid reimburses certain providers far below the cost. To make up the costs, those same providers arbitrarily are overcharged in self-pay or private pay. We see it in our own health insurance premiums and why they are going up because of low reimbursement by Medicare here in the State of Maine. This will do exactly the same thing. You cannot arbitrarily set prices at a certain level and expect that those profits are not going to be made up elsewhere.

The other provision that I find particularly offensive in this bill is a section dealing profiteering. I think not only are we continuing to demonize an entire industry and totally discredit all of the good that it has done for the citizens of the State of Maine and all of the people who are now living today because of drugs that have been developed. The profiteering section speaks that a manufacturer, distributor or labeler of prescription drugs engages in illegal profiteering if that corporation exacts or demands an unconscionable price, which isn't defined, I think my definition of unconscionable may be very different than somebody else's. What may seem like an unconscionable price for a period of time may, in fact, be going to support to research and development efforts for years that made this particular drug possible. It goes on to say that it exacts or demands or terms that may lead to an unjust or unreasonable profit. What is an unjust or unreasonable profit? I think in different industries that would be defined very differently. If you are an adventure capitalist and looking at investing in a bio-tech firm, that is a very risky investment. For you to put your money into such a high-risk environment you are going to have to expect higher than regular returns on the money. It is just a fact of the market. I think this bill ignores the market and market influences and basic things that this country was founded on.

The other thing that it talks about is there is a company that discriminates unreasonably against persons in the sale, exchange, distribution or handling of prescription drugs dispensed in the State of Maine. Again, how is that defined?

What may be discrimination to me may not be discrimination to somebody else. I think that this bill is very bad public policy. I think that it will not do anything for the people of the State of Maine. I question the legality, the constitutionality still of certain provisions and I resent the fact that people are presenting this as something that will save people of the State of Maine thousands of dollars and are pressuring us into voting for something that personally I think is very bad public policy. I personally have received veiled threats on what would happen if I don't support this bill or if I vote against it, this will become a campaign issue. Personally, I resent that. I am sent here not to be reelected. I am sent here to vote and do what is best for the people of the State of Maine. I think it is best for the people of the State of Maine if this amendment did not pass. I urge you to vote against it.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To the good Representative from Portland, Representative Rowe, one of the things that has happened up here when we are dealing with health care issues, we try to make sure that we don't do anything that is going to affect people who are already covered by health insurance by their employer through private health care coverage. I understand that this card is going to be available to everybody. Where is the disincentive for employers to drop coverage on prescription drug coverage for their employees and send them down the road to go get one of these cards?

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

Representative **ROWE**: Mr. Speaker, Men and Women of the House. In response to the question, anyone can receive a card. You are not going to use the card if it is not going to give you a better deal on your purchase than your existing coverage. You might want to do that, but I wouldn't advise someone to do that. Off the bat, you are not going to get a better deal than most paid prescription drug plans through private employers. I was looking for the language in the bill. We refer to that as crowd out. We do not want to cause employers to drop prescription drug coverage as part of their health insurance coverage for their employees. I don't think there is anything in this bill that is going to do that. We have language in here, and I was looking for it, that talks about how that is not the intent of the bill. If there came a point at which the use of the prescription card would give the individual a better deal, then I suppose the individual would use the card. What is wrong with that? That certainly, I think, is a long ways off. Right now under Medicaid you will get a bigger discount. I would venture to say that the vast majority of prescription drug plans, provided as part of health coverage for private employers, will give you a much better deal now. Isn't that a good problem to have, men and women of the House? You have drugs that are being sold to citizens of the state at such nice discounts that folks are using this card. Isn't that a good problem to have? More people can afford drugs at a lower cost.

To answer the question earlier, the Representative from Bangor criticizing the profiteering section of the statute, that language pretty much mirrors current law, profiteering statute found under Title 10. With respect to the issue of how do you determine unconscionable. I would suggest there is case law on that point that can be used and indeed will be used should that become an issue. Moreover, the items that are included as necessities of life include items such as food for human consumption, apparel, shoes, gas, electricity, lights, heat and power. I would venture to say that prescription drugs that keep people healthy and keep them alive are every bit as important as these other items. Why shouldn't the profiteering statute apply to prescription drugs? Thank you.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. When this issue first came to the floor, I spoke to all of you about real life people who are making the choices between their medication and food. I talked to you about constituents of mine, Mrs. Charette, Mrs. Poulin, Mr. and Mrs. Muse. I also have another very special constituent who has been really fighting this battle for some time. Her name is Vi Caron. She is the woman that many of you may have seen on the *60 Minutes* special who traveled to Canada to bring light to this issue. She has recently been featured in *Newsweek*. I am very proud of her. She is quite the leader herself. She has really provided tireless efforts to being in the light on this issue. As we come to the end of this session and I come to the end of my days here in the House, I am just very pleased that I can vote positively on this issue and that we can send a message across this nation from the State of Maine that we are dealing with this very important issue. I encourage everyone to vote for this. I thank the members who worked out this compromise so that we can get something very significant accomplished this session. Thank you Mr. Speaker.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. A discount drug card, isn't it amazing, but I think the private sector has already offered that to us. You can buy it through ads on TV and in most magazines and you can take it to a pharmacy and receive 15 to 20 percent off your prescription drugs. You can do that now without the State of Maine having to pay \$1, never mind creating six new positions in order to administer it. Second, I always believed that the state should do things that the private sector doesn't do. I don't understand why the state shall now become a pharmacy benefit manager in a program that has already been established in the private sector and is available to anyone who wants to order one from watching an ad on TV or reading on in *Newsweek Magazine*. It looks like we are going into competition again with the private sector when there is already somebody in the private sector doing what we want to do. I also heard in comments earlier that the money after administrative costs will be passed onto the pharmacists to help absorb the cost of complying with this. Based on what I am seeing now, it is going to cost quite a bit of money to administer this program. I wouldn't be very hopeful about seeing a whole lot of money flow from administration of this policy to the people who are actually taking the bite in costs.

There is also something out there that you don't know or maybe you do know, but there are many pharmacists who never ask for a bill to be paid. I know of one pharmacist who is owed

\$6,000 by a patient who is a bipolar patient. He has never asked this man for a penny. In fact, he makes sure this patient is delivered his medication on time every week. Every time you squeeze this guy a little more because you squeezed him by taking away a co pay that he was using to subsidize this little program he was running himself, you made it a little harder for him to take that new bipolar patient coming in. Every time you squeeze what he can do out of his own pocket, then there is one more person he can't help fully. We have a Maine Low-Cost Program for the elderly. We have programs that are done directly through a pharmaceutical company and that is where you ask your doctor to write directly to the company and the doctor can receive six months medication at a time for someone who has no insurance. I refer my constituents all the time to their doctors for this service. How long will pharmaceutical companies be doing that with their doctors that they work with on an everyday basis if we continue to do stuff like this?

I think that we are looking for bad guys and you found one, somebody you can point a finger at, but the day that I can't get the prescription or the drug that I need because the State of Maine meddled with a private company or a private industry and started setting policy, I am not going to be very happy. I don't like having to compete with a socialist country to the north who offers free health care and probably subsidized prescriptions. Why they are charging for prescriptions is beyond me, the health care is free, why shouldn't the drugs be? I assume they are subsidized to some extent by tax money. That puts us in the same boat. Guess what? We still have to pay for these prescriptions. You are just going to pay for it in another way. You are going to pay for it in taxes.

I think we should have done what we talked about the first time, which was to expand the program for the elderly. Continue to work on different programs, but not to put the state in the position of competing with private industry. This is not a good bill. It is just another bill. I think we ought to defeat it today. Thank you.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. I am rising in support of the pending motion. I just want to say that I haven't done anything to help this bill work its way through except be proud to vote to support it as its made its way to us. However, my mom did a lot. My mom is 81 years old and she doesn't take any prescription drugs. She is very, very healthy. When I first asked her when I was thinking about running for public office I said, what do you think? She told me not to touch it with a 10-foot pole. However, this bill caught her attention and her respect. When it made its way through both of our bodies and found itself on the Executive's desk, she telephoned. She sent a message directly saying to please sign this bill. She then went to her local art chapter and got everyone to sign a petition, which she then handed to me and told me I was to hand deliver to the Executive. I salute her for that, but I think what is special about my mom is that she isn't special amongst the people who have worked so hard to get this bill supported and through. I salute those people, every single one of them. I thank them for that effort that I didn't have to put forward because I was doing other things that they put forward to make sure this bill happened. It is through their efforts and we have seen them in the halls and we have seen them come on the buses. We have seen them sit and listen to us debate and go back and forth and up and down and around on this bill. I just

personally want to thank them for that and to encourage you to support the pending motion. Thank you.

Representative ROWE of Portland, **PRESENTED House Amendment "A" (H-1187) to Senate Amendment "A" (S-803)**, which was **READ** by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I told you I had an amendment coming. This is it. It is the appropriate time. We are pending the adoption of Senate Amendment "A" and this is House Amendment "A" to Senate Amendment "A." What it does is it makes three changes. One is a repetition. I would like to explain this quickly and encourage you to support it. It goes along with Senate Amendment "A." The first amendment clarifies that the definition in the Maine RX Program of labeler prescription drugs is consistent with the definition used by the Federal Food and Drug Administration. That is necessary so the term labor will not pick up any retail pharmacies in Maine. The second amendment requires the Department of Human Services to release the names of manufacturers and laborers who do not participate in the Maine RX Program to providers of health care and the public. I said the bill does that. It did do it. It did do it, it was a drafting error that was left out. This puts it back in. Right now the names of manufacturers and laborers who do not enter into rebate agreements are public information. This makes it clear that not only are they public information, but that the department shall release this information to health care providers and the public. The idea is to get more manufacturers to participate in the program. Finally, the amendment clarifies that the prescription drug prices that will be compared to the Maine RX Program prices are the lowest prices paid for drugs are actually delivered or dispensed. It changes the words to delivery or dispensation to delivered or dispensed to make that clear. Again, this is an amendment to Senate Amendment "A" and I would recommend that we support this. Thank you Mr. Speaker.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. In Europe we have free education, free health care. It is a right of citizenship in Europe. We have all heard the debate. We all have seniors and we know what is going on. I must rise. I am like a lot of my colleagues on both sides of the aisle. I don't think this goes far enough. I think this is a beginning, but it doesn't go far enough. It is not the original bill that I cosponsored. Leadership came to Biddeford and met with my seniors. My seniors are waiting for something to happen now. My seniors need help today. The drug card will help. Ten to 15 percent, maybe somebody will save \$6. That doesn't go far enough for my seniors. This is not disrespectful to say that the work that was done was good work. If we can't rise and have differences of opinions, then it is a sad day in the State of Maine. I don't think this goes far enough for my seniors or your seniors. This is means testing. Price control doesn't kick in until 2003 and that is only after all the other hoops have been met if this happens or if that doesn't happen. In 2003 we might have a say. That is a long time for my seniors.

It is an optional thing. Not all pharmacies can join. What happens if a lot of pharmacies don't join? Are my seniors going to have their little card and how far are they going to have to travel? It is a concern. Compromise, on this side of the aisle they know very well how I feel about compromise. It is the art of

politics. You will never make it in Augusta if you don't compromise, Joanne. I swear to you that I would rather be in the minority and have the things that I believe in and this is what I believe in. I believe that we are not going far enough. I will support it. It is a start. I don't care about reelection. It is not about reelection or who should get credit or the press didn't pick up on a certain person. My God, that makes me sick when I sit here and I listen to those comments. It is not about reelection or who did the work. We all work hard in this body. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. I will just take a few moments to share with you a few things that I would like on the record. We know most of the story and most of us know how we are going to vote. Most of us know what the outcome of the vote is going to be. If I could just indulge you for a few minutes, to take you back to the prior bill. The focus of the bill was on the drug manufacturers. At the public hearing one of the sponsors had a big bag of freebies that the manufacturers give away to prescribers, physicians and dentists to get them to order expensive drugs. They railed against the TV advertising, the slick commercials you see that they claim takes money out of the hands of the poor and put it into the big drug companies and the networks or whatever.

This bill is a far cry from that. It is touted as a compromise and in some ways it is a compromise. I think the feeling was that the first bill might have been unconstitutional and might have been unenforceable and certainly would attract a lot of lawsuits. This one is aimed at doing less of that. One of the things that we heard time and time again from the sponsors of the bill was that they, in no way, intended to hurt the little guy, the mom-and-pop, the pharmacist that you go to when you get sick. That wasn't their intention. Independents or chains or wholesalers, that was the furthest thing from their mind. This bill does an about face from that. Although you can make the argument that the \$3 per prescription fee that has been tossed to the pharmacist is meant to alleviate the lower price that they are going to have to offer. There is no doubt that the State of Maine is offering each pharmacy in this state the chance to either play ball by their rules or lose about 30 percent of their business. Those are your two choices. Any of you who are in business and somebody came in the door today and said that tomorrow a quarter of all your customers are out of here and you have a choice, do you want to play ball or not? I think you would know what you would do. I don't think there is much fear that pharmacies won't play ball, they won't accept the card. We all will.

The part about the rebate is a little confusing. Let me try to explain that. Part of the rebate that comes from the manufacturer is going to be simply passed through the state back to the pharmacist. In that part, it truly is a wash. There might be a little lag in the money coming into the pharmacist, but that piece he has got to get back. When you read that the pharmacist must charge AWP minus 6 percent, plus a \$3.35 fee, that is non-negotiable. That is the deal. Right now I am free to charge, under the free-market system, whatever I want or whatever I can get. That is the way business is. That is the way capitalism is. If I charge too much and don't provide services that is commensurate with it, I will lose all my customers. They will go away. Now, every pharmacy in the State of Maine, for every resident that is a resident and has no other insurance, they will charge exactly the same price.

Some of my friends in Patten, Milbridge, Mars Hill, Kennebunk, Portland and Bangor all over the state, if they choose to open a pharmacy or practice their business and do such things as make deliveries or open up late at night or do special packaging for nursing homes or boarding homes or offer charge accounts, some of us still offer charge accounts where you can say, see you Tuesday. We really do. All of those services now that cost us money to provide, we have no way of recouping that cost. Even if I have a customer who likes me, thinks I am a nice guy, thinks I might charge a buck more, but likes to charge it, get it delivered, likes to get it in the middle of the night, he can't do that anymore, because the state has stepped in between me and my patient and determined for me what I can charge and what they can pay me. I don't think that is a good idea.

In the short-term, are pharmacists going to go out of business? No, I don't think so. In the long run will some of them? Probably the smaller stores will. One of the problems I have with the way this bill has gone through is it has changed substantially. In the beginning at the public hearing you didn't see pharmacists testifying opposed or hanging around much at the work session. For us working in the store everyday, we might philosophically have been opposed, but there wasn't much there that really attacked our business and now there is. I saw this language yesterday afternoon at 1:30 for the first time. My colleagues, and I have a stack of pink slips here on my desk now, they would like me to call. They would like to call and find out what is going on so that they could talk to their Representative. You won't hear from them. In some cases, members of this House have called their pharmacists and said that this is the deal, can you live with that? At one point the answer was no. Now the answer is I guess probably I can. That is okay. It could be worse. When I hear it could be worse, I have mentioned this in caucus, if you leave here tonight and somebody jumps you in the parking lot and breaks your knees. On the way to the hospital in the ambulance, you say, thank God, it could have been worse. That is what it is like to ask a business owner if he can survive with this. We have taken it off the manufacturer and clearly put it on the independent and the chain pharmacist in this state. I think that is wrong.

The bureaucracy has been mentioned. I guess finally that my employees who work for me and my patients and my family that has been in my location and business for 30 years kind of wonders if this body can do that to them. What kind of relief can they expect on expenses that they have? Maybe you think that some of the fuel prices were too high last winter. My employees think so too. Maybe the cost of food was too high. My employees think so too. Mortgage rates are too high. My employees think so too. The state could certainly buy fuel oil at a lower price and turn around and make all the suppliers the Exxons' and the Mobiles' charge everyone in the state the same price that the state pays now to heat their buildings. How is that different? Why isn't that fair for my employees to ask that same kind of relief?

In closing, I guess that I would just say that I know where this bill is going. I have been here two years. I am not really an old pro, but I am sharp enough to know where this is going. I would just hope that in the future when we give lip service to small business in this state, I have never heard anybody say anything bad about small business, that we think about what we did today because what you are doing today is truly affecting about 250 small businesses in this state.

Representative WATERHOUSE of Bridgton asked the chair if **House Amendment "A" (H-1187)** to **Senate Amendment "A" (S-803)** was properly before the body.

The Chair answered in the affirmative.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I just wanted to get on the record. For the last couple of weeks we have been back in what I call the real world. We have been laying tile or working in our drug stores or talking to our neighbors or meeting with senior citizens at McDonalds and in my case talking with construction workers on the job. As usual, the people of the State of Maine get it right. They said that I was one of the cosponsors on that prescription drug bill and I told them I was and that I was very proud to have been part of that. They said it was way past time that Maine and the United States joined every other civilized country on the planet and do what they do. What do they do? They negotiate, they convince and they coerce and they even regulate a reasonable profit on prescription drugs. That is what this bill is about. I thank the Speaker. I thank the Minority Leader. I thank everyone who has worked to bring this bill before us. I did prefer the original bill. I thought it was simpler and cleaner. A compromise usually is not simple, but it is what we do and I thank you very much for that. In the words of a great philosopher, I used to play a lot of music when I was in college and a great philosopher, Curtis Mayfield of the Temptations. The Motown Sound said, "People get ready, there is a train a coming." The fair price express is leaving the station. It is picking up passengers. It is picking up support. It is picking up momentum and as it leaves the great State of Maine and roars across the great country that we call home. It starts here today. It ends when the citizens of our nation and our state pay the same fair prices for drugs as the rest of the world does. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I now understand where the term, I can't win for losing, comes from. I was honored when the Governor asked me to negotiate on this bill. I have many years of working in the pharmacy industry and as a retail pharmacist. I was helping Mrs. Jones get her prescription and helping her understand how to take it. I was delivering it to her house when I leave work at 9:00 at night. I have done all those things. There are thousands of us out there in this country that do that every day.

There is a train leaving the track that is for sure. There is also a train leaving another station somewhere else and that is called the manufacturer train and it is coming right at us. We have our train going right at them. The question is, who is going to veer off first or is anyone going to veer off? I can tell you when we were negotiating this bill, I don't feel good about price controls. I never will. It is against my philosophy of business. I hope it never happens. This bill is an attempt, this compromise, to help people. People who truly have a problem paying for prescription drugs, that 25 to 30 percent of people out there in the State of Maine. It depends where you go. In some cases it is 10 percent of your business and in others it is 40 or 50 percent. You have a store in Falmouth, that part of your business is maybe only 5 percent that actually pays cash for that prescription. Everybody has an insurance card. That is no big deal. We are willing to accept that rate as pharmacists and what

the insurance industry dictates to us, we are willing to accept that. We want that cash-paying customer to make up the difference. I don't think that is fair.

When you look at the proposals on the federal level, two of them came out yesterday, they are not as good as this bill. They are going to make someone pay \$25 a month to get \$1,000 in benefits. They have only saved \$500. Can they really gain that \$500? I don't know. I look at numbers all day long in Appropriations, but also in business. That is what I do. I sit in front of a laptop and I look at numbers. I analyze my business. Last Friday, I called people into my office, retail pharmacists from all over the state, along with Senator Pingree. We sat down and we tried to explain what we are trying to do. We said, look, we don't want to hurt you. Why would I want to hurt myself? There is a name for that. I don't know what it is called, but I didn't want to hurt myself. I knew the original bill hurt me. It hurt my business. I had feelings that it was unconstitutional. I still think the original bill was unconstitutional. No one was upset about the original bill for some reason, but it hurt retail pharmacists I think worse than this bill. We sat down and we heard their concerns. We said, what about this or what about that? We sat there for two hours and we talked. When we left on Friday, I said, I think I could save this thing. When we went back to negotiations on Monday, we talked about the concerns of the pharmacists and I looked at my own stores. Let me look at the reimbursement rate for the top 100 drugs in the State of Maine and let me look at what the reimbursement rate is under this plan and what I charge to a cash customer right now. It was real close. I thought at that time that if I could help out more people get their prescriptions, why wouldn't I do that? That is why I went into pharmacy in the first place.

I was the guy with the ponytail and a beard back in college who had these great ideals and I was going to go out and help people get better. That was 27 years ago when I made that decision. I loved chemistry. I made it though school somehow and I got to the point and it was still a profession, that you could practice and feel good everyday that you helped someone. Everyday you help somebody. Everyday you also had the person walk out of your store that couldn't afford that prescription. Everyday I would say to that 85 year old woman, take it, don't worry about it. When you have some money come pay me. What I would do is take out my wallet and pay for it. I am not here to pat myself on the back. I have heard accolades from Representative Murphy and the Speaker. I appreciate that, but it is what pharmacists do every single day out there. The last thing I want to do is hurt the profession of pharmacy. It is a great profession to be in. I also want to help the people of the State of Maine. There are a lot of things in this bill that I do not like. Price control is a major thing. We put it off three years and we hope we never have to get there. I personally think the federal level will do something. I don't know what it is. I can't read Washington. I don't think anyone can at this point. They will do something. I fear what they will do is a lot worse than this bill will do.

We didn't want to hurt wholesalers in the State of Maine. For the record, I want it on the record, we removed the term wholesaler out of the profiteering statute so we do not hurt the wholesalers in the State of Maine. Six years ago I had a bill in front of this body dealing with non-discriminatory pricing of pharmaceuticals. Maine was the only state to pass it. I was very proud of that accomplishment. Unfortunately, it didn't do what we thought it would. Maybe this bill will and maybe it won't. I am

willing to risk that. I think this is a cause that you have to take on as a legislator. You are here to represent people out there to better their lives. Hopefully this compromise will do that. If it doesn't, hopefully we will come back in the next session and fix it. I am proud to have worked on the bill. I worked very well, I believe, with the Speaker. He was a man of highest integrity as always. I learned a lot more about Senator Pingree in this past week than I have in eight years of working up here. She is a noble woman. She has a cause. It is a good cause. We agree on how we need to get to the end point, but I am willing to walk down and take that first step with her. The Chief Executive, he was as torn over this bill as many of us. He had the same concerns that we did. There are people out there that are not taking their medications. He wanted to know if we could find a solution. Once again, this may not be the best solution in the world, but it is a start. I think it is going to help. Do I think it is going to put pharmacists out of business? No, I don't. I am willing to start. I appreciate all the accolades. There are a lot of people that deserved a lot of credit. We all understand the issue. People aren't going to be happy with it. I understand that. I hope you do vote to support this bill. I think there are a couple more Legislatures coming in to maybe fix it if it needs to be fixed. Thank you very much.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House. We just heard an excellent speech from Representative Bruno. I would like to thank him for all his efforts. I also would like to commend Representative Twomey who probably really summed it up. It is an imperfect bill, but it is a beginning. Let's try it and let's cover people who haven't been covered and all good things start with a beginning. If there are problems, we can fix it in the next Legislature and in next. We will probably have to do that anyway. I urge you to vote for this. Thank you.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I realize that I am a David standing against Goliath. Everyone apparently is embracing this wonderful groundbreaking legislation. The cameras were here and speeches were made. It is a good political move obviously to support something that most citizens will never see, but will be told by the media and others that they have been saved. Nonetheless, there have been terms used like we need to coerce. We need to whack people with a 2 x 4. We are going to black list, those are my words, at taxpayer expense, mind you, pharmaceutical companies by way of advertising that they don't submit to big government telling them how they will run their businesses.

Ladies and gentlemen, I, for one, don't believe that any government, state, local, federal or otherwise should be given permission to come down on or beat any business into submission, especially ones that are in the business of saving lives. Some questions that I had when I finally got a chance to see the language of this bill are some that are written in a portion that say that these are the findings and that these are the intent of this Legislature. I quote "Pharmaceutical companies, the Legislature makes the following findings, pharmaceutical companies are charging the citizens of Maine excessive prices for prescription drugs." I, for one, would like to see proof of that, "denying Maine citizens access to medically necessary health care and thereby threatening their health and safety. Many

Maine citizens are admitted to or treated at hospitals each year because they can't afford the drugs prescribed for them that could have prevented the need for hospitalization. Many others must enter expensive institutional care settings because they cannot afford the necessary prescription drugs that could have supported them outside of the institution. All Maine citizens are threatened by the possibility that when they need medically necessary prescription drugs most they are unable to afford their doctor's recommended treatment."

My mom, my grandma, my sister and others who are both elderly and rather young who depend on prescription drugs are not threatened by the pharmaceutical companies. If they had need, I am personally responsible for looking out for them, as are other families. Children who have been raised by these parents who may now be in need and sisters and brothers who have needs, we are responsible, not the government. As for whether a person can still have compassion and empathy for those elderly or otherwise who depend on these drugs and still vote against this bill, I say, yes. Mom, I will look out for you. Grandma, I will look out for you. Others in my family, I will look out for them. You don't need the government to come in with a 2 x 4 coerce, black list, force companies to do what this government, 151 people, think they ought to be doing. I would encourage you to vote against this on principle. Thank you.

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

Representative MAYO: Mr. Speaker, Men and Women of the House. I rise today and urge your support of this particular piece of legislation. While we were on break, I had to go to the hospital for my semi-annual blood work. As I sat waiting for my turn that morning at 8:00, there were a dozen to 15 people also waiting. Most of them were senior citizens like myself. I will admit publicly to my seatmate that I am a senior citizen. I listened to them. They talked to me. They knew who I was. We are a small community. I had gone to school with some of their sons and daughters and the only thing that they wished to talk with me, as a legislator, about was this particular bill. They didn't know that I had cosponsored the original bill. That was the furthest from their mind. They were telling me one story after another about the amount of money that they were spending every month for drugs, the relationship of that to their social security, their widow's pension from BIW or whatever and the percentage. I was amazed at a woman who lives around the corner from where I live in Bath. She is spending nearly 44 percent of her income for drugs. That reinforced the position that I have had for quite some time that something has to be done. Is this compromise, which I applaud the people who worked on it, perfect? No, it is a start. Will we see this issue again? I suspect those of us in this body today that return here for the 120th will be doing something on this particular issue. It is too major a piece of legislation to say that it never will be touched again by the Legislature. I think it will. It is a start. I think it is a good start. I fully understand where my seatmate is coming from. If this was dealing with my former profession, I might look at it a little differently, but I think something has to be done. I would urge support of LD 2599 as amended with the most recent amendment. 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 will be extremely brief. There are a couple of comments that I would like to make, however. The good

Representative from Gardiner asked the question why our country doesn't have as low drug prices as some of the other industrialized countries in the world? I think the answer is quite obvious. The fact that we operate under a free enterprise system and it is our nation that develops probably 90 or 95 percent of all the new therapies out there. We hear a lot about profiteering on the part of the pharmaceuticals and at the same time we have had people stand up today and say that we already have profiteering statutes on the books. If that is the case, with all of these consumer advocacy groups out there, why haven't the pharmaceutical companies been called to task on this? I really question whether they are price gouging or not. Our good Minority Leader used an analogy with a 2 x 4 in talking about getting their attention. I am not sure that I agree with him about that particular 2 x 4, but I do think that perhaps we can describe the way this whole bill has been designed. It has been designed by thrashing around a 2 x 4. We have done it at the last moment. We have negotiated here and there and tried to come to some agreement so that we could finally go home and do a little profiteering ourselves. That profiteering is all of us want to go home and say that last session we did something about prescription drug prices. We really accomplished something. I think we are the ones that should be accused of profiteering.

Subsequently, **House Amendment "A" (H-1187) to Senate Amendment "A" (S-803) was ADOPTED.**

Representative BERRY of Belmont **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "A" (S-803) as Amended by House Amendment "A" (H-1187) thereto.**

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

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is adoption of **Senate Amendment "A" (S-803) as Amended by House Amendment "A" (H-1187).** All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 707

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

NAY - Bragdon, Buck, Cianchette, Glynn, Joy, Kasprzak, MacDougall, Mack, Marvin, Nutting, Plowman, Waterhouse.

ABSENT - Bolduc, Campbell, Labrecque, Sirois, Stedman, Volenik.

Yes, 133; No, 12; Absent, 6; Excused, 0.

133 having voted in the affirmative and 12 voted in the negative, with 6 being absent, and accordingly **Senate Amendment "A" (S-803) as Amended by House Amendment "A" (H-1187) thereto was ADOPTED.**

Representative MACK of Standish **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

ROLL CALL NO. 708

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

NAY - Bragdon, Cianchette, Glynn, Joy, Kasprzak, MacDougall, Mack, Marvin, Nutting, Plowman, Waterhouse.

ABSENT - Bolduc, Buck, Campbell, Labrecque, Sirois, Stedman, Volenik.

Yes, 133; No, 11; Absent, 7; Excused, 0.

133 having voted in the affirmative and 11 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-803) as Amended by House Amendment "A" (H-1187) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

Non-Concurrent Matter

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms (EMERGENCY)

(S.P. 1089) (L.D. 2693)
(C. "A" S-740)

FAILED of **ENACTMENT** in the House on April 27, 2000.
Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-740) AS**

AMENDED BY SENATE AMENDMENT "A" (S-807) thereto in NON-CONCURRENCE.

Representative THOMPSON of Naples moved that the House **RECEDE AND CONCUR**.

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I hope you will vote against the pending motion. If you take a look at the Senate Amendment, basically what the amendment does is lower the percentage of shares required to call a special meeting of the shareholders to remove the directors of a publicly held corporation organized under Maine law within 90 days of their last election from 50 percent of the outstanding shares to 25 percent of the outstanding shares entitled to vote at such meetings. Remember the debate on this bill earlier came out of committee to raise that level to a 50 percent level. I would suppose an attempted compromise up in the Senate, but it really doesn't do anything. It still accomplishes the same ends as the original bill. It precludes the company who is trying to make the acquisition from going ahead and using the BTI zone by-laws to do that. Seems as how the company trying to make the acquisition only has 14 percent of the shares, this would retroactively increase that to 25 percent. That would be accomplishing the same goal of the original bill. It has all the flaws of the original bill. It was debated last week. I view it as being unconstitutional. It is an infringement and impairment of contract between shareholders and the by-laws of the corporation that was set up. We are doing it for one company. This amendment even makes it more evident that it is for the one company lowering it to 25 percent.

I don't want to go through the whole debate again, unless I absolutely have to, but we heard in the debate last week that the company made one mistake and that was incorporating in Maine instead of Delaware. The point was made back then that that wasn't the mistake they made because under Maine corporate law, they could have handled the situation in their own by-laws. They didn't choose to do that. Basically what the Senate Amendment is asking us to do is the very same thing on a lower threshold, but accomplishing the same thing as the original bill. I hope that you will vote against this measure. Thank you.

Representative RINES of Wiscasset **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 Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. Today I am asking you to vote to Recede and Concur with the Senate's vote and pass this bill. This bill and Brunswick Technology are vitally important to my region of the state and indeed to the entire State of Maine. If this bill does not pass, the following events may well occur. Shareholders will elect BTI's board of directors on May 16 at their regular annual meeting. The takeover company with 14 percent of Brunswick Technology's shares calls a special shareholder's meeting with the express purpose of replacing the board of directors within 30 days of the regular annual meeting. At that special meeting the by-laws of Brunswick Technology will be changed to reduce the vote necessary to replace the directors from two-thirds to one-half. A new board of directors will be put into place and that board will have been hand picked by the takeover company. If the effort to replace the board fails, the takeover company will

call another special meeting and another and another and another. This hand picked board will essentially negotiate with itself for the conditions of the sale of Brunswick Technologies and squeeze out the dissenting shareholders, those who don't agree to go along with the deal. This couldn't happen if Brunswick Technology were incorporated in Delaware. It is possible only because Brunswick Technology made the grave error of being loyal to Maine and incorporating here.

However, if the bill does pass, a minority shareholder will have to raise at least 25 percent of support of shareholders in order to replace directors at a special meeting within 90 days of an annual meeting. Brunswick Technology will have a few weeks to find out whether the takeover effort is in the best interest of the Brunswick Technology family. We, as the Legislature, will have improved Maine's business accommodation laws by keeping a shareholder of a small minority of stock from diverting the energy and attention of a company by repeatedly calling special meetings within 90 days of the annual meeting. The wisdom of this law is attested to by the support of the other publicly traded corporations that are incorporated in Maine, including Bangor Hydro, Maine Public Service Company, CMP, Hannaford Brothers and People's Heritage. It is also attested to by the support of the Department of Economic and Community Development. Before you vote on this bill, I ask you to imagine that this situation exists in each of your districts and vote to support and outstanding Maine corporate citizen and vote to Recede and Concur. Thank you very much.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to my good friend from Durham, Representative Schneider, I heard him make the comment again that the only mistake this company made was not incorporating in Delaware. That is not true. The only mistakes this company made was not putting in their by-laws what Maine law allowed them to do, a higher threshold to call their shareholder's meeting. They didn't do that so they made the mistake. It was not a problem with Maine law.

Make no mistake about it, ladies and gentlemen, this will be the first time in Maine's history, that I am aware of, that the Legislature interjected itself into a private acquisition and retroactively changed corporate law to do that. I don't think we want to get ourselves into that kind of business doing that and creating instability in our corporate law for one business no matter how good those concerns may be and no matter how much we want to save a Maine business from being taken over. There isn't a bad guy in this. The corporation that is trying to make the acquisition followed Maine's law. They followed BTI's by-laws. BTI made the mistake, not the company making the acquisition and not the Legislature and not Maine corporate law. Let us not get involved in this by doing something we never did before in the history of the state. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Durham, Representative Schneider, presented a scenario and expressed it as something that will happen. It is a scenario. It might happen. Let me propose another one that also might happen. At the special shareholders meeting perhaps 51 percent of the shareholders of BTI will not vote to change the board of directors

to a new board. That is all it takes is 51 percent for that not to happen. Perhaps the current board of directors will schedule another shareholders meeting and on that agenda will ask that the by-laws be changed so that a small minority shareholder cannot call for a board of director's meeting every 30 days or 90 days or whatever the interval is. All those scenarios are equally probable. If 51 percent of the shareholders do not want the outcome that we are concerned about happening, they will just change that by not changing the directors at the next one and then reverse this problem in their by-laws that they regret. That is as equally probable as any other that has been presented before this body. I think this intervention of the private business process at this point is still very unsound and I urge you to reject the current motion to Recede and Concur. Thank you.

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

Representative CARR: Mr. Speaker, Men and Women of the House. I feel a little awkward standing up to speak about something I know very little about, which is corporate takeovers. However, there is something that hasn't been discussed that I think I should touch upon it. I first became aware of the wood fiber process four or five years ago when I asked one of the researchers at the university to attend a Rotary Club meeting and speak on the subject. It was a very interesting process and at that time they were looking for someone to take on this process to develop it so that perhaps we could develop jobs for the residents of Maine and create jobs.

It seems like at least part of this process is being used by BTI, which was developed at the university. It also seems to me that the intent of research at the university is for many different reasons, but for this particular reason, it was to use this process to make bridges and to develop other things and most of all for the residents of the State of Maine to create jobs. It also seems possible that the company from France that is looking to take over this company, possibly, is looking to buy the process for the manufacturing. If that is the case, I just want to remind you that it seems that taxpayer's dollars were used in part of the research to develop this process. It would be a shame to lose those jobs. I hope that we would go along with Recede and Concur.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I don't see much in the way of giving the opportunity to BTI to look at this offer and make a determination about whether or not this is a good deal. In the end maybe it should purchase this company. When a board of director's member is seated, they have a responsibility to the company. They have a responsibility for due diligence to make a determination about whether the offer made is one that ought to be accepted. This is not earth shattering what we are asking you to do here. This only enables BTI to be given the opportunity to do the due diligence, which is necessary.

As an aside, I was involved in the purchase of the Portland Newspapers from the Gannet Family to the Blethen Family. The due diligence in that case was enormous and took a lot of time. You had to determine what the proper sale price would be in order to know whether you were treating the owners, or the stockholders, in this case, in the best possible manner. Maybe St. Gobain is the best in this case and maybe ultimately their purchase price will be the best. Why is it so difficult? Why is it a problem here to give BTI a little bit more time to evaluate the sale price? There was something that was written in the *Bangor Daily*

News here recently and I would like to quote what it said. It says, "Maine is not invested in research and development and nurtured high-tech firms to see it swept away by distant competition using Maine's lax statutes against local companies." I couldn't say it better myself. It sums up exactly what is happening here. Perhaps we should have looked at the corporate statute before this came to light. Because we have lax statutes, is not a reason to punish BTI. It is not a reason to take our virgin research and development.

We were last in the country in research and development and all of us thought last session was a great thing to increase the amount that it would give to universities. The partnership between BTI and the university is well known. It has created composites. I would like to see, not just in Brunswick, but all around the state the composites and other high technologies that we are trying to produce in the state. I would like to see it stay in this state if possible. If it doesn't, I would like at least the shareholders of BTI or any other Maine corporation to get the top dollar for the company. I had thought about this and tried to make a quick analogy. If I was negotiating for employees and management didn't like me because they thought I was too tough in terms of negotiating to get the best deal possible for the employees and management tried to turn around and get rid of me and put in a negotiator that they liked, because that negotiator might not be as tough as I was. Boy would that sound unfair, you bet it would. The reason it would sound unfair is because there wouldn't be an arms length transaction, not between the buyer and the seller. In this case, if we permit St. Gobain to attack the board of directors and change the composition, they will be negotiating against themselves for a sale price. I ask you, is that a good thing for shareholders? I think not. I ask you to Recede and Concur. Thank you very much.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. I want to ask you to indulge me a bit. A couple of weeks ago when this was before us, I had to miss my first day of the Legislature for a family emergency. I was not here. Actually, just to show you my keen eye for these issues, when I put it in, I thought it was so innocuous that there was a possibility that it would go under the hammer. That probably won't surprise any of you. When I called in from being away and talked to my good friend from Harpswell, Representative Etnier, to find out what the deal was, he further explained to me that a corporation the size of the Marine Corp of lobbyists had been hired on both sides. I put my head in my hands and said, Oh no. That is when stuff like this starts coming across our desk, which is wrong. I am just glad that today, after talking to a lot of people in the halls, we are able to bring this in here where we can talk about the issues and adjudicate on the issues and hammer out the facts and make a decision. I think that is the best way it is. I am sorry that the issue has gotten so hammered down in the lobby.

The thing that I want to talk to you just a little about is really what sets us apart. We have talked about Pennsylvania law. I know Pennsylvania law well. I know Massachusetts law well and how it deals with these issues in corporate structure and law. The difference that I have found in Maine is that we treat our public companies a little bit differently. They are kind of like a member of the family. We take pride in them. They sponsor our events. Our people work at them. Just now in Maine we are just beginning to build our technology companies. Many times over

the last couple of years, just since I have been here, we have been asked to hold up our end of that partnership. I was happy to stand by National Semi-Conductor when they expanded. I was more than happy to put in a bill for CMP and FPL to deal with their real estate structure and changes that needed to happen immediately in order to facilitate that. I was happy to support Bath Iron Works when they came asking for money. I am happy to support the cranberry industry and I am happy to support the paper companies when they come looking for changes in a single sales factor. I am happy to do those things if they make sense. We have seen it time and time again in different parts of our state where businesses have come to us in Portland, South Portland, northern Maine, western Maine and said that they need our help.

The issue right now, in my mind, is a pretty simple one. I see it from a much more personal perspective than you do, obviously. Not because of how you approach it, but because it is smack dab in the middle of our district. There is a reason why they call these things hostile takeovers. They would call them love ins if they were fun. Management teams were going to be kept and workers were going to be kept and all those things, they would be called love ins. They would be called group hugs. They wouldn't be called hostile takeovers. What we are talking about here at the end of the day when you get beyond corporate tax structures and changes in public law and even though all the public companies in Maine support this, that is fine. It wouldn't change my opinion if they all didn't, but it wouldn't change my opinion if they all didn't, but I am happy that every single one of them does.

The issue is this, one of our guys is in trouble, the men and women who shop at Wild Oats, the men and women who shop at Shaw's and the kids who go to Longfellow's School. Do they have shareholders worldwide? Absolutely and I am glad that I do. I am glad that they went to the Public Market for money because that allowed them to keep more of their company under their control. I am glad that they did that. I am glad as it says in these handouts here that they are taking actions in their board of director's meetings to put in certain deals that allow them to take care of their management team. I am all for that in case this thing goes south and that this company is taken out from underneath one of our guys. I am more than happy for that. I am also more than happy that they are looking at strategic buyers. I am more than happy about that. I am more than happy that they are going to take the time to look for the right partner and not have a downturn. This is important to remember and I hope you will hear me on this and not look at a small downturn in the market when you look at when this offer was made. These offers aren't just made willy nilly. They are made in strategic times in the market when the stock and the offered price goes down below what it is trading at current levels. Basically someone comes in and just shocks your bargain rack. There is a reason why those things happen.

I talked a little bit about the partnership and what this means. We are asked today for a simple thing. There are companies that have come in here and asked us for \$60 million and we have given it to them. There are companies that have asked us for \$800,000 and we have given it to them. I am thankful that they are not here asking for money to deal with this, because it would probably be more difficult for me to stand up here and defend that. I think it is a pretty simple request. I just put two more points, hopefully, before you. There is one known quantity here in this whole mix and that is the existing management and

the existing workers at Brunswick Technology. We know them. I know their record. They have been incredible entrepreneurs in our state. I don't know about the management team from this other company. They may be fantastic too. I don't know anything about it. It is a large international conglomerate coming into Maine. I just don't know anything about it. I feel very comfortable asking you today as the representative of this company from this district basically looking at each and every one of you in the eye and asking for your help. I am asking for your help on this. It is a big deal and it is going to send a signal. I think there is somewhere in one of these handouts they talk about the fact that it is going to present instability. Let me ask you this, if you were a technology company and you were looking at Maine and you were looking at the possibility of this happening to you because of Maine laws, would you incorporate here? What is the give and take between that issue of instability versus the methods that we are sending here of these types of things that can happen in Maine? When Intel One wants to come buy Envisionet or RS T&T wants to come buy RSN or Seafood Exchange wants to buy Go Fish or Vertical Net wants to buy Go Fish, what are the answers there? Do we have those same arguments again? I am doing nothing less today than asking for your help the way that we have helped out other industries with a lot bigger requests and a lot bigger asks and a lot larger implications for the State of Maine than this one. I hope that you will give this company a chance to continue to grow, continue to be great and continue to pursue their options and do it in type of due diligence structure that works for them. I thank you for your time and your indulgence to allow me to get some of those things on the record. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Thank you for your indulgence. As I said before on the initial debate on this issue, I will take my record for supporting business up here and put it up against anybody. There is nobody that is debating whether the company is a good business or a good neighbor. If any business at any time that I have been up here approached me and asked me to change corporate law retroactively in the middle of a business transaction, I would be in the same position that I am in tonight. The good Representative just said that if you are a business looking at this situation, which would bother you the most. I would dare say that if I was business looking into the State of Maine and saw the Maine Legislature poised to about be changing corporate law retroactively to change a business's by-laws that I was using or would be using if I moved into Maine in the middle of a business transaction, that would have a much more chilling affect on me than what is actually happening with the acquisition.

Another point was made earlier by a speaker talking about the willy nilly Maine law. I guess I have to keep repeating. There is nothing wrong with Maine's corporate law if you use the by-laws to put in there what you want. That is allowed under Maine law. It has a 10 percent minimum threshold. Interestingly, I think you have a blue handout here. It talked about the current law that was adopted to protect shareholder rights. The Maine Legislature specifically adopted the current law in 1985 to protect minority shareholders in mergers and acquisitions by giving a minority of them the ability to call special meetings of shareholders. It says to see Public Law 1985, "An Act to Protect Shareholders in Maine Corporations." We are not talking about

whether this business, BTI, is a good business. We are not talking about if they are a good neighbor. We are not talking about any of that stuff. What we are talking about is the Maine Legislature interjecting themselves into a business transaction by retroactively repealing a businesses by-laws and corporate law for that one business.

I referred last time I was talking to the Maine Constitution, Article 1, Section 11, Attainder, ex post facto and contract-impairment laws prohibited. It reads, "The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and not attainder shall work corruption of blood nor forfeiture of estate". This, to me, as I stated earlier, is an impairment of the contract. I urge you vote against the pending motion. Thank you.

The SPEAKER: 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. 709

YEA - Ahearne, Andrews, Belanger, Berry DP, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kneeland, LaVerdiere, Lemoine, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Pinkham, Povich, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bagley, Baker, Berry RL, Bowles, Bragdon, Bruno, Buck, Bumps, Cianchette, Clough, Collins, Daigle, Dugay, Foster, Gillis, Glynn, Goodwin, Honey, Kasprzak, Lemont, Lindahl, MacDougall, Mack, Marvin, McKenney, Muse, Nass, Norbert, O'Brien JA, Perkins, Plowman, Powers, Sherman, Shields, Stanwood, Tracy, Tuttle, Twomey, Waterhouse, Winsor.

ABSENT - Bolduc, Campbell, Labrecque, Perry, Snowe-Mello, Stedman, Volenik.

Yes, 104; No, 40; Absent, 7; Excused, 0.

104 having voted in the affirmative and 40 voted in the negative, with 7 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

ORDERS

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 43)

ORDERED, that Representative Brian Bolduc of Auburn be excused Thursday, May 11, 2000 for military leave.

AND BE IT FURTHER ORDERED, that Representative David R. Madore of Augusta be excused Monday, April 24, 2000 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Paul Volenik of Brooklin be excused Wednesday, April 26, 2000 for health reasons.

READ and PASSED.

COMMUNICATIONS

The Following Communication: (S.C. 678)

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

December 29, 2000

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 0433

Dear Clerk Mayo:

Senate Paper 967 Legislative Document 2516, "An Act to Improve Standards for Public Assistance to Maine Employers," having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?" Eighteen voted in favor and twelve against, accordingly it was the vote of the Senate that the Bill not become a Law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Regulate Push Polling"

(S.P. 420) (L.D. 1257)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1185) in the House on May 11, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502) AS AMENDED BY SENATE AMENDMENT "B" (S-808)** thereto in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **ADHERE**.

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

ORDERS

On motion of Representative QUINT of Portland, the following Joint Resolution: (H.P. 1957) (Cosponsored by Senator MURRAY of Penobscot and Representatives: BROOKS of Winterport, MUSE of South Portland, O'BRIEN of Augusta, PEAVEY of Woolwich, POVICH of Ellsworth, Senators: President LAWRENCE of York, O'GARA of Cumberland, RAND of Cumberland)

JOINT RESOLUTION ENCOURAGING THE BOARD OF VISITORS FOR THE MAINE YOUTH CENTER AND THE DEPARTMENT OF CORRECTIONS TO EVALUATE THE POLICIES OF THE BOARD OF VISITORS

WHEREAS, it is important that the organizational relationship of the Board of Visitors with the Maine Youth Center and communications by the Board of Visitors to the Legislature are effective and efficient; and

WHEREAS, it is the opinion of the Legislature that in order to maintain the safety of Maine's youth this issue should be addressed; and

WHEREAS, members of the Legislature would like to encourage the Maine Youth Center's Board of Visitors and the Department of Corrections to evaluate the Board of Visitors' enabling legislation and its current policies and procedures; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, encourage the Maine Youth Center's Board of Visitors and the Department of Corrections to evaluate the Board of Visitors' current policies and practices; and be it further

RESOLVED: That we encourage the Board of Visitors through public meetings to make recommendations that may help to improve the effectiveness and efficiency of the organizational relationship of the Board of Visitors with the Maine Youth Center and of the communications by the Board of Visitors to the Legislature; and be it further

RESOLVED: That the Board of Visitors may report its findings to the Legislature; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Board of Visitors of the Maine Youth Center and the Commissioner of Corrections.

READ and ADOPTED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Acts

An Act to Establish Fairer Pricing for Prescription Drugs

(S.P. 1026) (L.D. 2599)

(H. "A" H-1187 to S. "A" S-803)

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

On motion of Representative TRACY of Rome, was **SET ASIDE.**

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

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

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

ROLL CALL NO. 710

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Gagne, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones,

Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bragdon, Buck, Glynn, Joy, Kasprzak, MacDougall, Mack, Marvin, Nutting, Plowman, Waterhouse.

ABSENT - Bolduc, Brennan, Campbell, Cianchette, Colwell, Fuller, Gagnon, Labrecque, Madore, Quint, Stedman, Volenik.

Yes, 128; No, 11; Absent, 12; Excused, 0.

128 having voted in the affirmative and 11 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms

(S.P. 1089) (L.D. 2693)

(S. "A" S-807 to C. "A" S-740)

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

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

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

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

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

ROLL CALL NO. 711

YEA - Ahearne, Andrews, Baker, Belanger, Berry DP, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Gagne, Gerry, Gooley, Green, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Povich, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bagley, Berry RL, Bowles, Bragdon, Bruno, Buck, Bumps, Clough, Collins, Daigle, Dugay, Foster, Gillis, Glynn, Goodwin, Honey, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McKenney, Muse, Nass, Norbert, O'Brien JA, Perkins, Powers, Sherman, Tracy, Tuttle, Twomey, Waterhouse, Winsor.

ABSENT - Bolduc, Campbell, Cianchette, Fuller, Gagnon, Labrecque, Madore, Plowman, Stedman, Volenik.

Yes, 107; No, 34; Absent, 10; Excused, 0.

107 having voted in the affirmative and 34 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

ENACTORS
Resolves

Resolve, Directing the Commission on Governmental Ethics and Election Practices to Adopt Rules Regulating Push Polling (S.P. 420) (L.D. 1257) (H. "A" H-1185)

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

On motion of Representative MARTIN of Eagle Lake, was **SET ASIDE**.

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

Representative MARTIN: Madam Speaker, Members of the House. I am going to ask for a roll call and ask that every member of this House vote for this piece of legislation so that everyone will be able to go around saying that they voted for something that didn't do anything. I think it is important that we clearly understand that the commission has no authority with which to act. We are making sure that nothing will be accomplished in this session. That serves the goal of many. I think it is important that everyone be on the record so they can go around campaigning this fall saying they have all done something, which will do nothing.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

Representative TRACY: Madam Speaker, Men and Women of the House. I would just like to comment. We do that quite often here.

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

Representative TRAHAN: Madam Speaker, Members of the House. Just to clarify a few of the previous comments, I went down to the Revisor's Office and I discussed some of the concerns that the previous speaker had expressed during the session. There were two things that concerned me. That was the date on the legislation and the fact that according to some, this bill would do nothing. There were two parts that I think need to be clarified. The Ethics Commission can adopt rules. The

meeting was between the Ethics Commission, OPLA and myself. I asked some of the questions about the previous speaker. All of my concerns were addressed in that meeting. To think that some in this body would say that I, or anybody else, would try to pass legislation that would do nothing feels kind of like an insult and I just want this body to know whether you feel that way or not now, I want to go on record as saying that I will not let this issue stop here. I will follow this and I will submit legislation in the next session to put some teeth in this. If this is a problem and this doesn't do much, we will find out almost immediately and be guaranteed if any of you have noticed that once I feel an issue is important to me, I will go after it. I will tell this body that I will go after this one. Thank you.

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

ROLL CALL NO. 712

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

NAY - Cameron, Pieh, Weston.

ABSENT - Bolduc, Bragdon, Campbell, Cianchette, Hatch, Labrecque, Matthews, Muse, O'Neil, Stedman, Volenik.

Yes, 137; No, 3; Absent, 11; Excused, 0.

137 having voted in the affirmative and 3 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro-Tem and sent to the Senate. **ORDERED SENT FORTHWITH**.

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 Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1665) (L.D. 2334)

TABLED - April 27, 2000 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1124), "B" (H-1161) "C" (H-1169), "D" (H-1170), "E" (H-1171), "F" (H-1172) AND "G" (H-1179) thereto.

On motion of Representative THOMPSON of Naples, Joint Rule 311 was SUSPENDED for the purpose of OFFERING five amendments.

The same Representative PRESENTED House Amendment "H" (H-1182) to Committee Amendment "A" (H-1121), which was READ by the Clerk and ADOPTED.

The same Representative PRESENTED House Amendment "I" (H-1183) to Committee Amendment "A" (H-1121), which was READ by the Clerk.

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

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I know that probably not very many people bothered to read the inconsistency bill, but I have just a question briefly if I may pose the question? Under Part H, Page 2, it is amended to change a commission membership, may I ask what that commission is? Thank you.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. The amendment clarifies that the commissioner has the ability to appoint a chair of the committee, which was established purely with no legislative members to this commission. Also, it is clarified that the commissioner may, at his discretion, appoint additional members.

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

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

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

Representative KASPRZAK: Madam Speaker, Men and Women of the House. My question hasn't been answered. What is the commission? Thank you.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. In response to that question, this is a task force created to look at issues related recruitment, retention and payment of teachers, administrators and other school personnel.

House Amendment "I" (H-1183) to Committee Amendment "A" (H-1121) was ADOPTED.

The same Representative PRESENTED House Amendment "J" (H-1186) to Committee Amendment "A" (H-1121), which was READ by the Clerk and ADOPTED.

The same Representative PRESENTED House Amendment "K" (H-1188) to Committee Amendment "A" (H-1121), which was READ by the Clerk and ADOPTED.

The same Representative PRESENTED House Amendment "L" (H-1189) to Committee Amendment "A" (H-1121), which was READ by the Clerk and ADOPTED.

Subsequently, Committee Amendment "A" (H-1121) as Amended by House Amendment "A" (H-1124), House Amendment "B" (H-1161), House Amendment "C" (H-1169), House Amendment "D" (H-1170), House Amendment "E" (H-1171), House Amendment "F" (H-1172), House Amendment "G" (H-1179), House Amendment "H" (H-1182), House Amendment "I" (H-1183), House Amendment "J" (H-1186), House Amendment "K" (H-1188) and House Amendment "L" (H-1189) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1121) as Amended by House Amendment "A" (H-1124), House Amendment "B" (H-1161), House Amendment "C" (H-1169), House Amendment "D" (H-1170), House Amendment "E" (H-1171), House Amendment "F" (H-1172), House Amendment "G" (H-1179), House Amendment "H" (H-1182), House Amendment "I" (H-1183), House Amendment "J" (H-1186), House Amendment "K" (H-1188) and House Amendment "L" (H-1189) thereto and sent for concurrence. ORDERED SENT FORTHWITH.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Saxl who wishes to address the House on the record.

Representative SAXL: Madam Speaker, Men and Women of the House. Madam Speaker, with you as a captive audience at the chair, I just wanted to rise and thank you for your leadership in this session of the Maine Legislature leading this House to all unanimous House budgets. Your grace and wisdom and endless hours of hard work, you have been an inspiration to me. I have learned so much from you in this past year and the past two years. I just want to thank you for your incredible service on behalf of the State of Maine. I think you have done a fine job with grace and a little bit of humor at the chair. That is the type of grace that you have shown throughout this legislative session and throughout your service here in the Maine Legislature. It was wonderful to see you working so well with the Representative from Easton. I just want to thank you on behalf of the people of the State of Maine for your incredible service here in the Maine Legislature.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

An Act Regarding Length of Service, Retirement Age and Retirement Benefits for State Police Officers and Certain Other State Employees

(S.P. 911) (L.D. 2363)

(C. "A" S-643)

Which was TABLED by Representative HATCH of Skowhegan pending her motion to RECEDE AND CONCUR.

Representative MACK of Standish asked the Chair to **RULE** if **Senate Amendment "A" (S-739)** was germane to the Bill.

The **SPEAKER**: The Chair has considered the matter pending regarding the germaneness of Senate Amendment "A." The germaneness that Senate Amendment "A" proposes to amend Committee Amendment "A." Committee Amendment "A," of course, amended the bill LD 2363. On questions of germaneness the chair is bound by House Rule 506 where it simply requires that an amendment must be germane to the proposition under consideration and by Section 402 of the parliamentary manual of the House, *Mason's Manual of Legislative Procedure*. Section 402 of *Mason's Manual* reads in its entirety this. "Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended. To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject. An entirely new proposal may be substituted by amendment as long as it is germane to the main purpose of the original proposal. An amendment to an amendment must be germane to the subject of the amendment as well as to the main question."

With respect to this Senate Amendment (S-739), the chair finds the amendment is germane to both the Committee Amendment and the original bill. The subject of LD 2363 and the Committee Amendment thereto is the content of the 1998 special plan within the Maine State Retirement System. Senate Amendment "A" relates to the same subject. The amendment is relevant and appropriate and in a natural and logical sequence to the consideration of the subject matter of the original proposal within the meaning of Rule 402, therefore, the chair rules that amendment (S-739) is a germane amendment.

Subsequently, the Chair **RULED** that pursuant to House Rule 506 and Section 402 of *Mason's Manual*, **Senate Amendment "A" (S-739)** was germane to the Bill.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment addresses a bill that came to the Labor Committee under the title, as you can see on the amendment if you have it in front of you, "An Act Regarding Length of Service, Retirement Age and Retirement Benefits for State Police Officers." When this bill got to the Labor Committee all of a sudden we discovered that we had several other groups that wanted to jump on the train, I guess, is a good analogy. The three that we are talking about right now, the DEP workers, Mental Health and Capitol Security workers that are subject to this amendment. I don't feel that their duties rise to the level of the special retirement plans such as the State Police did. The State Police, as we know, have already been funded. Their enhanced retirement plan is already in effect or it will be with the new budget. The three groups that we are talking about right now, we were told in the committee that the cost for that would be \$92,440 per year. This amendment says that the cost will be somewhere in the neighborhood of, I believe, \$6,000. I think that we have a little creative financing or creative appropriations going on here because the \$6,000, I am sorry that I can't give you a logical explanation of why that big difference, but maybe a proponent for this legislation could explain that.

I find that my first objection is that it was an effort to put these folks into a special retirement plan and I don't think that they rise to the level that qualifies them to a special retirement plan. In the criteria that I have tried was that they are in a hazardous occupation or a physically demanding, such as the State Police, Forest Rangers or people in those types of jobs. That is why I object to the bill. I would urge you to vote against the Recede and Concur motion so we can go on to Adhere. I would hope.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, I want to apologize mainly because I had my amendment before me, but in my cleaning I just threw it in the trash. I will tell you off the top of my head and to the best of my knowledge just exactly what this looks like. The DEP and Mental Health were indeed bills by themselves. They were stand alones. We had the State Troopers bill dealing with special retirement for the troopers. We killed the two bills of mine and tacked them on to the State Troopers with all but one member, actually two or three in the end, but one member from this body who voted against it. Obviously you know the troopers were taken out and put directly into the General Fund Budget and their part of it was over \$2 million. The difference in discrepancies in the number, some of which I can tell what they are going from the \$92,000 down to the \$6,100. It is my understanding that part of those funds for the DEP are dedicated funds that their part of the retirement comes out. It does not come directly out of the General Fund. That is what lowered the cost.

As far as the people, they are already in special plans. They are considered emergency personnel. If the state goes down, these people still have to work. They are like the State Troopers, the Wardens or anyone who is emergency personnel, including the Capitol Security. Yes, they were an add on. These people are not getting a 25 year and out like the State Police. These people are getting a 25 special plan, the same as every other person that we have put into the '98 special plan. It is 25 years and they have to be at least 55 before they are out. That was called the Samson Plan. We passed that a couple of years ago. We have requested on occasion special study commissions to work on these issues with the Maine State Retirement System. Until this year we really never had any funds to do so and usually we are turned down. We do have funds this year to run the committees on a regular basis. We will be looking at all the other people in the retirement plan. I say that if we go to a five-year vesting for everybody in the Retirement System, then we ought to be able to put these people with a very small cost in the 98 plan.

The DEP people who put their lives on the line when they go to any hazardous waste spill or condition ought to be considered in this bill. The mental health workers who work with the mentally ill and take their lives in their hands every day to go to work ought to be considered in this bill. The Capitol Security people who patrol the grounds here and have 12 other buildings besides this and are first responders to any problem. They ought to be in this bill. I ask for your support. I think it is a small amount of money. I think they ought to be in a special plan. There is 25 or 55, they can't get out before 55. They have to have their 25 in. I ask for your support. It is a good bill. It is a logical first step to putting these people in. Hopefully, with the money and the committees to meet this summer, we will be able to take and really look at the Maine Retirement System. I have

been on the Retirement System for eight years. If you look around this chamber, I am an old timer. I am the only one who really has any running knowledge of the Retirement System for any length of time. Believe me, it is not easy. When we started talking just four or five years ago about five year vesting they went ballistic. They then found out it wasn't going to cost that much anyway. They are learning along with every legislator here. Hopefully, after these monthly meetings with Labor and all the departments and what not, we will all have a better handle, every committee will with monthly meetings with their department to what is actually going on and what is important. I thank you for your time and I ask you for your vote.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I am not going to stand here and argue the merits of this bill, not from the merits of this bill, but from an appropriations standpoint, we had a deal. Once again, I stand up and say we had a deal. There is no ongoing money. Well, this is ongoing. It doesn't matter if it is dedicated revenue for DEP or General Fund money. It is ongoing. Dedicated money means it comes to the state and we still have to pay it out. The deal was no ongoing programs. This is an ongoing program. This bill may have plenty of merit, but I ask you to vote against this bill because we would have to go through the entire process right now. We would have to go to the Senate, we don't know what the Chief Executive is going to do with it. Chances are, this may have a veto with it because it is an ongoing cost. We had made a deal and now is not the time to be debating this bill. I find myself doing that a lot lately. Maybe I haven't been here long enough. I don't know. It is not the merit of the bill that I am concerned with. It is the fact that this is the last night, hopefully, of this session. It is an ongoing cost. I don't really understand the \$6,000. To me it seems like it is not enough. Maybe it is, but it is a dedicated revenue and it is probably closer to \$90,000. That money comes into the state and we still pay it ongoing. For that reason, I ask you vote against this bill. Mr. Speaker, I ask for a roll call.

Representative BRUNO of Raymond 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 South Portland, Representative Muse.

Representative MUSE: Mr. Speaker, Men and Women of the House. Regarding the comments that were just made, this is ongoing. It is ongoing exactly like the type of protection and service that we expect, in fact, require and demand from the State Troopers who are out patrolling our streets and highways in the State of Maine. That is ongoing. We expect it. We demand it and we get it. We get it from individuals who are among the lowest paid in their profession in the country. We are looking for what amounts to nothing more than a token at this point with this bill. My friend, Representative Hatch, referred to herself as an old timer and knows about retirement. I won't say that she is an old timer, but I do know she does know about retirement. I know about State Police work and what they do and the services they provide and the pittance that we provide to them. I will use the words of my friend, Representative Hatch, this is a good bill. We should do what we can to help the State Troopers and the State of Maine. Thank you Mr. Speaker.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I must concur with my right honorable friend from South Portland, Representative Muse. This was a good bill. The State Police in the State of Maine do deserve more pay. I supported the State Police in committee and am proud to say that the State Police got their increased retirement in the budget. The State Police are all taken care of. This amendment is not about the State Police. This amendment is about mental health workers, DEP workers and Capitol Security officers. It was a good bill, but it is no longer a good bill. As the good Representative from Carmel pointed out, these other groups are not as worthy as the State Police, which the good Representative from South Portland so eloquently commented how they need our help. These other groups are not up to the same level and do not deserve such a generous retirement plan.

I also wanted to mention something that the good Representative from Raymond said about the ongoing funding of this. When we were told in committee on the ongoing cost, we were told that it would be \$92,440 to pay for these groups retirement. The fiscal note says, \$6,000 a year. That is not the end of the story in the fiscal note. The fiscal note also said that the cost to accounts and other funds is estimated to be \$50,038 in fiscal year 2000-2001, may require increased allotments to meet these additional personal service expenditures. We are going to have to come up with at least another \$50,000 to pay for this in this biennium plus it is an ongoing cost that will probably run up to \$92,000 a year, which was our original estimate. There is also one other part that I wanted to bring up on this bill. This bill starts prospectively. This bill will be starting effective August 6. When the 1998 special plan went into effect, a couple departments, one was the Department of Mental Health, incidentally as the Department mentioned in this bill shifted some employees around so that more employees could get under the special retirement plan. I don't know exactly what the departments are going to do here, but since they have until August 6 to plan for it that it is highly likely that there may be some shifting within the departments to raise the actual cost of this well above the \$92,000.

This bill, as the good Representative from South Portland said, was a good bill. We needed this bill to take care of the State Police. The State Police have been taken care of in the budget, but it is now no longer a good bill. I urge you to join me in voting against the pending motion. Thank you.

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

Representative DAIGLE: Mr. Speaker, Men and Women of the House. I am very sympathetic to the DEP employees who are intended to be addressed by this bill. I don't know every much at all about the jobs of the mental health workers and the Capitol Security people, but I will speak to the DEP because I have done that job. My background is the mechanical industry where one of the functions I performed as recently as four years ago was a chemical responder. It is extremely difficult to put on those level moon suits with the air pack in the middle of a hot July day and to work addressing a chemical spill. I have the utmost respect and really feel sympathetic to the plight. I was called this weekend by a member of the response crew and I know these people personally. I have worked with most of them over the years about this bill asking for my support. I had not followed it as it went through the committee process. I asked them several questions about just how this workload had been quantified and explained. He didn't know. He didn't have the

answers for it, which is not unusual because I don't think that the staff properly went about this in a way to deal with subjectively rather than objectively. We feel these people are working hard. They are. We feel we ought to do something and we probably should, but what we did not have for this bill was the data that is out there. Industrial engineering and in industrial hygiene systems at least in the chemical industry have figured out ways to quantify what you are asking a human body to do when you wear this equipment or perform this kind of work. There are actually numerical storing methods for doing so. You also add in the type of mental acuity that you need at those particular moments and store them and then you can look and say, am I asking too much of the human body? The idea is to come up with a number saying that this is too much to ask and this is when you should start looking for some relief. That includes the aging process and so forth. The way I left my phone conversation with the person that called was that it sounds like we are just not ready to pass this bill yet. I wasn't thinking of the financial implications, but hearing that argument, I think that just adds more to my point. We are not ready to pass this bill yet, but we should do something and I pledged that whether I am back here by vote of my constituents or not to come back next year and to be involved in submitting this bill and finding a way to objectively state what we are asking of people and whether or not we are asking too much and when we should give the call and say at this point in your life, we should give you some relief, perhaps early retirement or perhaps assignments, something so that we are not trying to be cruel in the way we ask these employees to do what we want them to do, which is protect public safety. For that reason, I ask you to vote against the current motion to Recede and Concur. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. It seems that we are caught up in a catch 22. When we passed the trooper's retirement bill, we had reached an agreement in the committee. It seems that there are some who would like to pile off, but there are members who were there that day who at one time had belonged to the State Troopers who remember what was said in that committee. I was approached by one and he said he was going to stick to the deal. I know that people go and make deals all the time and you never know what is going to happen tomorrow. The Appropriations Committee had to make deals to get a budget through, but did they have to involve us all? I am not asking for \$600 million. I am not even asking for you to like me. I am asking for these people who are considered emergency personnel in this state and who had bills of their own, which we folded into the State Trooper's bill to take a good look. They serve you every day like the DEP workers. They serve you every day. If there is an oil spill out there or an oil spill in Portland Harbor, they are around. Mental Health workers, they are on the job every single day. They don't complain. They probably don't show up here. Capitol Security, you have seen them around. You have seen a memo on your desk as to just how many calls they have answered in the last few months. I think it is important if we are going to do something or if we are going to do nothing, to be truthful about it. Don't say next year. We have a bill in front of us now. The DEP people did come in and lay out their case. We had plenty of information from them. They even brought in full gear and showed it to us. I could hardly lift some of it. The mental health people sent people in. They came in with statistics, maybe not

as bright colored as the State Troopers, but they presented their case. Don't hold it against them. When people rise to their feet after they have made a deal on the House floor, I am ashamed. We ought to at least trust one another to do that. If I give my word and I am going to break their word, I am going to tell you right up front in your face before the action ever happens. I am not going to wait until we get on this House floor. I thank you for your time. I guess your conscience is going to have to be on this one. I know deals were made and people feel they have to stick to their word. When I walk away from this chamber today, I hope it is with a smile on my face. I have already had a pretty rough day. I think the DEP workers and the mental health workers and the Capitol Security deserve more than that. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I certainly agree with this bill. I feel compelled to vote for it. However, I have a comment and then I have a question I would like to pose through the chair. Many of us, at least I did, had a bill before this chamber that involved emergency personnel to. The chaplain at the Thomaston Prison, it was really hard for me to accept the words, it cannot happen. It is ongoing money. I had to practically take my fist and keep my mouth shut on that last night. Not to bring that up, but because it is ongoing money. I considered that truly an emergency and an issue of inequity regarding our prisons. I am going to follow what I heard we were supposed to be doing. It is something I really don't understand when you have \$350 million that some things could be truly emergencies. This may be one of them, but I don't think it was as big an emergency that I had. I will be voting against this, but I would like to pose a question through the chair to anyone who can answer it. Where would this money come from if we have already voted on the budget? Thank you.

The SPEAKER: The Representative from Wayne, Representative McKee 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. I have a couple questions I would like to pose. First of all, I would be interested in knowing what the committee vote from Labor was on the bill as amended when it came out of committee? My recollection was there was a 12 to 1 report with this particular amendment being part of the bill or was it unanimous? Question number two, in reference to the Representative from Raymond's comment, what was the vote of the Appropriations Committee when they were dealing with the table? Why was the State Police stripped from the bill and put into the budget, but this portion was not? The third question I have is, is \$6,000 this year's money that comes out of the budget or would it be the money that we would be responsible for and then the rest of it would come from dedicated accounts, in the long-term it would be about \$90,000? I would appreciate it perhaps if the people who are involved would respond to those three questions.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I would be happy to answer the question. The bill when it was worked in the committee in order

to get some of the people on board to support the State Police Retirement Plan we put the \$92,000 that was for those other organizations, those other people into the plan with the State Police. There was an amendment in the Labor Committee that did that. I voted for that amendment at that time against my better judgment. I think I am the person who is being singled out here as going back on my word. I did not make any promises to anybody when I voted for that bill coming out of the Labor Committee. The Appropriations Committee, in their better judgment, stripped the State Police from it and funded the State Police portion of that bill and the others were submitted to just and Indefinitely Postponed when we ran the table.

I will tell you that I voted in favor when it came out of committee, but I did it against my better judgment when we passed that bill out of the committee. I don't think that these three groups, in my mind, rise to the level that we have established or tried to establish. We have not standardized the requirements for the special retirement plans. That is something that definitely needs to be done, but the hazardous material folks from DEP, the mental health workers and Capitol Security, I don't think are in the same category as State Police, Forest Rangers and those folks. If we look to the next session, I think we are probably going to see as we have in the past sessions, more groups of people coming to us looking for special retirement plans. We are going to have to do something to standardize our decision making when it comes to putting people into these special plans. I guess that is my comments from my previous times standing up here. I still would ask you to defeat the Recede and Concur motion and we will move onto Adhere. I hope.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I understand that some questions were asked while I was out of the room, which I would like to try to address. I did hear the Representative from Wayne, Representative McKee ask where the money would come from to fund the bill? There is a small amount of money on the table. As it happens symptomatic, I think, of this entire issue, there were some misunderstandings. The money has been reserved already. We would not be reducing the amount of money that we have on the table because there was the impression created at one point that we had adopted this policy and therefore the money is set aside.

I believe that the Representative from Eagle Lake asked why the Troopers were taken out of the bill and funded in the budget and not other employees. Let me back up and say that we have found ourselves in a bit of a pickle because this issue has been very difficult and very complicated and has traveled in parallel paths in two committees. The bill was in the Labor Committee because the bulk of it applies to the State Police. Its funding was largely from the Highway Fund so the bill went to the Highway Table. Having been lobbied on it, I think there was very effective lobbying by the State Troopers in the halls. We were aware of the Trooper's issues. In closing the budget there was general sentiment on the committee to support the special retirement of the Troopers having had a discussion throughout the session that we are losing so many of our Troopers due to their poor compensation and the fact that we spend an awful lot of money training people only to have them go to situations where the salaries and benefits are better. Therefore, we made a motion to include the Troopers. This is probably where we made our first clumsy mistake. We were not aware of the other groups. We

simply didn't move them in because we didn't know that the DEP workers or the mental health workers were also in the bill.

I believe the question was asked about how the Appropriations Committee voted on LD 2363 in running the Appropriations Table? As you have heard, the bill went to the Highway Fund Table. We didn't vote on it on the Appropriations Table. We did not have it in our possession. That is yet another reason why we were not aware of these employees or this cost.

I guess I would go on to say that I have been as torn by this as anyone. It is probably a perfect illustration of why we really ought not to be making decisions after the fact, after the Appropriations Table has been run. We ought to make those decisions and live with them. Having worked with and known one of the members of the Department of Environmental Protection who handled hazardous waste and died of a brain tumor, I am very, very sensitive to the dangers of their job. At the same time, I am aware of the difficulty of this issue and the late hour. Thank you.

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

ROLL CALL NO. 713

YEA - Ahearne, Bagley, Berry RL, Brennan, Bryant, Bull, Carr, Chizmar, Clark, Colwell, Cowger, Davis, Desmond, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Goodwin, Green, Hatch, Honey, Jabar, Jacobs, LaVerdiere, Madore, Martin, McDonough, McGlocklin, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Povich, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Thompson, Tracy, Tripp, Tuttle, Twomey, Usher, Wheeler GJ, Williams.

NAY - Andrews, Baker, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Chick, Clough, Collins, Cote, Cross, Daigle, Davidson, Dudley, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stevens, Tessier, Tobin D, Tobin J, Townsend, Trahan, Treadwell, True, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Mr. Speaker.

ABSENT - Bolduc, Campbell, Cianchette, Labrecque, Matthews, McKee, Stedman, Volenik.

Yes, 58; No, 85; Absent, 8; Excused, 0.

58 having voted in the affirmative and 85 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE. ORDERED SENT FORTHWITH.**

Non-Concurrent Matter

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms (EMERGENCY)

(S.P. 1089) (L.D. 2693)

(S. "A" S-807 TO C. "A" S-740)

PASSED TO BE ENACTED in the House on May 11, 2000.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

Representative WATERHOUSE of Bridgton moved that the House **RECEDE AND CONCUR**.

Representative DUNLAP of Old Town **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 714

YEA - Bagley, Berry RL, Bowles, Bragdon, Bruno, Buck, Bumps, Clough, Collins, Daigle, Dugay, Foster, Glynn, Goodwin, Honey, Joy, Kane, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McKenney, Muse, Nass, Norbert, O'Brien JA, Perkins, Plowman, Powers, Sherman, Tobin D, Tracy, Treadwell, Tuttle, Twomey, Waterhouse, Winsor.

NAY - Ahearn, Andrews, Baker, Belanger, Berry DP, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Gooley, Green, Heidrich, Jabar, Jacobs, Jodrey, Jones, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, PERRY, Pieh, Pinkham, Povich, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Trahan, Tripp, True, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bolduc, Campbell, Cianchette, Hatch, Labrecque, Matthews, Shorey, Stedman, Volenik.

Yes, 38; No, 104; Absent, 9; Excused, 0.

38 having voted in the affirmative and 104 voted in the negative, with 9 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**.

SENATE PAPERS

The following Joint Resolution: (S.P. 1094)

JOINT RESOLUTION ENCOURAGING THE DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TO EVALUATE COST ISSUES RELATED TO RETIRED TEACHERS' HEALTH INSURANCE

WHEREAS, the State presently pays 30% of the retired teachers' share on health insurance premiums; and

WHEREAS, the cost of health insurance borne by retired teachers represents a significant expense and for some retired teachers it represents an oppressive burden; and

WHEREAS, the vast contributions made by our teachers to the State demand that we explore all available options to assist in meeting these rising costs; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, encourage the Department of Administrative and Financial Services to fully evaluate cost issues related to retired teachers' health insurance with the objective of reducing our retired teachers' share of health insurance premiums; and be it further

RESOLVED: That we encourage the department to work cooperatively with the Department of Education, the Maine State Retirement System, the Maine School Management Association and the Maine Education Association to examine viable options available to the State that would assist our retired teachers in meeting their health insurance expenses; and be it further

RESOLVED: That the Department of Administrative and Financial Services is encouraged to keep the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Labor apprised of its meetings and discussions; and be it further

RESOLVED: That the Department of Administrative and Financial Services may report its findings to the Legislature as soon as practicable; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Administrative and Financial Services, the Commissioner of Education, the Executive Director of the Maine State Retirement System, the Executive Director of the Maine School Management Association and the Executive Director of the Maine Education Association.

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

READ and **ADOPTED** in concurrence. **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Rita Melendy, of Rockland, for her dedication to the Maine Legislature as a member and as a staff assistant to Clerk of the House Joe Mayo. We extend our appreciation to Mrs. Melendy for her commitment to the people of this State;

(HLS 1327)

Presented by Representative SAXL of Portland. Cosponsored by Speaker ROWE of Portland, Representative SHIAH of Bowdoinham, President LAWRENCE of York, Senator PINGREE of Knox, Senator RAND of Cumberland, Representative McNEIL of Rockland.

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

READ.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. It is my great pleasure and my great honor to have known Rita Melendy for a good number of years. Some of you may not know that Rita was elected to the Maine House in November 1982, the same class as Clerk Mayo although he came a little bit late via a special election. She served 12 years from the 111th Legislature to the 116th Legislature when I was a young staff person in this body. I used to follow her whereabouts because I knew that was where the action was. I want to take a moment to thank Rita for her work since she has returned to this

body to work for the Clerk's Office. As some of you may know, her husband Ron has been manning the fax machine that works with the lobby. He says to me that Rita may not be joining us again next year in this body. I wanted to make sure that she knew how much she has meant to us both in her work as a staff person helping our good friend, Joe Mayo, through this time and to the people of the State of Maine in her service to them directly as a State Representative from Rockland. Rita is a person who takes things as they come her way and make the very best of them. She sees opportunity to have a positive impact on lives and sees them every moment of her day. She cheers me up all the time and makes me smile. I just want to thank Rita for her tremendous service to the people of the state and to take a moment to reflect and make sure that she knows that we all appreciate very much her tremendous contribution to our state. Thank you so much Rita.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I just couldn't let this go by. So many of you, I suspect, have gotten to know her in recent years as "Mother Rita." What you really don't know is that she was "Mother Rita" when she came here as a member representing the City of Rockland. She created action and when she thought for moment that you didn't understand well enough, at least with me, she started speaking French. Her brother taught me typing in high school and she has never let me forget how poorly I really was at typing because she learned from her brother. Rita was one of those persons who created whenever she thought something was going too well she would create a little mess from time to time as a legislator. From time to time she also cleaned it up. She really was capable of doing both. I am not surprised, frankly, that she is back with us. She sees a need for herself and for serving us. That is one thing Rita was always able to do, being able to help with whatever help was required. Rita, thanks for helping again and thanks, of course, for having served as a legislator from the City of Rockland.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. I have had the privilege of having Rita and Ron as very close personal friends for over 30 years. We go back a long, long way. Ron and I have been in the mental health field together. Believe me, she is "Mother Rita" not only here, but she is mother Rita everywhere she goes. We had the wonderful experience of traveling together to Ireland last fall. She was "Mother Rita" all the way on that trip too. She is a wonderful friend and I know of her career here and the leadership that she has provided in every capacity that she has served. Rita it is a wonderful evening for you. We love you very much.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. It is true that Rita Melendy is "Mother Rita" to many of us, but Rita Melendy is also friends with my mother "Mother Stevens." While they were in the Legislature together, "Mother Stevens" and "Mother Melendy" were part of a group of women called the "Short Women's Caucus" because they are very, very short. I am short, but you are very short. When the nights would draw long, as they often do at the end of the session, "Mother Melendy" and "Mother Stevens" would sometimes amuse themselves with other members of the "Short Women's Caucus"

probably to the knowledge of "Father Mayo" and others. They would wander downstairs. They would wander upstairs. They would go through the halls and tap dance. They would go to the rotunda and they would echo their voices and they would get into all sorts of mischief. My mom's favorite memory of "Mother Melendy" was putting little "Mother Melendy" in the mail basket with the wheels on it and rolling her up and down the hall. "Mother Melendy's" legacy is long indeed and will continue on into the years to come, I am sure.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I have known Rita Melendy from a long way back when she helped me run for school board and as a well-respected person in our city. I am very, very positive that some of the stories I am hearing behind me are absolutely untrue. She only conducted herself with the finest of decorum, but Rita is well loved in Rockland and we are sorry she is going to be selling her house and moving away. We are grateful to her for all the years of service that she gave us as our State Representative. We love you.

PASSED and sent for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Increase the Minimum Wage in Maine

(S.P. 425) (L.D. 1262)

(S. "A" S-620 to C. "A" S-534)

INDEFINITELY POSTPONED in the House on May 11, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENTS "A" (S-620) AND "B" (S-809)** thereto in **NON-CONCURRENCE**.

Representative **HATCH** of Skowhegan moved that the House **RECEDE AND CONCUR**.

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

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

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the Senators for sending us this amended version of this bill. I was sitting on this amendment for quite a while and I am glad it is before us in a different form. What this does, to anyone who hasn't read it, is it increases the minimum wage from \$5.15 to \$5.50 as of September 1st of this year and \$5.85 next year. I believe it is a modest proposal that we can all agree on in a bipartisan nature. This issue, which seems so often to just be a political issue and to rally people to vote and divide one side or the other, we seem to have gotten away from what it really does, which is to help the working poor to increase their livelihood a little bit. We have a chance here to do something modest in a bipartisan nature and actually improve our quality of life. I would urge everyone to join together and support this.

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

ROLL CALL NO. 715

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Martin, Mayo, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neal, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Clough, Collins, Cross, Davis, Duncan, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Tobin D, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Cianchette, Labrecque, Mailhot, Matthews, Muse, O'Neil, Perkins, Stedman, Volenik.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

Non-Concurrent Matter

Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program (EMERGENCY)

(S.P. 529) (L.D. 1562)
(S. "A" S-786 to C. "A" S-516)

FAILED of FINAL PASSAGE in the House on April 28, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-516) AS AMENDED BY SENATE AMENDMENT "B" (S-804)** thereto in **NON-CONCURRENCE.**

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

At this point, the House performed the Ceremony of Lights.

The SPEAKER: At this time the Clerk and Assistant Clerk will read the names of each retiring member. As the name is called each member will vote green. As he or she calls your name, please vote green.

The CLERK/ASSISTANT CLERK: The Representative from Calais, Representative Kevin L. Shorey, 2 years of service. The Representative from South Portland, Representative Peter E. Cianchette, 4 years of service. The Representative from Biddeford, Representative Roger D. Frechette, 4 years of service. The Representative from Waterville, Representative Kenneth T. Gagnon, 4 years of service. The Representative from Standish, Representative Adam Mack, 4 years of service.

The Representative from Rockport, Representative Judith A. Powers, 4 years of service. The Representative from Brunswick, Representative Thomas M. Davidson, 6 years of service. The Representative from Auburn, Representative Belinda A. Gerry, 6 years of service.

The Representative from Cape Elizabeth, Representative Jean Ginn Marvin, 6 years of service. The Representative from Waterboro, Representative Michael J. McAlevey, 6 years of service. The Representative from Limestone, Representative Gary L. O'Neal, 6 years of service. The Representative from Jay, Representative Roland B. Samson, 6 years of service. The Representative from Union, Representative Christine R. Savage, 6 years of service. The Representative from Naples, Representative Richard H. Thompson, 6 years of service. The Representative from Topsham, Representative Verdi L. Tripp, 6 years of service. The Representative from Madawaska, Representative Douglas J. Ahearne, 8 years of service. The Representative from Portland, Representative Michael F. Brennan, 8 years of service. The Representative from Rumford, Representative Robert A. Cameron, 8 years of service. The Representative from Holden, Representative Richard H. Campbell, 8 years of service. The Representative from Dover-Foxcroft, Representative Ruel P. Cross, 8 years of service. The Representative from Skowhegan, Representative Pamela Henderson Hatch, 8 years of service. The Representative from Crystal, Representative Henry L. Joy, 8 years of service. The Representative from Easton, Representative Richard Kneeland, 8 years of service. The Representative from Kittery, Representative Kenneth F. Lemont, 8 years of service. The Representative from Northport, Representative David A. Lindahl, 8 years of service. The Representative from Hampden, Representative Debra D. Plowman, 8 years of service. The Representative from Bangor, Representative Jane W. Saxl, 8 years of service. The Representative from Orono, Representative Kathleen A. Stevens, 8 years of service. The Representative from Portland, Representative Elizabeth Townsend, 8 years of service. The Representative from Fryeburg, Representative Harry G. True, 8 years of service. The Representative from Portland, Speaker G. Steven Rowe, 8 years of service. The Representative from Eagle Lake, Representative John L. Martin, 34 years of service.

At this point, the Speaker recognized all members who have served as Speaker Pro Tem during the 119th Legislature.

The SPEAKER: The first person served as Speaker Pro Tem on several occasions April 5, May 11, May 20, May 26, May 28 and June 4, 1999 and March 7, March 30, April 4, April 7, April 11 and April 13, 2000. Would the Representative from Naples, Representative Richard Thompson please approach the rostrum? The next one I would like to express appreciation to is the Representative from Skowhegan, Representative Hatch. The next person served as Speaker Pro Tem in May 7, May 18, May 19, May 25, May 27, 1999 and March 23, April 3, April 5 and April 13, 2000. Would the Representative from Harpswell, Representative Etnier please approach the rostrum? Would the Representative from Bowdoinham, Representative David Shiah we served as Speaker Pro Tem on May 10, 1999 please approach the rostrum? Would the Representative from Orono, Representative Kathleen Stevens who served as Speaker Pro Tem on May 12, 1999 please approach the rostrum? The next person served as Speaker Pro Tem on May 12, 1999 and April

12, 2000. Would the Representative from Millinocket, Representative Joseph Clark please approach the rostrum? Would the Representative from Brunswick, Representative Thomas Davidson please approach the rostrum? Representative Davidson served as Speaker Pro Tem on May 17, 1999. Would the Representative from Farmingdale, Representative Elizabeth Watson who served as Speaker Pro Tem on May 18, 1999 please approach the rostrum? Would the Representative from Waterville, Representative Joseph Jabar please approach the rostrum? Representative Jabar served as Speaker Pro Tem May 20, 1999. The next individual served as Speaker Pro Tem on May 29, 1999 and March 30, 2000. Would the Representative from Wilton, Representative Charles LaVerdiere please approach the rostrum? Would the Representative from Livermore, Representative Randall Berry please approach the rostrum? The next person served as Speaker Pro Tem on May 27, 1999. Would the Representative from Kittery, Representative Kenneth Lemont please approach the rostrum? The next person served as Speaker Pro Tem on June 2, 1999. Would the Representative from Madawaska, Representative Douglas Ahearne please approach the rostrum? The next member served as Speaker Pro Tem on June 2, 1999. Would the Representative from Portland, Representative Michael Brennan please approach the rostrum? The next person served

as Speaker Pro Tem on April 6, 2000. Would the Representative from Bremen, Representative Wendy Pieh please approach the rostrum? The next person served as Speaker Pro Tem on April 12, 2000. Would the Representative from Fryeburg, Representative True please approach the rostrum? The next person served as Speaker Pro Tem on April 13, 2000. Would the Representative from Freeport, Representative Thomas Bull please come forward? The next person served as Speaker Pro Tem on April 25, 2000. Would the Representative from Easton, Representative Richard Kneeland please come forward? The next person served as Speaker Pro Tem yesterday, May 11, 2000. Would the Representative from Portland, Representative Elizabeth Townsend please come forward? Finally, the next person served as Speaker Pro Tem on January 7, March 9, March 25, May 6, May 17, May 18, May 24, June 2, June 3, June 4, June 5 and June 18, 1999 and March 14, March 29, April 5, April 11, April 12 and April 13, 2000. Would the Representative from Portland, the House Majority Leader, Michael Saxl, please come forward?

After Midnight

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

ORDERS

On motion of Representative SAXL of Portland, the following House Order: (H.O. 44)

WHEREAS, G. Steven Rowe of Portland has served the people of his district and the State of Maine for 8 years as a member of the Maine House of Representatives; and

WHEREAS, G. Steven Rowe is a West Point graduate and served his country as an officer in the United States Army and the United States Army Reserve; and

WHEREAS, since being elected to the Maine House of Representatives, G. Steven Rowe has displayed a commitment to promoting economic growth and job creation throughout Maine as chair of the Joint Standing Committee on Business and Economic Development and chair of the Select Committee on Research and Development and as a board member of the Maine Science and Technology Foundation and the Maine Economic Growth Council; and

WHEREAS, G. Steven Rowe has demonstrated a deep and abiding commitment to Maine's natural heritage and received the first ever Maine Innkeepers Association Mountains to Oceans Award in recognition of his efforts to preserve public land for future generations; and

WHEREAS, G. Steven Rowe has been an unwavering champion of early childhood education and children's health care and made it one of the State's highest priorities to fund efforts that develop the minds and potential of children from their earliest infancy; and

WHEREAS, G. Steven Rowe was named a Henry Toll Fellow in 1995 and was chosen as one of 35 state leaders to participate in the Council of State Governments' national leadership program; and

WHEREAS, in 1998, G. Steven Rowe was elected Speaker of the Maine House of Representatives and, in that office, has served with dignity, fairness and unfailing courtesy, upholding the highest standards of conduct and setting an example of personal integrity that has fostered mutual trust and respect; now, therefore, be it

ORDERED, that the chair used by Speaker Rowe at his desk in his office be given to him as a token of the esteem in which he is held by his colleagues and the people of the State of Maine.

READ.

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

Representative SAXL: Mr. Speaker, Ladies and Gentlemen of the House. It is with a certain bitter sweetness that I stand today in honor and reverence to the Speaker of the House, my good friend and my leader, G. Steven Rowe. This is a tradition that began with term limits, unfortunately, that we would give the Speaker of the House after he had completed his term his chair on this night after the lighting ceremony. I say it is with bitter sweetness because I wish nothing more than to have the Speaker serve here until he was ready, and the people of his district were ready, to see him leave this office. Steve Rowe has truly embodied this institution and set a tone of excellence in this room, which we have all tried to achieve.

Let me give you some of his words. These were on December 2, 1998. In his acceptance remarks he said, "In many ways this institution is like a family. To the new members I say, welcome. You will spend more time here than you ever imagined, ever. You will work together. You will laugh together

and at times you may even cry together. You will also argue, make up and develop lifelong friendships that will extend far beyond your years of service here." He goes on to outline some of his goals. He said, "One of my goals as Speaker will be to empower the members of this House. The people of Maine chose each of you to provide leadership. My aim is to ensure that each of you has an opportunity to use your skills and abilities to the fullest and always remembering that our collective resolve must be greater than our individual differences. I also pledge to foster a climate of civility and respect for differing views and philosophies in this body. Every member of this House, regardless of party affiliation, geography or ideology, is elected to represent his or her constituents. If we respect this institution, we must respect one another." I think those words were precious. They are the tone, which this Speaker set, which paved the way for us to achieve more than, I think, ever before in a two-year period in this Legislature.

This has been a Legislature of enormous accomplishment. We invested, as the first state in the entire nation, our tobacco settlement funds in a way that was exclusively investing in childhood development and in health care. Speaker Rowe put together a coalition of Democrats, Republicans, child care providers, welfare advocates and you name it if they walk in the State of Maine, the Speaker gave them a reason to come together and a reason to stay together and pass what I believe is one of the most significant pieces of legislation in modern legislative history here in the Legislature. That is not all he did. He chaired the Committee on Research and Development and then as Speaker saw that research and development investment in good Maine jobs with good wages, which crosses party lines, ideological lines, geographical lines. He saw that Maine became a player in research and development in this country.

Today we passed the first in the nation legislation and let me tell you, Speaker Rowe nailed every comma, every colon and every nuance of that bill. It is going to make a tremendous difference in the lives of nearly a half a million Maine seniors. He invested his time and his effort to fight for the future of the State of Maine by preserving its public lands and by sponsoring a \$50 million bond issue, which passed with flying colors because it was the right time and it was the right thing to do. Those are four pieces of landmark legislation, not only in this state, but in this nation.

Speaker Rowe has set a tone for us where we can achieve and where he has shown us how to achieve. I was talking to some of my colleagues recently at an event honoring the Speaker and was reminded by the Representative from Portland, Representative Townsend, of the opening day ceremonies when Speaker Rowe's father was asked what he thought after the Speaker ascended the rostrum. He said, "I always hoped he would be a cowboy, but I guess I am pretty proud of him anyway." During that dinner we talked about President Truman and the great attributes of President Truman. We said that the attributes of President Truman were honesty, loyalty, humility, plain speaking humor and a healthy dose of old fashioned commonsense. I can think of nobody who personifies those attributes more than this Speaker.

Let me just give you one more quote from the Speaker. From his opening remarks on January 6 as the session reconvened. He said, "Men and women of the House. We have been blessed by our constituents with an opportunity to take Maine into the next century. Certainly the decisions that we make in the next few months will affect the lives of Maine citizens long after we

have departed. Let us be remembered as the Legislature who did more than just maintain the status quo. Let it be said that we would not be afraid of change and that we took bold steps and seized the moment to invest in our people and to reduce the disparities that divide us." Mr. Speaker, you have done just that. We in this chamber are blessed by your service to the State of Maine. The people of the State of Maine are blessed by your service. Let me say that your integrity is unparalleled. Your contributions to this state are unmatched. I want to thank you deeply for your service as a roll model to myself and your friendship and most of all for the great things you have been able to inspire in each of us that we have been able to accomplish so very much. Thank you so much.

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

Representative **SHIAH**: Mr. Speaker, Men and Women of the House. I do mean thank you. I thank you not only as a member of leadership, but as a member of the 119th Maine Legislature and as a citizen of the State of Maine. I think the Majority Leader said it very well in his comments as does the Joint Order. I appreciate your energy, your professionalism, your leadership in the last two years and the final whereas I think sums it up well. You have served with dignity fairness and unflinching courtesy upholding the highest standards of conduct and setting an example of personal integrity that has fostered mutual trust and respect in this chamber. For that, I want to deeply thank you and wish you the best in your future endeavors.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. While the days, at times, have seemed very long, this year and a half has gone by very quickly. I think as you and I first really introduced ourselves to each other a year and a half ago, the odds on our getting along probably weren't too good. You were raised in Oklahoma. I was raised in Nebraska. You have to understand that life on the plains, what happens yearly at football games and it rivals some of the pitch battles of World War II. You were Army. I was Marines. I think we both thought of that back in December and I think our caucuses reflected that because I think our caucuses gave us direction because I think we saw a cynicism toward government and a cynicism toward politicians that I think as politician we didn't want to accept. Our caucuses wanted to show that that stereotype was not correct. I think you pledged to this body that we would show the Maine citizens that there was a level of government that was responsive and would work and identify the problems and would work toward the solutions.

I think that every time we dealt with an issue, your philosophy had been, let's find the common ground. We will worry about the differences later, but let's find the common ground and let's work with that. We found that there was a lot of common ground in terms of the public land, the land bond issue, education, that issue struck an accord through both of our caucuses. I think from the appointment of the committees of working very closely together to try to find committees that would work and have a positive and dynamic edge to them that would work towards solutions. I think that paid off. We saw it in the reports that came through on committee reports.

I think we agreed that we were going to differ, but we wouldn't allow those differences to poison this legislative body as it has legislative bodies throughout this country. There have

been times that you have been frustrated. You have been frustrated with me and I can honestly say that your anger and not talking to me never went beyond the length of two days. I think I gave you the opportunity because of the frustrations that come with the job of being Speaker behind closed doors to that. I appreciate that trust that you gave me and also you gave me at times when I had frustrations the opportunity to vent.

It has been a wondrous thing to watch because if you are a Minority Leader or a Majority Leader during that two years you have a responsibility for half of this body. You begin to look at your caucuses as family. When something goes wrong or when someone has personal frustration or when death or illness strikes, that is happening in a family. I have watched during this two years you begin to undertake that role. I could see month after month as things would happen on that side of the aisle with the death or an illness or on this side of the aisle, I saw how it personally affected you. I saw this whole body, Democrat and Republican, become your family and you became the father of this body. You have become a friend of mine. You are someone I trust. This is the first time in three terms as a leader I have gotten up to praise a Speaker of the House. I think the standards you have set and the model of integrity that I think every Speaker for this century will hold Steven Rowe as their model. Thank you and I have really enjoyed working with you.

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

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. Politicians have been described in many ways and some not as respectful as we would have liked to be referred to. The credibility determines value. Credibility is built on integrity and honesty. Mr. Speaker, many of us arrived in the class of 1992. I could probably safely say confused the members of this body and its leadership. Representatives Bruno, Cameron, Kneeland, Joy, Lindahl, Lemont, Plowman, Cross, True, Jones, Ahearne, Townsend, Brennan, Stevens, Saxl, Hatch and Speaker Rowe. This was a new breed with a bit of an independent streak. The Legislature had just gone through the session from hell and the state shut down. The good Representative from Eagle Lake, Representative Martin and Republican leadership didn't know what they were in store for. They were in store for change. They were a new breed of politician. We all served under four terms and four Speakers and one of which was from the class of 1992, Representative Steven Rowe.

The first day we arrived I met Representative Rowe. I sat in seat 97 and he sat in the seat in front of me. One of my first pieces of legislation came before the State and Local Government Committee. There was a piece of legislation on the Clerk of the Works. There didn't seem to be a lot of interest in that bill. Representative Rowe took particular interest in a possible deficiency in oversight of school construction. With the two of us, in our tenacity, we passed that piece of legislation and it was the beginning of a great relationship. It was a relationship that continued to be cultivated as we, Representative Rowe, Representative Marvin, Representative Daigle and myself, were the first graduating class of leadership Maine where Representative Rowe and I met the challenges of the ropes course, the Outward Bound site in Newry. It was there that I saw the dedication and leadership of Representative Rowe. He was a person who supported those who were scared, like myself, of heights traveled up that rope in that tree. I overcame my fear by hollering support to others. After that was all done, those

handling us offered us a blindfold to do that very same thing and challenge that tree without seeing. I wasn't quite up for that, but Representative Rowe was. He went up that tree, missed a few hand holes, but continued to the top.

As the new leadership changed over these four terms, I was fortunate enough to become a leader of this body in my third term. When we got to my fourth term, a fine Representative from the class of 1992 became Speaker. As a member of leadership, we attended different sessions in Washington and in other places to become better leaders. After a full day of meetings, Representative Rowe and I were sitting at a table over a drink and mentioned a few phrases that continue to come up. Representative Rowe says that we probably won't agree on many issues, but I will be fair and that he has. He reminded me several times throughout this session that I will be up front and honest. Some of you may wonder what we talk about when we go to the well of the House and some of these phrases have been uttered. I am not trying to pull anything over on you. What is going on with your caucus? I told you I would be up front and honest with you, what is going on here? Representative G. Steven Rowe epitomizes the politician as we all would be described. He is an incredible politician who serves with integrity and honesty. Steve, it has been an honor to serve with you in the class of 1992.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I am so tired I can hardly speak, but I really have been waiting to say these words. I feel so very proud and so honored to have served these past two terms with you. From the very beginning when I was scoping out this place and scoping out the people, I have a very strong sense of intuition and I knew immediately that you were one that I could always respect and always trust. I wouldn't always agree with you, but I would respect you. You have never let me down. I want to thank you for all that you have taught me, the inspiration that you have instilled in me and the sense of respect that you have lent to this institution, that means so much to me. You epitomize what this institution is supposed to be. I have told you before and I have said to others as the Star Spangled Banner is sung or as we are saying the Pledge of Allegiance and I watch you with your hand over your heart, I still get shivers because I know that you mean every word that you say.

In my opinion, the values that make up an honorable man are integrity, class, valued priorities, honor and character. Mr. Speaker, Steve, you are without a doubt one of the most honorable men that I have ever known. I want to thank you. You will be sorely missed. Thank you.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. A number of times people have asked me to describe Steve Rowe. How do you summarize him? When I first met Steve Rowe I didn't think anyone could be as compulsively organized as he was. I found out that being really compulsively organized he saw it as being prepared. In all the eight years I have been here with him in the House, I think one way to describe him is prepared.

There is one story that I do want to share with you that I think summarizes Steve Rowe. Last December the Education Committee was having a retreat over at the University of Maine at Augusta in preparation for this session. We asked the

Speaker to come over for a couple minutes and share his thoughts with us about the upcoming session, priorities, how we were going to handle the move and so on and so forth. The Speaker carved some time out during the day to do that and came over and met with the committee. Right before he left he said to Representative Richard, "Education is going to be a priority." Representative Richard asked, "What do you mean by that." Representative Rowe said, "You know what I mean by that Representative Richard. Education has always been a priority of mine." We kind of left it at that. He got up and talked about a couple of other things and he left. We proceeded with our business. About 10 or 15 minutes later the Speaker came back. He sits down and we are conducting our business and I am kind of thinking, what is he doing here? He had already come and gone. Finally, I turned to him and said, "Mr. Speaker, is there anything you would like to say?" He said, "Well, I drove all the way back to the State House and I really didn't think I gave Representative Richard a good answer and I wanted to come back and give her a better answer." He then went on for 10 or 15 minutes giving Representative Richard a better answer about what he thought about education because it had bothered him the whole drive back to the State House that he hadn't given her a complete and full answer.

That, to me, summarizes Representative Rowe. He doesn't stop. He doesn't give up. He doesn't do anything half way or incomplete. I think all of you who have been here and have worked with him knows that when he cares about something, he doesn't stop. I have always seen Representative Rowe as a man of great intellect and great intelligence, but more importantly, I think he is a man with a big heart. In his leadership here he has ruled and shown leadership with a big heart. As a result of that, the children in this state are better off. The citizens in the state are better off and many people in this state who rely on us to do the right thing are better off. I want to thank him for that.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I am sure it was just an oversight, but there is an element of Speaker Rowe's career that is not reflected in this order and that is his service as chair of the Natural Resources Committee. As a freshman in this body in the 118th, I had the distinct pleasure of being a freshman on the Natural Resources Committee under Speaker Rowe's astute leadership. The Speaker saw us through some very difficult and divisive issues in the 118th Legislature. We dealt with some very difficult issues like dioxin, mercury and emission testing. Steve saw us through these difficult issues always with a very calm demeanor. It was always very clearly focused on the issue at hand. He was very organized and always incredibly prepared for these issues.

Speaker Rowe has taught me, clearly, one of the biggest arts of politics. That is holding very true to your principles, but knowing when to compromise and the level of compromise necessary to achieve the greater good for the citizens and for the environment of the State of Maine.

I just want to take this opportunity to thank you Mr. Speaker for all that you have taught me in my career and, in fact, for all that you have taught all us. Thank you very much for your service.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I want to add my voice to those who laud you today. We came in the class of 1992 together and I have watched you grow over the years. I have watched you be a mentor to many of the people in this body and have seen you help them become and grow into leaders in their own right. I praise you for that. I have watched you fight for the issues that you believe in. I have watched you have the courage of your convictions and take the risk that is involved in coming down from the platform and speaking out clearly about those things you believe in and thus leaving them to become part of the fabric of this state. I praise you for that. I have watched you salute the flag in the mornings with your shoulders squared and your head held high with great pride in being a part of this body. I salute you for that and I thank you for your leadership and wish you every good luck as you move on. Thank you.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. The record will reflect that my shirt is fully tucked in around my miniscule circumference. Mr. Speaker, it is with great honor that I count you among my friends. I think one of my better friends for life. I hope that some day my son Ellison will forgive you for trashing his fire truck when you came to visit, although I doubt he ever will. Every time your name comes up, he says, "I remember Steve. He broke my fire truck." Well, we are all branded with something and that is what you are stuck with him. I think he will forgive you. I am trying to talk him out of it on a day-to-day basis.

Another thing I wanted to mention is a lot of very true things have been said here today and I don't want to go over those grounds again, but I just want to say that every time I go to a humble gathering in my district, whether it is the brown bag luncheon in the basement of the Kellogg Congregational Church or whether it is a partisan fundraiser down in Georgetown or whether it is the Bath Brunswick Chamber of Commerce. People ask how it is going up there in the 119th? What are you guys doing up there? I always start out that I don't know what to say, but I always know where to start. I start with the stuff from the heart and I always say that the best thing about serving in the 119th is I serve under G. Steven Rowe, Speaker Rowe from Portland. I take the time at the beginning of these presentations and I tell those folks that that is an honor. They don't realize that because they don't get to Augusta and they don't have a chance to meet you. I want them to know that out in the inner lands, the islands and the peninsulas in my district. I tell them what an honor it is to serve under you and how lucky they are as citizens in the State of Maine to have you as the Speaker of the House and what a pleasure it is and what a forthright, honest and truthful man you are. I wish they all someday had a chance to meet you.

A few weeks ago a bunch of us were grumbling about how we were going to have all these ceremonial things to do today. We knew we were going to get that chair. That is a good thing to have. I am glad he has the chair. Heck, I wish I had a chair that nice. I never will. We wanted to do something a little different on behalf of the entire House of Representatives. Representative Richard Kneeland of Easton and I put together a little extortion letter and placed it in everybody's mailbox and then we sent people around. The contributions just flowed in to your office. Jeanne Matava's divine guidance in some of these issues, we came up with a couple of pretty good ideas to present to you as

tokens of our esteem. Without further ado, I was wondering if it would be okay if Representative Kneeland and I approached the rostrum to present these items to you. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am prompted to invite you as you travel to our lovely Deer Isle/Stonington to drop by in Ellsworth and I will provision your weekend at our store.

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

Representative **HATCH**: Mr. Speaker, Men and Women of the House. I really didn't expect to speak again tonight, but I thank you for this opportunity. Having arrived here with the Speaker in my first term, I knew long before elections that this gentleman was something special. We met at Democratic Headquarters and we were working on our own campaigns. I was there two or three times and he was too. He was always busy. He was always writing something or reading something. He was very intense. One day I looked at him and I said, "You really have to lighten up." Maybe I lightened up a little too much, but he definitely has. I have seen him smile on occasion. I have sent him notes. I was thinking about the time that we have spent together in this chamber. We have laughed together and cried together and we have had our little bickering fights. Like a good family member, maybe I have stormed away for a day or two, but I always came back. I want you to know something. When you are a native Mainer, you sort of have this eye to measure everyone in the world. As a native Mainer whose roots go very deep, I am glad that this Oklahoma boy came here because I think he made a complete transferral to the state. Not only has he made the complete transferal, but I think the State of Maine is far better because he came here. Thank you very much.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. This session I have been in law school in Portland and one of the internships that the law school offers is for a law student to serve as an intern in the State House. The choice is between the House and Senate. Each body offers an internship. Some of my friends approached me as they were anticipating applying for this internship and they asked to which internship should we apply? I said you should certainly apply to the internship in the House because not only is the House the superior of the bodies, but if you work in the House you will get to work with Steve Rowe. I believe and I know that working with Steve Rowe is a true pleasure and a true honor. I got to work with him for five weekends in a row as we were working on the budget in the Appropriations Committee. The thing about Steve is even when you are working long and late and you might be a little bit tired and you might be needing to be somewhere else, you will never hear Steve say those things about himself, but he will recognize them in you. Steve is always there first and he is always the last to leave. He always makes sure there is plenty of food and with Steve there is always ice. Ice in your drink on a weekend in the State House, what greater luxury is there really? Thank you for being such a detailed person, but thank you for putting up with those of us who are big picture people and who have had very strong and poignant obligations outside of this body, but who still wanted to be involved and important in the process as it happens here. Thank you.

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. About five years ago the Speaker and I started rooming together up here when it would get late in the session and when we would need to stay over. Eventually Representative Etnier became a part of that mix. Coming back this session with the big chair and the big office and the big title, I was wondering if he was eventually going to let it get to his head. At that point I kind of considered us all equals. We showed up at the wonderful room 107 at the Best Western Senator and we all walked into the room. It was about 2:00 in the morning. There were two beds and this cruddy four-foot cot. Representative Etnier being as unselfish as he always is throws his bag on the bed and gets in the bed and rolls around in the bed before I even have a chance to walk in the door. The Speaker looks at the other bed and he looks at the cot and he looks at me and he says, "D man, he is too tall and now I am the Speaker." For the last two years every time we stayed over that is why I can't move my neck anymore. Usually when I walk in and there is no cot and I realize it has been moved in the bathroom.

Mr. Speaker, we have had quite a run these last six years. I consider you one of my closest friends in the world. I was thinking just sitting here without having anything prepared of what was the thing that I admired the most about you and the list is so long. The duty and the honor and knowing that we grew up 20 miles away from where each other grew up in Oklahoma. The important thing to me has always been your impatience, not your impatience with the process or things that we see day to day, but for the impatience that with the things that the people in Maine see in their day to day lives. You have come here and used your office 100 percent for the betterment of those people, our people and us. I never imagined that I would ever see somebody use an office so effectively and get done the major accomplishments that you have had. It makes me proud to have served under you. It gives me as I move forward in life the exact definition of exactly what a leader is and what a leader should be. I thank you for giving me that to call upon as I move on. It has been a pleasure and an honor to be able to just be here in this room with you as we go through this together. Thank you Mr. Speaker.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. One of the sort of sad things about my term of service here in the Legislature is that my family has never had an opportunity to really come down and see what I do down here. I think the reason for that is they are nothing like me. They are individuals of great industry and talent. They have better things to do than hang around the State House. I think in looking back when I first decided to run, I told my mother I was running for office. She told me I was crazy. She didn't say anything else beyond that until after I got elected. This is after the \$20 contribution, by the way. After I got elected she said, "That is nice." That was sort of the limit of the input. I think it is too bad that she or the rest of my family have not had an opportunity to come down here and meet you. If they did, they might hold what I do in somewhat higher esteem and think it is actually important and meaningful. Certainly those of my extended relationships who have been down here and met the Speaker have been very impressed. That would most notably be my wife when she came down to meet the Speaker for the first time. We were home and

she was reflecting on the experience and she said, "He is very, very nice." I said that he is. She said, "He seems very, very smart." Yes, he is that. She said, "He seems very kind and he is very handsome." I said, "He is married and so are you."

In the time that I have been here I have really enjoyed serving with you Mr. Speaker and certainly would like to thank you for your support in my position, my very humble position of chair of the most important and influential committee in the Legislature. Thank you for your kindness and best wishes to you.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. The first time I got up to speak, I was very nervous about speaking. I have to thank you. You looked right at me like you always do every time I get up. Everyone else rolls their eyes, but you always look and recognize me and smile. You make me feel like what I am saying is at least being heard by one person. You pay attention and then I am surprised when you don't vote. You have made me feel very comfortable speaking. I can say that now without getting you in trouble. I was so nervous, but because of you I feel I can get up whenever I want and speak. I want to thank you. I think everyone else who this is the end of their first term feels the same way. Their shyness lasted longer than mine. It really has been great serving with you as a Speaker. We all earn the title Honorable by getting elected, but you truly have earned that title for your actions. I don't consider you a politician, I consider you a statesman. You are one of the finest statesmen we have in the state.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. In keeping with my oratory track record.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to go one step further on Representative Dunlap's comments, when we were at the convention this past weekend we were at a gathering for Congressman Baldacci and I had a couple of constituents with me. One of them who ran against me in the primary came up and said, "Who is that person?" I said that is the Speaker of the House, G. Steven Rowe. They wanted to know if there was any way we can switch you two guys because he is much more attractive than you are?

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I am sitting here feeling very sorry for myself. I am sorry because you are leaving, Mr. Speaker. I am sorry because one day you asked me to serve as Speaker Pro Tem and I said no. You got such beautiful gifts and I could have had one. I would like to thank you for helping me when I first came to the Legislature. For those of you who don't know, I came in the middle of a session. I didn't come when you get all of the instructions at the beginning of session. I came in the middle. I was not at all happy with the assignment that I was given to the Business and Economic Development Committee. That proved to be a very valuable assignment because you were chairman of that committee. You helped me in many ways. As you know, in the beginning you don't know what to do sometimes and you

don't know who to ask what you are supposed to do. I could always ask you and you helped me.

It has been mentioned the Pledge of Allegiance to the Flag and if you stand where I stand when you say the Pledge of Allegiance to the Flag or listen to the National Anthem, you not only can see you standing at attention, but you also can see the steeple of the church over there. It is very impressive. I go through that just about every day that I am here. I would like to thank you and I would like to wish you well in whatever you choose to do next.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I certainly hope that it is my high honor to be the last member of this House to thank you for your service.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I could not allow him to be the last. Mr. Speaker, I don't think it is any secret that when this session started you and I did not necessarily see eye to eye on a number of issues. As the session progressed and I watched the respect that you command in this body and I watched the way in which you fairly treated every member of this body regardless of party and regardless of viewpoint, it became clear to me that you are truly a leader. I thank you from the bottom of my heart for everything you have done for me and for the members of this body. Thank you sir.

PASSED.

ENACTORS

Acts

An Act to Increase the Minimum Wage in Maine
(S.P. 425) (L.D. 1262)
(S. "A" S-620 and S. "B" S-809 to C. "A" S-534)

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

Resolves

Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program
(S.P. 529) (L.D. 1562)
(S. "B" S-804 to C. "A" S-516)

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

On motion of Representative MENDROS of Lewiston, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 716

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Desmond,

Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Joy, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Mack, Madore, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Treadwell, Tripp, Twomey, Usher, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bowles, Bragdon, Bruno, Cameron, Cross, Davis, Foster, Gillis, Glynn, Goodwin, Gooley, Jones, Kasprzak, Kneeland, Lindahl, MacDougall, Marvin, McNeil, Mendros, Nutting, O'Brien JA, Savage C, Schneider, Sherman, Shields, Shorey, Tobin D, Tobin J, True, Tuttle, Waterhouse, Weston, Wheeler EM.

ABSENT - Bolduc, Cianchette, Jabar, Labrecque, Matthews, McAlevy, Muse, Perkins, Pinkham, Stedman, Stevens, Volenik.

Yes, 106; No, 33; Absent, 12; Excused, 0.

106 having voted in the affirmative and 33 voted in the negative, with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

COMMUNICATIONS

The Following Communication: (S.C. 679)

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

May 11, 2000

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Adhered to its previous action whereby it Failed to Enact Bill, "An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms" (EMERGENCY)

S.P. 1089 L.D. 2693.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: (S.C. 680)

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

December 29, 2000

The Honorable Joseph W. Mayo
 Clerk of the House of Representatives
 119th Maine State Legislature
 2 State House Station
 Augusta, ME 0433

Dear Clerk Mayo:

House Paper 1214, Legislative Document 1743, "An Act to Preserve Live Harness Racing in the State," having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Twenty voted in favor and eleven against, accordingly it was the vote of the Senate that the Bill not become a Law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

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

An Act to Improve School Safety and Learning Environments
 (S.P. 298) (L.D. 870)
 (H. "A" H-1102 to C. "A" S-657)

Which was **TABLED** by Representative SAXL of Portland pending **FURTHER CONSIDERATION.**

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

Senate Amendment "B" (S-795) to Committee Amendment "A" (S-657) was READ by the Clerk.

On further motion of the same Representative **Senate Amendment "B" (S-795) to Committee Amendment "A" (S-657) was INDEFINITELY POSTPONED.**

The same Representative **PRESENTED** House Amendment "B" (H-1190) to **Committee Amendment "A" (S-657)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-657) as Amended by House Amendment "B" (H-1190) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-657) as Amended by House Amendment "B" (H-1190) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1665) (L.D. 2334)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY HOUSE AMENDMENTS "A"(H-1124), "B" (H-1161), "C" (H-

1169), "D" (H-1170), "E" (H-1171), "F" (H-1172), "G" (H-1179), "H" (H-1182), "I" (H-1183), "J" (H-1186), "K" (H-1188), and "L" (H-1189) thereto in the House on May 11, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1161), "C" (H-1169), "D" (H-1170), "E" (H-1171), "F" (H-1172), "G" (H-1179), "H" (H-1182), "I" (H-1183), "J" (H-1186), "K" (H-1188), "L" (H-1189) AND SENATE AMENDMENT "A" (S-810) thereto in NON-CONCURRENCE.**

On motion of Representative THOMPSON of Naples, the House voted to **RECEDE.**

Senate Amendment "A" (S-810) to Committee Amendment "A" (H-1121) was READ by the Clerk and **ADOPTED.**

On further motion of the same Representative **House Amendment "L" (H-1189) was INDEFINITELY POSTPONED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1121) as Amended by House Amendment "A" (H-1124), House Amendment "B" (H-1161), House Amendment "C" (H-1169), House Amendment "D" (H-1170), House Amendment "E" (H-1171), House Amendment "F" (H-1172), House Amendment "G" (H-1179), House Amendment "H" (H-1182), House Amendment "I" (H-1183), House Amendment "J" (H-1186), House Amendment "K" (H-1188) and Senate Amendment "A" (S-810) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1665) (L.D. 2334)

(H. "A" H-1124, H. "B" H-1161, H. "C" H-1169,
 H. "D" H-1170, H. "E" H-1171, H. "F" H-1172,
 H. "G" H-1179, H. "H" H-1182, H. "I" H-1183,
 H. "J" H-1186, H. "K" H-1188
 and S. "A" S-810 to C. "A" H-1121)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act to Improve School Safety and Learning Environments
 (S.P. 298) (L.D. 870)

(H. "A" H-1102 and H. "B" H-1190 to C. "A" S-657)

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

On motion of Representative MENDROS of Lewiston, was **SET ASIDE.**

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

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

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

Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. I stand here today to ask what this is about. Could someone tell me please so I know what I am voting on?

The SPEAKER: The Representative from Poland, Representative Snowe-Mello has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. The amendment does two things that includes language which had been agreed to by the members of the Committee on Education directing the Department of Education to conduct a study and create a plan to address the needs for improved and new school facilities, the school construction issue and it appropriates \$1 million additional to the school renovation and repair fund. It is a one-time appropriation bringing the total appropriation to \$28 million.

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

ROLL CALL NO. 717

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

NAY - Berry RL.

ABSENT - Bolduc, Bowles, Cianchette, Dugay, Duncan, Goodwin, Green, Jabar, Jones, Labrecque, Lemont, Marvin, Matthews, Muse, O'Neal, Perkins, Perry, Pinkham, Savage W, Stedman, True, Volenik, Wheeler EM, Wheeler GJ.

Yes, 126; No, 1; Absent, 24; Excused, 0.

126 having voted in the affirmative and 1 voted in the negative, with 24 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

The Speaker appointed Representative SAXL of Portland on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

At this point, a message came from the Senate borne by Senator Rand of Cumberland informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative SAXL reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor Angus S. King, Jr., and inform him that the House had transacted all business before it and is ready to receive any communication that he may have been pleased to make.

Representative TOWNSEND of Portland
Representative AHEARNE of Madawaska
Representative BRENNAN of Portland
Representative HATCH of Skowhegan
Representative SAXL of Bangor
Representative STEVENS of Orono
Representative CROSS of Dover-Foxcroft
Representative KNEELAND of Easton
Representative PLOWMAN of Hampden
Representative CAMPBELL of Holden

Subsequently, the Committee reported that they had delivered the message with which they were charged.

The Chair is pleased to present to you the Honorable Angus S. King, Jr., Governor of the State of Maine.

Governor **KING**: Thank you and good evening. If there is any rule about a speech that begins at 3:25 in the morning, is that it should be brief. This one will certainly fill that bill. I really want to say two things. First, to compliment this Legislature this session and last session for what I believe is truly a historic session. We have put together what I believe and I haven't done my math exactly, but pretty darn close to the largest package of tax cuts in the history of the State of Maine for one Legislature. We have also made the most significant investments in education and infrastructure of any Legislature that I have ever seen in the period that I have been watching things around here. That is a tremendous accomplishment.

The thing that I would really like to touch upon just as we leave is the way we have done it. This democracy stuff is hard work. It is real issues and real differences. It is real emotion. It is passion. I believe that we have done it with a civil tone that is quite remarkable. I think it is very important for the people to know, not that anyone else in Maine is awake, but it is important for us to realize the magical way that this thing happened. I have teams that come to my office about once a week, a championship team, the Mt. Blue Girl's Basketball Team, the Bangor Rams Basketball Team, St. Doms Hockey and I always have a little message for them about happiness. After all, we are all chasing happiness. What we have done here, to me, summarizes what I have arrived at my ripe old age as the best definition of happiness I have encountered. I think happiness consists of working hard with other people on something worthwhile. That is exactly what we are doing here. It is an extraordinary process. We take it for granted all of us who are

here, but we are on the front end of a rather miraculous 200-year experiment in self-government. This is not the norm in the history of the world. This is the exception. The only way it can survive is if we are able to express our passion and our beliefs, but to do so in a civil and a respectful way. I think that has been a real hallmark of this particular session.

Before I say goodnight and before we say goodnight to each other, I do want to recognize several people in particular. I know you have spent some time tonight recognizing those people and I won't add to the wonderful words that you have said in this chamber, but I have to recognize the Speaker. Being Speaker of the House of Representatives is a complicated, complex and daunting job. Speaker Rowe and I have had a lot of discussions over the past two years. There have been a number of times when I have told him with no uncertain terms that his job is harder than mine. I don't have anybody to convince but myself. He has to convince all of you. I think he has done a remarkable job, a creative job, a persistent job and a very important job for the people of the State of Maine. I want to recognize that and thank him for what he has done.

The second person I want to recognize is the person that you have also paid entirely too much attention to in the past couple of weeks and that is Joe Mayo. Joe Mayo has served the State of Maine since, well, it was about the same time Fran Finnigan came in. It was the last few years of the Chamberlain Administration. Joe, remember I talked about that civil term. Joe is one of the reasons for that tone. He is non-partisan, pleasant, dedicated, but always in a civil and respectable tone.

The other two people I want to recognize are the two leaders. Tom Murphy, who I have grown to respect enormously as a man who does his homework, knows the issues, who works as hard as anyone I have seen in this environment to understand and to truly lead his caucus. Mike Saxl, who has done the same. They work with the other members of the leadership and to work with all of you to make this wonderful thing happen.

There are no right or wrong answers around here. None of us know exactly how it will all come out. Democracy is a perpetual bit of unfinished business. I am proud to have served with you and to have served the people of Maine. I think we should all leave tonight feeling uplifted by what we have accomplished. I know I do. It has truly been an effort of joint will and joint responsibility. We do not know how it will all come out. I think we can take satisfaction in feeling, believing and knowing that we are all ordinary people, ordinary citizens of Maine, who are trying to do our best on behalf of the people of Maine as God gives us the light to know it. Thank you so much. It has been an honor for me to be able to work with you. God speed and God bless the State of Maine. Good night.

On motion of Representative SIROIS of Caribou, the House adjourned without day at 3:31 a.m., Friday, May 12, 2000 in honor and lasting tribute to the Honorable Albert P. Gamache, of Lewiston.