

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

Carleton, Cianchette, Clukey, Etnier, Foster, Gerry, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Lemont, Lindahl, MacDougall, Madore, Mailhot, Marvin, McElroy, McKee, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Plowman, Poulin, Powers, Savage, Snowe-Mello, Stedman, Taylor, Tessier, Townsend, Treadwell, Tripp, Usher, Vedral, Vigue, Wheeler GJ, Winglass, Winsor.

ABSENT - Baker CL, Bodwell, Buck, Cross, Donnelly, Farnsworth, Fisk, Gagnon, Gamache, Goodwin, Joyner, Kontos, Layton, Meres, Perkins, Pinkham WD, Sanborn, Sirois, Skoglund, Spear, Stevens, Madam Speaker.

Yes, 66; No, 63; Absent, 22; Excused, 0.

66 having voted in the affirmative and 63 voted in the negative, with 22 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Create Efficient and Effective Administration of the University of Maine System (H.P. 1114) (L.D. 1557) (C. "A" H-580)

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

On motion of Representative BROOKS of Winterport, was set aside.

The same Representative withdrew his motion to have the Bill set aside.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Implement the Majority Recommendation of the Harness Racing Task Force (H.P. 1313) (L.D. 1864) (Governor's Bill)

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

On motion of Representative VEDRAL of Buxton, 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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 281

YEA - Ahearn, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Snowe-Mello, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Bolduc, Gerry, McKee, Vedral.

ABSENT - Baker CL, Bodwell, Buck, Cross, Donnelly, Farnsworth, Fisk, Gagnon, Gamache, Joyner, Kontos, Layton, Meres, Perkins, Pinkham WD, Sanborn, Sirois, Skoglund, Spear, Stevens, Vigue.

Yes, 126; No, 4; Absent, 21; Excused, 0.

126 having voted in the affirmative and 4 voted in the negative, with 21 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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

Bill "An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion" (S.P. 663) (L.D. 1883) which was tabled by Representative KONTOS of Windham pending passage to be engrossed.

Representative O'NEIL of Saco presented House Amendment "A" (H-642) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Ladies and Gentlemen of the House. This is an amendment to the Committee Report out of the Transportation Committee which deals with the impending turnpike widening issue. This isn't an amendment that skews whether or not we widen. It's strictly dealing with the language and the wording of the question. In deference to the Committee it is a 13-0 Report and I'll not cast dispersions on how the bill was worked, but I came to this conclusion after a very quick process. This thing came to the Legislature fast and having a little bit of time to consider it, I found that we would be best off if we deleted the last five words of the question. You got a handout from me yesterday that said clip here. What I propose is to just strike those last words. Quickly, I'll tell you what the rational is. I called two pollsters, people who do research, market research, polling, in the Portland area and asked them their opinion on how questions can be skewed. One of them told me they didn't want to get involved, the other one provided a letter that you have gotten on your desk today. In essence what they both told me was that if a client comes to them and wants a question to gain a desired outcome in any kind of poll, they can word a question to create that outcome. The trick is to create a question without biases. So, in my opinion, and in the opinion of most of the folks with whom I have spoken, those last five words which read, to reduce accidents and congestion constitute a sales pitch, in as such, may induce a little bit of biases. Regardless of whether or not any of us wants to widen the turnpike and that will be the decision of the folks in the fall, I feel its incumbent upon us to give them a clean question. I happened to be at the quasi-work session that they had at the Transportation Committee with the Turnpike Authority. The Turnpike Authority wrote this question and brought it in and to their credit they said, and the committee said also, we don't want to go back to that convoluted language that we had a few years ago when the Sensible Transportation Act was enacted. They wanted in their words to create a straightforward question. A question that was fair and a question that isn't misleading. And I think for the most part that is true, but while it's not misleading, it is leading. I saw in the paper today, I happened to talk to a reporter yesterday, if an attorney were in a court of law, the judge would rule him out of order because he's

leading the witness. The implication is that you're asking the person to make a judgment on why they want to widen the turnpike, when in reality there's no room for that kind of judgment in the question. It tends to gravitate towards being argumentative and to my point it shouldn't be there. One final note, I spoke to the chairperson of the committee before I submitted the amendment, just to let him know I was doing this and I spoke to the lobbyist from the Maine Turnpike Authority. His point, we want that language in there because those are the selling points. I said bingo. You shouldn't have selling points in a referendum question. Personally, I will vote to widen the turnpike on either question, whether we amend it striking this language or not, but I feel it's incumbent upon us not to leave the question.

When my son goes to bed at night, it gets a little tough for him to go sometimes, I say, hey Max, why don't you get up in your nice warm bed, or Max, why don't you eat your broccoli so you'll grow big and strong like dad, and he loves broccoli. They key is I embellish for affect and I don't think that as a matter of course, we should be embellishing for affect on a referendum question.

Representative WHEELER of Eliot moved that House Amendment "A" (H-642) be indefinitely postponed.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Here we go again. \$23,000,000 later and 25 years of studies, we still are going to have a few individuals that want to fight a question of whether we are going to allow the turnpike to widen or not. At our public hearing we had 31 people testify. 29 of them testified in favor of the referendum question as it's written right now. Two opposed it. One of the groups being the Natural Resource Council and another being a resident of this area. The reason that we have the wording as it is in the referendum question is that whenever a voter goes into a booth and looks at any of the referendum questions, they're always saying, gee, does yes mean yes, or no mean no, or whatever. We all said when we looked at this question we wanted to make sure that yea meant yes, no meant no. If you read the question, it will tell them. Do you favor adding one travel lane in each direction to the southern end of the Maine turnpike? We all know where the southern end of the Maine turnpike ends, right? I believe paid for by toll revenues, which if they say, how are we going to pay for this when they get in there? They'll know. To reduce accidents and congestion. This comes out of those studies that they paid \$23,000,000 worth. We've got to have that in there to explain to the people why we have to widen the turnpike. It's not a selling point. What you're hearing with amendments is just another Band-Aid approach to try to stop the widening. We had a few bills in front of our committee this year to do with price flexing and these were just approaches that were trying to avoid a referendum question to widen the turnpike. Personally, I've got calls from constituents that says, what are you even putting a referendum question out there, just you guys make a decision, right here. You know, we've been through this, but the Turnpike Authority is the one that says, no, we want to let the people speak. The Turnpike Authority, not the Transportation Committee, so upon this, we came up to a conclusion of a wording, on which we have, in which we feel is not a sales pitch, but is a question that the Maine voters will understand. We also went and had the Secretary of State Ballot Clarity Board come in and work with us on this. They agreed that this question, as worded, is simplified to a grade level of, I believe, a junior in high school. I really don't want to get into the details of that, because I was lost and I think everybody else would be lost if we really got into the different ways they look at

how they grade a question. We did come to the conclusion that this is a very well written question, yes means yes, no means no, we voted and it is a 12 to 1 Report. 12 to 1. These other sheets that you got from other marketing services are from a public opinion. I never even heard of some of these. This is why we went to the Secretary of State Clarity Board. Also you had passed around from the Times Record, which I have never heard of, inside of their editorial, which an editorial, I remind you is an opinion of one individual, they even have the NRC Staff Attorney, Conrad Snyder says, the final phrase loads the question and he wants it deleted. So I leave it up to you folks. I ask you to indefinitely postpone Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. You've got to be quick around here, sometimes. I urge you to vote against the indefinite postponement. I'm not really sure what there's to be worried about with this question, why we even need those last five words there. I have not heard conclusively that widening a highway can guarantee a reduction in accidents. Now please, do not get me wrong, personal feelings aside on whether or not we widen the turnpike, the voters have a right to decide this. That is their right and this question should go out, but I think it should be done in a way that is fair and not leading. I think putting in the words to reduce accidents and congestion is a predrawn conclusion that it's saying to the people, the voters, you widen the turnpike and it will make it a safer highway. I simply do not see how that is logical. All we're asking is to ask in a straightforward way. I agree with the Representative from Eliot, it's a very clear question, but it's also a leading question at the same time. I do not see how taking out the words to reduce accidents and congestion would make the question any less clear. It would just ask, do you favor adding one travel lane in each direction to the southern end of the Maine turnpike, paid for by toll revenues? That sounds like a very simple straightforward question to me, ladies and gentlemen, and it allows people to draw their own conclusions, as to whether or not this is a good idea. I would be very, very interested for somebody in the Transportation Committee to provide to me a study that shows to me that a wider turnpike reduces accidents. I would be very, very interested to see that study on this question. I urge you to vote against indefinite postpone and then vote to clarify the question and not make it a leading question. Thank you.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. When you analyze this question, nothing is deceptive here and everything is clear. We do know that adding a travel lane in each direction to the southern end, that's clear. Paid by toll revenues, that's clear. To reduce accidents and congestion, that's also clear and here's two of the reasons why. Number one, it was wrote in testimony that accidents have occurred on that end of the road an increase of 72 percent, so naturally, I'm assuming that if we give another travel lane, that most probably the cars are not going to be backed up bumper to bumper, that's number one. Another reason why is that two years ago, the communities of Saco and Scarborough came before us and they wanted us to approve the fact that the Maine turnpike would pay for the use of their rescue units that go onto the turnpike. This year a Representative came in with a request from the Town of Kennebunk that they also wanted to be reimbursed for having to respond to accident calls on the turnpike. This must mean and it does mean to me and it's quite clear to me that these communities are responding to accidents on the turnpike more frequently than what they were doing even

five years ago. If they are asking to be reimbursed, because they are going out there too often, there must be too many accidents on that stretch of road. So I find that there's nothing wrong in the wording of this question, that the turnpike at that end is congested and adding a third lane will reduce accidents. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. We're dealing with two issues here, the two H's. Our history and heartburn. On the history side, in 1987, there are members here in this chamber who voted with an eye to the future the needs of the future of the State of Maine to widen the turnpike. It failed when it went to referendum for a variety of reasons. One, we had just finished a very bitter confrontation with the federal agency on the nuclear dumpsite. That had left people very angry and very anti-government within the state. We hear supporters of changing this language, talking about it isn't clear. I think if we check history, we'll find those same supporters were part of that referendum language that probably is included in government textbooks now because of the classic confusion it created. I think, also, that we were in the early stages of what many people call the Ross Perotism, here in Maine. Those factors came together and a project that should have been constructed was defeated in 1991. We've studied it, it's gotten worse, and I think what we are seeing here is some heartburn, because the Turnpike Authority, very graciously, went along and said, history will probably repeat itself so let's go right directly to the people and let's create a very clear question, contrary to what was seen in 1991. I have no problems with this language, reduce accidents. Scarborough, Saco, Biddeford, Kennebunk and Wells are picking up the bodies. 65 calls last year from Kennebunk alone. We're picking up the bodies and we're hauling them away. Congestion, until I had the distinct honor of two brand new state liquor stores in Kennebunk, Kennebunk usually was on the radio, because during the spring through the fall, traffic is backed up to exit 3, Kennebunk, and that happens with regularity, Friday, Saturday and Sunday. Not just holiday weekends, but the spring through the fall, so I would hope that you would support this motion to indefinitely postpone. This is a very clear question, let's move forward. Let's work toward the progress of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. When I saw the five or six words in question, the first thing I thought of was that these words indicated the purpose of the request. We have in all kinds of things statements of purpose, sometimes they are at the beginning of the paper in which you are requested to do something, sometimes they are at the end. In this particular case it happens to be at the end and I think it answers the question that a voter might legitimately ask, why do you want us to do what we are being asked to do? Why do you want us to vote to widen the turnpike? What is the stated reason? We may agree with the reason, or we may not agree with the reason, but what is the rationale for it? Without going any further, I think that is perfectly appropriate to include in a referendum question.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I recently mailed out a questionnaire in my district and I received an overwhelming response. One of the questions was, I don't have the wording in front of me, but it was basically, would you like to see the turnpike widened? It was overwhelming, yes. That's where I will be on that issue, but I did

receive several comments, because two or three of the questions, and the turnpike not being one of them, kind of were loaded questions and I was chastised in the comment section. They said, when you're going to ask a question, when you're asking for our opinion, make sure that it is not biased. I do see this as a biased question, so I will be voting that way. Thank you.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. I worked for the Gallup Organization for about four years in the late 70s and early 80s, and I used to watch people responding to questions. They would often answer contrary to their own best interests because of the wording of the question. I would concur with the Representative from Saco, that the way a question is asked, or the exact wording will absolutely influence the respondents answer. Only a question that is simple, direct and has no modifying clauses or phrases is a fair question. This referendum question, as worded, is absolutely guaranteed to pass.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I think you all realize now after hearing different debate that it doesn't matter how we worded the question, there was still going to be a question on how we are wording it. Just to answer Representative Bull's question, he'd like to see a study that was done, I'm really surprised he hasn't seen it, because the Natural Resources Council is well aware of it, here is a synopsis and conclusion regarding the turnpike, alternatives, and analysis, and right in here it talks about congestion, and accidents on the Maine turnpike, how they're higher on the four lane section, and they are 72 percent lower on the six lane section. This is a question of safety. This is what this question is. It's telling the people why we need to widen the turnpike. I have some sample questions here, because I knew everybody would say, how come we haven't done this before, but this is from the Secretary of State's Office, we had a question back in 1996, should electronic video games for cash prizes be legal in Maine? Now how come, they had to put for cash prizes in this question? That's a loaded question to me. If the turnpike question is loaded, obviously that ones loaded. Another question is, do you want Maine to adopt new campaign finance laws and give public funding to candidates in state office who agree to spending limits? Come on folks, we can go on about loaded questions all day. I urge you to indefinitely postpone House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. I'm delighted that the Representative from Saco, Representative O'Neil, brought this amendment forward. I opposed the widening six years ago, whenever it was, I used to drive this road regularly. For some reason or other, I don't drive that road very much in the last few years. I'm relying heavily on the studies I have heard, based on the information I have heard to date, I certainly intend to support the widening and tell my constituents that that's what they should do, if the question arises, but the reason I am delighted with this amendment is I think it is a refreshing change from the language, the good Representative, Representative Wheeler, mentioned that we have seen in recent years on all of our referendum questions and I have been chided for as a state Representative, as to why, whether it's any number of the referendum questions that have come up, the referendum wording has been extremely misleading. I think the turnpike referendum wording was

extremely misleading and all the other ones have been as well. This is a rare opportunity for us, ladies and gentlemen, to correct that and actually send out, thanks to Representative from Saco's amendment, a clear, succinct, unslanted question. I do intend to support the widening at this point in time, I think this is a very good amendment and I urge you to oppose the indefinite postponement.

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

Representative MACK: Madam Speaker, Right Honorable, Men and Women of the House. I gave this issue a lot of thought last night, I definitely support widening of the turnpike. As you would imagine, no one would like the traffic on the turnpike to move more smoothly and faster than myself. However, when I thought about the way this question was worded, it definitely is worded clearly, but is worded biasily and I don't like setting up the precedent of having biased questions on the ballot. I would love to see a ballot question on the ballot, would you like a 25 percent income tax cut for the purpose of economic growth and so that working families keep more of what they earn. I would love to see that, but I don't think that's a fair way to word it. I would be quite upset if it was on the other way, would you like a 20 percent raise in the income tax to provide whatever needed programs you wanted to insert there. I don't think we should have politicking on the ballot itself. I definitely support widening. I think it's a great idea, but this question is biased, depending on how you ask a question, you can get the results to come out any way and I think by removing these last few words you would have an unbiased question and the good people of Maine will know enough, hopefully, to vote to widen the turnpike. Thank you.

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

Representative SHANNON: Madam Speaker, May I pose two questions through the Chair?

The SPEAKER: The Representative may pose his questions.

Representative SHANNON: I would like to ask to anyone who might know the answer, is the word authority in the title of the group that controls the turnpike system in Maine? And second, if under the law, they even need to go to referendum, in order to widen the turnpike?

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

Representative WHEELER: Madam Speaker, Men and Women of the House. No, this did not need to go to referendum in order to have the Turnpike Authority widen. We could have okayed it through Legislature, but the Turnpike Authority insisted, and I argued with them about this, because I didn't want it to go to referendum, I really didn't, I'm worried about it going to referendum, to be honest about with you. I would rather see it taken care of right here. I have constituents that call me every weekend when I get home. What are you guys doing? Take it up in the Legislature. We don't need a referendum question. Widen the turnpike, enough is enough, but the Turnpike Authority insisted on this.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. The reason we decided to put this to referendum was because if we let the Turnpike Authority go ahead with this, then there would have been a citizen initiative. They would have chose the wording on the question and possibly we would have gotten another question like they put out last time. Do you favor changes in Maine law concerning deauthorizing the widening of the Maine turnpike and establishing a transportation policy proposed by the citizen

petition? That's why we chose the wording to make it very simple and clear. Thank you.

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

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. It's very rare that I rise, and it's even more rare that I admit that I'm an attorney. On this occasion, I rise to ask that you vote against the indefinite postponement and in favor of the amendment. The reason I do that is because I want to make a point that I think can be made very simply in the same way that someone made it to me when I was in law school. That was simply this, it's not so important how clear the question is, it's more important, the answer. The answer we get back from this question will be confusing, because we won't know whether people are in favor of widening, or just reducing congestion and reducing accidents. I would submit to you a simple question. Have you stopped stealing from your employer yet? Very clear question. The answer is not clear. If you say yes, that implies that you were stealing and if you say no, it implies that you haven't stopped yet. So I would submit to you, it's not so much how clear the question is, it's important to understand the answer that you get back. To that extent, I would say that the question and the answer that we get back will be much more clear if we eliminate those last five words. I would urge you to vote against indefinite postponement and in favor of the amendment. Thank you.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I wanted to correct one thing the good Representative Wheeler said earlier, this wasn't a 12 to 1 Report. It was actually unanimous, but I think he must have been thinking of me when he thought of 12 to 1, because I did object to this wording in Committee, but at the time I was kind of tired of being on the Minority Reports and having a lot of divided reports and went along with it and voted for this wording, but I'm actually glad to have a chance to vote on it again today and I appreciate the fact that Representative O'Neil submitted this, because I did object to this wording and I think really, the people of Maine are smart enough to know this question with or without this extra wording, but I would just as soon see it go out without the extra wording and have it be as clear and simple as possible and not have any debate about how it's worded. I think if we take the four words off, there's no question, that there's not a spin on it, very clear, in fact, when the Secretary of State's Committee that reports on referendum wording spoke to us, they did go along with the recommendation to take that wording off, too, and they did say that if it had been a citizen initiative, they probably would not let it go out with those words, but the fact that the Legislature can send it out, we can do what we want, but I would urge us to adhere to the same standards of language quality, so to speak, that the citizens would have to if they had submitted this and keep it simple without those four words. There's not a big difference and I agree that the last referendum on this subject was unclear. Let's not go back in that direction, let's keep this one absolutely clear and not fall victim to the same problems that we criticized other referendums for, as being confusing, or having extra things in there that don't need it. I really think the people of Maine are smart enough to make a decision on this without being spoon fed, so to speak, as Representative O'Neil does to his children sometimes. Let's just go against the indefinite postponement and support this question in its clearest form.

Representative CHARTRAND of Rockland requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-642).

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 Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. In committee we discussed this thoroughly, we had people in, we kicked it around with a lot of different viewpoints, but we did come to pretty near unanimous consensus that these words were the best way to go. We looked at a lot of different ways to word this and we finally did come up with these words and I think the Transportation Committee has done a good job and they deserve a lot of credit for the work they have put in to this wording. I think we have kicked this around long enough here in the House and I hope that you will indefinitely postpone this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. I have a neighbor who is in favor of widening the turnpike and I asked him why, just out of curiosity, and he said, well, it's going to create 11,000 jobs and it'll give us \$465,000,000 in industrial output. I said, where on earth did you ever get that. He said, I got it out of that report from the PAC that you gave me that the study group came up with. I said, Oh, I'm sorry. Well if you can believe that you can believe a lot of things. You can believe it'll put hair on my chest, but that's not the issue. The question is, he wouldn't vote for this question because the reason he wants the turnpike widened is for economic development.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. As far as the confusion, or being leading, if you will, I see two other phrases, depending on the interpretation can be leading. One of them says, paid for by turnpike tolls. Well, I know someone who voted against the widening for that very reason the last time, because Senator Muskie promised that the tolls would come off in 1976, and he's still angry about that, that it didn't. So that becomes a leading question to him. I know someone else who says, add one to the southbound lane so the tourists will leave faster. That becomes a leading question to that person. You can't write a question, I don't believe, that doesn't have something in it that's leading and the piece that says something about reducing accidents and congestion, is that true, absolutely it's true. Then why shouldn't the citizens know why they're voting, not like the last time when they were misled and they had to vote no to vote yes, and vote yes to vote no. It was a clear effort to misled the citizens of Maine and it worked. I submit to you that what we've accomplished by that last vote, was absolutely nothing except maybe injured citizens of Maine and other states that may not have been injured if we had gone ahead and done that and we may have doubled the cost. I don't know what the purpose of that was. I don't have any problem with the question the way it is, because it's absolutely clear and we heard somebody say, we're guaranteed to win. Hey, I feel great about that, because it's time we did it and stopped playing games. I'd urge you to support the indefinite postponement.

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

Representative RINES: Madam Speaker, Men and Women of the House. Like the good Representative from Augusta, I also put out a questionnaire recently and like her I kept mine as simple as possible. Should the Maine turnpike be widened? The only difference is, I got a resounding no in my results, but the

point is, I've always thought that a question should be as simple as possible and I would urge you to defeat the present motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone House Amendment "A". All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 282

YEA - Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brooks, Bruno, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Driscoll, Dutremble, Fisher, Foster, Frechette, Fuller, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Kane, Kerr, Kneeland, Labrecque, Lane, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, Ott, Paul, Peavey, Pendleton, Perry, Plowman, Savage, Shannon, Snowe-Mello, Stedman, Taylor, Tessier, Tobin, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Brennan, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Dunlap, Etnier, Gagne, Gerry, Green, Hatch, Jabar, Jones KW, Kasprzak, LaVerdiere, Lemaire, Mack, McKee, O'Brien, O'Neil, Pieh, Pinkham RG, Povich, Powers, Richard, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Stanley, Thompson, Townsend, Tripp, Volenik, Watson, Winn.

ABSENT - Baker CL, Barth, Bodwell, Buck, Cross, Dexter, Donnelly, Farnsworth, Fisk, Gagnon, Gamache, Joyner, Kontos, Layton, Meres, Mitchell JE, Perkins, Pinkham WD, Poulin, Quint, Sanborn, Sirois, Skoglund, Spear, Stevens, Vigue.

Yes, 81; No, 44; Absent, 26; Excused, 0.

81 having voted in the affirmative and 44 voted in the negative, with 26 being absent, House Amendment "A" (H-642) was indefinitely postponed.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I think if we took all of our campaign brochures and all of our campaign ads, put them together, we could find in a variety of different ways, we all said we were running because we had a vision for Maine's future and I think with this issue that's before us right now, that vision is very clear.

Representative MURPHY of Kennebunk requested a roll call on passage to be engrossed.

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

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

ROLL CALL NO. 283

YEA - Bagley, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dutremble, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Povich, Powers, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Snowe-Mello, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend,

Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Ahearne, Bull, Dunlap, Gerry, Goodwin, Jones KW, Volenik, Winn.

ABSENT - Baker CL, Barth, Bodwell, Buck, Cross, Dexter, Donnelly, Farnsworth, Fisk, Gagnon, Gamache, Joyner, Kontos, Layton, Meres, Mitchell JE, Perkins, Pinkham WD, Poulin, Quint, Sanborn, Sirois, Skoglund, Spear, Stevens, Vigue.

Yes, 117; No, 8; Absent, 26; Excused, 0.

117 having voted in the affirmative and 8 voted in the negative, with 26 being absent, the Bill was passed to be engrossed in concurrence. Ordered sent forthwith.

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

**ENACTORS
Mandate**

An Act Concerning Time-out Areas (H.P. 1099) (L.D. 1542) (C. "A" H-541)

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

On motion of Representative DAVIDSON of Brunswick, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, the rules were suspended for the purpose of further reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-541) was adopted.

The same Representative presented House Amendment "A" (H-612) to Committee Amendment "A" (H-541) which was read by the Clerk.

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

Representative DAVIDSON: Madam Speaker, Men and Women of the House. On behalf of the entire Committee on Engrossed Bills, I want to thank them for their hard work. Representative O'Brien, Representative Winglass. This amendment simply changes the word from define to define in.

House Amendment "A" (H-612) was adopted.

Committee Amendment "A" (H-541) as amended by House Amendment "A" (H-612) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-541) as amended by House Amendment "A" (H-612) thereto in non-concurrence and sent up for concurrence.

An Act to Establish the Civil Violation of Creating a Police Standoff (H.P. 1010) (L.D. 1402) (C. "A" H-470)

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

On motion of Representative POVICH of Ellsworth, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, the rules were suspended for the purpose of further reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-470) was adopted.

The same Representative presented House Amendment "A" (H-676) to Committee Amendment "A" (H-470) which was read by the Clerk and adopted.

Committee Amendment "A" (H-470) as amended by House Amendment "A" (H-676) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-470) as amended by House Amendment "A" (H-676) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) "**Ought to Pass**" as amended by Committee Amendment "A" (H-563) - Minority (5) "**Ought Not to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act Regarding the Economic Security and Safety of Harness Horsepersons" (H.P. 1239) (L.D. 1756)
TABLED - May 20, 1997 by Representative TUTTLE of Sanford.
PENDING - Acceptance of either Report.

On motion of Representative TUTTLE of Sanford the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-563) was read by the Clerk.

On further motion of the same Representative, Committee Amendment "A" (H-563) was indefinitely postponed.

Under suspension of the rules the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

The same Representative presented House Amendment "A" (H-683), which was read by the Clerk and adopted.

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

Representative KERR: Madam Speaker, Men and Women of the House. I'd like to just to take this opportunity and I would like to thank everyone for participating in preparing this compromise legislation. After a hard fought battle, the interested parties in harness racing, once again, got together and have drafted a bill that will actually help the sport and the entire industry. The bill ensures appropriate elections for bargaining agents, protects purse moneys without interfering with cash flow, and provides a potential for a two year license. With these changes a bill that would have been destabilizing this industry will now enhance and improve the industry's ability to plan and grow prosperously. I want to particularly thank a member from the other body, Senator Daggett, the good Representative from Fryeburg, Representative True, showed a willingness to get to the table and resolve these issues, Representative Chizmar, and the House Chair of that Committee, Representative Tuttle, the administration, the staff, Jack Richards, and Henry Jackson, along with attorneys, Craig Rancourt and Ned McCall made this all possible. I would urge your support in supporting L.D. 1756. Thank you.

The SPEAKER: The pending question before the House is passage to be engrossed.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-683) and sent up for concurrence. Ordered sent forthwith.