

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

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**Senate**

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**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

some ten weeks after the election, would really be upsetting to the people who voted one way or the other; because it gives you the impression that the value of their vote means absolutely nothing, that we are going to continue along this way. The cleanest way to do it is really to have the compact on so the people will have the many choices that, I believe, they are able to work out.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. You know, it was only a little over twenty years ago that most of our school board meetings, town council meetings, even legislative meetings were held in secret. Then along came something known as the Right-to-Know Law. Since then public officials have always had to hold their meetings in public. I think that that was one of the best pieces of legislation that this body, in years past, has ever passed. I firmly believe that the public's business is just too important to be done in private. That's why I can't vote for this compact. I'm all for bringing the players to the table. I think compromise is what this legislative work is all about; but it's got to be done in the public eye, where anyone who wants to hear what is happening behind doors, open doors, can be available, where the media can be there to report to the rest of the citizenry, and where the long, yes, very long, legislative process takes place. That's another reason why I can't vote for this compromise; because I don't think it has been given the fair, public, airing that is needed to make good legislation. I urge you to vote against the compact and to vote for the Right-to-Know Law. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Mr. President and my Learned Colleagues. The issue today is not whether we are in favor of the compact or against the passage of the compact. The issue is do we want to let the voters of Maine have a third choice on the ballot, the third choice that was developed, some say, privately; but I am told that it was developed by the participation of fifteen of the largest landowners in the State, including the largest paper companies. It was developed with the participation of the Maine Forest Council, the small woodlot owners of Maine, of which I am a member, the Sportsman's Alliance of Maine, of which I am a member, the AFL-CIO, of which I am not a member, the Maine Audubon Society, the Natural Resources Council, the Nature Conservancy, the Maine Municipal Association, the Maine Chamber of Commerce, the Pulp and Paper Resource Council, the Pulp and Paper Association of Maine, and the Maine Coastal Heritage Trust, to name about a third of the organizations on this list. If this isn't the right to know, I don't know what is. We are telling all of those groups, all of those boards that participated, all of the executive directors that came to the table and bellied up to talk about these issues, you can't go on the ballot with this thing that you have crafted during the hot summer months of June, July, August, and September. We don't trust the public to have more than two choices because they are too stupid. Is that the message that we are trying to send out there? I don't want to be part of that message. I live in a democracy. I am not prepared to say today whether this compact is a good idea or a bad idea. I am fully prepared to say that it is a

good idea to present it to the public. Let them be educated about it during the next eight weeks and let them tell us what they want to do. If they say no to both, we don't want anymore government regulations, we don't want any further restrictions on clearcutting, fine. They have spoken. We have given them that chance. We haven't deprived them of that in any way. If they want a radical solution, as proposed by the Green Party, they will have their chance to check yes on that. If they want a more moderate solution, they will have a chance to check yes on that. We are giving them a range of three clear choices, and trusting, heaven forbid, to their intelligence, to tell us exactly what they want. I think many of us here, who so blithely say that the initiative, as originally formulated, is cold turkey, have got to think carefully about the heritage from which we come.

When I was fifteen years old I had the pleasure of working with a 76-year-old great uncle, who was born in West Farmington, and died there a year after my working for him. One of the things we used to do after supper was trot out behind the house, at six or seven o'clock in the evening, and wander up through the fields and up into the woods in back of the house. We would go about as far as his old legs would carry him. He would get up there in the woods and he would say, "You know, I haven't been to church since I was 14. Now I'm 76, and it's probably too late to start. This is my church, out here in the woods." I have grown up in that tradition for the last 53 years. I know many, many members of the Sportsman's Alliance of Maine who have grown up in that tradition, and many other citizens of the State. They are deeply disturbed, rightly or wrongly, they are very deeply disturbed by these large colored photographs on the front page of the Morning Sentinel, the Kennebec Journal. When the Green Party gets together its \$100,000, or whatever it needs to put on a TV campaign, those same photographs are going to be displayed to you on color television at 5:30 at night on channel 5, 6 and 13. We are going to get our noses rubbed in what the woods look like, or have looked like, in the last few years.

I personally understand, I think, and I have spent a lot of time trying to be educated on this issue. I understand why clearcutting is a perfectly valid and appropriate management tool. I understand about the impact of the spruce budworm, and how the Green Party is taking unfair advantage of the fact that our woods had to be cleared of timber that we either had to lose or move. We really had no choice in the '80's except to cut a large number of these townships that were cut over so dramatically. The visual impact has been against us. It has had an adverse impact. People who walk up and down Water Street in Skowhegan will tell you that if so and so over there buys your land, one of these people who cuts all the wood off and then subdivides it, if he buys your land, when he gets done with it, if a woodpecker comes along and flies over, he is going to have to pack his lunch. There won't be anything left. That kind of public concern on Main Street about people who are stripping land, and cutting it aggressively, we can't simply defeat that by saying, "Oh well, it will cost jobs if they vote yes on the initiative." I think the people want a selection of choices; and if they are well educated at what has been happening over the past ten years, and if they

are informed that we did pass the Forest Practices Act in 1989 that imposes significant restrictions on these clearcutting practices, I don't think the public knows that, I think they should know it. But, if they are well-informed about all of the issues, they can make up their minds as to whether they want to vote no, or which of the two yes votes they may wish to choose from. I'm not afraid to let the people make up their minds. I think that my constituents, at least, are intelligent enough to be informed on the issue and to vote for three choices, one of three choices, as opposed to two. I don't think that's asking a great deal of the electorate. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. I, too, like my good friend and colleague from Somerset, am a member of SAM and the Small Woodlot Owners Association of Maine, and nor am I a member of the AFL-CIO. I was not contacted by either of these groups to see what my position was to bring forward to have a vote. I guess I would pose a question through the Chair to the good Senator from Somerset. Was the good Senator from Somerset asked by either of these groups as far as his position on this issue?

**THE PRESIDENT:** The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and my fellow colleagues. I became aware in the early part of the summer of 1996 of who the principle people were who were negotiating around a table, to see if they could come to terms on this. I was in contact with several of them. As far as I am concerned, I didn't care to come to that table. I knew full well that if I called up Mr. Vail, or Mr. Milliken, or some of the other people who have worked so hard on these matters, that I would have been very welcome. I think, it's my belief, that these people, when they went to work so publicly, when the publicity came out that the paper companies and the large landowners and these other interest groups were finally sitting down at the table, that that was responsible for turning the polls around as much as any other factor that we have seen. If we take away that option the residual appeal of this insidious initiative is not to be underestimated in this State.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you, Mr. President. I appreciate the remarks of the good Senator from Somerset. I guess my concerns are those echoed by other members of the Senate, as far as those people sitting around the table, and what the environment was around that table. If the doors had been open in the room in which the table was located, and the press was able to be there, and the public was able to be there, and legislators were able to be there, I guess I may be taking a different stand here today; and I think we would have a different bill before us. I think, more than likely, that bill would have a closer reflection on the minority report. The good Senator from Kennebec said that in a good compromise they all had to give up something to retain something. I agree with the good Senator from Kennebec. I would ask the not so rhetorical question that my constituents are asking me, the small

landowners, the small woodlot owners, who have a family logging business, who have a small mill. What did they get and what did they give up? Scratch that. I know what they gave up. I know what the cost is to them, and I know what the cost is to the people of the State of Maine. Some of us ran on different campaigns. In fact we all had our own campaigns that we ran on. Mine, it's no secret to this Chamber, is less government intrusion on our lives, less government bureaucracy, using our money smarter, being more productive with our resources. I thought I had a colleague on the second floor who echoed the same concerns. In fact, I didn't have the campaign financing to draft my own book to tout those beliefs, but the Chief Executive Officer of this State did. In his book he said that we have enough government bureaucracy already and that we need to use our resources smarter. Well, Men and Women of the Senate, I would ask you to look through, as I'm sure you have, L.D. 1892, amendment H-924, amendment H-931, amendment H-933, amendment H-937, the legislation you have before you to vote on. Is this moving toward less government and using our money smarter or more effectively? In H-937 sixteen additional forest rangers, and we are creating a brand new Sustainable Forest Management Audit Board. Men and Women of the Senate, you have been around long enough as far as where we have taken a look at every board that has been created. We have looked at each other and said what is this board giving to us? We know what it costs us, but what does it return to the people of the State of Maine? Oftentimes the answer has been we don't know. The price tag just on H-937 is \$129,000. That's just the cost to the State. That's not the cost to the people of the State of Maine as far as to work within the Sustainable Forest Management Audit Board. I direct your attention to H-924, where they create a Natural Resource Education Advisory Committee. We are creating another committee. I know that's music to some ears in this Chamber. Not to mine. I think if the people of the State of Maine had had the opportunity to be at the table when this was being discussed, they would have said the same thing. They would have said, "Hold on a second here, I have rights, at least I thought I did, as a citizen of the State of Maine, as a landowner in the State of Maine, to utilize my property in a responsible manner." We already have the Forest Practices Act. We have already enacted that. The Natural Resources Committee, that initially enacted that, spent a lot of time with public hearings to generate the bill. They did not have a backroom, smoke-filled deal to just bless, that they were told don't you dare change a word because you are going to upset the apple cart. No, they started from scratch through the legislative process, through our democratic process, and brought forward a bill that people had an opportunity to read the bill beforehand, before they went into the public hearing, had an opportunity to make informed comments on the bill, rather than just be told what to say. I think that's what galls me the most. Here we are, elected Senators and Representatives to the State of Maine, and we are being told to bless this because so many people are supporting it, even though they supported, and it was crafted, not under the open eyes and ears of the public, but behind closed doors. Let me ask this question. Before you vote today, what type of precedent do you think you are setting? Do you want

every critical issue facing the people of the State of Maine to be crafted behind closed doors by the so-called stakeholders, and then have it brought to you and tell you not to change a word because we already have the compromise? Forget about the oath of office you took as a State Senator. Forget about that, because what we are asking you to do has a higher calling. It has a higher calling because other people say it has a higher calling, not because the people of the State of Maine have had an opportunity to fully be involved in the process. If this bill was presented anew in the 118th Legislature, it would take the entire session to work through the process. There would be many work sessions. The public would have an opportunity to be in on the discussions from the word go. They wouldn't come in at the end and say look at it but don't touch it. Men and Women of the Senate, we are not kids whose parents are telling us just leave it on the sideboard. Just look at it, but don't touch it, because it's for your own good. I guess I'm of the mind, as an elected representative, I have a responsibility to get in there and touch it and be able to work with it. We have not been given that opportunity here. We were told it's this way or the highway. I certainly don't want to be involved in setting a precedent from here on out when we have difficult issues, having the Governor put a select group together, behind closed doors, and then come out with a compromise, a compact, and say this is what you are going to use. Not with my vote. I think it's too important an issue for us to set that type of precedent. What happens when we start talking about personal privacy rights? Not property rights. Are we going to let that be chosen, are we going to let the Governor choose who is involved in making a compromise? I would like to think that we would open it up and that we would hold public hearings on a bill that has been presented to the Legislature, not as a done deal, but as a ball of clay to mold and to shape and to fashion that is responsible and respectful of the people of our State. That's what it is all about. That's what I see my role as an elected representative for the people of Oxford County. Mr. President, when the vote is taken, I request the yeas and nays.

On motion by Senator HANLEY of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** Before the debate continues, the Chair would like to put on the Record that in referring to the Chief Executive, there are certain parameters that we need to be cognizant of. Mason's Rules says that "It is unparliamentary and inconsistent with the independence of a legislative body to refer to the name or the office of the executive in order to influence the vote."

I interpret that to mean that we shouldn't get up and say the Governor plans on vetoing this so don't waste your time, or the Governor supports this.

Mason's Rules continues, "It is in order in debate to refer to the executive, or the executive's opinions, with either approval or criticism when such references are relevant to the subject under discussion and otherwise conform to the rules."

I would hope that we would all keep that in mind for the remainder of the debate. The Chair recognizes the Senator from York, Senator Lawrence.

Senator LAWRENCE: Thank you, Mr. President. Men and Women of the Senate, I think it's important, with

all the emotion in this body, to go back to how we got into this situation. When I first came to the Legislature the Maine Forest Practices Act was passed. That was a lengthy debate and a lengthy hearing, one of the biggest ones I can remember. What came out of that was a very complex and complicated Act, designed to resolve problems that were seen in the Maine forest. The understanding at that time was that this Maine Forest Practices Act was going to be in place for five years, then the Legislature was going to come back and revisit it to see what changes needed to be made and see how it worked and see what improvements needed to be made. If I'm not mistaken, that was over six years ago. We haven't revisited the Maine Forest Practices Act. In fact, three years ago, when I was the Chair of the Natural Resources Committee, there was a bill that came in on clearcutting and the argument used against it was we needed to revisit the Maine Forest Practices Act within a year, so now was not the appropriate time to do it. When this Legislature was elected, there was a lot of hope and promise with this Legislature, and there was plenty of legislation in this Legislature to deal with the Maine Forest Practices Act, but nothing was done. This referendum came through the Legislature, and nothing was done. So, the referendum has gone out to the voters, and the voters are telling us that there is a problem, that corrections need to be made in the Maine Forest Practices Act, but they don't like the alternatives that are offered. Take this referendum or do nothing. We have a chance to offer them an alternative that they can vote for. My parents always told me there is always an excuse for doing nothing, but we are elected to do something. We must send them an alternative. We cannot go home being a do-nothing Senate. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lord.

Senator LORD: Thank you, Mr. President and my Learned Colleagues. It isn't very often that I like to correct a fellow member from York County, but I think Senator Lawrence has probably forgotten that we had a special commission appointed, and I think this commission spent \$75,000 looking at the Forest Practices Act, and I think that was two or four years ago.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator RUHLIN: Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I think I would like to take a moment to calm the fears of my very good friend, the Senator from Oxford County, to assure him that while these meetings were held, to the best of my knowledge there was no smoking involved, so there were no smoke-filled rooms. They were all stakeholders, but of course all of us in the State of Maine are stakeholders together. They were people who had an interest, and rightfully so, a vested interest in the problem that was before us. That problem was that we were all being offered a very radical solution to a perceived problem in the State of Maine, or nothing at all to be done. I listened to the people. I heard those people. I made it a point to listen. They wanted something done. They wanted an alternative. They did not want to go to the extreme that was being proposed. Those people, diverse in background, diverse in the beginning of their interests, but focused to the problem that we have in the State of Maine, and the

problem, regardless of what side you are on, or where you are coming from, the solution is one word, sustainability. Those people, with that diverse background, came to approach that problem of sustainability. I, for one, thank them. If I don't like the compact, I'm a legislator, I just want to assure you that I can vote it down. I could talk against it. I could change it in committee. So, let us go back to the process and see how it did evolve. Those people brought forth their concerns, their reasons for being at this point in time, their fears and hopes for the future and the sustainability of our forests, and tried to put them on paper. That process was open. There was never a locked door. Those doors were never closed. For those people who wanted to participate in a sincere manner, they were open, they were welcome. There was nothing closed about this. There was nothing hidden under wraps. There were negotiations, as any negotiations that go on, where you say you are not sure that this is going to be our finalized version, this may change, that may change. That's the art of negotiation. We do it every day here. I know, I spent years and years working on the workers' comp problem. Many times people would come to us and say are you working in a closed-door environment, because you are not telling us anything that is happening. We can't tell what's happening sometimes if you haven't drawn any final conclusions yet. I saw nothing unusual. I saw nobody trying to keep information from people. I saw people working diligently, trying to come up with a reasonable alternative that would protect the welfare of the State as a whole. That's what I saw. Then I saw, from that, a Chief Executive who said, and made the choice, that this should go to a special session. Once that decision was made, legislation from that information gathered from this so-called group in the backroom, which we now realize it wasn't, was put into bill form, like anything else. Of the 2,000 bills that we get during a session, not all of them, as a matter of fact, almost none of them, are garnered and developed in the middle of Main Street by talking to people. Most of them are from people who have a thought process, who have an end they want to achieve, and will work to achieve that end and put it down in writing. That's what happened here. That diverse group came together, put it down in writing, and put it into a bill form. They then followed the process which is clearly outlined. They found the proper legislative sponsors to bring that before this Legislature. It was then assigned to a committee, properly. That committee had, I think, complete, full and total work sessions, far better, far more extensive than most bills that we ever hear in this Legislature. They went through the express trouble of going throughout the State to make themselves available. If people were working during the day they made themselves available during the evening to take testimony. I served in the work sessions, the so-called mark-up sessions. Those were, I assure you, lengthy. Everybody, and I want to compliment the Chairman, who did an outstanding job, the good gentleman from Washington County. He did an outstanding job in making sure that everybody had a chance to make whatever comments they wanted to, as long as it was germane to the problem; to ask whatever questions they wanted to; to mark or change that bill in any way that they wanted to. Then the Committee voted on it. So, what you have before you today, I assure you colleagues in the Senate, is a

bill that was properly drafted, properly researched, properly sponsored, extensively heard from in public hearings, and lengthily and deeply worked on in work sessions. It is in a position now for your consideration. I hope that you will give it that consideration; and remember one thing when you do give it that consideration, the citizens of this State have asked for an alternative to achieve a long-range sustainability to their natural resource. A natural resource which we all stand together on in this thing, that is our forests. I hope you will take that into consideration when you vote for this compact. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you, Mr. President. I have heard several comments on the floor, some of which I feel I must at least address. I hope we have faith in those people who have drafted this so-called compromise bill that if it does not pass, they will not sink back into no-man's land. They have said publicly, the report quoted by them, that they are interested. A comment was that, if we do not pass this, then we will not seat them again. If so, I hope we hand them a mirror and say please look in there and find the answer to nothing. I have heard a comment on the floor that we did not do anything for the last four years with the Forest Practices Act. I would say to those people again, take a mirror and find out where the answer lies. The situation of the timing, the referendum of the clearcutting, was back in November. Where was the proposal at that time to go through the regular process? It wasn't. Why it wasn't, I haven't the slightest idea, but it should have been. Again, I will tell you, from what I have heard, that you are bringing this here as a reaction and not a proaction. I have heard that we are going to give the citizens a choice of one or the other. In that I have heard that people have asked, I would like to know who. I would like to see 58 signatures who have asked for this compromise. I have not seen that. I don't see anybody who has tried to get that. All I hear is the citizens want a choice. I have told you they have a choice, yes or no, on the referendum. If it goes down, and in my opinion it should go down, then we, as legislators, you as representatives of the various interest groups, had better do something.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you, Mr. President. Ladies and Gentlemen, it's a very warm afternoon and I will be brief, but I do have a few comments that I would like to remind you of. When this thing started, I think some of you have forgotten, this was not to be a competing measure on the referendum. This was to be a bill in itself, to be enacted by a special session; and if the referendum passed in November, this would go away. Remember that? The Court said, "No you can't do that." So, that's why we are here today. I think it's wrong. You have an item on the referendum that the citizens put on there. If this is so great, as has been mentioned, let 58,000 people sign a petition to put this on there.

This, I don't care who says what, in my mind is a takings bill. Why would I vote on anything that I don't know what is going to happen seven months down the road? Some of you obviously have an awful lot more faith in the rules and regulations of the Administrative Procedures Act than I do. Half of

this speaks to it. Trust us, we'll do it later. We will have public hearings. We might not do what the public wants, and I could cite you case after case of that. And we wonder why the government is not trusted. Wow. It's scary. This is scary. I will grant you the public wants something done. Does the public own all this land out there? Do I own it? Do you own it? Show me your tax bill. You can't. Yes, you own a few acres here and there. I own a few. People that sent me here sent me here to represent them and their views. Mainly this, they were tired of people being in Augusta that knew more than they did. This is good for you. That's why I voted for that. Well, I have been here almost four years now and I have voted the way my constituents have asked me to vote. When I can't, I will go home and I will stay home. I'm not quite ready to do that. I have had many phone calls, not just in the last two days. I have had many people stop and talk to me, at the filling station, at the store, in my business. I have spoken to quite a few groups, upwards to seventy people. Guess what they have told me. I don't think people in my district are, in any way, different than people in your district. They told me to come down here and vote "no". Let us vote for that referendum the way it was meant to be. We will either vote it up or vote it down, but give us that opportunity. We are sick and tired of Augusta meddling with referendum questions. They always speak to the situation where it is always written you have to vote no to mean yes and yes to mean no. This is a little different, but it shouldn't be on there at all.

Do you think changes will be made if the referendum doesn't pass? Nobody wants to go through this again. I think there will be changes made, and I probably won't like a lot of them either. But, I am in hopes to be sent back here next winter to do that, and I will do it, but it will be a little bit different process, I guarantee you of that. This has gone too far, way too far. The folks back home don't want it. Regardless of who has talked to me in this building in the last two days, with the exception of two, none of you will vote for me. It's as simple as that. I listened to you. You have good arguments. I think my voters have better ones. Those are the people I will represent. That's why I will be voting "no" to putting this on the referendum. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you, Mr. President. Men and Women of the Senate. I have been sitting here, for an hour or so, listening to all of the comments. I guess, as you know, I started the discussion this afternoon; but I really would like to just respond to some of the things that I have heard. I started listing what Senator said those, and there are so many comments that I need to mention, I am just going to say some of the comments I have heard, if it is okay with you.

First of all, I think we need to get back to the process. I heard Senator Harriman say to us that he worked on a commission of three years and here's the report, we have it. I heard Senator Lord say he worked on the Sustainable Forests Act for two years and finally got it. That's the process that we do when we go through legislation. I also heard of how open this process has been. I want to say to you I have talked to every community in the State of Maine in the last few weeks. I think my wife is about ready to tell me to withdraw my name to run this

fall, I have had so many hours on this. I have truly enjoyed it because I enjoy doing what is right for the State of Maine and what is right for the people in my district. I had a call last Friday morning. I was sitting at the kitchen table, going through some of the testimony that we had received in those three days prior, I got a call from the press. "Senator Cassidy, do you know that the group," and I don't know who all is in the group, we saw them for a week, "is meeting? I went to go to the meeting and they said it was a closed meeting to the press and I would have to leave." That's not an open meeting to me, when we see the press and public is not allowed to participate. You can say all you want to about how clear this was, and what went on, but I want to say to you the only reason the small woodlot owners got invited at the end was because there were complaints that they didn't participate. I had a list passed to me today that, I think, was presented by Senator Harriman and some other Senator, I don't remember who, they listed all the people who support this thing. Over one-third of these people are the people who called me at home and said, "Senator Cassidy, I'm with the Small Woodlot Owners, our people aren't with this. There are 1500 members. They polled the directors." There are people here from paper companies that said we have got a gun to our head.

I walked into Presque Isle with a lot of the folks I see sitting here in this room today, and my Committee. There was a stack on the table of this bill and citizens, who I'm sure don't see L.D.'s very often, were handed a 27 page document. We said, "We are having a public forum here, if you would like to comment on this." Give me a break. Who, as an average citizen, let alone we who deal with this, don't understand what was in that bill. The people were so upset and frustrated. I heard the paid lobbyists. I heard the paper companies. I heard the environmentalists. By the way, what the environmentalists were saying, to go along with Senator Hall, was this is a good start if we can get 15,000 acres of land, this is a good place to start. I heard the Green Party come in who was, in this case, wanted to leave this up or down, say this clearcutting deal we have here is a good place to start. I heard people get up and say we need to take an inventory of our assets in the State. They think this land belongs to the State. This is the United States of America. This is Maine. People own this land, 96% of the land in this State is privately owned. We have an opportunity to hunt, to fish, to camp, to walk through the woods on this private land. I think we are really lucky to have that. We had companies sit here and tell us they have been in business for a hundred years and they were going to be in business for another hundred years. People aren't going to go away. I heard Senator Mills say nothing is going to be done. Do you think with the sensitivity on this issue that we have heard in the last nine months that nothing is going to be done? If we could move onto the minority report, which we can't discuss, we could see that maybe something is going to be done.

I also want to share with you an experience that was very frustrating to our Committee the other morning. One of the staff attorneys came to our Committee to explain to us the vote. How will the vote be. We heard this is going to be real simple. I said, in committee, I know the people can decide on a vote with three choices. We did that with the

Governor. The next day, Jonathan Carter reminded me that we had four choices. I apologized. We can vote for three issues, no problem. Here lies the problem, we spent thirty minutes with staff people, one who is an attorney, discussing with two committees, trying to understand what could happen with this vote. We are here for two years anyway, some of us longer, and we could not understand what he was telling us for thirty minutes. Here was the problem. There is going to be three issues, and there are going to be three boxes. You can vote for the referendum. You can vote for this alternative, or none of the above. Three boxes, no big deal. The problem is if one of these items gets less than 50%, but more than 33%, it can go on a referendum later, after sixty days, for another vote. However, should none of the above get 51% or 55% or 60%, that doesn't count, if the other one got 33%. Can you imagine that? You can have 55% of the people in Maine say, "none of the above", but the Green Party gets 33% on their vote, so we go back to the polls in a special election, without a gubernatorial race, without a presidential race. They are going to get their people out and we are going to be dead in the water. This is the risk this compact puts the people in the State of Maine. I want to say here, you can say to me, "I know we will get 60% on question B, because we can spend our money." "We can do it." I heard the people speak. I heard the Green Party, and the folks who initiated the citizens' referendum come in there. As it was mentioned earlier, 57,000 of them signed. They do not like clearcutting. They said we are going to vote for our referendum. I had the folks who came in to speak to us, who are citizens who believe and live in America, who believe in land rights, who believe in the government out of their face, saying these are both terrible. One person said it's like being in the hospital and the doctor comes in and says he has some bad news, we are going to amputate both legs. The next day another doctor rushes in and says he has good news, they are only going to take one leg. Both of those are pretty serious situations. That's what this does. Those people are going to vote for none of the above, and the money that the industry will spend will get some votes for number 2, and probably a good percentage, but who knows what. You are not fooling the people of the State of Maine. The people in the State of Maine are much brighter than some people have given them credit for. They know the difference between yes or no. This is the risk you are taking. The risk I told the Chief Executive he was taking. It's the risk that people told me we were taking. This is the problem. This process was not open to the public. It didn't have all the players, including those folks who initiated the referendum. I don't agree with them, but they have the right to do what they did.

I was interviewed at noon, and this gentleman said, "Did you see the Bangor paper?" If you didn't see it, there was a picture of Jonathan Carter and me discussing. He wanted to know what I was talking about. I said if we could get a group together, would you people want to sit on that group? They have a right to voice their opinion. "Did you feel uncomfortable talking to Jonathan Carter?" I said, "I don't agree with him, but that doesn't make him a bad person. He is a human being. He believes in what he believes in. He should have a right. Somewhere we compromise on what we do. He's at this end of the pendulum, and the destruction that is

going on in the forests is on this end of the pendulum, somewhere in the middle is something that makes sense." I have faith in the paper companies, faith in the people of Maine, and faith in this Legislature, that we will deal with this in the 118th Legislature. It may take us through sessions, like it does for any major bill; but to give people a bill and say we are having a public hearing and we want your input, give me a break.

One other thing in the process. I said when we met, our Committee, to advise the Governor not to do this, you are going to give a forum for people to beat on us. So, he called me and said we were going to do this. I said, "You can have August to get your public hearings in." I started to line up the things with the Information Office, the dates, the times, the places, worked with the Co-Chair, Representative Spear, to try to do something. We wanted to have hearings in Washington County, Somerset County and Aroostook County. We were on a very short time span here. So, we decided to at least have three, one in the north, one in Augusta and one in the south. I really wish that we could have gone further south but, again, it was a compromise between us. So, I called to advertise those hearings. In the meanwhile my phone starts ringing from the Governor's staff and the Commissioner, and other people who said we only needed to have one hearing. I asked, "Why?" They said because they were going to beat on us. I said, "I told them that a week ago. We are having three hearings and the Legislature, once they get the bill, will make the decision." I got a call the next day from the Information Office. They didn't have approval for the three hearings. They weren't going to spend the money to advertise them. I asked, "Why not?" They said Senator Butland was out west so we couldn't do it. We only had approval for two so I said, "Let's get the two out, at least people will know." They said we couldn't do that. So, we lost a week. We have rules here that we will advertise public hearings for a given amount of time. One week of that was taken away from the people of the State of Maine. They didn't have the right to know two weeks in advance of when we were going to have a hearing. So, finally, President Butland gets back, we get the approval, we advertise the three hearings. Right from the start people did not want the public to know what was going on with this issue. The other thing, some of the legislators got up at the hearing in Presque Isle, I heard it at the work session, you can tinker with this but you can't change this. We were told, in our hearing, I was told on my phone at home, if you take the reserve out that's the Resource Council and the environmentalists are out of here. If you make the audit mandatory, the paper companies are out of here. If you do this, somebody is out of here. To tell you the truth, I was thinking this week, I ought to throw an amendment in to do this and to do that. I'm not going to play those games. I'm not going to try to get people to get out of here. I want this whole thing out of here. I hope you will join me. Do something that makes sense. Be fair to the people of Maine and beat this thing so we can go on and accept the Minority report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. I hope you support this proposal. When I was asked to be a co-sponsor I

thought long and hard, because I did not get the clear message that Senator Benoit did when he said all of his constituents were opposed to this. There is a mixture of people in my district that do want an alternative proposal, and there are some who want an up or down vote. I thought long and hard. I think this is the best way to go. The Committee has done a fantastic job. Even though I do not agree with everything that is in the proposal, they have done a good job in putting this package together. They did amend it and I commend them for that.

I want to just make a couple of comments. There were statements earlier about how this is setting a precedent. This is not setting a precedent. The Legislature, in the past, has sent out a competing measure on a nuclear power issue back in the mid 1980's. I might add, the voters did turn that competing measure down and voted for the initiated proposal. There has been a lot of talk, and the good Senator from Washington, Senator Cassidy, had mentioned in his last remarks about public notice. Earlier, Senator Hanley had talked about public notice and things that are done behind closed doors. They specifically mentioned when the Forest Practices Act was first passed. Ladies and Gentlemen of the Senate, there were two forest practices bills back in 1989 that were drafted behind closed doors by a very small interest group. One was the Forest Products Council, and the other one was the Maine Audubon Society. They were done behind closed doors. But, when the Committee had dealt with that, just as the Committee had dealt with this bill, they dealt with it in public. Everything was done in public. Senator Harriman talked earlier, when he first spoke, about being able to deal with this issue. Forestry is an issue that is controversial in different arenas. I commend the groups for working together. The difference between 1989 and now is that it was an adversarial area when we dealt with it back in 1989. The groups were fighting against each other. They were not working together. That's the difference. This bill, they got together. After they got enough signatures for the petitions, they did get together to start working together to try to find common ground. One of the reasons that I believe the Legislature did not have to deal with this during the short session is because they were still working together to try to come to some common ground. As you saw earlier, by the different groups that support this, that they have done a fantastic job in working together. The Committee has done a fantastic job in addressing some of the concerns that they heard at the public hearing. Some of the concerns that some of the loggers had, they addressed some of those; and I commend them for doing so. Most importantly, and the reason why I support this, is because it does put out for the people to choose. It gives them an option.

I heard earlier that we will defeat this. We'll just keep going and we will defeat this. That's a guessing game. We have not seen the ban clearcutting ads that they will probably show on TV. Even if this is on, I'm not too certain that we will be able to. I'm dead set against that proposal, but I think it is important to be able to give the public a choice. I have all the confidence in the world that the public will do the right thing. I think it is incumbent on each and every one of us that we get out there, if this proposal is out there, to explain what's in it. Let the public choose whether they want to support

the ban clearcutting, support the compact, or support neither. It's an easy choice. It's one of the three. So, I would urge this body to adopt this report. There is an amendment, which was put on in the House, which I will oppose at the appropriate time if the body supports this, that I disagree with. But, I think it is important to adopt this so we can move on. If we want to eliminate, as Senator Hanley has talked of, the additional foresters, we will have the opportunity when that amendment comes before this body. Hopefully, this body will support the majority of the committee. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I suppose it's poetic justice that, having talked about this bill for a week solid, now that the moment of truth has arrived, I am losing my voice. I will do my best. There are three questions that I have been using to test out how I felt about this issue of the compact, and whether or not to put it on the November ballot. Those are: Is it better than what we have now? Is it a better starting point in January for revision than zero is? Does the compact have any fatal flaws that would cause me to say I have to vote against this no matter what else is in it? There has been a lot of criticism of this process by people who say that legislators weren't involved and who say that the people of Maine weren't involved. That's not really so different than our usual process. We are not often immediately involved in bills unless we are a co-sponsor or they are before our committee. Indeed, during the regular session there are so many things going on at once that public access to this issue has probably been greater over the course of the summer and this session, than it has on most of the major issues that we take up in our normal session. There have been comments made about the Right-to-Know Law, and how important it is not to conduct the public's business behind closed doors. I agree with that wholeheartedly. Yet, those words ring somewhat hollow to me when they are spoken by people who have met behind closed doors in this very building in the last 36 hours to discuss this very issue.

It has been said that putting this item on the November ballot is an insult to the people of Maine. I find that that outrage is also somewhat unjustified, because I believe that the real insult would be not to let the people choose. The referendum is still there. We haven't taken it off the ballot. We haven't changed it in any way. It is available to those people who want to support it and to those people who want to vote against it. The Constitution makes a very simple statement about competing measures. This is the direction that it gives us: "The measure thus proposed," meaning the existing citizens' referendum, "unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both." I agree with the good Senator from Aroostook, Senator Kieffer, that there would be merit to limiting, in time, when those competing measures could be prepared and submitted, which would give us much more time for debate. But right now that is the direction that the Constitution of Maine gives us about how to do this.

It is certainly no secret to any legislator that following the process is part of how we reach our goals. When my first bill received its first vote of support, I was prepared for a major celebration. Eleven votes later, I had learned a lesson that every new legislator learns, that it's a long hard process and there are many ways to address things. My initial sense that this was somehow not fair became replaced by my understanding that this is simply the process. Because this coalition of people have chosen to avail themselves of a constitutionally delineated route, to put an item before the voters of Maine, should not be a cause to criticize them. I have heard many people in the course of the session refer to various professional organizations that either support or oppose certain pieces of legislation, and say the professional association supports this and that's good enough for me. Suddenly now, with the list of associations and agencies that support this particular piece of legislation, we are saying they don't represent the constituents and we're not going to take their word for it, they didn't poll their members. I think that is inconsistent. This process has had some very serious problems. The biggest one for me is that it has ended very late. I had ten copies of this bill and ten days in which to distribute it to my constituents and to people who had been in contact with me about the clearcutting referendum, and to call experts in the field and ask their opinions, and to call the sponsors of the bill and ask what certain items in it meant, and to get feedback from the people in my district. I resent that, because that didn't let me do my job in a very effective manner. I put out a 200 piece mailing. I sent the bill on a side-by-side to every town office and library in my district. I held a hearing, because there were no hearings scheduled in my area. I did my best to get input from my constituents and what I heard was kind of a mixed bag. There were people who said that they wanted the referendum to stand alone on the ballot. At the hearing that I held they were in the majority. But, there were a significant number of people who said they would like to have a choice. So, the question that I asked myself is, why should I deny voters the right to make that choice? When I first read this measure, I didn't like it. There were a lot of issues in there that raised concerns for me, and some of them were what I initially considered to be what I call fatal flaws. Some of the municipal language, the requirement for unanimous votes, the requirement for face-to-face meetings with members of various departments and municipal officials, the property inspection aspects were very troublesome to me. Yet, as I had the opportunity to be here and discuss it with people who had participated in the process, I learned that most of the things to which I objected actually exist in our laws now. They are not new. They are simply called out here in a public enough setting, and on a public enough issue, that they are being recognized, or being made visible to the public in a way that they had not previously. For most of them, they are not new. You may disagree with them. They may need to be fixed. But, this is nothing that is being introduced new in this bill at this time.

The other criticism that I have heard of this bill is that it's a decoy. It's a shield to protect us from this citizens' referendum. As I have talked with people who have participated in this process, I

have come to believe that there is something more than that to this bill. It has merit in itself. It has good pieces in it. Is it perfect? Absolutely not. Far from it. But, there are parts of this bill that are of value and that are better than what we have now. Perhaps it would have been better if we had called this the Forest Practices Act, Part Two, to really suggest that what this does is to build on a process and a policy that was established a number of years ago. It's not something meant to supplant that, meant to replace it. It is the further extrapolation of our existing Forest Practices Act. Will this be amended again? It most certainly will. I don't imagine it will be very many years before there is a significant revision called Forest Practices Act, Part Three, because these are dynamic issues. They don't stay the same. We don't create policy that sits there, permanently, never needing changes. So, I see this as merely the next step in the evolution of Maine's forest policy.

There is an interesting coalition that has come together around this issue. The commitment of the leaders of the members of that coalition has impressed me. They did not strike me as people who had a gun at their heads. They struck me as people who had a growing excitement for this process, who may have come reluctantly to the table, but who are now genuinely committed to developing something better for forest policy in the State of Maine. One thing that I have learned about politics is that it doesn't do you much good to try and work on an issue if there is no heat. This issue has heat. This room has heat. It is difficult to move public policy forward if the voters are distracted and paying attention to something else. Right now, a larger number of voters than I have ever known before in my two years here is paying attention to this issue. The heat is there and it's time to work on this. I look at the citizens' initiative as sort of the Ross Perot of the woods. Nobody really wants it for President, but it has done a tremendous service in raising some very, very serious issues and in generating and focusing that heat on the forest practices of Maine; and we owe the people behind that referendum initiative a great debt of gratitude for performing that service for us.

I had a phone call today, as I'm sure most of you had one or two, that struck me as particularly generous, perhaps more generous spirited than any I have had in two years. It was from a man who participated in the process of putting this compact together. He had spoken to me several times this week and called me several times today. The final message said, "If I could just talk to you for two seconds." I called him up and he said, "Do what you think is right. I trust you. We have talked about this. I know you will vote your conscience and I don't want you to be under pressure from me or anyone else. I'm telling you to do what you think is right." So, I looked back at my three questions. Is it better than what we have now? Yes, it is a real step forward in forest policy for the State of Maine. Is it a better starting point than zero? Yes, the heat is there now. If we let that dissipate we are going to have a very hard time bringing that back in the cold winter months next year. Does it have any fatal flaws? It has a lot of flaws; and I will be an enthusiastic supporter of any efforts, starting in January, to correct those. Are those fatal flaws? No, they are not. After 36 hours of

anguishing through this decision, I have become a supporter. Not necessarily of this compact, but certainly a supporter of putting it on the November ballot. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you, Mr. President. Ladies and Gentlemen of the Senate, I have, in my hands, a letter here from the three selectmen of the Town of Waterford. I want to read portions of it to you, because I think I very much respect the opinions of local officials, because they are the people closest to their constituents. "The selectmen of the Town of Waterford do not support the Green Party initiated referendum, and we do not support the compromise alternative. There is no scientific, sylvacultural, logical, or common sense basis for either proposal. The three page Green Party proposal is not a jobs bill. It will weaken the forest products industry, devalue the timberlands, and facilitate their purchase and conversion into a park. The Governor's twenty page alternative proposal, that has been drafted because the Green Party's three page proposal is too long, ignores landowner's rights and is a taking in the same sense that the Green Party's proposal disregards these issues. Neither proposal is really about clearcutting. Neither proposal will help promote good forest management. Both proposals are takings that will erode and diminish landowner rights and land value. The largest clearcuts in the State of Maine, by the present definition, are Portland, Lewiston, Auburn, Biddeford, Saco, Bangor, Augusta, and all other communities and built up areas. Included with these clearcuts are all ski areas, golf courses and existing agricultural and orchard acreages. Of all these clearcut areas listed above, agricultural land alone stands the best chance of reverting back to forest in the State of Maine. In comparison, all forest land that is harvested in any fashion reverts to forest land rapidly, providing varied habitats for wildlife, jobs, forest fire protection, etc. For these reasons, and many others too detailed to cover, we do not support the proposals of the Green Party and of the Governor. We do support, however, landowner rights."

If these three selectmen are willing to go out and bring their case to their constituents, and they are able to convince 51% of the people in their community that they should vote for none of the above; and if, by chance, 51% of the people in the State of Maine decide that they don't want 2A or 2B; if this should pass, they still lose. If either 2A or 2B receives 34% of the vote, that goes on the ballot once again. So, the people can't really say "none of the above" and be successful if one of the above gets one-third of the vote. So, I think that's one of the flaws in the way the ballot will be presented to the people of the State of Maine, and I'm glad that we receive letters like this from our municipal officials. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Hathaway.

Senator **HATHAWAY:** Thank you, Mr. President, Ladies and Gentlemen of the Chamber. First, I would like to thank Senator Cassidy for his courage and hard work in defending our Constitution in the past days. I know it has been quite a task. I think the issue here is very simple. I don't think it's about who belongs to SAM or the AFL-CIO. I don't think it's about clearcutting. I don't think it's about

forest management. I think it's much more fundamental than that. The issue is about an individual's right to own private property, which is a right given to us by God, which is guaranteed by our Constitution, and which is protected by our government, which on the first day that we met in this Chamber we all swore to uphold. The question is very simple. The people of Maine will decide who owns the land in the State of Maine. The government doesn't own it. The State doesn't own it. The people don't own it. Individuals in this country own land. The people who bring forth these referendums, if they don't like what people do with their land, then they should buy it, not steal it. This is nothing more than confiscation without representation, theft by deception. It is the beginning of tyranny. We heard a lot about compromise in this Chamber today. It seems to be a very important word and used very often lately. I hope, as we swore to do two years ago, that we will uphold our Constitution, that I will join a majority who will not compromise the Constitution of this State or of this country. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924)** Report, in concurrence.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

**YEAS:** Senators: **ABROMSON, BUSTIN, CAREY, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL**

**NAYS:** Senators: **AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, PENDEXTER, STEVENS, and the PRESIDENT, Senator BUTLAND**

**ABSENT:** Senator: **CIANCHETTE**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-924) **READ**.

House Amendment "B" (H-931) to Committee Amendment "A" (H-924) **READ** and **ADOPTED**, in concurrence.

House Amendment "D" (H-933) to Committee Amendment "A" (H-924) **READ** and **ADOPTED**, in concurrence.

House Amendment "G" (H-937) to Committee Amendment "A" (H-924) **READ**.

Senator **HARRIMAN** of Cumberland moved that House Amendment "G" (H-937) to Committee Amendment "A" (H-924) be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you, Mr. President. Good evening, Ladies and Gentlemen of the Senate. I hope you will join with me in passing the pending motion to Indefinitely Postpone this amendment which adds several hundred thousand dollars of cost. It

adds foresters that were not part of our understanding of the direction of this bill. It is not necessary. We don't need to spend the money. If you will support me in the pending motion, I have an amendment I would like to propose. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you, Mr. President. I would urge the Senate to adopt House Amendment "G". It seems to me, if we are going to implement this plan, we should put the assets in place in order to make it effective. It seems to me that these foresters are crucial to making this be a successful piece of legislation. I would urge that we keep this amendment in the legislation. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lord.

Senator **LORD:** Thank you, Mr. President. My Learned Colleagues, I hope you will vote against the motion to Indefinitely Postpone this. One of the problems we have heard, because the Forest Practice Act hasn't worked completely, is because of the fact that we don't have the personnel to go out in the field and check the lots that we are clearcutting. If you don't think you are going to have clearcutting with this bill, you better whistle Dixie. You are going to have clearcuts with this bill; and if they are going to be out there, you better have the personnel out there to make sure they are doing the things properly. I hope you will vote against the Indefinite Postponement.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Mr. President. I would like to pose a question through the Chair. In reading this amendment over, it calls for sixteen foresters. There are only eight of those positions that are currently funded. Yet positions for six, the last time I check six and eight were fourteen. I would like to know how come we have the difference of two positions.

**THE PRESIDENT:** The Senator from Piscataquis, Senator Hall, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you, Mr. President. Seeing as no one cares to answer my question, anything as ill-written as this should be done away with. I urge you to vote for the pending motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **HARRIMAN** of Cumberland that the Senate **INDEFINITELY POSTPONE** House Amendment "G" (H-937) to Committee Amendment "A" (H-924), in **NON-CONCURRENCE**.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **HARRIMAN** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "G" (H-937) to Committee Amendment "A" (H-924), in **NON-CONCURRENCE**, **PREVAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "C" (S-606) to Committee Amendment "A" (H-924) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you, Mr. President. Good evening, Ladies and Gentlemen of the Senate. One of the provisions in the motion that we just Indefinitely Postponed assured that there would be legislative involvement in the appointment process of the so-called Voluntary Audit Committee. What I have proposed before you, for your consideration, is that the seven-member Voluntary Audit Committee would be proposed and brought before the committee of jurisdiction that oversees matters regarding forestry, and that these people would, indeed, have to come before you for confirmation in the Maine Senate. I hope you will support me in the pending motion. Thank you.

On further motion by the same Senator, Senate Amendment "C" (S-606) to Committee Amendment "A" (H-924) **ADOPTED**.

On motion by Senator **RUHLIN** of Penobscot, Senate Amendment "B" (S-605) to Committee Amendment "A" (H-924) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a technical amendment, only, to clarify language to ensure that traditional outdoor recreational activities, such as hunting, fishing, trapping, hiking, whatever, would be allowed in the ecological preserves that this compact creates, as though they were other public lands. In other words, there will be no distinction between them. That's what this amendment is meant to do. Thank you.

On further motion by the same Senator, Senate Amendment "B" (S-605) to Committee Amendment "A" (H-924) **ADOPTED**.

Committee Amendment "A" (H-924), as Amended by House Amendments "B" (H-931) and "D" (H-933) and Senate Amendments "B" (S-605) and "C" (S-606), thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in **NON-CONCURRENCE**.

Under further suspension of the Rules, ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act to Conform the Maine Tip Credit to the Federal Tip Credit

H.P. 1392 L.D. 1893  
(C "A" H-923; S "A" S-601)

Senator **LAWRENCE** of York requested a Division.

On motion by Senator **KIEFFER** of Aroostook, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

A vote of Yes will be in favor of **ENACTMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.