

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Seventeenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 24, 1995 to June 30, 1995

to start with to help consumers in Central Maine Power territory.

I move that the bill and all accompanying papers be recommitted to the Committee on Utilities and Energy and I do so in hopes that there will be a compromise worked out and I do so in saying that Central Maine Power and Maine Public Service were a hair away from having a compromise, but Central Maine Power did not believe they had to compromise because they believed this body would vote with them. I think this body is here for fairness, I think this body will vote to recommit this bill.

Representative DONNELLY of Presque Isle moved that the Bill and all accompanying papers be recommitted to the Committee on Utilities and Energy

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I urge you to support the Majority "Ought Not to Pass" Report. The Electric Rate Reform Act was intended to assist three major electric utilities in Maine to get out from under some very expensive power contracts. Since the contracts were forced on the utilities by state and federal policy, it seemed reasonable to allow FAME to back the credit to make these buy-outs or buy-downs. It was never intended that the legislature would try to regulate competition between two of the major power companies.

This amendment L.D. 691 would try to do that. We want competition to help lower rates. It's beginning to work so let's stand back and let it happen. Again, please support the Majority "Ought Not to Pass" Report. Thank you.

Representative TAYLOR of Cumberland requested a division on the motion to recommit the Bill to the Committee on Utilities and Energy.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: I wasn't advised by Representative Donnelly that he was going to make this motion so it catches me a bit off guard. My initial reaction is when I look at the schedule established for us by leadership the number of bills still before the committee where action is required. I'm a bit puzzled in trying to anticipate or even wonder what would be accomplished by recommitting the bill. So I guess my question through the Chair would be, back to the Representative from Presque Isle, what outcome might be expected to be achieved from recommitting the bill.

The SPEAKER PRO TEM: The Representative from Windham, Representative Kontos has posed a question through the Chair to the Representative from Presque Isle, Representative Donnelly. The Chair recognizes that Representative.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: May I make an inquiry of the Chair.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion to recommit to the committee on Utilities and Energy and later today assigned.

On motion of Representative BAILEY of Township 27, the House reconsidered its action whereby Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private

Organizations (S.P. 365) (L.D. 991) (C. "A" S-116) was finally passed.

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

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 991 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-116) was adopted.

The same Representative presented House Amendment "A" (H-298) to Committee Amendment "A" (S-116) which was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does nothing more than add three members more to the study committee. One appointed by the Speaker of the House, one appointed by the President of the Senate and one public member appointed by the Governor. The two members appointed by the President and the Speaker of the House would be legislators. Thank you.

House Amendment "A" was adopted.  
Committee Amendment "A" (S-116) as amended by House Amendment "A" (H-298) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-116) as amended by House Amendment "A" (H-298) thereto in non-concurrence and sent up for concurrence.

House Divided Report - Committee on Legal and Veterans Affairs - (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-279) - (4) Members "Ought Not to Pass" on Bill "An Act to Establish the Maine Outdoor Heritage Fund" (I.B. 3) (L.D. 717) which was tabled by Representative NADEAU of Saco pending his motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House: This bill creates the Maine Outdoor Heritage Fund through a special instant lottery ticket. A board will be set up to make grants. Thirty-five percent will go to Fisheries and Wildlife for habitat conservation, 35 percent to the acquisition of public lands and access to be used for outdoor recreation sites and facilities, 15 percent for natural resources, law enforcement, and 15 percent for endangered and threatened species conservation projects.

I do not have a problem with collecting and distributing money in these areas. This is a very worthwhile endeavor. I do have a problem, however, with the money and how it is to be, if you will, earned through gambling. Let me tell you, I am probably the pot calling the kettle black, because I do gamble, but I do think it's wrong to become so dependent on money derived through gambling. I've been involved in many fund raising projects where lots of hard work, long hours have resulted in minimal monetary returns.

When this bill was presented to committee, the first thought I had was what a simple easy way to

make money for a very worthy project, but upon a closer look, I saw a more serious concern. If we allow this special lottery, what worthwhile project will come along for our further consideration. If this passes, how can we justify turning away others. As I said before, we are very dependent upon our gambling money. Special dedicated lotteries will undermine our present lottery system. There are ways, yes more involved, and more time consuming but non the less, there are ways even for a project of this length and size to raise funds. I urge you to vote against the pending motion so we can pass the "Ought Not to Pass" motion. Thank you for your attention

Representative LABRECQUE of Gorham requested a roll call on the motion to accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: First thing I think we need to establish is that this piece of legislation is an initiated piece of referendum material. The rules of this particular game are that if the Legislature does not pass this issue than it will go on the ballot in November. You ought to know that right up front.

The reason that the proponents here, and believe me it's really an interesting group, when you can get the Sportmen's Alliance of Maine and you can get the so called tree huggers together on the same coalition, you're really talking here and that's exactly what we have. The reason why these folks really wanted to see us act affirmatively on this bill is because quite, frankly, they don't want to go through an expensive campaign to put a question on the ballot this fall. Pure and simple. That's the reason. Now it's also critical to understand that this is not necessarily the appropriate time and place to talk about the merits or lack thereof of gambling or of, in this particular case, taking a specific lottery game and earmarking those funds, if in fact, you're concerned about what a future legislative body may or may not do or what precedent we may be setting. I won't be here in two years. I don't think I should be making a recommendation on what some of you who may be here in two years ought to do if a particular situation occurs. I'm not really sure that I'm all that worried about that.

One of the things that I myself, or any of us who are getting termed out of here, have to realize is that this place operated pretty well before we got here and it will probably do fairly well after we leave. I'm not really concerned, I'm not really worried about the collective brain power that we're going to have in this legislative body. That I think will take care of its self. The issue in front of you is simply to shelve this legislature, place the so called blessings of its self upon this lottery game which will be where the funds will be earmarked to the conservation and related activities, that's the issue.

This group unfortunately has always been under funded and quite frankly, two years ago when they thought they had a real good idea, somewhere along the line, somebody in the administration decided well we'll just kind of shift the funds that we're suppose to be gaining in one place onto another. So the net result was actually that they lost money. This Legislature had to correct that error. This bill before you right now is simply a way for them to generate their own money and not go out and ask for an additional expenditure here and there. That's quite simply what it is.

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

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

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

Representative STONE: Thank you. I've read the amendment and I've looked at the bill and I guess I need some information from somebody. The fiscal note says there's going to be over the biennium a \$2 million dollar shortfall to the general fund, which to me implies that they don't anticipate selling anymore lottery tickets than what they would normally sell and it's actually going to rob Peter to pay Paul. So that's my first concern and my second concern is whether or not this bill really circumvents the Appropriations Committee rather than going to them and saying we want you to take \$2 million dollars from the general fund and put it here. They are trying to go around Robbins Barn to get the money.

The SPEAKER PRO TEM: The Representative from Bangor, Representative STONE has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: Representative Stone, I can assure you, and anybody else who is thinking the same question, I can assure you we spent a lot of time thinking are we in fact going to ruin or negatively impact other lottery games. That answer has been reflected in this fiscal note, believe me that debate did happen and it happened for quite a long time. As far as circumventing the Appropriations Committee, I don't necessarily think that's the case because quite honestly, there is nothing that says that if any group, and it could be you or I, if we went to the appropriations committee and asked for \$20 dollars right now they would simply say, "We ain't got it, it is not going to happen." So I think that particular question is almost irrelevant because, how can you take zero from zero. It's just almost a non question.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: I'm also on the Legal and Veterans Affairs Committee and I don't think there is anyone on the committee that isn't convinced that if we indeed pass this bill that it will be a success in terms of earning money. I don't think there is anyone on that committee or indeed anyone in this Legislature would disagree that the Conservation Department is probably one area that indeed needs funding. When you consider the loss of funding they've had in the last several years.

My concern is if we indeed pass this, what's going to happen next year after it's become successful.

We're going to have the Education Department come to us and we're going to have an Education Instant Ticket, we'll have a Highway Instant Ticket, we'll have a Lobstermen's Instant Ticket, and it will go on and on and on. I don't think it is good tax policy for us to provide funding for state agencies through the use of lotteries. In addition to that, several weeks ago, last week we debated on this floor the issue of tax policy and how we would address that. We talked about gimmicks and if we look at this in terms of gimmicks, I would suggest to you, that this indeed is probably the patriarch of all gimmicks. Thank you.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is certainly not within the purview of my committee, but I do represent a lot of people in the state of Maine and I rise to oppose this on two distinct positions.

First of all, I don't think that we should be raising money by the lottery system. We already have more lotteries than we know what to do with, the amount of funds that came in to those. We were promised that those were going to raise a lot of money to be dedicated toward education. Those promises and the expectations have never been realized. The amount of money that has gone to education is really a proverbial drop in the bucket when we consider the total cost of the education programs in this state. If we add this lottery to the picture than the monies that are left for other things are going to be reduced.

We're already heard that somewhere in the neighborhood of \$2 million dollars is going to be deappropriated from the general fund. I don't think that we can afford that given the situation that the state's finances are in. Second, I have a very, very big problem with the state buying up land. The last time that I checked, the people are the state of Maine. What's happened in the instances where the state has purchased land for the people. The first thing that has happened, the jurisdiction of this is turned over to one state agency or another and they develop all kinds of rules which severely restrict the access of many people to those lands.

A classic example of this can be found up in my area that I drive by every time I go back and forth to the house and that's Baxter State Park. Governor Baxter set aside Baxter State Park, that great wilderness park that we have up there to be preserved forever wild for the people of Maine. I wonder how many of you happened to watch the news early in January and saw the pictures of those people of Maine who had to stand in line all night long in sub-zero weather to get reservations to go to their own park that was preserved forever wild for the people of Maine. I think that paints a pretty poor picture.

Recently, Togue Pond area was incorporated or swallowed up in the park, many individuals had camps in that area and they are now faced with restrictions so severe that it's taken most of the enjoyment of their going to their summer cottages away from them. The path which existed between two camps that were nearby they have trouble now because they want to mow that path and keep it mowed, park restrictions don't allow them to do this. This is what happens when we find ourselves in the situation where the state is using funds to buy up land.

Another example of the forever wild, I'll give you an illustration of what happened to me probably three years ago. Some friends of ours were up from New Hampshire and they wanted to drive around Baxter State Park. So we took the perimeter road and we went into South Branch Pond which is probably one of the most beautiful jewels that exists in the state of Maine. In the parking lot there were about 60 vehicles, I was in a New Hampshire car so that was an out-of-state vehicle there. The only Maine license plate in the park was on the ranger vehicle. Is this forever wild for the people of Maine? I don't think so. Another thing I had to wonder at that particular time was what night did those people stand in sub-zero weather to get a reservation to go to the park. I don't object to sharing the beauty of the state of Maine with our neighbors from the other states but I certainly do resent the fact that forever wild for the people of Maine is not what we really have now in Baxter State Park.

When I was young, we used to go to Baxter State Park just on a moments notice and you could always go up and there was always picnic areas that were available and the whole family could get together, you could play games, you could hike the trails, today you can't do that. I think that this is something that we have to keep in mind any time that we start thinking about the state using monies to buy land to keep in perpetuity for the people of Maine. I don't think it's going to happen quite the way people anticipate its going to. I urge you to defeat the "Ought to Pass" motion and accept the "Ought Not to Pass" motion. I think it's a sad day when we are faced with kind of a political blackmail which says that if we don't pass this bill here, it's going to go out to the people. I think we need to let the people speak in many situations like this. Thank you.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: This for once is actually a statement that is accurate, I hadn't planned to speak tonight, but after listening to the remarks of the Representative from Crystal, Representative Joy, I just felt that the memory of Governor Baxter, at least ought to be preserved. That land is not state land. The state did not purchase Baxter State Park. Governor Baxter used his own money, bought the land and created a trust and it is that trust under which we operate Baxter State Park. Provisions of the trust require that there be three persons responsible for handling the trust. The Attorney General, the Commissioner, of what used to be the Commissioner of Forestry, but now the Director of Forestry, and the Commissioner of Inland Fisheries and Wildlife. Those three individuals are responsible under the trust.

The money that operates Baxter State Park comes from the trust or from fees that are raised through the use of the park. The reason why restrictions have been imposed is because of the number of people who now want to go to Baxter State Park. There are restrictions in the trust which must be followed and we have no choice. There are those of us in northern Maine, a number of years ago who wanted to have snowmobiles to go through that park. It went all the way to the Supreme Court and the trust had to be followed. Very clear. We have no alternative.

Frankly, I congratulate the late Governor Baxter. Now the other side of that coin, our private land owners, I happen to own a business beyond, in the so

call north Maine woods. On Tuesday, I was informed that between the hours of ten and six o'clock in the morning, the gates will be locked and if I want to go through the gate, I pay \$10 dollars to wake up the person so I could go through. Who are we kidding? Now you think that's of interest to the people in my district, we have no choice. Needless to say, some of us have raised a little hassle with north Maine woods and needless to say, those who work in the woods who are in the woods before six o'clock in the morning aren't particularly happy about that. Granted the Representative from Crystal moved in the direction of Millinocket and that's Great Northern the Division of Bowater and I don't know what the new rules are, if any, but for those of us in northern Maine we have new rules that have been imposed upon us by landowners.

I would point out that on this board that controls north Maine woods is a Representative of the state of the Maine, who has a vote and I'm curious to know when that vote was taken and how they voted and what interest they were representing when they proceeded to impose that. I don't want to get involved in the battle of lotteries, heaven forbid, that's one of those that you can't win. I do know this, that I will forever fight for public access to Maine waters wherever they are and that ought to be our bottom line. It is the people of Maine that own the water and the low water mark and that's a right that we cannot and should not ever give up. We will be talking more about that because I have a bond issue that deals with that whole question.

I do want to leave you with one thought for a moment, if I can bore you with another particular item. I have a community in my district that in the thirties when they got tax acquired property they decided that they weren't going to put in on the market. They own 10,000 acres of forest land plus the 1,000 of the public lot. Guess where their taxes are. Guess how much money they've got in the bank, it would make most communities in Maine look sick, because they have been very careful and frugal about how their land is cut, they believe in multiple use and so there is something to be said about public ownership, when properly administered. I don't know how I'm going to vote yet on this issue, no one has convinced me either way, but I just had to rise in the memory of Governor Baxter.

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

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: On this matter of restrictions, my experience is with Casco Bay and sailing for many years among the islands of Casco Bay, many years ago when you could land on any island and walk anywhere and camp in any way you wanted to camp. You simply cannot do that anymore.

My favorite island is Jewel Island and as I'm speaking, I'm reminded that this is my 20th wedding anniversary and we were married out on Jewel Island and what I'm doing here tonight, I don't know. My wife doesn't know either. We were married out on that very beautiful island 20 years ago and at that time there were no restrictions and now you must have restrictions. The state does come in and if you are camping, they want to make sure that you're not hurting the earth on those islands is very fragile, it's not deep. You can not simply use these islands as your bathroom anymore. You can't simply use these

islands as garbage waste ground anymore. You simply can not just walk where you want to walk because there are too many of us, ladies and gentlemen, and when there get to be too many of us we all become good stewards and one of the good stewards of this state are you and me and the way we use our funds to protect our land. Thank you.

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

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you support the Majority "Ought to Pass" Report as amended. The Maine Outdoor Heritage Fund would be a voluntary tax freeway to bring desperately needed dollars to wildlife and conservation projects. I'm sure you all know that Fisheries and Wildlife gets no state money, it's license fees and federal money or voluntary donations. If this fund is created 35 percent of the money would go to Fisheries and Wildlife and habitat conservation, 35 percent acquisition of public lands and parks and wildlife conservation and 15 percent to game warden support, which we know that we all need. We need more money for that. Fifteen percent to endangered and threatened species. Money could be used to provide more access to fishing areas by purchasing easements to rivers and repair park facilities, maybe people who don't currently buy lotteries would buy them to support conservation to support wildlife. We know that Maine people care about their outdoor heritage and natural resources and that our economy and quality of life depend on them. I hope that you support the "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: As I hear of all the noble purposes and causes that this money is going to go to, I'm feel compelled to ask the question, why than do we fund them through a lottery? Why trivialise these conservation measures, these great access to the wild places of Maine that we're heard people talk about with a lottery? It just doesn't seem to make sense. It just seems to me that if this was, and I believe yes, it's great noble purposes we ought to be funding them with the same sort of commitment that we fund schools and the Judicial Department and I guess I look at lotteries and sometimes I look at license plates and I just see them as aspects of government that trivialise the great noble things that we do here.

One of my constituents actually called me on this and urged me to vote for it and said that he's not a lottery player, but if this one existed, he'd be a lottery player. I asked him why don't you just cut a check for \$10 dollars and send it to the state of Maine because that to me would be more of a gesture of commitment. I'd ask you to vote against the pending motion.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: I'm speaking for myself here, I really didn't pay much attention to this bill until it came up on the floor here today, but I have some of the same questions that Representative Hartnett had. It appears to me that by establishing this lottery, since there's a fiscal note on this bill, a rather large one, there will be an effect on the

general fund a reduction in the amounts that are going to be received by the general fund.

We're engaged at this point in the process of appropriating money for the general fund and that whole process is a process of setting priorities for what we want to do. I am sure that everybody who gets state money would love to have some means by which they could have money dedicated for that particular use, and again, the use set forth in this bill might be the best use in the world. I simply don't know, but I wonder whether it's good policy for us to go and to say that we're going to insulate a particular program or a particular expenditure of funds from the normal business that we go through each year of determining just what the state's priorities are going to be. It appears to me that the funding mechanism for this particular purpose, which is the lottery, is designed to do that.

I'd like to point out in section six of the bill that we have this statement. It is the intent of this legislation that a grant received from the fund not be considered a substitute for funds previously appropriated or allocated to a natural resources agency. To me, what that says, is that we pass this bill and we dedicate this money and this money is going to have no affect on the normal appropriations process that we go through. It's exempt from our review and priority settings activities in each Legislature. I express no opinion on the bill, but I just wonder whether or not this is good policy to dedicate funds in such a manner.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill. I'm going to try to tell you why I do, even though my good leader in the corner is against it. This bill creates a Maine Outdoor Heritage Fund, funded by a new wildlife lottery game to support fisheries and wildlife, acquisition and management of public lands, parks and public access areas, endangered and threatened species, conservation projects and natural resources law enforcement. I think those of us who saw what some of the land for Maine's future bought, I know that in the part of the state that I come from the land is being built up and there's very few places left.

The land's for Maine's future bought the whole top of Mount Agamenticus the parks recreation takes care of it. They have done an excellent job. It was nice to go up there before but now it's even nicer. It's a place for a hot summer night, in my case, take your grandchildren and go up there and you can just let them run wild right down there and enjoy it. You can go up on the lodge and look over the whole coast of Maine and see the lighthouse. As far as the fiscal impact is concerned, I think that has been greatly overstated. For the simple reason, this has been put out to the people and there's 53,000 people in this state who said that they would like to do this and 53,000 people, I'm sure, will support it. So that is probably a lot of new players. The people who are interested in the conservation will make sure they buy these lottery tickets.

When I first saw this bill and sat to listen to it, I thought, I don't know about this. I've got to think this one over. The more I heard them talk and the more I read of the bill, the more I was convinced that this was not such a bad idea to go, because there are some of us who have that little gambling in

them. I like to gamble. I don't gamble big time, I gamble in the state lottery, that's my only gamble, but I still gamble every week. I buy a ticket every single week. If it's up high and I don't happen to get my ticket, I panic and I rush out and get it even if it's the last minute. So there are people like me in this state who do like to gamble like that. I feel as though when I'm gambling through the state lottery, I always say when I lose, "Oh well, I donated \$5 dollars to the state. No big deal." I feel as though if I'm going to gamble, that's a good place to waste my money. That's the way with this.

I have never bought the instant tickets, but with this I probably will buy them, because I'll figure well I'm supporting a good cause and I will be supporting some parks and recreation areas, maybe where other people can take their grandchildren as I take mine, because the people of Maine voted bond issues to do that. I think we have the support of the Maine people behind us. I would urge you to really think this over and support this measure. I think it's a good idea and we've already declared in this state that we don't mind lotteries and we don't mind to have people gamble so that is not an issue in this, as far as I'm concerned. The issue here is we do need money for the Department of Conservation and I'm not sure that any of us would ever find that kind of money in the state budget. We just don't seem to stop and think that these are things that are really important to the people out there. We keep raising taxes and raising money for whatever ridiculous reason and we don't do it sometimes for the real good reasons. I urge you to support this measure, Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belgrade, Representative Damren.

Representative DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will consider your vote very carefully and vote for the "Ought to Pass" on this bill. Very few bills come to you with the signature and support of 53,000 voters. Another thing, you do realize that in the economic times we have, public lands, parks, and wildlife conservation programs can't compete in Augusta with health, education and human needs. We must look outside normal channels of tax revenues to fund these programs which are terribly under funded at this time. Although Maine people care very deeply about their outdoor heritage and natural resources, their tax dollars go elsewhere. All I ask is that you please support the "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I would like to reconvene this conversation on the fiscal note and begin once again where some questions had come up on the fiscal note on this bill. Let me start off that I had followed this when the first draft of the fiscal note came out it was over \$4 million dollars and in review after we pointed out to the Lottery Commission that their own projections on the dollar game were showing a decline before this game was introduced. They sat down with the members of the executive branch and our staff and downgraded that fiscal note. As far as the fiscal note is concerned, let me continue to say that our staff and the committee, I believe, in the end will have to budget this money under either circumstance.

If we send this out to referendum, or if we pass it here today, the fiscal prudent thing to do is assume that we will be spending that money. If we don't, if it's defeated at referendum, it's a windfall. There is some question about trivialising the great outdoors by putting them on a scratch ticket. I don't think it's much more trivial than a license plate and that seems to be fairly popular if you drive up and down the highways these days.

The Representative from Wells mentioned the language that substitutes, you can not substitute money which goes to this department, with other money. That's to prevent the loon plate money scam from happening with the lottery ticket money. It's to make sure that constitutionally protected money doesn't get caught in a shell game. It is to follow up, once again, on the policy portion of it, it was a policy that was actually enacted by the voters of the state when they enacted a Constitutional Amendment to these departments and the money that goes into them. As well as 53,000 members of that public signing this petition.

I think, the choice we have here today, is do we want to save the money of paying for this to go out for referendum, since we have already taken care of the fiscal note because it's going to happen either way. The public policy issue, I think has already been decided by the people of the state of Maine. Substituting money is to prevent something that the people were irate about that happened in the last budget. I think it really boils down to do we want to spend the money to put this on the ballot or not. My guess is, it will pass out in the public anyway. Thank you.

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

Representative TRUE: Mr. Speaker, Colleagues of the House: I urge you to support this bill and as you will note that I voted in the Majority "Ought to Pass". It is too bad that perhaps we have to again have a gambling, something dealing with gambling to support what we as citizens should support. But we've got to look at the era that we're in and the economic circumstances we're in. Thank goodness for the lottery or we would be appropriating much more money for education. If you look at the amount of money coming in to the lottery and the amount of money going out to education, I doubt very much if appropriations could find that money anywhere, in order to support education, even the way that we are doing it today.

The money that the Appropriations will approve is start-up and if again, being a student of history, if you want to look at the history of lottery, I don't believe we've had a lottery game yet that lost money and so that too ought to be thought of. I believe that hopefully in the future that we will be in better economic circumstances and maybe we can do away with some of these things and will not have to rely on the money coming from the lottery to support some pretty wonderful programs. If we are so against the lottery, why hasn't this body passed a law that which dissolves it. I would like, if it has not already asked, for a roll call please.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House: I just wanted to say a few words about Maine and our vast natural resources that we have here in the state, we're very proud of them and we

need to manage them carefully. The amount of public lands that we have here in the state at present time are probably insufficient for what the demand is, I think that's already been discussed. I support this bill. I also wanted to mention about another state that did something, Missouri, back 20 years ago, they passed one eighth of one cent sales tax and that sales tax money, \$35 million dollars a year, this was 20 years ago, must be more now goes for public land acquisition and for administration of conservation programs and also for parks management. So out in Missouri they have money earmarked directly for conservation activities including public land acquisition. So that's what another state has done, we haven't done that, so maybe that's an opportunity for us in the future, but for now I would support this bill.

The SPEAKER: A roll call has been ordered. The pending question is the motion from the Representative from Saco, Representative Nadeau, that the House accept the Majority "Ought to Pass" Report. A roll call having been requested and ordered. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 115

YEA - Ahearne, Ault, Bailey, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Hatch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lovett, Luther, Madore, Martin, Marvin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Neal, Paul, Peavey, Poulin, Povich, Reed, G.; Reed, W.; Richardson, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winn.

NAY - Benedikt, Buck, Carleton, Chick, Clukey, Gamache, Guerrette, Hartnett, Heeschen, Heino, Joy, Joyce, Joyner, Kerr, Kneeland, Labrecque, Lane, Layton, Look, Lumbr, Marshall, Mayo, McAlevey, McElroy, Ott, Pendleton, Perkins, Pinkham, Plowman, Poirier, Rice, Ricker, Robichaud, Simoneau, Stedman, Stone, Taylor, Thompson, Underwood, Waterhouse, Wheeler, Winglass, Winsor.

ABSENT - Adams, Aikman, Barth, Birney, Campbell, Dexter, DiPietro, Jones, S.; Kilkelly, Lindahl, O'Gara, Pouliot, Spear, Truman, Yackobitz, The Speaker.

Yes, 92; No, 43; Absent, 16; Excused, 0.

92 having voted in the affirmative and 43 voted in the negative, with 16 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-279) was read by the Clerk and adopted.

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

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-279) and sent up for concurrence.

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