

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 14, 1996 to April 3, 1996

SECOND CONFIRMATION SESSION

August 1, 1996

SECOND SPECIAL SESSION

House of Representatives

September 5, 1996 to September 7, 1996

Senate

September 5, 1996 to September 7, 1996

Index to 117th Legislative Record

HOUSE AND SENATE LEGISLATIVE SENTIMENTS

Committee Amendment "A" (H-939) as amended by House Amendment "A" (H-941) thereto was adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-939) as amended by House Amendment "A" (H-941) thereto. Ordered sent forthwith.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Implement the Compact for Maine's Forests" (H.P. 1390) (L.D. 1892) which was passed to be engrossed as amended by Committee Amendment "A" (H-924) as amended by House Amendments "B" (H-931), "D" (H-933) and "G" (H-937) thereto in the House on September 6, 1996.

Came from the Senate passed to be engrossed as amended by 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 in non-concurrence.

Representative SPEAR of Nobleboro moved that the House Recede and Concur.

On motion of Representative LANE of Enfield, the House voted to Recede.

Senate Amendment "B" (S-605) was read by the Clerk and adopted.

Senate Amendment "C" (S-606) was read by the Clerk and adopted.

Representative LANE of Enfield presented House Amendment "I" (H-940) to Committee Amendment "A" (H-924) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Men and Women of the House: I certainly did not introduce this amendment at this time to make a long and drawn out debate. This amendment, I think, solves an ongoing problem that I have had with this whole compact. What it does is it exempts people with acreage of 1,000 acres or less from this compact agreement and it places them back under, after the rules are reinstated, under the current Forest Practices Act until the year 2000. It sort of grandfathered them. The reason that this does is it takes care of that 74-year-old widow that we have all heard about. Currently in the Forest Practices Act, she will be able to, if she is grandfathered, clear-cut a 35 acre with a 30-acre-buffer zone around it. She would have to guarantee regeneration and also have a growth plan. She is currently working with a forester who I know that many of you are familiar with and that is Malcolm French, who has been very, very upset about this whole thing.

The year 2,000, it would also give us an extra year. I am told the rules going into place in this compact agreement would probably go in place around 1999. It would also give us a year to really study the impact on these small landowners who will struggle severely under the effects of this compact agreement. I would really urge you to support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: We have spent two long weeks working on this bill to bring it to this point. There is a lot of things and a lot of people that have brought this bill to where it is. I know the small woodlot owners have been involved in this and they may have come in late, but they did get involved in it. There were a lot of concessions made that were to benefit them. There are many violations out there that have caused a lot of people to have concerns about the forest industry. A lot of those violations are in small woodlots. I don't think we are helping the forest products industry at all if we exempt this out because those things will still continue to happen. As much as myself, I am a small woodlot owner with a very few hundred acres, but I think we have to accept this responsibility if we care about the number one industry and the economy here in Maine. I would urge you to defeat this amendment because I think we have brought it to this point with all groups agreeing that this is the best way to further the forest industry here in the State of Maine and with everybody on board. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative KILKELLY: Thank you Mr. Speaker. I am concerned about the rulemaking in this amendment. It says, "Timber harvesting on lands exempted under this subsection must be conducted in accordance with rules adopted by the Commissioner of Conservation that established standards that are the same as the standards that applied to those lands on January 1, 1996 and that employed definition of clear-cut in effect on that date." It would be my assumption that both law and rules are in place now and I am wondering why we need to have new rules?

The SPEAKER: The Representative from Wiscasset, Representative Kilkelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding by wording it this way the rulemaking will reinstate the FPA standards which currently exist to cover these small woodlot owners at this time. Does that answer the question? I am not sure.

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

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

The SPEAKER: The Representative may pose her question.

Representative Kilkelly: Thank you. One of the issues that we have heard a lot about is liquidation, in which people come in and strip a piece of land and move on. It would seem to me that this would be encouraging liquidation and not discouraging liquidation. That is one of the reasons that we are here today because of the liquidation issues and the lack of responsibility for folks that engaged in that practice.

The SPEAKER: The Representative from Wiscasset,

Representative Kilkelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Men and Women of the House: I truly didn't mean for this to be an ongoing debate. I think I explained that under the FPA rules, currently, she would be allowed to clear-cut 35 acres with a 30-acre-buffer zone. She would have to guarantee regeneration. She would have to work with a certified forester, which she certainly is. We have heard an awful lot about paper companies and this is just one way of helping out these small woodlot owners.

This lady, if the compact passes, I think you have all heard it, she lost her husband. They invested in this lot of land 30 years ago when it was liquidated. She has been paying taxes on it ever since. She is now a widow and this is her livelihood. This is what she was going to have to last her the rest of her life. She hired Mr. French to do a survey as to the worth of the timber on her land and was given an estimate of \$100,000. If this compact passes, it is the estimation that she will lose up to \$50,000 on this piece of land. Currently, it has been stated before there is not takings in the State of Maine unless it is 100 percent. All I am asking you to do is to consider this. I mean, where is the compassion here. Consider this widow that we have heard so much about. This is the answer. I think it is great that the paper companies have gotten what they want. I think it is great that the major landowners have gotten what they want. There is an awful lot of people out there that got nothing out of this. I am asking you to pass this amendment for compassion sake, which I hear so much about. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative KILKELLY: Thank you Mr. Speaker. Are these rules substantive and will they be coming back to the committee?

The SPEAKER: The Representative from Wiscasset, Representative Kilkelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Men and Women of the House: It is my presumption, although I am really not sure about that question. There is nothing to indicate that these rules would not go back to the committee of jurisdiction under the rulemaking process. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, went to the hearing at the Elk's and heard the story about the little elderly lady. I have seen nothing written. I have seen no facts. I have heard innuendos. I have heard guesses, estimations, possibilities and absolutely nothing. It is one landowner in the entire State of Maine. First of all, I don't believe it. I am also a small woodlot owner. My family owns about 300

acres. I have no concern about the value of my land being cut in half or the value of my timber being cut in half. I think you need to bear in mind that the Small Woodlot Owners Association has come out in favor of the compact. You heard this morning that they didn't poll their members. Those of you that are in this body, at the very least, have seen in excess of 1,500 bills go through this House. How many of you went back and polled every one of your constituents for every one of those bills. The leaders of SWOM, the Small Woodlot Owners Association were elected by their members to do what was best for their members. If they made every decision they had to make and they went back and polled every member, the organization would be at a log jam constantly. They could never get anything done. That is the purpose of having an executive committee or a Legislature or any other committee that represents a body of people. The Small Woodlot Owners Executive Board did not make this decision haphazardly. They are not multinational absent executives that we all love to hate. They are citizens of the State of Maine, like you and I. They are small woodlot owners. They looked at the compact. They researched it. They supported it.

I was fascinated by the debate this morning. For four hours we talked about this, what was right about this and what was wrong about it. We dedicated maybe 15 minutes to what we are here for. What we are here for is to say, yes, citizens of the State of Maine, you can take a look at this and decide if it is the right thing; or no, citizens of the State of Maine, you can't take a look at it. I heard countless times this morning that the citizens of the State of Maine are very astute. We can't hoodwink them. We can't put something over on them. They understand what is going on. They know more about the woods than we do. From the same people I heard, don't let them look at this because if they do they won't understand it. You can't have it both ways. I, too, have a lot of faith in the people of the State of Maine, but it doesn't mean that I always agree with them. Do I have a concern about introducing a level of confusion, absolutely. I didn't want the special session, but that is a dead issue. We are here. We have been asked to decide yes or no. It is that simple. All of the other details, arguments and questions that we have talked about this morning are almost irrelevant of the question because after we change all of the things that we talked about changing, still, the question is yes, we are going to let you take a look at it; or no, we are not going to let you take a look at it.

I heard that the 58,000 people that signed this petition deserve the right to have the opportunity to vote on what they signed. Well there are some 900,000 others or however many other voters, who didn't sign this, who deserve an opportunity to vote on something else. I have heard that it will be confusing because there are three items on the ballot. That is a potential that some of us are willing to take the risk on. We know it is a risk, but we also know that those of us that are in the industry, regardless of whether I get accused of being a mouthpiece for the industry and if people choose to say that, that is fine, but those of us that are in the industry have been fighting this battle for 25 or 30 years. We know it is never going to go away. We know we haven't done everything

right. We have learned a lot. We want to defeat the original Green Party Referendum. We feel that we did. We were on the right track and we had a good shot at doing that. I thank any of you that had any part in helping us do that. We still think that is going to happen.

On the other hand, most of the people in the State of Maine, while maybe directly or indirectly affected by the forest industry, don't work in it and understand a little about it. What they know is what I saw when I drove by that forest land, I didn't like. Maybe I didn't pay the bill, but I am a citizen of the State of Maine and I don't want my state looking like that. The industry didn't do it all. It doesn't make any difference, we get blamed anyway because we bought the lumber. That is what we get accused of. I have heard that in January you are going to do this anyway, so what do you need this for? I will be the first to admit it is a credibility issue. There are people in this body, in the State of Maine and across this country that regardless of what we say, how we say it or what documentation we show, we have no credibility. In order to do what we think is the right thing and to preserve this industry for our children and our grandchildren, we feel that we have to spend more time on our public image. If this helps our public image, I am not ashamed of that. If it makes some people that are doing some things wrong do it right, I am not ashamed of that. If it makes some small landowners do something right that they have been doing wrong, I applaud that. It isn't just large landowners that do the wrong thing. Some of the little folks like me who have 50 or 100 or 200 acres do the wrong thing. Just because it is a small woodlot owner doesn't mean that they are exempt from doing things wrong, because they do.

We all are proud of our state. We all want it preserved. The question that we are asking is give the people a choice. We may be dealing with an anesthetic issue. I will admit that a lot of this is driven by anesthetics, but it is a reality. Jack, the Chairman of General Electric, one of his six guiding principles is to deal with the reality as it is not as you wish it was. I wish that the perception wasn't there. I wish that we had credibility, but the reality is that no matter how hard we try, we don't seem to have accomplished that. That is the reality. We are asking you to give us the opportunity to put it on the ballot. We will take the risk.

We believe that the educational process has to start. I will just say one more thing about the educational issue. In the process that we have gone through, the Pulp and Paper Resource Council, which by the way, is an organized labor organization that we have worked very closely with this summer. What we found in the schools and some of you who have children may have heard of this. One of the examples is they are being taught about Ferngully. Ferngully is about a tree being cut down and the good fairies live in the tree. When trees get cut down, the good fairy dies and evil spirits come out of the stump. This is what our children are hearing in the schools. We understand why they think we are all evil people. The educational piece is paramount to clearing up what the facts are of what is going on in our forests. I won't talk any longer. I thank you very much for your patience.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House: I would ask that you join Representative Cameron asking you to defeat this amendment. I was at the hearings in Augusta as well. This amendment appears to be here. A specific case was mentioned. We talked about a 70-year-old widow with a piece of land that was looking for economic security by harvesting this land. This forester told her that her wood on that land was worth \$100,000. If this compact went through, it was worth \$50,000. As far as his testimony went, that is all we heard. We didn't hear about any other options. I think a responsible forester would have offered her more options than that. We are talking about her economic security. He didn't have a doctor's slip, is she is on her last days? I don't know, maybe there is something there. If you are talking about someone's economic security, I would like to hope that she has many good years ahead of her. I would like to think that she would continue to have continued income from that woodlot as a property managed woodlot should provide. Maybe she should get a second opinion. Maybe another forester would have recommended standards similar to what Representative Heeschen has offered earlier. Maybe that would maximize her return. I don't think this amendment is proper to address this case. I think there is more to it than has been presented. I ask you to reject it.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: It is late and we are tired. I kind of wish it would have come up in the next Legislature. I voted against the compact, so therefore, I don't want this in it. I don't think we ought to shrug off what Representative Lane has brought forth here. To me, this is so crucial to this whole discussion in the last two days. We heard property rights and it was kind of shrugged off because of what the public wants. We have got to look at the size of the land holdings and deal with this issue of property rights. We can't just shrug it off. We heard that if it doesn't look pretty than we have the right to put a stop to it. At some point though, when a person has a small piece of land, if he wanted to paint his house purple, he probably has the right to paint it purple. If he owns 1,000 houses, then maybe the public should have the right to say no to it.

You take these big paper companies. We call it private property. It is getting very close to being a utility. Let's face it. When a huge landowner gets the tax breaks and the incentives that we give them, then how is it different from CMP? It is getting awful close to being a utility. I think the public does have tremendous rights and responsibilities to regulate them. If you start getting smaller though, what does the small landowner get from the government? He gets protection for his deed and hassles. I don't think we can shrug this off as inconsequential. We need to look at the size of landowners and this issue also pertains to a lot of other areas that we discussed. I think businesses, in general, we need to deal with them on the size of them and what they get from government and what we do to them and for them. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House: This is going to be very, very short. In response to Representative Berry's thought about a second opinion, I think I agree. Probably a second opinion would be in order. I mentioned it this morning about the small woodlot owner who may be elderly and have a lot of bills. On a 90-acre ownership, a person would be allowed to have a 50-acre clear-cut without a permit, by rule and have a minimum 350-foot separation zone. As the Director of the Forest Service said last week, this person would be able to clear-cut probably 70 to 80 acres of a 90-acre parcel. For these people, who need to have a quick cash flow or whatever, I am not in the business of promoting cut and run, these people would be treated fairly under this compact. Thank you.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Recently I distributed a small woodlot example. I would just quickly like to walk you through that because I want to respond, in part, to Representative Perkins' question about not taking it seriously. I think the committee has taken it very seriously and are very concerned about individual owners and what is happening to them.

In this example, the landowner's objective is maximum short-term dollar return. The inventory of the woodlot is listed there. It is a 300-acre lot, in this example. The estimate of standing timber value is \$110,250. The average basal area equals 100-square feet per acre. Under the existing Forest Practices Act, there would be a maximum allowed clear-cutting with selective clear-cutting on the remaining stand, the value removed now would be \$86,363. With a residual stand, the value of the residual stand being \$23,888. If that were harvested without using clear-cutting, the value removed now would be \$96,750. The value of the residual stand would be \$13,500. That is under the current existing Forest Practices Act.

Under the compact, the harvest scenario is the maximum allowed clear-cutting with selective cutting on the remainder of the stand, the value removed now is \$71,663. The value of the residual stand is \$38,588. The harvest conducted without the use of clear-cutting, the value removed now is \$90,000. The value of the residual stand is \$20,250. One of the parts that we have not dealt with in this discussion about being able to get a short-term benefit off the land is that obviously the more that's cut, the less value there is in the residual stands and potentially the less value of that land. I think it is really important that we take a look at the fact that under the existing Forest Practices Act and the compact there is actually not \$50,000 worth of difference on a 300-acre lot, but more likely in scenario A, about a \$15,000 difference in terms of what is removed now, a \$6,000 difference without the use of clear-cutting. The \$15,000 being with clear-cutting. It is something that we were concerned about. I believe it is another reason to not adopt this motion. Mr. Speaker, I move that this amendment be indefinitely postponed.

Representative KILKELLY of Wiscasset moved that House Amendment "I" (H-940) to Committee Amendment

"A" (H-924) be indefinitely postponed.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I am glad that the Representative from Wiscasset brought this forth now because I was going to ask if this had been distributed as relevant to the amendment. I am not sure that we are really getting a full picture here. For instance, in the last scenario that you gave us under the compact proposal with the harvest conducted without use of clear-cutting, that is, we are cutting it to the 45-square-foot per acre, which essentially, we are taking it down below the B line, which is preferable. We are near the understocked line and we are taking out the highest value product. We are getting the biggest value removed now and the least value of the residual stand. What would happen if we did a selective harvest to the B line and focused on removing the less valuable species so that the remaining stuff was more valuable? I guess I am not sure that there is a curve that gives you a straight line variation here as you remove more value, you are reducing the value of the residual stand. I think it really depends on what you are removing and not just the value.

The second thing is, I am wondering about the clear-cut scenario because we are taking out a fair amount of the stand and it would be useful to have the value broken down as to what the residual value is for the 75-acre clear-cut, the 25-acre clear-cut and the 100 acres at 60-basal-area feet and the 100 acres at 45-basal-area feet. I think that we have sort of a selective snapshot here that really doesn't give us any useful information except a range of possibilities, but there may be possibilities that don't actually fall on a formula line that you could draw between these two extremes here, but might come out with some completely different answer.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: In response to Representative Heesch's question, this particular chart was put together in response to the amendment that laid out two possible scenarios. Certainly there are other scenarios that are possible. Obviously, if more of the trees that are left are the high-value species than the residual value of that land will be higher and the amount that is harvested, the value of what is harvested would be lower. Not having done that particular scenario because we could walk through probably 40 of those and end us with 40 pages. It was important to point out that the question that was asked is, what are we going to do about the poor widow lady that is going to lose \$50,000 out of \$100,000 value because of the compact? What has been pointed out here is that this is not necessarily the case and there are other scenarios. I would also point out in reference to the B line, this is maximum short-term dollar returns. This is not necessarily land that is being managed in the best way for long-term benefits. We are talking about a short-term benefit and that is the reason that this chart was put together as it was.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and

Gentlemen of the House: I apologize for having this debate go on. I am sure you all know that charts, like polls can be worked in any way you want to. I am sure that you know that every woodlot is different and therefore, every scenario is different. I am sure you know that you are rather, I think, denigrating the abilities of certain foresters in my area with all of this. I see no harm in this amendment. I ask you to vote against the indefinite postponement. I am calling for a roll call. Thank you.

Representative LANE of Enfield requested a roll call on the motion to indefinitely postpone House Amendment "I" (H-940) to Committee Amendment "A" (H-924).

The SPEAKER: 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 pending question before the House is to Indefinitely Postpone House Amendment "I" (H-940) to Committee Amendment "A" (H-924). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 410

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, Dore, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Green, Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lindahl, Luther, Martin, Marvin, Mayo, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Peavey, Pendleton, Richardson, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, The Speaker.

NAY - Aikman, Ault, Bailey, Birney, Buck, Campbell, Carleton, Carr, Chick, Clukey, Donnelly, Farnum, Gerry, Greenlaw, Guerrette, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Look, Lovett, Marshall, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Perkins, Pinkham, Plowman, Poirier, Povich, Reed, W.; Robichaud, Stedman, Strout, True, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Barth, Dexter, DiPietro, Kerr, Lemke, Lemont, Lumbra, Madore, Poulin, Pouliot, Reed, G.; Rice, Truman, Winn.

Yes, 82; No, 54; Absent, 14; Excused, 0.

82 having voted in the affirmative and 54 voted in the negative, with 14 being absent, House Amendment "I" (H-940) to Committee Amendment "A" (H-924) was indefinitely postponed.

Representative JOY of Crystal requested a roll call on the motion to Concur.

The SPEAKER: 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 pending question before the House is to Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 411

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dore, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Hichborn, Jacques, Johnson, Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lindahl, Luther, Martin, Mayo, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Gara, O'Neal, Paul, Peavey, Pendleton, Povich, Richard, Richardson, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winglass, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Bigl, Birney, Buck, Campbell, Carleton, Carr, Chick, Clukey, Damren, Donnelly, Farnum, Gerry, Greenlaw, Heeschen, Heino, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JL; Look, Lovett, Marshall, Marvin, McAlevey, Meres, Murphy, Nickerson, Ott, Perkins, Pinkham, Plowman, Poirier, Reed, W.; Robichaud, Stedman, True, Tufts, Underwood, Waterhouse, Wheeler, Winsor.

ABSENT - Barth, Dexter, DiPietro, Kerr, Lemke, Lemont, Libby JD; Lumbra, Madore, Poulin, Pouliot, Reed, G.; Rice, Truman.

Yes, 86; No, 50; Absent, 14; Excused, 0.

86 having voted in the affirmative and 50 voted in the negative, with 14 being absent, the motion to Concur prevailed. Ordered sent forthwith to engrossing.

ENACTORS

Resolution Pursuant to the Constitution

RESOLUTION, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests (H.P. 1390) (L.D. 1892) (Governor's Bill) (H. "B" H-931; H. "D" H-933; S. "B" S-605; and S. "C" S-606 to C. "A" H-924)

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

Representative MAYO of Bath requested a roll call on passage to be enacted.

The SPEAKER: 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 pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 412

YEA - Adams, Ahearne, Benedikt, Berry, Bigl,

Bouffard, Brennan, Bunker, Cameron, Carr, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Hichborn, Jacques, Johnson, Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lemont, Libby JD; Lindahl, Luther, Madore, Martin, Mayo, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Gara, O'Neal, Paul, Peavey, Pendleton, Poirier, Povich, Richard, Richardson, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winglass, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Birney, Buck, Campbell, Carleton, Chick, Clukey, Damren, Donnelly, Gerry, Greenlaw, Heeschen, Heino, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemke, Libby JL; Look, Lovett, Marshall, Marvin, McAlevey, Meres, Murphy, Nickerson, Ott, Perkins, Pinkham, Plowman, Reed, W.; Robichaud, Stedman, Thompson, True, Tufts, Underwood, Waterhouse, Wheeler, Winsor.

ABSENT - Barth, Dexter, DiPietro, Kerr, Lumbra, Poulin, Pouliot, Reed, G.; Rice, Truman.

Yes, 92; No, 48; Absent, 10; Excused, 0.

92 having voted in the affirmative and 48 voted in the negative, with 10 being absent, the Resolution was finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until 8:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Authorize the Department of Human Services to Accept Federal Funds and to Make Certain Expenditures" (EMERGENCY) (H.P. 1394) (L.D. 1895) which was passed to be engrossed as amended by Committee Amendment "A" (H-939) as amended by House Amendment "A" (H-941) thereto in the House on September 6, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-939) in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith to engrossing.

ENACTORS

Emergency Measure

An Act to Authorize the Department of Human Services to Accept Federal Funds and to Make Certain Expenditures (H.P. 1394) (L.D. 1895) (Governor's Bill) (C. "A" H-939)

Was reported by the Committee on Engrossed Bills

as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House adjourned at 10:35 p.m. until 11:00 a.m., Saturday, September 7, 1996.