

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

Index

SECOND CONFIRMATION SESSION

May 13, 1988

Index

THIRD CONFIRMATION SESSION

June 15, 1988

Index

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

Index

FOURTH CONFIRMATION SESSION

November 14, 1988

Index

FOURTH SPECIAL SESSION

November 28, 1988

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FOURTH SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
November 28, 1988

In Compliance with a proclamation of His Excellency, Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber at 2:00 in the afternoon.
Senate called to Order by the President.

Prayer by Reverend Robert Leon of the United Methodist Church in Randolph.

REVEREND LEON: Let us pray. Gracious Lord, You have created all things by Your power, You sustain all things by Your love. Be with us today as we conduct the business of this State to wisdom and discernment and to discernment, love. That from these blessings we may decide the tasks set before us. In Jesus' name we pray. Amen.

The Secretary will read the Proclamation.

State of Maine
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the "windfall" effects of the Federal Tax Reform Act of 1986 on Maine's income tax law which has resulted in a higher than anticipated level of income tax revenues being collected for the 1988 tax year; and

WHEREAS, it is deemed to be in the State's best interest and to be the fair and proper thing to do for the Legislature to authorize additional structural changes in the Maine income tax law so that such conformity-related excess income tax collections will not recur in the future;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Monday, the twenty-eighth (28th) day of November, 1988 at two (2) o'clock in the afternoon in order to receive communications and enact legislation to make additional structural changes in the Maine income tax law.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-second day of November in the Year of our Lord One Thousand Nine Hundred and Eighty-Eight.
S/JOHN R. MCKERNAN, JR.
Governor

ATTEST: Peter W. Danton
Deputy Secretary of State
Which was READ and ORDERED PLACED ON FILE.

ROLL CALL

The Roll being called, the following Senators answered to their name:
Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS,

DILLENBACK, DOW, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

30 Senators having answered to the Roll, the President declared that a quorum was present.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.
Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to His Excellency, the Governor. The Sgt-at-Arms escorted the Senator to the Governor's office.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator DOW of Kennebec, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.
Which was READ and PASSED.

The President appointed the Senator from Kennebec, Senator DOW to deliver the message. The Assistant Sgt-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator DOW reported that he had delivered the message with which he was charged.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 1039

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON ECONOMIC DEVELOPMENT

November 1, 1988
Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333
Dear Senator Pray:

The Joint Standing Committee on Economic Development is pleased to submit the attached report of our study of International Trade pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts.
Sincerely,
S/Sen. Thomas H. Andrews
Senate Chair
S/Rep. Nathaniel J. Crowley, Sr.

House Chair
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 1040
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

November 14, 1988
Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333
Dear Senator Pray:

The Joint Standing Committee on Judiciary is pleased to submit the attached report of our Study of the Financial Feasibility of a Public Defender Program, and Issues in Implementing a Cost Effective Program pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts.

Sincerely,
S/Sen. Joseph C. Brannigan
Senate Chair
S/Rep. Patrick E. Paradis
House Chair

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 1041
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
STUDY OF UTILITY EASEMENTS
OVER EXISTING RIGHTS-OF-WAY
November 14, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333
Dear Senator Pray:

The Committee to Study Utility Easements over Existing Rights-of-Way is pleased to submit the enclosed report of our study of Utility Easements over Rights-of-Way pursuant to the order of the Legislative Council. We hope you find this report to be useful in our continuing efforts.

Sincerely,
S/Rep. Francis Marsano
Chair

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333
September 23, 1988

Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Our reports on the component unit financial statements, Schedule of Federal Financial Assistance, Internal Control and Compliance with laws and regulations, prepared as part of the Single Audit of the State of Maine for the fiscal year ended June 30, 1987, are transmitted herewith. The audit was

conducted in accordance with generally accepted auditing standards, the standards for financial and compliance audits contained in the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, issued by the U.S. General Accounting Office; the Single Audit Act of 1984; and the provisions of OMB Circular A-128, Audits of State and Local Governments.

The review of internal controls and compliance with state and federal laws and regulations disclosed certain deficiencies which are detailed as findings in this report. Our recommendations to correct the deficiencies follow each finding. Managements' responses to the findings and recommendations have been included in this report. A management letter will be issued in a few weeks.

This is the first such annual audit of the State of Maine as required by the Single Audit Act of 1984. Your questions and comments about this report or any other report of the State Auditor are always welcome.

S/Rodney L. Scribner, CPA
State Auditor

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO REVIEW THE LAWS
RELATING TO REGISTERED MAINE GUIDES
October 10, 1988

President Pray
Speaker Martin
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Second Commission to Review the Laws Relating to Registered Maine Guides is pleased to submit its final report to the Legislature pursuant to Resolves 1987, Chapter 105.

Sincerely,
S/Rep. Herbert Clark
Chairman

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333
November 4, 1988

The Honorable Charles P. Pray
President of the Senate
Maine State Senate
State House Station 3
Augusta, Maine 04333
Dear President Pray:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, MRSA, §1283.

This report includes nineteen properties or interests acquired through liens maturing since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendation for disposition. Part B includes a narrative description of each property.

Respectfully submitted,
S/Stephen J. Murray
State Tax Assessor

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
113TH MAINE LEGISLATURE

November 21, 1988
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Secretary O'Brien:

This is to notify you that we have appointed the following:

Pursuant to our authority under Chapter 347 of the Public Laws of 1987, to the Special Select Commission on Access to Health Care:

Louise S. Gamache of Rockland. Replacing Clayton Harrington who resigned.

Pursuant to our authority under Chapter 440 of the Public Laws of 1987, to the Commission to Study Regulation of Health Care Expenditures:

Donald L. McDowell of Cape Elizabeth. Replacing Dr. Edward C. Andrews, Jr., who has resigned.

Pursuant to our authority under Chapter 887 of the Public Laws of 1988, to the Maine Commission on Mental Health:

- Janet Stratton of Bangor for a two year term.
- Janice Burns of Portland for a two year term.
- Martha Sevigny of Windsor for a one year term.
- Dr. Tim R. Rogers of Bangor.
- Dr. Alan Elkins of Portland.
- Joan Pederson of Bangor.
- Ronald Melendy of Rockland.
- Marc Plourde of Eagle Lake.
- David Gregory of Yarmouth.
- Ruth Andrews of East Winthrop for a one year term.

Please let one of us know if you have any questions about these appointments.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO REVIEW OVERCROWDING AT THE
AUGUSTA MENTAL HEALTH INSTITUTE
AND THE
BANGOR MENTAL HEALTH INSTITUTE
November 14, 1988

President Pray
Speaker Martin
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute is pleased to submit its final report to the Legislature pursuant to Resolves 1987, chapter 56.

Sincerely,
S/Beverly M. Bustin
Co-Chair
S/Barbara A. Gill
Co-Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Increase State Municipal Revenue Sharing" (Emergency)

S.P. 1043 L.D. 2704

Presented by Senator KANY of Kennebec
Cosponsored by: Representative GWADOSKY of Fairfield

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Senate at Ease

Senate called to order by the President.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Extend Temporarily the Time Period During which the Department of Marine Resources May Conduct On-site Evaluations of Coastal Aquaculture Installations" (Emergency)

S.P. 1042 L.D. 2703

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative CROWLEY of Stockton Springs, Representative SALSBURY of Bar Harbor, Speaker MARTIN of Eagle Lake

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

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

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

SENATE PAPERS

Bill "An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections" (Emergency)

S.P. 1044 L.D. 2707

Presented by President PRAY of Penobscot
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency)

S.P. 1045 L.D. 2708

Presented by Senator BRANNIGAN of Cumberland
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator CLARK of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: H.P. 2002
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

November 23, 1988

John L. Martin
Speaker of the House
113th Legislature
Charles P. Pray
President of the Senate
113th Legislature

Dear Mr. Speaker and Mr. President:

On November 23, 1988, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committees on November 23, 1988 as follows:

Taxation

Bill "An Act to Amend the Maine Income Tax Code" (Emergency) (H.P. 2001) (L.D. 2705) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representative JACKSON of Harrison, Senators SEWALL of Lincoln and TWITCHELL of Oxford)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Laws Relating to the Protection of Natural Resources" (Emergency)

H.P. 2000 L.D. 2702

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Senate at Ease

Senate called to order by the President.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend the Reporting Deadline of the Commission to Study the Impact of Game and Nongame Species on Maine's Economy" (Emergency)

H.P. 2004 L.D. 2709

Committee on FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Conform the Human Resource Development Council with Federal Law" (Emergency)

H.P. 2003 L.D. 2706

Committee on LABOR suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Senator COLLINS of Aroostook moved that the Bill be referred to the Committee on LABOR in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion of Senator COLLINS of Aroostook to refer to the Committee on LABOR in NON-CONCURRENCE.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 2005

JOINT RESOLUTION HONORING RODNEY SHARON QUINN,

UPON RETIREMENT AS SECRETARY OF STATE

WHEREAS, "It is not the going out of port, but the coming in, that determines the success of a voyage"; and

WHEREAS, the retirement of Rodney Sharon Quinn of Gorham completes this leg of his journey which includes many successful ventures as a command pilot, college professor, municipal official, legislative leader and constitutional officer; and

WHEREAS, as he nears port we are reminded that "the heights by great men reached and kept were not attained by sudden flight but that while their companions slept, were toiling upward in the night"; and

WHEREAS, among colleagues, friends and admirers gathered to see him safely home there is a feeling shared that this public servant has served honorably, faithfully and with the deepest sense of dedication throughout his long tenure and that he has made countless contributions on behalf of Maine's citizens and is truly deserving of the public trust; now, therefore, be it

RESOLVED: That we, the members of the House of Representatives and Senate of the One Hundred and Thirteenth Legislature of the State of Maine now assembled in Fourth Special Session, take this opportunity to recognize the Honorable Rodney Sharon Quinn of Gorham, the 45th Secretary of State for Maine, and extend to him herein the sincere best wishes of both Houses of the Legislature for his continued success, prosperity and happiness for future years in retirement; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Rodney S. Quinn on behalf of the Maine Legislature in token of our esteem.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Permit the State of Maine to Exercise the Right of Eminent Domain over Certain Lands Located within the Town of Lebanon"

S.P. 1014 L.D. 2659

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket" (Emergency)

S.P. 1018 L.D. 2669

Reported that the same Ought Not to Pass.

Signed:

Representatives:

- WENTWORTH of Wells
HUSSEY of Milo
CARROLL of Gray
LOOK of Jonesboro
STROUT of Windham
ANTHONY of South Portland
ROTONDI of Athens
BICKFORD of Jay
LACROIX of Oakland

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senators:

- TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo

Which Reports were READ.

The Minority OUGHT TO PASS Report was ACCEPTED.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend the Reporting Deadline of the Special Commission to Study School Funding and State Tax Law" (Emergency)

H.P. 2006 L.D. 2710

Committee on EDUCATION suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

COMMUNICATIONS

The Following Communication:

S.P. 1046

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

COMMITTEE TO STUDY THE MAINE BLUEBERRY COMMISSION

November 22, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Senator Pray:

The Joint Select Committee to Study the Maine Blueberry Commission is pleased to submit the attached report of our study of the Maine Blueberry Commission pursuant to the order of the Legislative Council. The Committee would be pleased to respond to any questions concerning its findings or recommendations.

Sincerely,
S/Rep. Robert J. Tardy
Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on TAXATION on Bill "An Act to Amend the Maine Income Tax Code" (Emergency)

H.P. 2001 L.D. 2705

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I had originally intended to offer an amendment, but I have been told there is an error in the amendment. I don't wish to hold the Senate up, but I would like to speak on the Record. As I said, I had originally intended to offer an amendment to this legislation, knowing full well that it was probably doomed. I still feel that I need to address the issue of returning the windfall money to the people.

When I was campaigning throughout my district, as I am sure many of you campaigned throughout yours, there was one issue that seemed to be the biggest issue people wanted to discuss. That issue was property tax. In my district which encompasses a large section of the coastline, the towns and one city were practically in revolt stages. In fact, the city of Bath enacted a tax cap as their answer to property tax relief. There is just such a problem out there with property tax relief.

I would have preferred to see this legislation in a different light, perhaps. I think that the concept of sending the money back, the windfall money, to the people is a good concept, but I think it begins to lose its purity when we don't send it back in the proportions that it was paid in. I would have preferred to see the legislation go back in a form of property tax relief through a per capita measure. I hoped to be able to present that, but I can't do that right now.

While the amendment to send it back per capita is a long way from perfect and a cure all for the property tax; if nothing else, I think this Legislature needs to send a message that property tax is a real problem out there, and it is one that - if

not the 113th - the 114th Legislature must truly set as a priority issue. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I think it is very important to note that we are dealing with an income tax matter here before us today and not a property tax matter. It has been our longstanding tradition that we have been very supportive of property tax relief, circuit breaker programs, getting relief to people and paying it in proportion to the way that it was paid. If it was overpaid through income tax rates that were devised by the administration, it is being overpaid and you want to pay it back into proportion. Then to deal with it through a property tax system based on per capita to me seems to be very convoluted and very incongruent as far as getting the relief to the people that have overpaid it. It seems to me that this is not the proper vehicle before us to try to do anything as far as property taxes are concerned; but to see that the money people paid in that were rates that were established too high by this administration, that be done very quickly in an emergency-like fashion and hopefully people will not be paying more than they should be paying in the future. That is the first thing that has to be accomplished by this legislation.

Therefore, we are trying to give the credit to those people in proportion to the income which they were taxed because they were set at rates that were much higher than they should be paid. It was brought to the attention of the administration by the majority party to see that the rates would be adjusted and they were told at that time that the figures that were being utilized were incorrect figures. Now we have been confronted with over-taxing people and it is not a windfall situation, it is that those people have been taxed at higher rates than they should be taxed at. We are trying to correct that inequity, not through this legislation therefore going on through property taxes which would be even more incongruent to resolving the crisis that lies there. Because it was through the efforts of a lot of people in the Legislature to get the circuit breaker program established to help people with property tax relief that had an adjusted household income of twenty-eight thousand dollars or less. It has been the Legislature that has been leading that effort for property tax relief. I think that this is not the vehicle, but I would hope there would be other vehicles that we would use, developed by the Committee and the Legislature, to see that real property tax was addressed in this session or the next session. Thank you.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I am pleased to hear that there are those who express sentiment for addressing meaningful property tax relief in the upcoming 114th Maine Legislature. I would submit to all those present here this evening that not only is there unanimity among the members of the 113th, but for decades before us who also supported meeting property tax relief. The good Senator from Sagadahoc has suggested that there is an error in the amendment that she had intended to present this evening. I would submit that perhaps there is no error in the amendment, but it is a question of policy. Policy that would take the surplus from over-collection of Maine's personal income taxes, which we have collectively and repeatedly pledged to return to the taxpayers, and place it an initial attempt to provide

property tax relief for the various property tax holders and municipalities across the state. Indeed, the concept and the idea merit our serious consideration.

I would submit here this evening, however, that L.D. 2705 is strict in its parameters and in its focus. As a matter of fact, while I am loathe to speak for the members of the Joint Standing Committee on Taxation and do so at my peril, I would submit that those members as well as those of us here in this Chamber are placed in a neat little box with little alternative but to support L.D. 2705 as it is proposed with an Ought to Pass Report.

There are those among both members of caucuses who would have done otherwise and as a result of our campaign efforts have learned that Maine people, while enamored with the idea of receiving over-collected tax revenues back, are a bit surprised and not the least disappointed in the amounts in which they are receiving them. For indeed the Senator from Sagadahoc is right on target when she submits to us that they are not returned in the proportion in which they are over-collected.

Also, there are those who would among our constituents have us not return the money at all, but rather keep it and to quote thousands of Maine citizens, "Pay our bills". Many of us have received suggestions to do numbers of things with the over-collection, but I find myself, as many of my colleagues find themselves, this evening in this same strict little box. Knowing that we have gathered here at earlier dates returning over-collections of Maine's personal income taxes to the higher and the lower segments of Maine's property taxpayers and provided them with a sense of relief, but we have neglected those who fall within what we call, generously, middle income taxpayers. That is the focus of this measure and it would be unfair to those who carry the main burden of the property taxes in this state not to share in the return. Yes, they are not going to be among those who receive that attractive little check in the mail from the state and yes, it is an efficient way to address the return of the over-collection. We will not be spending over two hundred thousand dollars in administrative costs of that over-collection to do so, but rather it is in the vehicle of tax credits, geared, we hope, to address in large proportions the middle income taxpayer. At the same time, I admit that it continues to address those in the higher echelon and those at the lower echelons of our taxpayers scale.

I would seek from those represented by the caucus of the Senator from Sagadahoc, cooperation and collaboration as we move in the upcoming 114th Maine Legislature to address that crisis prevailing in our state and that is property tax relief. Our citizens have been patient as we have labored here in Augusta addressing other crisis issues as they have emerged. I would submit that the time has come, that property tax relief for Maine's citizens be the issue that is addressed meaningfully in January. Thank you Mr. President.

Which was PASSED TO BE ENGROSSED, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Extend the Reporting Deadline of the Commission to

Implement the Computerization of Criminal History Record Information" (Emergency)

S.P. 1045 L.D. 2708

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED.

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

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Increase State Municipal Revenue Sharing" (Emergency)

S.P. 1043 L.D. 2704

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator TUTTLE for the Committee on MARINE RESOURCES on Bill "An Act to Extend Temporarily the Time Period During which the Department of Marine Resources May Conduct On-site Evaluations of Coastal Aquaculture Installations" (Emergency)

S.P. 1042 L.D. 2703

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-563).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-563) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

Senator CAHILL of Sagadahoc Objected to the Rules being Suspended for the purpose of sending L.D. 2705 down forthwith for concurrence.

Under suspension of the Rules, all matters thus acted upon, with the exception of those items being held, were ordered sent down forthwith for concurrence.

On motion by Senator CAHILL of Sagadahoc, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED:

Bill "An Act to Amend the Maine Income Tax Code" (Emergency)

H.P. 2001 L.D. 2705

(In Senate, November 28, 1988 PASSED TO BE ENGROSSED, in concurrence.)

On further motion by same Senator, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Conform the Human Resource Development Council with Federal Law" (Emergency)

H.P. 2003 L.D. 2706

Tabled - November 28, 1988, by Senator DUTREMBLE of York.

Pending - the Motion of Senator COLLINS of Aroostook to refer the Bill to the Committee on LABOR (In House, November 28, 1988, PASSED TO BE ENGROSSED, without reference to a Committee.)

Senator COLLINS of Aroostook requested and received Leave of the Senate to withdraw his motion to refer the Bill to the Committee on LABOR.

On motion by Senator DUTREMBLE of York, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator CAHILL of Sagadahoc, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide a Sales Tax Exemption for Items Sold in Schools" (Emergency)

H.P. 2007 L.D. 2711

Committee on TAXATION suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-817), without reference to a Committee.

Under suspension of the Rules, the Bill READ ONCE. House Amendment "A" (H-817) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Imposing a Moratorium on Development in the Capitol Area" (Emergency)

H.P. 2008 L.D. 2712

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections" (Emergency)

S.P. 1044 L.D. 2707

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-564).

Signed:

Senators:

PEARSON of Penobscot

EMERSON of Penobscot

Representatives:

CARTER of Winslow

MCGOWAN of Canaan

NADEAU of Lewiston

LISNIK of Presque Isle

RIDLEY of Shapleigh

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

HIGGINS of Scarborough

FOSTER of Ellsworth

DAVIS of Monmouth

FOSS of Yarmouth

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-564) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Under 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:

Emergency

An Act to Extend the Reporting Deadline of the Commission to Study the Impact of Game and Nongame Species on Maine's Economy

H.P. 2004 L.D. 2709

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

Emergency

An Act to Extend the Reporting Deadline of the Special Commission to Study School Funding and State Tax Law

H.P. 2006 L.D. 2710

This being an Emergency Measure and having received the affirmative vote of 28 Members of the

Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire

elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator BUSTIN of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Laws Relating to the Protection of Natural Resources" (Emergency)

H.P. 2000 L.D. 2702

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-818).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-818) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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:

Emergency

An Act to Extend Temporarily the Time Period During which the Department of Marine Resources May Conduct On-site Evaluations of Coastal Aquaculture Installations

S.P. 1042 L.D. 2703

(C "A" S-563)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

Emergency

An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information

S.P. 1045 L.D. 2708

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

Emergency

An Act to Provide a Sales Tax Exemption for Items Sold in Schools

H.P. 2007 L.D. 2711
(H "A" H-817)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket" (Emergency)

S.P. 1018 L.D. 2669

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In Senate, November 28, 1988, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator TUTTLE of York, the Senate RECEDED from PASSAGE TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-566) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Amend the Maine Income Tax Code" (Emergency)

H.P. 2001 L.D. 2705

Tabled - November 28, 1988, by Senator CAHILL of Sagadahoc.

Pending - PASSAGE TO BE ENGROSSED

(In House, November 28, 1988, PASSED TO BE ENGROSSED.

(In Senate, November 28, 1988, PASSED TO BE ENGROSSED. Subsequently, RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.)

On motion by Senator CAHILL of Sagadahoc, Senate Amendment "B" (S-565) READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. First of all, I would like to say how very much I appreciate the Senate President's offer to have this Bill Tabled so we could proceed to get the amendment drafted correctly. I appreciate the opportunity to be able to do that. Very briefly I would like to explain what this amendment does. It is a form of property tax relief. It would allow the tables to be adjusted for the tax year 1988 as proposed under the Governor's original Bill. Then the system would revert back to a straight forty dollar exemption. The 12.4 million dollars or whatever amount that would be collected from windfall revenues after fiscal year 1988 up to 12.4 million dollars would then be returned to the towns on a per capita basis. You take the population of the town and you divide it into the 12.4 million dollars for about twelve dollars a person. For example Bath, the city that I represent, would receive one hundred and twenty-one thousand dollars in additional property tax relief.

I am sure that some people will argue that this is not the vehicle to use and that it goes away from the philosophy of returning the money to the people, but once again I believe that the purity of the concept of returning that money to the people has been deluded when we go away from the concept of proportionate redistribution. While this may not be the best vehicle it is here before us tonight and I feel I am keeping faith with the people who elected me by offering this amendment. Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I probably should know more about this than I do, but I do have some questions about it. One of them is, is this an ongoing fund, is this a one shot deal? Why is it being done on a per capita basis and not taking into consideration some of the other problems that some municipalities have and others don't in revenue sharing and valuation?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I will attempt to respond to the good gentleman from Penobscot, Senator Pearson. First of all, it is an ongoing program. After the fiscal year 1988 we would go back to the forty dollar flat rate that we currently have, notwithstanding this legislation. And not adjust the tables so we would continue to collect some windfall. I am proposing that we send that windfall back at the maximum 12.4 million dollars or whatever windfall is collected annually after that. The reason we chose per capita, and we have thought of this for a long time, is because we feel practically all the municipalities are getting hit with this property tax crunch and while per capita is probably not the most equitable way at least every municipality would get something. We feel that if it went to school funding for example, a lot of the municipalities that are being hurt and have the high valuations, such as the coastal communities, are kind of hurt in the education formula would not benefit if we went that way, so we are doing it per capita.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. Did I just

hear that we as a state should continue over-collecting on the income tax?

THE PRESIDENT: The Senator from York, Senator Dutremble has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I am very serious when I answer this. A tax is a tax is a tax. The question is, "are we going to continue to overburden the property tax, or are we going to take it from a more progressive form of taxation?" I believe, and I am talking from a Senator as Sagadahoc, that we have to do something about property tax and I personally prefer that we do that through the income tax.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. One of the things that a lot of people told me when I came up here for the third time on this income tax was, "will you people straighten this whole mess up and stop over-collecting on our income tax?" I guess I still want the question answered. Are we going to continue over-collecting on the income tax if we pass this amendment, yes or no? It is a simple question. Are we just going to continue over-collecting on the income tax so that when people pay their taxes they don't know what tax they are paying? The income tax or the property tax.

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

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. Yes, we are over-collecting on the income tax, and we will continue to do so until we change the tax code for the state of Maine.

Senator TWITCHELL of Oxford requested a Division on the ADOPTION of Senate Amendment "B" (S-565).

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. I don't mean to belabor the issue, but I think it is an important one that needs some underlining. The fact is, the reason I am here today is that the income tax rates that have been established by the expertise or lack of expertise of this administration have caused an over-collection to have taken place on the income tax rates. We are down here today to resolve that for the forms that are supposed to be sent out at the beginning of the year. Now, there has been a policy being proposed here that we will continue to over-collect in spite of the fact that Maine has probably one of the highest rates of taxes overall per capita, one of the fourth or fifth top state in the country of taxes overall. Here we are saying that policy shall continue and it shall continue at a higher rate just so that we can disguise that money and transfer it into a property tax relief account. I think we have to handle first things first. We have to lower the tax rates so they are at a level which is acceptable and equitable to people. That has to be done first. That is what we are down here today to do. I feel that it is very important not to get sidetracked and say that it is all right to over-collect and it is all right to siphon that money off into a property tax relief formula. I don't think that is equitable to the people of the state of Maine. I think we have to deal with that subject first and then deal with property taxes and the relief. In my community we had a cap being proposed,

because property taxes were of an accelerating rate due to a numerous amount of factors. There was no question about that. Income taxes are at a very high rate, people were upset about the rate of their income tax withholdings and how much it had increased over the years. We have to address that also. I feel that it is quite unusual for myself and others aligned with people in this particular Body to be pushing for the rates to be lowered for the income tax so that people's taxes aren't increased and aren't disguised and I feel that is the job that we have to do first. That is why I am opposing this amendment, because we owe an obligation to those people to settle that score. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. So, this amendment would offer a new additional fund to be distributed purely on a population basis and that would be in addition to the current local government fund, which is part of our state municipal revenue sharing which is distributed on a combination of population and tax effort basis. I am wondering why it was chosen not to change the formula of distribution on the local government fund and state municipal revenue sharing and to instead create this new additional fund?

THE PRESIDENT: The Senator from Kennebec, Senator Kany has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. In response to that question, a lot of the communities that have very high valuations and therefore don't receive as much in revenue sharing are having the very problem that we are talking about with property tax. In my district it is the coastal areas. In response to another issue that was brought up, I thought about this for a long time too and I thought about income tax because I pay a fair chunk of income tax and I also pay a fair chunk of property tax. If you ask me how much I paid in income tax, or how much I overpaid in income tax, I couldn't tell you, but I know exactly how much I paid in property tax.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. Whether we are going to be able to fool the people by allowing them who may not know how much they pay in income tax, but know how much they pay in property taxes is a way to do government business. I don't subscribe to that philosophy. I think if we are having the people overpaying for income taxes, that they are overpaying for income taxes and not to siphon that off because they won't feel it as much or notice it as much. I think we have to deal with the property tax issue straight up if we are going to mean real property tax relief, we have to address it with the appropriate revenues or whatever are required to do that. We have to be up front with the people, not because it is so complicated in the tax codes that we all hire accountants and H & R Blocks, if we don't know what is going on but we do know how much our property tax bill is. I don't think it is appropriate to take advantage of people that may be somewhat confused about that situation. It is our job to do it for them to make sure it is done in that clear and equitable fashion.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. The money that we have here came from income tax and everybody who earned an income paid into this fund one way or another, almost everybody anyway. But, not everybody pays a property tax in this state. It seems to me that what you are doing is taking from most everybody who paid in and giving it back to only a few people who paid in. I don't have any problems with providing municipalities with some services, but as I understand it this is designed to lower property taxes and not everybody will benefit from it.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. There is no question that property tax is a major item in this state. There is no question that the people are very concerned about it. But if you are going to do something about property taxes there should be a separate bill and a separate study and it should be done properly. One of the major problems we have in this state and what we are trying to do is bring business into this state. We have been trying to get the economy going stronger than it is in certain areas, we want to bring the corporations in and the worse thing you can do is keep a high tax rate on a personal income basis. I think tonight we are attempting to pass the original Bill to get the tax rate into the right conformity and that is what we should do and we should vote against this amendment. Thank you.

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

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. The only reason why we are here today is that we have 12.4 million dollars in income tax money which has been over-collected and we want to send it back to the people of the state in the form of a tax credit. That is the only reason why we are here today, to send the 12.4 million dollars back to the people. We have to do it now so that we can change the tax forms so they will be ready to mail at the end of this year. Thank you.

Senator BUSTIN of Kennebec, moved the INDEFINITE POSTPONEMENT of Senate Amendment "B" (S-565).

Senator TWITCHELL of Oxford requested a Division.

A Viva Voce Vote being had, the motion by Senator BUSTIN of Kennebec, to INDEFINITELY POSTPONE Senate Amendment "B" (S-565), PREVAILED.

Which was PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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:

Emergency

An Act Imposing a Moratorium on Development in the Capitol Area

H.P. 2008 L.D. 2712

Comes from the House, Bill and Accompanying Papers INDEFINITELY POSTPONED.

The Bill and Accompanying Papers INDEFINITELY POSTPONED, in 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:

Emergency

An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections

S.P. 1044 L.D. 2707

Comes from the House FAILING OF PASSAGE TO BE ENACTED.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I think this is an unfortunate situation that we find ourselves in. The J.S. McCarthy Company in Augusta prints the ballots for the state of Maine. They have not been paid for either the primary election or the general election. No money was requested from the Secretary of State's office for ballots. They came in now and asked us to put it, we thought we had included it in the all other, but apparently we did not. The McCarthy Company has gone out and borrowed from the bank, one hundred thousand dollars, in order to get enough capital to print the ballots. There were a number of withdrawals, as you know, and they had to reprint ballots and one thing or another. They are the only company in the state that has bid on printing our ballots. I think they may even be the only company in the state that is big enough to handle it. The last time they waited eighteen months, this time we know we owe them one hundred and two thousand dollars for the primary election. We are not absolutely certain on the general election, but it is a figure somewhere around there. I think it is a shame to ask a businessman to go out and borrow one hundred thousand dollars and for us to take a lot of time paying it back.

We could strip the emergency off this, but that would mean ninety days from now. That is not fair to them either and I say this because it is my hope that somehow or another that leadership in the Senate can find a way to include this on the agenda for December 7, 1988. I don't think it is fair for the McCarthy Company to have to wait much longer. We have the money, we should pay the bill.

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED in NON-CONCURRENCE.

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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

ENACTORS

LEGISLATIVE RECORD - SENATE, NOVEMBER 28, 1988

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

Emergency
An Act to Amend the Laws Relating to the Protection of Natural Resources

H.P. 2000 L.D. 2702
(C "A" H-818)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

Emergency

An Act to Amend the Maine Income Tax Code

H.P. 2001 L.D. 2705

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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 Authorize the Annexation of Land Adjacent to the Town of Millinocket

S.P. 1018 L.D. 2669
(S "A" S-566)

Which was PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

November 28, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
113th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it failed to enact An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections (Emergency) (S.P. 1044) (L.D. 2707).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

ORDERS

Senate Orders

On motion by Senator DUTREMBLE of York the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message. The Assistant Sgt-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from York, Senator DUTREMBLE reported that he had delivered the message with which he was charged.

On motion by Senator CLARK of Cumberland the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to His Excellency, the Governor. The Sgt-at-Arms escorted the Senator to the Governor's office.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

On motion by Senator EMERSON of Penobscot, at 11:54 p.m. on Monday, November 28, 1988, the Honorable CHARLES P. PRAY, PRESIDENT, declared the Fourth Special Session of the 113th Legislature, ADJOURNED SINE DIE.