

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
88th Legislative Day
Wednesday, June 21, 1989

The House was called to order by the Speaker. Prayer by Representative Joseph W. Mayo, Thomaston.

The Journal of Tuesday, June 20, 1989, was read and approved.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 20, 1989

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

House Paper 456 Legislative Document 621, An Act Concerning Unemployment Benefits for Lockouts, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 20, 1989

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) (L.D. 661):

Senator CLARK of Cumberland
Senator BALDACCI of Penobscot
Senator GILL of Cumberland

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 20, 1989

Honorable Edwin H. Pert

Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its previous action whereby it Pass to be Engrossed, without reference to a Committee Bill "An Act Concerning Immunity From Liability for Incorporators of Certain Hospitals" (H.P. 1275) (L.D. 1769).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter

An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) on which the Bill and accompanying papers were recommitted to the Committee on Energy and Natural Resources in the House on May 23, 1989.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be enacted in non-concurrence.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and later today assigned.

ORDERS

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1278) (Cosponsor: Senator HOLLOWAY of Lincoln)

JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF CUSHING

WHEREAS, Cushing, ten miles southwest of Rockland, was visited by Captain George Weymouth in 1605 in the course of his exploration of the coast of Maine; and

WHEREAS, Scotch-Irish settlers took up tracts of land from Samuel Waldo in the 1700's and thus became Cushing's first permanent settlers; and

WHEREAS, many residents of what is now Cushing distinguished themselves in the War of Independence, and their descendants defended that independence and liberty in other national conflicts; and

WHEREAS, the Town of Cushing was incorporated on January 28, 1789, and named in honor of Thomas Cushing, Lieutenant Governor of Massachusetts; and

WHEREAS, the virtues of thrift, industry and independence, characteristic of the farmers and seafarers of Cushing 200 years ago, are possessed by their descendants today; and

WHEREAS, the beauty of Cushing's landscape and the independence and determination of Cushing's people were represented by artist Andrew Wyeth in "Christina's World," a painting recognized throughout the world; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, take this special opportunity during the bicentennial anniversary year of the Town of Cushing to commend the officials and citizens of this great town for the success which they have achieved together for two centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of

State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Was read and adopted and sent up for concurrence.

On motion of Representative LAWRENCE of Kittery, the following Joint Resolution: (H.P. 1281) (Cosponsors: Representative ROLDE of York, Representative McKEEN of Windham and Senator ESTES of York)

JOINT RESOLUTION RECOGNIZING

RAILWAY MAIL SERVICE DAY, AUGUST 28, 1989

WHEREAS, the Railway Mail Service was a branch of the Post Office Department by which mail was transported and distributed en route via rail, highway and water carriers, at air mail fields, and in city terminals; and

WHEREAS, the first route between Chicago, Illinois and Clinton, Iowa was established on August 28, 1864, by George B. Armstrong, Assistant Postmaster of Chicago; and

WHEREAS, at the high point of the Railway Mail Service immediately following World War II, it employed more than 30,000 postal transportation clerks handling over 90% of all nonlocal mail, working aboard Railway Post Offices and Highway Post Offices on more than 1,500 routes; and

WHEREAS, these postal clerks known informally as the "Marine Corps" of the Post Office performed the vital job of sorting mail in transit at terminals and at transfer offices; and

WHEREAS, the history of the Railway Mail Service is highlighted by these clerks' superior intellect and memory, steadfast attention to duty, sterling honesty and legendary stamina; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session recognize the veterans of the Railway Mail Service on the occasion of Railway Mail Service Day; and be it further

RESOLVED: That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be sent to the Railway Mail Service Library in Alexandria, Virginia and to the Arundel Trolley Museum in Arundel, Maine.

Was read and adopted and sent up for concurrence.

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1280) (Cosponsor: Senator HOLLOWAY of Lincoln)

JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE INCORPORATION OF MONHEGAN PLANTATION

WHEREAS, Monhegan Island, 9 miles southeast from Pemaquid Point Light and 16 miles from Boothbay Harbor, has provided a safe harbor to centuries of explorers and travelers; and

WHEREAS, George Weymouth and Samuel Champlain visited Monhegan Island in 1605 and 1606, respectively, en route to exploring the wilderness of the New World; and

WHEREAS, members of the Popham Colony landed on Monhegan Island following their arduous voyage from the Old World and held a Thanksgiving service to celebrate their safe arrival in 1607; and

WHEREAS, Captain John Smith inhabited Monhegan Island during the summer of 1614, establishing the island as a fishing station, trading post and navigational landmark in the New World; and

WHEREAS, Monhegan Plantation, located on Monhegan Island, was incorporated 150 years ago on September 4, 1839, and held its first plantation meeting on April 25, 1840; and

WHEREAS, the abundance of fish near Monhegan Island has provided the sustenance and livelihood of fishermen for centuries and Monhegan Island has served as an important fishing center since the 19th Century; and

WHEREAS, Monhegan Island continues to attract and sustain anglers with its bountiful fish, captivate multitudes of visitors with its unparalleled natural beauty and inspire artists with the timeless allure of sea and cliff; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature now assembled in the First Regular Session, take this occasion to recognize the 150th anniversary of Monhegan Plantation and to offer its good citizens the best wishes and support of the Maine Legislature and the people of Maine as those citizens look to the future; and be it further

RESOLVED: That suitable copies of this resolution, authenticated by the Secretary of State, be transmitted to the plantation officials to commemorate the 150th anniversary of this historic community.

Was read and adopted and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

the Southern Aroostook High School "Warriors" baseball team, of Dyer Brook, and coach Murray Putnam, winners of a 3rd Class D State Baseball Championship; (HLS 722) by Representative SMITH of Island Falls. (Cosponsors: Senator LUDWIG of Aroostook, Speaker MARTIN of Eagle Lake, President PRAY of Penobscot)

On motion of Representative Smith of Island Falls, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: One of the great performances in the history of Maine State Championship competition, Southern Aroostook High School, senior pitcher, Peter Russell, fired a no hitter to carry the Warriors from Dyerbrook to a 4-0 win over Buckfield in a Class D baseball title game Saturday at Ward Field on the Campus of St. Joseph College.

Russell, a five foot ten, 170 pound, right-hander struck out 14 and allowed only a one ball hit out in the infield in leading Southern Aroostook to its third consecutive state championship.

All three state games won were pitched by Russell, a feat which is believed to be unprecedented in Maine history.

Southern Aroostook, winner of eight eastern Maine crowns and four state titles in the last six years finished its season with an 18-1 record under the 21 year coach, Murray Putnam.

In the news written by Pete Warner, "Yes, Interstate 95 does have a northbound lane. If you follow it some 100 miles north of Bangor, you will reach what Coach Murray Putnam calls "The Land of the Frozen Chosen." Southern Aroostook High School has been fortunate to have the youth and a dedicated coach who has brought out the best in them to be the best. Congratulations to Coach Murray Putnam and his Warriors."

Subsequently, was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government pursuant to Joint Order (H.P. 1241) reporting a Bill "An Act Regarding Governmental Ethics" (H.P. 1282) (L.D. 1773) and asking leave to report that the same "Ought to Pass"

Signed:

Senators: BERUBE of Androscoggin
ESTY of Cumberland

Representatives: BEGLEY of Waldoboro
GWADOSKY of Fairfield
ROTONDI of Athens
HEESCHEN of Wilton
LARRIVEE of Gorham
JOSEPH of Waterville
DAGGETT of Augusta

Minority Report of the same Committee pursuant to Joint Order (H.P. 1241) reporting a Bill "An Act Regarding Governmental Ethics" (H.P. 1283) (L.D. 1774) and asking leave to report that the same "Ought to Pass"

Signed:

Senator: CARPENTER of York
Representatives: HANLEY of Paris
WENTWORTH of Wells
McCORMICK of Rockport

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report.

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

Representative WENTWORTH: Mr. Speaker and Members of the House: I ask you to vote against this L.D. in order to vote for the Minority Bill which will follow and does not include municipal officers.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: What we have before us this morning is probably one of the more important matters that this body will decide upon in the waning hours. Yes, there are two reports, there were a number of bills that were brought before the State and Local Government Committee. Many of you were sponsors, many were cosponsors. There was a lot of good in all these bills. Unfortunately, the committee came to two ends. Although following along the same track, the Minority Report went a little further.

As the good Representative from Wells, Representative Wentworth pointed out, one of the three key differences in this is that the Majority Report would require municipal officials to address the question of ethics in some way, shape or manner. The other two differences are that (1) that the Minority Report would have you require to disclose liability and also it would ban....

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky, and inquires for what purpose he arises?

Representative GWADOSKY: I would respectfully suggest that the Representative from South Paris is debating the Minority Report which is not currently before this body.

The SPEAKER: The pending question before the House is the motion to accept the Majority Report. The Chair would caution the Representative from Paris, Representative Hanley, to restrict his remarks to the Majority Report and the reasons for either approval or denial.

Representative HANLEY: Mr. Speaker, I thought I was addressing the omissions of the Majority Report, and thought that was sailing to the debate at hand.

Those are the three issues. I am sure we will be debating it later. I would request a Division on this Mr. Speaker.

The SPEAKER: A Division has been requested. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" Report. Those in favor of that motion will vote yes, those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 41 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-388) - Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-389) - Committee on Taxation on Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 776) (L.D. 1088)

TABLED - June 20, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Motion of Representative CASHMAN of Old Town to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report and later today assigned.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Improve Access to Health Care and Relieve Hospital Costs Due to Charity and Bad Debt Care Which are Currently Shifted to Third-party Payors" (EMERGENCY) (H.P. 954) (L.D. 1322)

TABLED - June 20, 1989 (Till Later Today) by Representative RYDELL of Brunswick.

PENDING - Adoption of Committee Amendment "A" (H-644)

On motion of Representative Gwadosky of Fairfield, retabled pending adoption of Committee Amendment "A" (H-644) and later today assigned.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Allow 15-year-olds to be Employed in Kitchen and Common Areas in Bed and Breakfast Establishments and Inns with less than 20 Rooms" (EMERGENCY) (H.P. 293) (L.D. 405) (Received by the Clerk of the House on June 20, 1989 pursuant to Joint Rule 22 from the Committee on Labor)

- In House, Motion to Indefinitely Postpone Bill and Accompanying Papers Failed.
 TABLED - June 20, 1989 (Till Later Today) by Representative PINEAU of Jay.
 PENDING - Further action.

On motion of Representative Kilkelly of Wiscasset, the Bill was read once.

Under suspension of the rules, the Bill was read a second time.

Representative Kilkelly of Wiscasset offered House Amendment "A" (H-654) and moved its adoption.

House Amendment "A" (H-564) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, I request a ruling from the Chair. House Amendment "A" (H-654) that this body just adopted has no fiscal note. I ask for a ruling.

The SPEAKER: The Chair would advise the Representative from Jay, Representative Pineau and members of the House, that in fact a fiscal note is required.

On motion of Representative Kilkelly of Wiscasset, tabled pending passage to be engrossed and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act Relating to the Director of the Bureau of Health" (S.P. 379) (L.D. 1015) which was passed to be engrossed as amended by Committee Amendment "A" (S-146) as amended by Senate Amendment "A" (S-155) and House Amendment "A" (H-407) thereto in the House on June 6, 1989.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-146) as amended by Senate Amendment "A" (S-155) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife" (EMERGENCY) (H.P. 895) (L.D. 1239) which was passed to be engrossed as amended by Committee Amendment "A" (H-615) as amended by House Amendment "A" (H-626) thereto in the House on June 19, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-615) as amended by House Amendment "A" (H-626) and Senate Amendment "A" (S-385) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Fund a Capital Grants Program to Solid Waste Regional Commissions and Associations and Municipalities to Invest in

Recycling Equipment and Facilities (H.P. 497) (L.D. 677) (S. "A" S-351 to C. "A" H-608)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 114 voted in favor of same and 3 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Bond Issue

Later Today Assigned

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing (H.P. 1000) (L.D. 1389) (H. "A" H-648 to C. "A" H-617)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Respond to Recommendations Proposed by the Blue Ribbon Commission on the Regulation of Health Care Expenditures (S.P. 348) (L.D. 920) (C. "A" S-326)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend Certain Motor Vehicle Laws (S.P. 511) (L.D. 1399) (C. "A" S-335)

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. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Establishing the Affordable Housing Partnership Act of 1989 (H.P. 1269) (L.D. 1765)

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. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws Relating to Boards and Commissions (S.P. 630) (L.D. 1724) (C. "A" S-333)

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. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Amend the Norridgewock Water District Charter (S.P. 655) (L.D. 1762) (H. "B" H-625)

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. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Revise the Salaries of Certain County Officers (H.P. 1277) (L.D. 1771)

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. 114 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990 and June 30, 1991, and to Make Other Changes in the Law Necessary for the Proper Operation of State Government (H.P. 123) (L.D. 160) (H. "B" H-606 to C. "A" H-577)

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. 114 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act Relating to Sales Tax Exemptions and Revenues (H.P. 975) (L.D. 1353) (S. "A" S-336 to C. "A" H-446)

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as we all know, included a new tax on videos and video rentals. I oppose that new tax and respectfully ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This bill was enacted in the House several days ago with an overwhelming vote of support, I think it was 122 to 18. Unfortunately, it had to have a technical amendment added in the Senate so it is back for enactment again.

As I explained at the time, this bill is a culmination of many months of work on tax exemptions in the Taxation Committee. It does involve doing away with the tax exemption on movie rentals. I think the House is well aware of that. I hope that the House will continue to support this bill. It is a good bill. It provides a series of exemptions that the Taxation Committee felt should be extended as well as doing away with the exemption on movie rentals.

I hope that the House will continue its support of this bill and we can pass it as an emergency measure because, as I explained the other day, if we can't do that, all we are really doing is forestalling a tax exemption to girl and boy scout organizations who would really like to enjoy that in their summer camps this summer. I hope the House would continue to support this.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 129

YEA - Adams, Aliberti, Allen, Anderson, Anthony, Bailey, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Curran, Daggett, Dexter, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Gould, R. A.; Graham, Gurney, Gwadosky, Hastings, Heeschen, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Libby, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Seavey, Sheltra, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tardy, Telow, Townsend, Walker, Wentworth, Whitcomb.

NAY - Aikman, Ault, Begley, Butland, Carroll, J.; Dellert, Foss, Foster, Garland, Greenlaw, Hale, Hanley, Hepburn, LaPointe, Lebowitz, Marsano, McCormick, Murphy, Reed, Richards, Small, Stevenson, Tracy, Tupper, Webster, M..

ABSENT - Crowley, Handy, Luther, O'Dea, O'Gara, Tammaro, The Speaker.

Yes, 119; No, 25; Absent, 7; Paired, 0; Excused, 0.

119 having voted in the affirmative, 25 in the negative, with 7 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (H.P. 1262) (L.D. 1758) (H. "B" H-642)

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. 132 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1989 (H.P. 1276) (L.D. 1770)

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

Representative Lawrence of Kittery requested a roll call vote on final passage.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is final passage. This being an emergency measure, a two-thirds vote of all the members elected to the House IS necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 130

YFA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Curran, Daggett, Dexter, Dipietro, Donald, Dore, Duffy, Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Coles, Greenlaw, Lawrence, Lebowitz, Mills, Rolde.

ABSENT - Boutilier, Crowley, Dellert, Dutremble, L.; O'Gara, Pederson, Tamaro.

Yes, 138; No, 6; Absent, 7; Paired, 0; Excused, 0.

138 having voted in the affirmative, 6 in the negative, with 7 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Reduce Hardship for Injured Workers (S.P. 346) (L.D. 916) (C. "A" S-343)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act to Clarify the Definition of Seasonal Workers under the Workers' Compensation Law (S.P. 550) (L.D. 1521) (S. "A" S-321 to C. "A" S-293)

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

On motion of Representative McHenry of Madawaska, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Amend Campaign Finance Reporting (S.P. 587) (L.D. 1649) (C. "A" S-349)

An Act to Improve Public Access to and Participation in Decisions Made by Quasi-Municipal Corporations (H.P. 595) (L.D. 813) (H. "A" H-645 to C. "A" H-543)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Increase County Share of Real Estate Transfer Tax (H.P. 602) (L.D. 826) (C. "A" H-660)

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

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We debated this issue yesterday afternoon and due to negligence on my part, I didn't get a vote on the issue. I just want to explain briefly why I oppose "An Act to Increase County Share of Real Estate Transfer Tax" because the title really doesn't explain what the proposal does. For you people that weren't here yesterday, just to enlighten again the people that were here on what this proposal will do, it will take a portion of the General Fund and set aside for out of the Transfer Tax and rededicate that or increase the dedicated portion under the Maine State Housing plan. I do recognize, and I think every one of us in this body recognizes there is a problem with affordable housing throughout the state but I don't think this is the way we should address this. I do think that when you are dealing with an agency such as that and with dedicated revenues that they should be subject to substantial review and I don't believe that they are. I think when you redirect money through dedicated revenues to these agencies that that is not always the best case. I think that they should come before the Appropriations Committee for review and to substantiate their requests, as all agencies and all departments in state government should do. So, when the vote is taken, Mr. Speaker, I would like to have the yes and nays.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I have had a couple of calls from my county people in regard to the amendment. I would ask, Mr. Speaker, is the amendment germane to the Bill because I didn't see an increase in money to the county?

The SPEAKER: The Chair would respond to the Representative from Ellsworth, Representative Foster, that the time to request the question on germaneness would have been at the time the amendment was before the body. The Chair is not in a position to rule on germaneness at this time.

Representative FOSTER: Since the Speaker is not able to give you an opinion of the amendment, I am going to give you one because I don't think it is.

With that in mind, I hope that you certainly vote against this bill because if we kill the bill and you go home and your people say, "Oh, you voted for it. Where is the increase to the county?" Well, it is not there ladies and gentlemen of the House. The county amount will stay the same and the only increase is to the Maine State Housing Authority. You can do what you want, you can back it up and you can ask for reconsideration and all that, I am going to vote against it because I am not going to listen to my county people say, "Where is my increase?" and there isn't one.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I think that the Representative from Ellsworth is correct in the sense that the bill's title no longer reflects what the bill does. In seven years in this body, I have yet to have any of my constituents question me on germaneness.

The bill, simply put, is to try to provide funding for housing projects very much needed in this state. Everybody agrees they are very much needed in this state and to provide a constant reliable source of funding to those programs. We feel that it is most appropriate to provide it out of the Real Estate Transfer Tax. This legislature, past legislatures, have endorsed that idea by originally putting 45 percent of the money raised from the Real Estate Transfer Tax into the Housing Authority. This bill just goes further. The reason we have to go further is because the housing problem in this state has become greater.

I urge the House, please endorse the Majority Report that came out of the Taxation Committee and pass this bill to be enacted.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I don't think the people back in the county are going to ask about germaneness but they are going to ask if they have been misled -- been misled to believe that they are going to get more money from the transfer tax to the county. Now, if Maine State Housing Authority indeed wants a bill, and they do want more funding for that, we should have a title that reflects it. We should have everything above board. If you can do that, more power to you, but I am not going to say to my people back home that a title is roaring through this House that gives them an increase in the transfer tax to the county and it is not there.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I don't question the need of the funds, as Representative Cashman has stated, but I do question the funding source. This bill, in fact, is a misnomer I think. As you have heard, it won't increase the county share this year. Perhaps next year it may decrease the county share. They may revamp the formula again and perhaps the year after that, they will do away with the county share altogether or perhaps increase the transfer fee.

I think the important thing to remember here is the dedicated revenues. Dedicated revenues are dangerous resources to count on. I think that is important to remember. There is a bond issue floating around here, you can put a bill in and put it on the Appropriations Table if the Maine State Housing Authority needs more money. You talk about Inland Fisheries, talk about the DOT, Alcohol Premium, all our dedicated revenues have always come into question about their appropriateness. This is a dedicated fund but I think we are only going to make it worse if we increase it.

I urge you to vote against the bill.

I move indefinite postponement of this.

The SPEAKER: The pending question is the motion of Representative Seavey of Kennebunkport that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the Representative from Lewiston, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Let's not get caught up in red herrings on this. The issue here is not the title of the bill. The bill was introduced for a purpose and that was to reallocate and readjust the allocation of the Real Estate Transfer Tax. A policy decision was made some time ago, a portion of which has previously been dedicated to the Maine State Housing Authority.

I think Representative Cashman summed it up best, at the time the housing problem existed, since then it has become much, much worse.

I explained yesterday, the concept behind this bill is very simple in terms of what the Maine State Housing Authority does and the sort of programs that it is involved with. It is critical that they are able to project and predict with reasonable certainty what kind of investment capital they are going to have to work with particularly as a result of the passage or hopeful passage of the Affordable Housing Partnership Act of 1989 which sets into place responsibilities to both the Maine State Housing Authority and the Department of Economic and Community Development in partnership to address the crisis in housing in this state. This is a tool that we would like to provide to those entities in order to address the problem in our charge. The issue is not the title.

The Taxation Committee obviously decided that raising the share for the counties in the Real Estate Transfer Tax was not their cup of tea this year. They made that policy decision, I respect it. I went to the Committee two months ago to present the amendment to Representative Heeschens bill. This issue has been on the table for two months.

In my years of experience in this legislature, particularly when it involves municipalities and counties, it doesn't take long for them to find out about something like that occurring. I have heard no great resistance, no cries from their constituency. Therefore, I think they are happy to be at least

where they were before but don't seem to object to having a greater share of the General Fund expended and invested into housing through the Maine State Housing Authority which I think we will all agree over the last 20 years has done an exceedingly good job managing the housing programs for this state. That is really what this is all about.

I will say one more thing in closing and that is, this bill is going to the Table, the Appropriations Committee is going to have the opportunity to look at this in conjunction with all of the other requests and priorities and attempt to, if necessary, moderate it and adjust it to whatever financial conditions we ultimately reach on a conclusion on the budget.

I would encourage you to pass this bill today, get it to the Table and pride yourself in having accomplished one more piece of the puzzle in this housing package that I think in total will have a significant impact both economically and in terms of social benefits to the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: This bill was originally designed as a property tax relief for the people at the property tax level back home. I am familiar with what it intended to do because there was a similar bill that was drafted also which has been withdrawn. Because this was an attempt to provide some property tax relief -- that is why it was here. However, at this point in time, the wording of the bill is quite different than the way it was originally written. Therefore, I support the position of not allowing this bill to go through here.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: This bill was printed originally March 17, 1989 and all the counties have had a chance to read it and that is what they think it is going to be -- an increase of 15 percent of the tax collected shall be transferred to the county treasurer to help offset operating expenses to county government. Now, do you think they have seen this amendment that was printed June 20, 1989? Do you think they have had a chance to read it? Well, I have had a chance to read it because it also says the bill will result in a loss of revenue to the General Fund of \$3,214,629, now that is a lot of money that we have been sort of waiting to fund some of your legislative documents. You think about that one.

Why can't Appropriations meet and get a budget out? You roar these things out and put them on the Appropriations table and so on and so forth.

Let me tell you what the gist of the whole thing is -- I hate misleading the public. This bill with that title on it, does. That is the bottom line.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: By way of response to the date of the printing of this amendment, this amendment was offered at the public hearing by Representative Nadeau and supported at the public hearing by the Housing Authority. I don't really think it has been kept under wraps and kept in somebody's desk drawer until now. It has been discussed by the Taxation Committee since it was offered at the public hearing.

Once more, I don't think it is terribly unusual to have a committee in the legislature change the wording of a bill. That is what we did because we felt this was more appropriate than the original wording.

Again, I urge the House to support the bill as it has been reported out.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: In developing another bill on this particular title, I found in my research that in 1988, \$14,395,618.39 was generated from the Real Estate Transfer Tax in the State of Maine. Of that amount, the counties received 10 percent which was \$1,439,561.83 representing 10 percent of that amount. 90 percent of that amount which came to the state was \$12,956,056.55. A former bill proposed that this be split 50/50. However, this particular legislation is now dividing the 90 percent which comes to the state and that is almost \$13 million, between the Housing Authority and the General Fund, splitting it 22 percent to the General Fund and 78 percent to the Housing Authority. I merely give you these figures so you can get an idea of the amount of money that would have gone under this percentage in 1988 had it been enforced.

I also found in my studies that for the first two months of 1989 that these sales were considerably lower than what they had been for the comparable months of 1988. Therefore, it is understandable why we have a shortfall in funds at the state level as far as this particular issue is concerned.

I hope that you will consider these funds and realize the amount of money that is being considered and how it is being considered to be distributed.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: As mentioned the other night, I think it is very important to realize that the Housing Committee voted out a unanimous report -- \$11 million for the General Fund. I think it is important to realize that things have changed since we first got into the session as far as our projections on money. And, as has been mentioned here today, this would just allow us to get to the Appropriations Table with this bill and at that point it can be examined to see how much money there is and whether or not they feel that it would be important to go forward with this as far as funding for the Housing program. I hope that you will keep all of our options alive as far as our housing programs and vote for this bill today.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: To summarize this bill, as I see it -- this bill was a local property tax relief bill. It has become a bill to increase state government to fund, albeit a worthwhile project, another state program. I think a vote for this piece of legislation really draws a question as to the commitment of this legislature to property tax relief. I urge support of the motion to indefinitely postpone.

Representative Seavey of Kennebunkport requested a roll call vote on the motion to indefinitely postpone.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Seavey of

Kennebunkport that L.D. 826 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 131

YEA - Aikman, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, LaPointe, Lebowitz, Libby, Look, Lord, Luther, MacBride, Marsano, Marsh, Martin, H.; McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Ridley, Seavey, Sheltra, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Macomber, Mahany, Manning, Marston, Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rolde, Rotondi, Ruhlín, Rydell, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Jalbert, O'Gara, Tammaro.

Yes, 61; No, 87; Absent, 3; Paired, 0; Excused, 0.

61 having voted in the affirmative, 87 in the negative, with 3 being absent, the motion to indefinitely postpone did not prevail.

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

PASSED TO BE ENACTED

An Act to Clarify the Farmland Adjacency Law (H.P. 697) (L.D. 949) (C. "A" H-549)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation (H.P. 1025) (L.D. 1431) (H. "E" H-663 and H. "D" H-661 to C. "A" H-640)

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

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, I would like to pose a question through the Chair.

To the Chair of the Energy and Natural Resources Committee, my question is, is the MERC and PERC landfill as proposed for Township 30 affected in any way by this legislation or by the amendments which are currently attached to the bill?

The SPEAKER: Representative Paradis of Old Town has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: No, it is the committee's intent

that the PERC landfill in Township 30 is not a commercial solid waste disposal facility as is defined in the bill. The PERC landfill is not affected by this particular bill.

Mr. Speaker, on enactment, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair.

I would like to have this on the Record for the people in my district. I would like to have the chairman of the committee acknowledge what is going to be the future of the regional waste system in the city of Greater Portland.

The SPEAKER: Representative DiPietro of South Portland has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: If it refers to RWS, there is no problem.

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

Representative ALIBERTI: Mr. Speaker, Men and women of the House: May I please pose a question also?

Would somebody explain the effect this legislation will have as it affects the consumer?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Hopefully, the consumer will benefit by this piece of legislation as it relates to the recycling. Hopefully, the municipalities cost to their budget as related to solid waste will be reduced.

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

Representative ALIBERTI: Mr. Speaker, Men and women of the House: I think you answered it and perhaps my question was too vague for you to be more specific. I, as a consumer, that is responsible for taking care of waste, how will that affect me any differently from what I am doing now?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: It depends on what your municipality does as far as what type of recycling programs that they do.

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

Representative ALIBERTI: Mr. Speaker, Men and women of the House: I know sometimes I am slow and I apologize for that but I still didn't get the answer to my question as to how it will affect me. I am not talking about what the city, the municipality does, I am talking about directly what this legislation will do to me and how it will change my life-style. I can give you an example, do I have to put my waste in a trashbag and throw it on my neighbor's lawn?

The SPEAKER: Representative Aliberti of Lewiston has posed another question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: It will not affect you on how you separate your waste. However, current law will affect you if you throw garbage on your neighbor's lawn, they will get you for littering.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been following this solid waste bill in the committee since the public hearing date. As a matter of fact, it was referred to yesterday on the floor of the House that I made a specific proposal to that committee on Energy and Natural Resources about some of the problems associated with the legislation that we are dealing with. I want to tell you today that I fully intend to support this legislation on enactment but I do want to bring out to you, the members of this House and the members of the Maine Legislature and the public, some of the things that are indeed in this bill.

There are some tax provisions in this bill that I think were never fully considered by the Taxation Committee, although they were brought out in the last couple of days. We have had to absorb a 100 page amendment in the last 24 hours to a bill which I believe may economically affect the consumers of the State of Maine immediately between \$30 and \$40 million. I challenge anyone on the committee to dispute the direct cost to the consumers of the State of Maine. I believe that the cost effectiveness in this legislation to the municipalities is not great enough for them to be in the recycling business.

I will tell you exactly what I did propose to the Committee on Energy and Natural Resources to consider for a solid waste recycling. I have had more than one of those people say to me, "Representative McGowan, your thoughts on this issue are right on, but they are not something that we can adopt right now. They are something that you should think about for the year 2000." I think that is probably one of the things that we have for a problem in this legislature is that we deal with solutions at a two year period and it coincides with a November election. I think that what I am talking about is something that we should be thinking about 20 years down the road.

Now, what will happen as a result of this legislation is that 11 to 12 percent of your solid waste, which will be the material that has been expanded through the bottle bill proposal, will be taken to the redemption centers and the stores (of which I own, as you all know); the rest of that material will be taken to the solid waste recycling center. What I was proposing was that we take it all to one place. I think that the cost of items in the recycling areas such as aluminum which will probably be in the year 2000 the most costly item in recycling in the United States because of the shortages of bauxite and other raw materials used in producing aluminum, and the glass. I think that is something that will, if this proposal continues through those years, limit the municipalities ability to recycle with some cost effectiveness.

I think that the proposal which is before you will raise the cost of liquor to all of your consumers if you are not in an area that has a discount liquor store. You should know that because that has been an issue that this legislature has dealt with over the years about different prices of liquor throughout the State of Maine. I think that you will find that this indeed will raise those costs to the people inland. I think that is something that you should understand.

The bottle bill, as originally proposed, which I supported 17 years ago and my family supported as owners of a small store, is something that was never intended to make anybody any money. I can tell you ladies and gentlemen of the House that it indeed makes people money. With the handling fee increase, it will make people more money. It makes a little store like I have some money, but it will make Hannaford Brothers and Shaw's millions of dollars.

What I proposed to the Energy and Natural Resources Committee was that they take that money that is generated by the bottle bill and give it to municipalities for recycling programs, for capital investments. Take the float that is now being used by the beverage distributors for whatever purpose and give it to the municipalities for recycling, recycling capital needs, and recycling personnel needs that they are going to have for future years.

I would say that this legislation has been given a great deal of thought by the Energy Committee but I also think it has been bombarded by people from outside of the legislative process on both sides of the issue. I feel very badly about that because I think that what you are voting on here today has some impact on generations to come and that we may not fully realize at this date in time, 24 hours after we were presented the amendment.

I will tell you that it is a major step, that there are provisions of this bill that are a major step in recycling and getting us down the road to recycling but I think that some of the little things that are in here are not only going to peel off certain segments of the population but will in the future hurt one's ability in this state to promote further municipal recycling facilities.

I think that we should vote for this bill but I think that we should indeed realize exactly what it does. One of the major things that it does is, as I said earlier, was a \$30 to \$40 million retail increase to your consumer. Now, you may not call that a tax, you may not call that a fee, but it will do that, ladies and gentlemen and I think you should know that before you vote for it. I intend to vote for it but I will tell you that some of the things in this bill were not fully thought out and that we will be back in January and we may have an opportunity to deal with the year 2000 or the year 2010 but I think that right now that we ought to get on down the road to recycling and just keep those things in the back of your mind.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Canaan, Representative McGowan, raises some valid points. However, there is always two sides to each coin. There is no question that there is going to be an added cost to John Q. Citizen, now and in the future. The question is, how much greater will it be if we don't bite the bullet now? My community -- the cost kipping fee is now set at \$19 a ton when it goes into effect. Some other communities are not so fortunate, they are already set at \$24 and some at

\$29. I know for a fact that some of our neighbors to the south of us, the kipping fee is set at \$100 a ton.

What this simply means is that the more that we can recycle, the more we will experience avoided cost. How much that will be will greatly outnumber the figure that Representative McGowan has raised. There is no question that recycling is the answer.

You heard me talk yesterday about how complex this system is and until it gets put in place, there is going to be some upheaval in some areas, discomforts in others. For example, in my community the ratio or the mix is 80 percent commercial and 20 percent household. In Representative McGowan's ancestral community of Wytopotlock, the mix is 80 percent household and 20 percent commercial. It is very difficult to set up a system that can accommodate these great different degrees or ratio of mix and make it work. It takes time, you are going to have to work the bugs out. The answer is simply recycling. First of all, we must create a market for the recyclable goods and that takes time.

We know for a fact that it is much more economical to make new glass from existing glass, so the bottle bill in time will self-destruct. The same thing holds true for aluminum. We know that it is much more economical to make new aluminum cans from used aluminum cans, it requires less energy. Furthermore, we are not only running out of boxite to make aluminum, but we are also running out of sand to make glass.

When I went to school, we were told that this was the land of plenty, we would never run out of anything. Ladies and gentlemen, we are running out. We could also very well be running out of trees in the future. It is much more economical to make new paper from recycled paper. So it behooves us to bite the bullet now. We know there are going to be some problems, we can't possibly draft a bill that is going to take in all the problems that we may encounter in this area, it is virtually impossible. I think what you have before you now is the best possible draft. I think we should get along with the business, vote this measure through and work out the bugs later.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: Due to a slight error in communication, I was unable to get up on this before, but today I will have an opportunity to say a few words.

I would say to the Representative from Winslow, there are two sides to a coin but it may be two heads or two tails.

In answer to Representative Aliberti, yes, there will be increased costs and there will be inconvenience.

We are going too far, too soon. What some of us wanted to do was set up the authority and have a plan of action. You don't solve a problem by creating one. When the day comes that your little Mom and Pop store is told they are going to have to build a 20 by 40 addition, you want to hold the phone way away from your ear. There are a lot of problems here. I realize that we do have to bite the bullet, so to speak, but I feel that there was a better way to go about it. We had some options, we had Representative McGowan's option which I thought was a good one. We had the gentleman from Bowdoinham who is successfully recycling. The incentive is this, you bring your recycled goods there, you don't pay for it. You bring the goods that are not recycled, you pay. That is good old yankee ingenuity. Once again, you don't solve a problem by creating one.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, my Learned Colleagues: A week ago Sunday in the paper, it may have been last Sunday, but anyway it was a week or so ago, there was an article in there regarding the regional waste system plant in Portland. Sixteen towns and cities from Cumberland County and four towns from York County ship material into this plant. Last year, we paid a kipping fee of \$25 a ton, it generated \$1,855,325. The coming year, we would be paying \$33.50 a ton which is going to generate \$2,486,135. This is a \$600,000 increase in the cost of getting rid of this material. In my little town of Waterboro, we paid \$55,225 this year, next year we are going to pay \$74,000 -- quite an increase.

Let's take the City of Portland, they have gone up from \$595,350 to \$849,000, so it is going to cost us more. I am sure if it is costing these 20 towns more, it is going to cost a lot of other towns a lot more.

A lot of people have the idea too that we have got these dumps and we are going to close these dumps down and we are going to go into a secure landfill. When you build a secure landfill and you are going to pay millions of dollars to build these things with the liners and everything else, they have to be paid for. Your kipping fees or whatever they are are going to go up and your costs are going to go up. Now, how are you going to bring these costs down? Through recycling. It is the only way you can bring these costs down because we are generating the stuff and you have to get rid of it.

As Representative McGowan said, yes, I think his plan is good but I don't think you are going to get all of the State of Maine into that type of a program.

In our package here, we are allowing for this. We have the technology and the language in there so that anybody that wants to go into that type of redemption center can do it. It is going to take time and we are hoping through the grant program that we will get pilot programs around the state to show that this system can work. But goodness gracious, we don't say this is a perfect bill. There isn't a major bill that has ever been passed in this House that you don't have to do extra work on. We are coming back next January. I know we have probably made some mistakes, but we worked hard and I think we have come up with a complete package and I hope you continue with it.

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

Representative HUTCHINS: Mr. Speaker, Members of the House: It seems that everyone that has spoken to this bill has spoken to the same side of it and yet they are still going to vote for it, which I don't quite understand. Everybody points out what is wrong with it and nobody tells you what is right with it. There is very little right with it. The idea of recycling is here and we have to have it. But when we are talking about increasing the Bottle Bill, why are we going to take and add a deposit fee to bottles that stores are going to have to handle and then distributors are going to have to handle and then the bottles are then going to be crushed and disposed of when what we are forgetting is that towns are already starting to recycle and the more it costs them, the sooner the more they realize that they are spending a lot of money for waste reduction by getting into the recycling.

When you can take this same glass bottle and all of your glass bottles, any white glass, any green

glass. any brown glass, and take it to your landfill or have the person who hauls it take it there, and it is crushed up, you are doing away with the middle man, you are also doing away with a bureaucracy of state people to help run it. We are talking about an up-front disposal fee with this for white goods which at least in the southern part of the state will negate any more sales of appliances in this state, they will be sold from New Hampshire and trucked into the state and we will still have to take care of them, and we don't even have the up-front fee on them at that time. If we are ever going to get a handle on the cost, and control the amount of solid waste, we are going to have to do it at the source and when we dump something, we should pay for it.

Some people will tell you that is going to have a lot of people throwing things in the woods. The same mentality that will throw things in the woods are going to throw it in the woods either end of the time they have to pay the disposal fee. The fact that the towns can do it much more economically and are doing it. There hasn't been a thing discussed here today that mentions the fact that the towns are already addressing this problem in great numbers and they will continue to address it. What we need to do is encourage recycling, not more state bureaucracy.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 132

YEA - Adams, Aikman, Allen, Anderson, Anthony, Ault, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Curran, Daggett, Dellert, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Garland, Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Aliberti, Bailey, Clark, H.; Cote, Dexter, Farren, Foster, Gould, R. A.; Hussey, Hutchins, Jackson, Jalbert, LaPointe, Merrill, Parent, Plourde, Pouliot, Seavey, Strout, D.; Telow.

Yes, 131; No, 20; Absent, 0; Paired, 0; Excused, 0.

131 having voted in the affirmative and 20 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws (H.P. 1225) (L.D. 1697) (S. "A" S-341 to C. "A" H-514)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County (H.P. 1258) (L.D. 1755) (C. "A" H-628)

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

Representative Mitchell of Freeport requested a roll call vote on enactment.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 133

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Mayo, McCormick, McGowan, McHenry, McSweeney, Melendy, Merrill, Michaud, Mills, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Coles, Holt, Marston, McKeen, Mitchell.

ABSENT - Dellert, Macomber, Martin, H.; McPherson, Moholland, Sheltra, Strout, D.; The Speaker.

Yes, 138; No, 5; Absent, 8; Paired, 0; Excused, 0.

138 having voted in the affirmative, 5 in the negative, with 8 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the Town of Jay (H.P. 1237) (L.D. 1728) (C. "A" H-646)

Resolve, Concerning the Dam on Mattawamkeag Lake (H.P. 1247) (L.D. 1740) (C. "A" H-647)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item: An Act to Clarify the Definition of Seasonal Workers under the Workers' Compensation Law (S.P. 550) (L.D. 1521) (S. "A" S-321 to C. "A" S-293) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent.

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$12,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities, Vocational-Technical Institutes and State Facilities (S.P. 494) (L.D. 1368) (H. "A" H-662 to C. "A" S-348)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 113 voted in favor of same and 5 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste (H.P. 1272) (L.D. 1768) (C. "A" H-665)

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. 114 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1989 (H.P. 1279) (L.D. 1772)

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. 116 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Clarifying Intoxication Under the Workers' Compensation Law (S.P. 118) (L.D. 184) (H. "B" H-664 to C. "A" S-182)

An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce (H.P. 438) (L.D. 603) (C. "B" H-633)

An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (H. "A" H-569 to C. "A" H-496)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing (H.P. 1000) (L.D. 1389) (H. "A" H-648 to C. "A" H-617) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Nadeau of Lewiston, the House reconsidered its action whereby L.D. 1389 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-617) as amended by House Amendment "A" (H-648) thereto was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted.

On motion of Representative Nadeau of Lewiston, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-371) to Committee Amendment "A" (H-617) and moved its adoption.

House Amendment "B" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Establish Color Standards for Maine Waters" (H.P. 1229) (L.D. 1713) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) on which the Bill and accompanying papers were recommitted to the Committee on Energy and Natural Resources in the House on May 23, 1989, came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be enacted in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you will vote to override the Governor's veto on this bill. He submitted

another bill that we tried to work on, the committee could not come to any type of consensus or agreement. The basic difference is some members of the committee want to do a goal, others want to do a standard.

This bill, as I stated earlier when we first took it up, is a method where Maine can start cleaning up its rivers. I think the people want that, they have made it loud and clear that they want it. So, I hope you would vote to override the veto.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: The bill we just killed was because of a disagreement as to what procedure we should follow. Part of the bill was more strict than what the present bill is, which the Minority party agreed to and some of the Majority party agreed to. However, when it came to whether we should have a standard or a goal of what should be obtained by 1997, it was determined that we do not have the correct information at this time. It would be in the best interest and we could do a better job next year in February when the DEP is supposed to report to the committee as to what standards we should set. This is the reason why bill of yesterday was killed.

It isn't going to prove anything different by passing this bill. I think it is a mistake, a grave mistake, if we passed the bill that is pending. We worked this once, the Governor vetoed it, we sustained his veto and then they took it down to the Senate and they sat on it until almost the last day and then they let it back out. To me this is just -- I don't know what you call it, it is kind of disgusting to me.

I think what we should do is get the correct information that we need to come up with something that will be meaningful and will be done on every river in the state. This, to me, would be the very best way to go. For Heavens sake, let's do this right, let's not just go out and pick off something out of a tree like you pick an apple off a limb, let's have something we can base the standards on that we are going to come up with. The only way we are going to do it is to get all the information we can from these paper companies and it should be from the towns and cities because they pollute into the rivers too. Then you have to take into consideration the natural color of the river. All these things have got to be taken into consideration.

So, I ask you please, please let us do our job. I am telling you, this committee is going to be strict, nobody is going to get off the hook and we will come up with something meaningful, something we can obtain and do it honestly. I hope you will sustain the Governor's veto.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: Here we are again, the final days dealing with the Governor's veto. I, for one, can't accept anything here today until the Androscoggin River becomes an asset to the culture of my area and the development of its entire community can be an enjoyment to the citizens of my area.

I would like to utter a few words that was uttered from a friend of mine of this House the other day, Representative Clark, "Governor, I hope you are listening."

I have heard it said in Lewiston and Androscoggin County that maybe people don't understand what 20/40 means. You may be right Governor, maybe the people don't understand what 20/40 means, but my people in Androscoggin do understand one thing, and they

understand it very clearly, they recognize scum and yellow water. I repeat it, they recognize scum and yellow water.

I had a good friend of mine, Representative Ridley who sits close by, tell me the other day he happened to be visiting in the Lewiston/Auburn area not far from the river on the other side in Auburn and asked me what that smell and odor was. It is there, ladies and gentlemen. I firmly believe and I say this in all honesty, all that the people of Androscoggin County want is a clean river like other rivers. It is not just the people of Androscoggin County that are asking this, it is the people of this state that are asking and are going to be demanding. You can throw colors and numbers around but come and take a look at it. I beg you today to vote with us to override the Governor's veto and give the people of Androscoggin County a clean river.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I will make my comments brief but I do want to make some on the Record.

First, let me thank publicly the Representative from Leeds, Representative John Nutting, for letting me cosponsor this bill. It meant a great deal to me to be able to participate in this effort, it affects my district a great deal as it does many others. My particular district, one entire side of it, all of downtown borders all of the river, that includes the bridges going from Lewiston/Auburn.

My district is very low-income. There are a great deal of businesses, a lot of transient population and a lot of elderly in the sunset of their life and they have lived in Lewiston all their lives. They have seen the community go from a very dependent community on the mill structure to a thriving (and I believe a truly exciting) city in this state. I am proud to have seen in the past five and a half years during my time in the legislature my community really turn into one that I think anyone would be proud to live in.

This particular bill had had a great deal of discussion, not only in this body, in the House, and around the state. I think it is a small step. We just passed a solid waste bill that deals with those items we talk about and deal with everyday in life on land. This state has taken great pride to say that we have clean air and clean water. I would say that we have a long way to go in both of those areas. I think the state has taken some great pains in recent years and I think with the President's recent initiatives, maybe we will see some great strides in the form of air quality. But, I don't think in water quality this state has done what it should or lived up to the true expectations of its population. In fact, of all those individuals who don't live in Maine but summer and vacation in Maine and those who have lived on the banks of the various rivers, including the Androscoggin all their lives. I just want to say that as a younger person in my community, seeing the mill towns (also living in Livermore Falls at one point which was a mill town on the Androscoggin) having lived on the Androscoggin as a young boy and now as a legislator from Lewiston, I have seen how that river impacts the lives of every Mainer. I have seen how, in the case of the Androscoggin, and the lack of a truly clean river in both a rural community, East Livermore, and in the city, Lewiston, how the property along that river has been undervalued and underutilized because of that fact.

My district would be dramatically, dramatically affected if that river was clean to the extent that we would all like to see it.

There is no doubt that we are going through a great economic time in Lewiston/Auburn but not even a tenth of what I think we could go through if that river was at the level that it should be. There are canal structures that I think would be an incredible asset to downtown, to the community, to the businesses, to the individuals that are just now in kindergarten who could live in a community and say, "I am proud to live in Lewiston, to work in Lewiston, to grow up in Lewiston. We live on the Androscoggin River and it is the cleanest river in the state." I would like to be able to say that some day, I hope I can.

I think this bill, although not going as far as it could of, was an attempt to send us in that direction. The committee worked long and hard to try to present a bill that said in statute, which is what the legislature does when it wants to state a case on the Record, it does it in statute, it doesn't wait for rulemaking, it doesn't pass resolutions, it puts it in statute.

We wanted color standards that were compromises, no doubt, but they were tough standards and they were in statute.

This Governor decided that that wasn't appropriate and put before this body and the Energy and Natural Resources Committee a bill that did identical, identical things to what a Governor, any Governor could have done in rulemaking or by executive order. That is a cop-out, ladies and gentlemen of the House. It was a cop-out when it was presented, it is a cop-out now.

Now, I know for a fact that some day we will see in my lifetime that river as clean as any river in this country. I feel it in my heart and I know it will happen. I hope it happens while I am still a member of this House. I know there will be other bills come before this body and before the Energy and Natural Resources Committee that will affect, not only Androscoggin but other rivers in this state and we will again attempt to do it in statute. This bill, being vetoed by the Governor, I think, makes a broad and ever-reaching statement to the members of this House and to the representatives of every other body that is elected in the state and every citizen of the state. If this Governor is truly an environmentalist, he seems to think he is when it comes to solid waste, then let's see it happen with the rivers of Maine.

I would urge you to vote on the pending motion to not sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time that I have risen to speak on this issue. Of the Androscoggin delegation, I believe that my district probably covers, alone, one of the longest shore frontage on the Androscoggin River, except possibly the Representative from Brunswick, Representative Clark, whose district also covers Durham.

I was born and brought up in Lisbon. I remember the Androscoggin River when you could swim in it. Because of economic expediencies, they said go further down and down. It got polluted more and more to the point that I remember in World War II, when the paint was actually peeling off the houses in the part of Lewiston they called Little Canada and in part of Lisbon Falls and that happened because we were too concerned about, let's get any kind of industry we can get in, never mind what the

industries are doing to the river. I also saw another river that goes through Lisbon village and dumps in the Androscoggin River in Lisbon Falls, that is the Sabattus. I can remember swimming in that river also.

I do not intend today to take issue with the Governor on his veto and what he proposes. The issue has been decided. I rise today to try to get across to you people that something has to be done. We can't just sit back and say we will study it, we will study it, because if something isn't done, and immediately, we will end up in the second session of the 114th with the same problem we have got now.

I commend Representative Nutting for stepping forward and saying something must be done.

Please, I ask you people, let's do something, take the Androscoggin River and look at it where it comes out of New Hampshire, you can practically drink it, but when you go down to Topsham where it dumps into the Merrymeeting Bay, it is unbelievable, they have tried over and over again to clean up the Androscoggin but apparently it is an uphill fight. Your environmentalists, your sportsmen — they are building a new dam at Lisbon Falls at the old plant and through the sportsmen, they were able to force the issue to a fishway. Everybody is trying to do something to clean up the Androscoggin but apparently we are not getting the type of cooperation from the industrial sector that we should get. That is what is my big concern. I am not going to take in the administration on this issue, he has made his decision, there isn't much we can do. But I would ask at this time that when you do think of the Androscoggin River, take it from me, I remember as a little boy being able to swim and fish in it and that hasn't been that many years — it is a regular sewer hole now.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I feel very frustrated today and it is probably no surprise to anybody. I and the cosponsors of this bill, have worked very hard to see that Maine's rivers are cleaned up. I want to compliment the Energy and Natural Resources Committee, they finished their deliberations on solid waste Saturday at twelve-thirty. They began working on a new color, odor and foam bill from the Governor at 12:45, I don't think you could ask anymore of them. Last night at 12:15, when we realized that we just could not get unanimity, there was a bipartisan motion made to put on a unanimous "Ought Not to Pass."

I do want to bring a couple of things to this body's attention. I, the last three months, have received copies of the paper industry magazine. This is a magazine that talks about technology and everything regarding paper mills all across the United States. It has given me some extremely interesting reading. In the April issue, it did a whole story on a craft paper mill in Brazil that had been made to be refitted and that mill had been made without a study but had been told to reduce its color, odor and foam by 91 percent and the mill did it. This magazine, of course, goes to every paper mill in Maine, in every paper mill I believe in the United States.

In the May issue of the paper industry magazine there was an editorial page and I am going to quote from it. This just adds to my frustration but I want to read this into the Record. This is an editorial in the National Paper Industry magazine and it said, "To preserve good public image (and it is talking about the vetoed bill in our situation here in Maine) and complete the river cleanup, it started with the

Federal Clean Water Act in the early '70's, the paper companies should reduce color emissions. Without a law, such as the one vetoed however, companies that do not reduce emissions would gain a cost advantage over those that do." It goes on to say and this is the editorial writer for this Paper Industry magazine "Most industries do not support increased regulations but in the case of reasonable environmental regulations, it makes sense for companies not to blindly oppose them. Since perception is reality, paper companies need to be seen as partners in the public interest. In conclusion, in Maine clean rivers can help paper companies to keep their reputations clean too."

I urge this body not to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, I would like to pose a question through the Chair.

I would like to know what the results of the bill were that the committee heard last night?

The SPEAKER: The Representative from Limestone, Representative Pines, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Even though the bill is not before us, and although she went up back, I am sure she knows the reason why the committee could not agree on that bill. We had three or four different reports and there is no sense in putting this body through two sets of debates on this veto plus on the bill. The original bill didn't do anything and doesn't do anymore than what the department can currently do through rules and regulations so rather than having three or four different reports, the committee voted unanimously "Ought Not to Pass" and, hopefully, the board will deal with it through rules and regulations.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: For the Record, Mr. Speaker, I went up back to ask that question because I wanted it answered. I was told to ask the Chairman of the Committee.

I read the report but I did not have the information. My good Representative from East Millinocket, Representative Michaud, noticed I was up back, I went up back to ask the same question I posed through the Chair. Therefore, I asked the question here. For the Record.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, my answer is the same.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I hope it is not too much for us in this difficult time at the end of the session when some of us are depressed and some of us discouraged and few of us feeling terribly happy to remind ourselves that the color standards for Maine waters should always have been the natural water color. We are trying to get back to that standard and this is just another step toward the goal of clean water. We should remember that fish in waters of Maine can concentrate pollutants a thousand times over the water surrounding them.

I do believe that most of our constituents want us to pass this legislation. They have told us they are willing to make sacrifices for a cleaner environment. Over and over they have told us that. I truly believe that the Governor would like to be reminded of that today. It is no crime to override the gubernatorial veto, let us take a forward step and be proud of ourselves after we leave here, whenever that may be for this session.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, I would like to pose a question through the Chair to a member who was on the Minority Report on this bill.

It is a two part question. First, is there common agreement amongst all members of the committee and the Governor that the rivers needs to be cleaned up?

The second part is, if there is agreement on this point, then what purpose would the study serve?

The SPEAKER: The Representative from Houlton, Representative Graham has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I would be glad to answer. All of us share the same goal but you cannot, and I repeat cannot reach up into the sky and pull out figures -- that is number one. I don't like to use the word study but plan of action. This is what you have got to do. "Oh yes, I know, I will get some of this." You may laugh at this if you want to but I have been on that committee for 13 years and I care about the environment just as much as anyone in this House. I commend Representative Nutting for putting that bill in because it has acted as a catalyst. We all know what a catalyst is -- those of you who don't, I'm just a dumb woodsman but I know what a catalyst is, this is a catalyst.

In all fairness to the Governor, he initiated the study, let's not forget that ladies and gentlemen, he initiated that study. I am sick and tired of all these innuendoes and so forth. Let's all work together. The pulp and paper companies are funding to the tune of \$2 million this plan of action. You can laugh again if you want to -- plan of action. They are not happy and believe me, the entire committee will hold their feet to the coals next February. If you don't believe it, check in on our hearings, you are perfectly welcome. If the room isn't big enough, my house chairman will find another one. Now let's stop all this foolishness and snickering and so forth, get on with the vote.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Before this debate gets too far out of hand, I would like to remind people what this bill does. Fifty percent color reduction by 1992 and an extension of three years for reasons that would have to be approved by our Commissioner of Environmental Protection. Fifth percent color reduction by 1992, I don't think that is too much to ask. That is why I support this report and I think that is an attainable goal. I don't think people, whether we wait one year, two years or three years, would want to see that standard any lower.

We can argue about the cost, we can argue about the significance of what a fifty percent color reduction means. Each night when I drive home, I cross the Androscoggin River and ever since this debate began, each time I cross, I look down at that river and I try to pay closer attention to just what

the river means. You have heard how much it means to the people of Androscoggin that live on the Androscoggin, it means a significance to them that their whole metropolitan area is being revitalized and renewed. It means more than that to all the people of this State of Maine, it means that our environment is just as important to us as is our economy and that we know that our economy depends on how high standards we set for our environment. We can't have one without the other and that is what this bill essentially says. It is a fifth percent color reduction, it is a compromise right in itself.

To answer my good friend, Representative Pines' question, we have argued in the committee whether that standard should be in law or it should be a goal and was what our disagreement was -- that we felt a goal really didn't accomplish much, if anything at all. In fact, we had actually lowered the standard to 30 percent or 25 color units and 50 color units.

I would like, once again, ask you to override this veto. It is a compromise in itself and a significant step, it will cost money but that is exactly why cleaning up the environment is all about anyway. I guarantee to you a cleaner environment means a better economy for the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on the Record as being for clean rivers. We have heard a lot about the Androscoggin and that is true but that is one of a number of bodies of water in this state that needs to be cleaned and taken care of.

Is there any other company or municipality that has any money invested in this study other than the paper companies? I would like to have that answered, please.

The SPEAKER: The Representative from Sabattus, Representative Stevens, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: No, the study is going to be done totally by the paper companies and it is not a \$2 million dollar study. I asked that question the other day, it is a \$600,000 study but there is a restriction on that study as far as the public's right-to-know. The paper companies are doing the study.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have to say a few words, I generally don't get involved in partisan issues but this became a political football. Please let's quit kicking it around and sustain the Governor's veto and let us handle this next year. We have fooled around with it long enough.

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

Representative POULIOT: Mr. Speaker, I would like to pose a question through the Chair.

If you do sustain the veto, who are you voting for? Your people or the paper industry profits?

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I think what we really want to get back to and should have been for a long while is the clean river and other bodies of water.

This is nothing but what could have been done in 1982 when we had administration that was the same as this House and the other body but it has been put off

for six years because we have a Republican Governor and this is being used for an election football.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I hear an awful lot of people talking about a clean river, then let's put your mouth right where your vote is, right now. Now is the time to vote.

I don't think we are trying to make a game of this. We just went through this waste thing. There are problems out there with the rivers. I just think the courage comes right now to vote. I hear people in my own Androscoggin County saying they want a clean river. Let's vote now, now is the time, let's go for a clean river. Don't wait until January, let's send the message out to the voters. Here is your chance right now, not when you get back home and tell the people, "Gee, we tried and we are going to do this and we are going to do that." You've got that chance today.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: It really distresses me the way we are going on here. Anybody would think that the Minority party doesn't want clean rivers. We do. You know we do, everyone of you knows that we do. We have worked hard. What we want though and what we need is the information, not a study. It isn't a study at all, we just want the information in order to do this job right. It isn't hanky-panky or anything else, it is to do the job right. If you cast this thing out, nothing is going to be done before February anyway so, for heaven sakes, let us get the information and come up with something that is right. Then we can go to everyone of the people and say we have done a good job and we have done it right. We have done it based on facts and figures.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Dutremble.

Representative DUTREMBLE: Mr. Speaker, Men and Women of the House: In Biddeford we have the Saco River, one of the cleanest rivers in the state, probably New England. Then we got MERC about three or four years ago starting to pollute Saco River. About a month ago, the city council did something about it now, not next year or the following year. I hope that we do something about all the rivers in the state and not wait two or three years down the road.

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

Representative POULIOT: Mr. Speaker, I would like to pose a question through the Chair.

Whose figures are we waiting for? Is it the paper industries figures?

The SPEAKER: The Representative from Lewiston, Representative Pouliot, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: They are waiting for the study that the paper companies are going to be doing.

Representative Lord of Waterboro was granted permission to address the House a third time:

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I think we should go a little further. The paper companies are going to go over to the DEP through a consultant to look it over thoroughly to make sure that nothing is misquoted. It is a total thing so it is not only one that's going to bring it but DEP -- they are going to hire

consultants to look over that plan to make sure that it is the best possible plan and we can get the most out of the plan.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to members of the House, I gave my piece on how the emotional side of it affects my district but I do want to talk about the bill, very briefly. There has been some obvious statements that this was a political issue or a partisan issue and I do not think it is a political or partisan issue, I think it is a clean water issue.

The bill, as Representative Simpson stated, allows for a 50 percent reduction on color. A laudable goal. The bill also allows for a possibility for the department to extend that requirement, that mandate, to three years based on the impact, based on the study by whoever does it, paper industry, whoever -- if I want to go out and pay \$100,000 for a study to be commissioned and it comes back and says there is going to be a dramatic impact on my small business on the Androscoggin, I can present it to the department, they can say there is extenuating circumstances and they can extend my deadline up to three years. It seems a rather reasonable bill. It may not be as strong as some of us would like but it is reasonable. It is compromise.

The issue is not politics, the issue is not partisanship, the issue is not even whether we do it now or later. The issue is, do we want to get to a minimum of a 50 percent reduction in color? If we want that and we want it to be flexible, the mechanisms are in the bill for it to be flexible.

I would urge you to vote not to sustain the Governor's veto.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards," H.P. 533, L.D. 718, (C. "A" H-102) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 134V

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlín, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, Hulchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.;

Strout, D.; Tamaro, Tupper, Webster, M.; Wentworth, Whitcomb.

Yes, 97; No, 54; Absent, 0; Paired, 0; Excused, 0.

97 having voted in the affirmative and 54 in the negative, the Governor's veto was sustained. Sent up for concurrence.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-674) on Bill "An Act to Amend the Maine Income Tax Laws" (H.P. 124) (L.D. 161)

Signed:

Senators: BALDACCI of Penobscot
ANDREWS of Cumberland

Representatives:

CASHMAN of Old Town
DUFFY of Bangor
TARDY of Palmyra
SWAZEY of Bucksport
NADEAU of Saco
DIPIETRO of South Portland
DORE of Auburn

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-675) on same Bill.

Signed:

Senator: EMERSON of Penobscot
Representatives: SEAVEY of Kennebunkport
JACKSON of Harrison
WHITCOMB of Waldo

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

Obviously what we have here today is a Divided Report on party lines on the Maine Income Tax restructuring. Quite frankly, I am glad most every day that I am not a Republican but I am particularly glad of that today.

Quite honestly, when I speak and debate this bill today, I am speaking to members of my own caucus because I would just as soon the members of the minority party and I love everyone of you individually but as a caucus, I would love to see you take the position embodied in the Minority Report.

What is happening here and what is being in the Majority Report is this, as members of this legislature are all well aware, we have been through a two year wrestling match with this issue. We have been assured and reassured by tax experts and soothsayers in the administration on a couple of different occasions that this problem had been solved, that the Windfall had been identified and it had been built into structural changes and was no longer being collected, everybody was happy, and blah, blah, blah.

Well, we all found out after the State Auditor did his audit last summer and told us on the Taxation Committee that in fact that had not happened and we came in for Special Session and dragged the Governor of the State of Maine kicking and screaming up to a \$42 million figure on the Windfall. Then, we said at the time, that wasn't enough, that it should have been \$60 million.

We all found out when people started filing their income taxes that in fact that was the case so what we did is, we put out RFP's to major accounting firms

across the country. We asked them to come because we couldn't get reliable figures from the administration. We asked them to come in and identify the Windfall for us and give us their best recommendation on a solution to our continuing income tax problem in this state, a solution that put us back to where we were in terms of how we treat taxpayers in this state in 1986 before federal tax reform. That is what we asked them to do and we asked them to do it in a manner that would be revenue neutral as far into the future as they could see. That is what we asked them to do. They did it. They came back and told us the Windfall was in fact \$60 million for 1987, as had been feared that we had not fixed the system, and they recommended a way to do it.

They recommended that we do it by putting the standard deduction and personal exemptions in the Maine State Income Tax Code at the same level as the federal government. And, that we leave the rates a four bracket system raising the top rate to eight and a half percent, one of the middle rates from 6 to 7 percent and another one of the middle rates from four to four and a half. That would put us back and put the Maine taxpayers back as close as could possibly be assimilated to where they were in 1986.

The Majority Report that is before you today embodies that recommendation and goes a step further. They further recommended that we fully index the standard deduction and that we index the brackets above 4 percent of inflation. When inflation was ahead of 4 percent, it would be indexed. We have dropped that figure down to three and a half percent. We did that in an attempt to ensure that the entire Windfall was being returned and we have done that. They identified \$51.7 million -- that is the fiscal impact of this bill.

This Report does everything that we asked them to do and it does it in a manner that is easily understood by the taxpayer because it goes back to a system that we used in this state from the time the income tax was first put through in 1969, a piggybacking federal exemptions and deductions. That is what it does.

The Minority Report on the other hand strives to keep the system that we have now. It strives to keep the credit system of deductions and personal exemptions that we put in place last year. I don't know if there is anybody in this House that wasn't near a phone between January 15th and April 15th last winter but if you weren't able to be reached by phone, perhaps you could ask some of your other House members how many calls they got, how many disgusted calls they got from taxpayers because the system that we put in place last session made no sense to them, absolutely no sense.

I will tell you something else that the Peat, Marwick study pointed out to us and that was, in passing that tax system, we rewarded the very wealthy and the rest of us got nothing. That is why you got so many phone calls, men and women of the House, because we pounded the middle-income taxpayer with that system. If you want to keep it in place, if you liked Silkman I, then vote for Son of Silkman, which is the Minority Report. But it is not going to work. The first time the administration fixed this, it didn't work and the second time they fixed it, it didn't work. You know why you have a Minority Report? I didn't know, I didn't understand it, I scratched my head and said, "Why would anybody in their right mind want to do this.?"

I read in the paper this morning that the Majority Report results in a big tax shift and that there are going to be people paying more taxes in 1989 than in 1988 because of the Majority Report. I

sat back and thought about that and I thought, "Where's that coming from? That is not coming from the Peat, Marwick Report, I know that because I have read it." It is coming from the same tax soothsayers who got us into this mess. It is coming from the same people who told you last January that only 63,000 taxpayers had a tax increase -- well, they all lived in my district because I heard from everyone of them. The Peat, Marwick Report showed you that 254,000 taxpayers got a tax increase, not 63,000.

The proponents of the Minority Report are going to stand up here today and tell you of this great tax shift -- let me tell you what you are getting for a tax shift, men and women of the House. There are people who are going to pay more taxes in 1989 than they did in 1988 and I will tell you why, most of them are on the top of the scale and the reason they are paying more in 1989 than they did in 1988 is because we gave them a big break in 1988. That is why you didn't hear from them. That is why you heard from the lunch bucket Joe, that is why you heard from middle-income taxpayers, they are the ones that got pounded, not the people with over \$100,000 income.

I sent the Minority Report to Peat, Marwick, I faxed it to him Friday afternoon. I asked him to run it for me, they did. First point, I want the House to understand this, this is coming from Peat, Marwick in Maine, we paid them \$100,000 to consult on this issue and we did it because we couldn't get straight answers. It was a unanimous vote of the legislative council, not a partisan issue, unanimous vote. They ran the Minority Report's figures. The first thing they tell me is that, by the end of tax year 1991, under the Minority Report, there will be \$30 million of Windfall money not returned. That is the first thing they told me. If you wonder why that could be, why the figures coming out of the tax office says that is not true, think back men and women of the House, how many times have we tried to keep a cushion in these figures? They are keeping the whole bed, it is not a cushion, it is a bed. How many times have we done that? The Windfall was \$9 million, it was \$16 million, it was \$23 million, it was \$30 million. We dragged them kicking and screaming to \$42 million and it still wasn't enough. They are still playing games here.

I remember when I was a kid I used to listen to the Who a lot. I remember the song, "I Won't Get Fooled Again", I am not getting fooled again on this issue, if you want to, fair enough.

The second issue that they pointed out to me, this computer-run compares the Majority Report and the Minority Report. In tax year 1989 comparing the two, the Minority Report causes a tax increase (not for every individual taxpayer) you have got to understand that we are talking brackets of taxpayers, every bracket from \$10,000 to \$100,000 of income pays more in income taxes under the Minority plan than the Majority plan. Every bracket over \$100,000 -- \$100,000 forever gets a tax break. Is that what you want? That is what you got. That's what in the Minority Report. That happens in 1989, it gets worse in 1990, gets worse still in 1991. You know why? Listen to this, read the Minority Report, men and women. You want to talk convoluted? You want to talk trying to snake something around to accomplish an objective -- next year in 1989, they are bringing these credits, these marvelous credits that all your constituents love so well -- and I am sure they told you they did -- they are bringing them to \$83, \$98 and \$45 but wait, there is more. The next year, they drop them back to \$72, \$85 and \$40 and still the next year, we drop them back again, we drop them back to

\$64, \$75, and \$35. You think we are keeping a cushion? What do you think?

I have sat in that Taxation Committee room for three years on this issue, three years I have gotten convoluted hogwash like this. I have gotten lousy figures we couldn't depend on. I have been fooled, I have been refooled. I was sold a bill of goods, I voted for it to my undying shame. I will not vote for it again. I will not vote for Silkman II. If the Republican members of this House want to vote for it, good, I hope you do, and I hope you go home and defend it. But, I will tell you this, the CPA's organization endorses the Majority Report. The Citizens for Tax Justice were in our room yesterday, they endorse it. Peat, Marwick endorses it. You want to believe the soothsayers that have led you astray for the last three years, do it.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I appreciate the report of the Chairman on what he thought was the Minority position on this issue last Friday. I am sorry that he has not bothered to read the Minority Report that is before us today. The item that he faxed to Peat, Marwick in Washington last Friday doesn't resemble the report that we have before us. I can tell you because I drafted it, this is my initiative, this isn't the initiative of anyone in the State Planning Office or for the administration. Frankly, the administration will sign either report. The administration has said, "Okay, you wanted the ball game, you have just hired the consultant, you've fixed it, fine."

This is a concern that I have and I think many members of the House should have with the Majority Report. The Majority Report is a tax shift to the poorer people of Maine.

I ask you to consider two questions. I will take you down the same path that I have as I have tried to study this issue. One, have you read Peat, Marwick? Two, have you read the Majority Report? I have attempted in a fair and probably biased but I think fair explanation in the handout that you have just received to explain the ramifications of the two reports. If you will take a second to go through that with me, I took the liberty of putting the Republican report on top because the Republican Report, as before us today, provides that no people will receive a tax rate increase with the Minority Report. We used the same Windfall that the Majority Report does. We used Peat, Marwick numbers to return the Windfall to the people. We simply return it as increased credits.

If you look at the graph before you, the black line on the bottom is the point of break-even. Everyone gains compared to last year.

Look at the next page, the Majority Report, and look at who loses compared to last year. It is the constituents in my district, the poor people who lose. That is where my concern originated with the Majority Report.

The Majority Report, if you read the Peat, Marwick summary, the supplement to the Peat, Marwick report. Peat, Marwick numbers have been changing too by the way. The numbers in the full report, which we received are no longer correct. The Peat, Marwick summary numbers, page 3, shows that there will be 109,000 losers in the Majority Report compared to last year. If you think passing the Majority Report is going to stop the phone calls, you better unplug the phone. There will still be losers under the Majority Report. This time they happen to be the low-income people, primarily -- where as opposed to

last time it was shifted across different categories of taxpayers. If that is what this body desires, I too, encourage you to vote for the report of your party. If those are the people you want to raise the taxes on, that is your decision. I know the people that I represent, the people in my district, the people who are below the poverty level -- as I have studied this issue and I have spent some time studying it, I don't pretend to be a tax expert, I yield to the intelligence of the Representative from Harrison and the Representative from Old Town as they spout tax information. I have come to understand the financial plight better of Maine people. When we talk about middle-income Maine taxpayers, we need to understand where Maine people are relative to income tax. The average adjusted gross income for Maine taxpayers is between \$16,000 and \$17,000. Half the people in the State of Maine make less than that, that is the average. The people who are going to be paying more under the Majority Report are the people in that category, up to \$20,000. That is the origin of my concern. Study this issue, if that is where you want the tax shift to go, fine. I don't think it is right. Even if we look back and compare to the pre-'86 law change, the Majority Report still has losers.

This may not be a perfect plan. I don't suggest that there is such a thing as a perfect tax plan. We sit in our committee and we look at who wins and who loses. I can tell you that the people on the lower income side of the scale are not the people that this Representative wants to be the losers this time around.

I ask you to study these. I ask you to look at the information before you in Peat, Marwick. It takes a great deal of study. It takes some people who are familiar with those figures to understand what is happening here.

This report arrived in committee late last week. There was little analysis of its impact and it is before us on a bit of take it or leave it proposition saying anything has to be better.

I would suggest to you that we are creating a bigger monster to destroy another monster. We aren't going to get rid of the losers with the Majority Report. There are still those who will be paying more.

Consider who is being taxed by the Majority Report. I think you will find it is troublesome as I did when I scurried around to find a better alternative, the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would like to pose two questions through the Chair.

The amendment that is on my desk -- seeing how the Representative said that I hadn't read the Republican Party position on this -- I guess I would ask if this amendment is their position? Number two, I would ask him who provided him with the information that did this analysis and also the information that the people that are under \$20,000 are paying more in taxes or that they are the big losers?

The SPEAKER: Representative Cashman of Old Town has posed a series of questions to the Representative from Waldo, Representative Whitcomb, who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women to the House: The information that I have tried to quote to you, the information on the chart comes from the Peat, Marwick study. I was directed to that information by the State Tax Assessor. That

is immediately suspect to many members of this body, I understand that. But frankly, somebody has to direct us as to where the information is in the Peat, Marwick study. I know there was a lot of discussion early on in the Chairman's presentation about the how's and why's and all the problems with the Windfall. We are not challenging the Windfall numbers. The Minority Report simply says we return those Windfalls to the taxpayers of Maine. We return them on the same formula that the committee unanimously chose to return them last year. That is not an arguing point. The Windfall, I don't think, is an issue here.

The information out of Peat, Marwick that looks at the proposal which is referred to (in Peat, Marwick) as Peat, Marwick option three. By the way, Peat, Marwick made four suggestions or recommendation. I think if you read the study, it would be difficult to interpret from them that they recommended more one than another. I think if there is a preference for one over another, it is in the eyes of the beholder. They were told to look at the Maine Income Tax to help us further identify the Windfall. They did that. I don't argue with that. Both proposals return the Windfall. The Republican discussion that I think the Chairman is asking me about is the discussion that follows the Representative from Thomaston's bill on a flat tax that Republicans were considering. I know the chairman discussed with me the results of the Peat, Marwick review of a flat tax. This is not a flat tax.

I would be interested to see the report from Peat, Marwick on this proposal. I know last week, the one that the chairman of the committee showed me, was a report based on his view that the Republicans at this point in time were going to offer a flat tax and that is not correct.

I hope I have answered some of his questions.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Before this debate goes any further, I want to clear up a few things. Number one, what I faxed to Peat, Marwick, is exactly what is in this report. It is increased credits and it is at the levels that are in this report -- that is what this printout is based on. That is number one.

Number two, the Report from Peat, Marwick indicates as I just read a few moments ago that the Republican Report does not return all the Windfall.

Number three, the information, to the contrary, that is being passed out and spouted out on the floor does not come from Peat, Marwick.

Number four, the Peat, Marwick information -- the only reason those numbers have changed at all is because the State Tax Assessor requested of them that they do another run based on his revenue estimates rather than the planning office.

Lastly, just to clear up any confusion before there is any more debate -- when you talk about people under \$20,000 taking a tax increase and that being Peat, Marwick figures, they are not Peat, Marwick figures. If you think there is any confusion as to which recommendation they endorse, let me read this to you.

This is the letter from Tom Vazques to Representative Cashman. I asked him specifically where the people would be who would pay an increased tax in 1989 over 1988. He explained to me in this letter that they are predominantly in the top bracket. However, under this comparison, option three would reduce tax reductions for about 375,000 taxpayers, while increasing taxes for about 90,000. Almost 90 percent of the reductions would be

experienced by taxpayers with adjusted gross income of \$50,000 or less with the larger share centered in the middle-income tax brackets from \$20,000 to \$50,000. The increases resulting from the options are centered at the top and the bottom of the income distribution. However, it is important to recognize that many of the individuals who would pay higher taxes in the lower brackets would be dependents, mainly students, claimed on other tax forms and not taxpayers we would normally consider to be low-income. The reason for that, men and women of the House, is because the federal government no longer allows double exemptions for college students. That is why they pay a little more taxes on the bottom.

Let me read you something else because I don't want there to be any confusion over what you are voting on here. Again, they are talking about option three, "These changes were engineered so that the option would be revenue neutral in the out years, not against current law" and this is important because everything you are getting here compares '89 to '88. Last year when we worked on this, everything they did compared '88 to '87. It misses the issue, the last good tax year we had in this state for the Maine State Income Tax was '86. Nothing you see coming out of the Taxation Office compares it to '86 because if they did it would be an embarrassment.

Let me start it over again, "These changes were engineered so that the option would be revenue neutral in the out years, not against current law but against pre-reform law. In other words, it not only will return the basic structure of the tax to the way it was before Federal Tax Reform, but will also fairly closely replicate the revenue trends that would have held had there been no federal reform or state response. In short, it returns the state as nearly as possible to the pre-'86 status quo."

Let me read you one more, "However, after several weeks of running various options with alternative economic assumptions, which by the way were provided by the Taxation Department, I still believe option three would work well in accomplishing the dual goals of eliminating the remaining windfall and eliminating what I see as a serious structural weakness in the current Maine Income Tax. To date, I have seen, I have seen no alternative approach which I would regard as preferable and more in the state's long-term interests." That is what you are voting against. Don't make any mistake about it. Don't make any mistake. You are listening to the same people you listened to twice before. If that is what you want to do, it is fine with me, but don't let there be any confusion as to where these guys stand or where the CPA organizations stand, or where the Citizens for Tax Justice stand.

Let me read you this one, "Dear Representative Cashman: From the standpoint of tax fairness to Maine's middle and lower-income families, revenue option number three contained in the Peat, Marwick analysis of Maine's Income Tax Structure is the most preferable option we have seen." That is the Citizens for Tax Justice talking about Representative Whitcomb's low-income people.

If you want to listen to the tax office, listen to them.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise following the good Representative from Old Town, my former chairman, Representative Cashman. I don't know that I can do as good a job as he has done but I want to provide

this House with some background information about this issue.

You all know that I have worked on this issue for some time, in fact, I used to earn my livelihood preparing income taxes, and still do on occasion.

Let's not forget, ladies and gentlemen of this House, that when the federal government did what they did to the Federal Income Tax Code and because we are lied to it, there was no turning back. No matter what response we came up with, there are always going to be winners and losers. Make no mistake about that.

We have to adopt a plan that does the most for the most people of Maine in the fairest way.

Representative Whitcomb did refer to a tax bill I did sponsor. In fact, it is the L.D. that is the vehicle for this report. It was not a flat tax. Many people called it that, the press called it that, I never said it was a flat tax, it was a percentage of federal tax method of preparing Maine's income tax. It was something that I had preferred before but I do no longer prefer that method. I prefer this one because people who know much more about the tax laws than I do have recommended it to us.

I read with some interest the Minority Report and their Statement of Fact or I probably should say statement of misfact. It was very interesting to me to see that language in there which indicated that all Maine taxpayers would not see an increase in their taxes if that report were passed. How further from the truth can we possibly get. For the reasons I have just laid out, when the federal government changed the Federal Income Tax Code, there was no turning back.

Ladies and gentlemen of this House, what this debate is about today is about whether or not you like the present income tax system and your constituents like the present income tax system with its Mickey Mouse credits that take the Maine taxpayer through a loop-the-loop in preparing their income tax return. With that system, the income subject to Maine tax is always higher than income subject to federal tax. If you don't believe that that causes confusion among people preparing their own income tax return, let me tell you about it. In 99 percent of the cases, the number that you are calculating your state income tax on is always going to be higher on the state return than it will be on the federal return because of that system. That is not necessarily bad or good but it is confusing to people, they think they are getting ripped off. You know something, what we did over the last two years, we did rip them off.

I won't take up too much of your time, the question before us today is, do we like that system that is on the books now? I say no. The people of Maine say no. Let's repeal it, let's go back to the old way of doing things, let's restore the full personal exemption, let's restore the standard deductions, just like the Federal Income Tax Code, make it identical to that and put the best law back on the books. Let's not try to muddy the waters with phony numbers, cooked who knows where. Let's do the right thing for the people of the State of Maine and let's go back to the way we used to do it.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The last 15 minutes have been quite interesting to me. I guess probably the most interesting part was the comments by the gentleman from Old Town, Representative Cashman, regarding the numbers in Amendment "B", the Minority Report. It surprises me that he would have had access to those number Friday afternoon when we

didn't even have access to them yesterday morning. We provided those numbers recognizing if the Windfall was \$51.7 million and we put those numbers together so that we could return the recognized Windfall that Peat, Marwick Main & Co. had identified.

There was no cooking of any numbers, those numbers are right out of Peat, Marwick and Main's report. I have a copy of it here. There is no endorsement for any tax plan out of Peat, Marwick, and Main reported. I can understand why they wouldn't make a recommendation.

It is interesting to listen to some members of this body talk about convoluted information, numbers, things of that nature dealing with the administration and the Maine Income Tax. We were all here in 1988, I won't say all of us but the majority of us were here in 1988 when we passed the tax code that we are operating under currently. There was no problem with the credits at that time. If there were, nobody debated those credits, neither the Chairman of the Taxation Committee or the Majority Whip. There was a concern that I had with the credits at that time but the credits are a fact of life in our current tax code. Those credits are geared to assist the lower income people in this state.

Looking at the effects of the proposal from the Majority party that is presented here today, it is quite clear to me that there is an impact on Maine's lowest income people, the people with the least ability to pay taxes. There is a tax shift and there also is, if you take a look at what happened in 1982 when the taxpayers in the state voted to index this tax system that we have in the state, when we revised our tax code in 1988, we continued the integrity of the indexing. Under this proposal, there is an adjustment -- that adjustment the good gentleman from Old Town has told you is 3.5 percent. If you have been following the economic indicators lately and the projections as they are projected out into the future, that 3.5 percent is about equal to or a little less than what inflation will be, what they project it to be. These figures are from the congressional budget office and several other offices. So, there will be no indexing of the tables or no indexing of the exemptions. So, you have got a built-in tax increase. If you don't believe it and the gentleman from Old Town should have seen these figures also in 1992, there is a substantial collection from the personal income tax under the majority proposal above and beyond the return of the Windfall.

I am not going to kid you folks, there is a massive tax shift and there is a tax increase in this proposal. If you feel that approximately 100,000 of Maine's lowest paid people deserve this type of treatment, then you will vote for the Majority Report.

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to give you a couple of brief comments. I happen to be a member of the Taxation Committee and I would just

like to tell you that walking through my district as I did last year -- I am sure that you people did the same thing -- the biggest complaint I had was, "What are we going to do about our personal income tax?" I told them that I made no promises to them except that when I got up here I would see what one vote could do. That is what I am doing today.

My concern is that the Republican Party has come in here today and they have given us a piece of paper and told us to look at it. We have had no time, they have had two or three weeks to come to us on Taxation, which a lot of members of that party are part of that Taxation Committee and not one of them has come forth to tell us what kind of a program that they were going to come forward with. How can we possibly sit here and pass judgment when we have absolutely no idea what their program is. That is my only concern that they come here today and tell us this is what we want to do, take a look at it. Where were they two weeks ago or three weeks ago?

I think the committee has done the right thing by going out and hiring some professional help in telling us and giving us guidance, telling us what to do. At least we have put our best foot forward, we have made a good effort.

Just think back to what the people were telling you when you were out campaigning, they said that they have a problem with their personal property tax and that is the thing that we want to do something about. Here we are trying to do something with, not only their personal property, but their income tax.

I suggest that the Majority Report be favored.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like you to take a look around the room and I would like to point out to you that the room is emptying. I think the vote will be pretty much party lines. That saddens me for two reasons. It seems that when we talk about money, people get confused so it is a good time to get a soda. Well, when people pay in that money, it hurts. When they have overpaid that money, it hurts double deeply.

I would like to point out that the entire Legislative Council, Democrats and Republicans alike, voted for this study, and like it or not, this study has endorsed the Democratic plan for tax relief. I have talked to CPA's and I use a CPA to do my taxes and I imagine most of you probably use an accountant to do your taxes, most citizens in Maine do not and they can't follow this credit system nearly as well as they can follow conformity to the federal system. I think it is important that Maine people who don't earn enough to pay an accountant to do their taxes and who don't have fancy exemptions are able to complete their tax forms in a consistent manner with their federal tax forms.

Two months ago, to four months ago, we all received a lot of calls. I know, I heard Republicans and I heard Democrats talk about the calls that they were getting. They were from constituents and the calls were about overcollection, and the calls were about confusion and the calls were about the fact that they had not saved enough money because they underwithheld. Many Maine people are not prepared to come up with cash when they are underwithheld.

I think that we have to remember that at this time we do not have enough money for Appropriations to manage to cut itself a deal and miss the last day of the session. There is a shortfall of funds. Because of that shortfall, my inclination a few weeks ago, was to go to 9 percent if you made \$80,000 or more and to go to 9.5 percent if you made \$100,000

and more. I knew very few Maine citizens did and that we needed the money. I didn't put forward that report out of respect for the integrity of the Peat, Marwick study. It is my preference (I am proud to be a liberal Democrat) and it would have been my preference to tax at the higher rate once you got over \$80,000 a year, but I had respect for that Peat, Marwick study, and I think when you hired them and spent this kind of capital to prove once and for all that we can agree what the overcollection was and to come up with a system, we ought to have enough respect for the study to do what it advises us to do.

Let there be no mistake, there has been an implication that there would be increases under the Democratic plan. I sometimes think I am hearing wrong. I know we are a little bit partisan and since we are a little bit partisan, do you think there is any possibility that the Democrats would give a Republican Governor additional funds, additional overcollections in an election year? That is a ridiculous idea.

We are not going to be over-collecting under this study recommendation and I hope that you will vote for those recommendations but I have little faith that you will.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I just received a note by a colleague of mine who has been here for some years who suggested that the reason that there are so few people present in the House is that they knew that I was going to speak. That may or may not be true. It may also be because of the fact that the only people that have been speaking so far are the people on the Committee of Taxation.

The problem with the people who talk and I have just been remonstrated by my colleague in the other corner who indicated that his former Chairman of the Committee on Taxation, Representative Mayo, of course is no longer on the committee on Taxation, but he considers himself an authority on taxation in this House and frankly, Representative Mayo, to some extent, so do I. That is why I borrowed on Representative Mayo's ideas to present an amendment, which is here as House Amendment (H-681) and I encourage you to read it. Since it is not in order for me to speak about it, I won't. I do that because of my concern about the two proposals that are before you.

I treat the two proposals as the kind that remind me of a story. The story is about the dancing with a gorilla. I don't know if any of you have heard it or not. It is a story about someone who was invited to dance with a gorilla and thought it would be an awfully good idea. The problem is that you don't get a chance to stop dancing with the gorilla until the gorilla gets tired. Now the meaningful part of that story is the fact that each of the proposals that you have been given by the Majority Report and the Minority Report, are in my view, nothing but gorillas, that is they continue the concept that Maine adopted in the 1960's of progressive income taxation. That is an idea that was very much appealing to the United States in a period of economic development, which frankly I think has lost its appeal. It lost its appeal at least as far as the federal government is concerned. That, in large part, is why we are having some of the problems that we are having.

I equate what has happened as the kind of situation that would have developed if what you were talking about was the State of Maine and the United States fighting wars with calvary, horses and sabers

and that sort of thing and wagons and wagons drawn by horses and suddenly the federal government came up with the idea of mechanized tanks and the State of Maine dutifully following along in the same way in which we replaced our tax system, we couldn't afford the tanks but we hooked a tank without a motor to a horse.

It is time to revisit the philosophy of taxation in this state, it seems to me. The reason that I use the gorilla analogy is that either of these two proposals that are before you that are demonstrated by the Majority and Minority Reports are that they are progressive. And, built into that progressivity is the continuing mounting of funds. It is a way of taxing in the future, at least being aware of the fact that you are going to get more money for purposes that you have not yet presently planned for and by raising taxes by a means that you don't presently plan to explain to the voters. I think that the voters are distressed and that is why I proposed House Amendment (H-681). It would provide that we would raise the same amount of revenue by a single flat tax rate. That rate would be 31.8 percent. Now, the reason that I talk about the gorilla is because the gorilla is growing ever larger and if the people of the State of Maine demand, as I think they will in the not too distant future, that we meet the requirement of having a flat tax so that they will know that whatever their tax is, they are going to pay a certain percentage of it, when we come back in two years, in order to meet that, it will be 40 percent. In the years to come, it will be 50 percent because what happens with a progressive rate is that in order to stay even on a flat basis, you have to continually raise more money. We need to think about the philosophy that underlays our tax system. We need to come to grips with the fact that Maine needs a solid tax rate that people can look at and respect and that they can calculate easily. The gobbledegook that you have heard from the Majority proponents and the Minority proponents do not, in my view, do that. I offer this H-681 so that in the event that the vacuum, which I feel exists in both proposals as is apparent to those of you who are here and listening, that there will be an alternative that I think the people of the State of Maine want.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise with great amazement as my learned colleague in the other corner -- I believe he just spoke against and referred to the Minority Report as gobbledegook. An interesting position for a floor leader to take, nonetheless.

I also rise after listening to his thesis on tax policy and his ideas of progressive taxation. I wonder if the Representative from Belfast is espousing a policy of regressive taxation as opposed to progressive taxation?

I would caution this House to understand what his proposal, which was never my proposal. I never suggested a flat 31 percent tax for Maine taxpayers, I suggested a progressive percentage of federal tax method with three rates. Even if the amendment which Representative Marsano hopes to present is accepted and placed on this bill, we will still have a progressive system of taxation in the State of Maine because it will be based upon the federal system. The federal system is a progressive system. It may have fewer rates than it used to have but it has some other interesting things such as phase outs of availability for credits, phase outs of availability of exemptions. It is a progressive system, it is not as progressive as it used to be but it is still

progressive and, if we adopt his amendment, we would be conforming to and taking a percentage of a progressive system.

Ladies and gentlemen of this House, the Majority Report is not gobbledegook as the assistant minority floor leader would like you to believe, it is not gobbledegook, it is a return to a rational, sane tax policy. It is a return to the old way of doing business with our personal exemption and our standard deduction. To suggest that, if we went to this flat percentage of the federal tax, that we would have to raise it every year because we have a progressive system of taxation, I would suggest to you that, since it is a percentage of the federal tax, the federal tax is a progressive system, that is going to continue to increase each year as the peoples income goes up, our taxes would go up or our revenues would go up equally.

I think the arguments presented to this body by the Representative from Belfast are interesting but the most interesting one to me is that he would call his own caucus's report gobbledegook.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the Majority Report which follows the recommendations of Peat, Marwick. Peat, Marwick is a firm highly respected in the State of Maine and nationally. They have experts that really know what they are doing. The problem that I have with the Minority Report is that it continues to follow the existing income tax structure which surfaced for the 1988 Maine tax returns.

I have been preparing tax returns for 40 years and I have never been so frustrated as I was in the 1988 tax returns for the State of Maine. I can certainly realize how frustrated the individuals who tried to prepare their own returns must have been when they tried to figure out those credits.

It is apparent to me that in doing all the returns that I have done this past year for 1988, the State of Maine continues to over-collect. If we take this Majority Report, pass it, we will go back to the old way and fairly collect taxes from our Maine taxpayers. I urge your support of the Majority Report.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the Taxation Committee nor am I an accountant or in any way a self-proclaimed expert on tax policy. I am, for all practical purposes on this issue, your average Joe. I want to give you reflections of what I believe the average Joe out there will have to these two proposals. I am one of the few that have stayed and listened to all of this. It is mostly gobbledegook. I have tried to understand it and I have tried to understand both proposals, where they work and where they don't, and tried to poke holes in arguments by both sides. I have a hard time with that because figures can be twisted and turned and it is virtually impossible in the extent of my tax expertise that I do, Representative Dore, prepare my income tax return every year although it is complex. I do it as a matter of pride just to show that it can still be done by an average Joe.

I submit to those people out there, who like me, are not experts, don't claim to be experts, who will probably never be experts on this, that the average Joe listening to this or looking at the news reports of this or looking at these reports would have to

conclude that it is very difficult to try to figure out what to believe and by whom. It will come down, ultimately, to, on the one hand having an independent expert hired by this legislature, by both parties, as against a report that is prepared by somebody in this state government. We have all heard the expression, I am from the government and I am here to help you. I would suggest that the average person feels that any proposals brought by the government and here to help you is, indeed, subject to suspicion. Ultimately, the average Joe out there is going to say, given the choice between something prepared by a member of the government who claims to be here to help me and an expert who has no axe to bear politically whatsoever and has been hired to bring expertise to the State of Maine and provide some proposals, that all things considered, the proposal to go with is that prepared by the independent expert. That is why I am going to be voting for Report A. That is why I would suggest that despite any partisan lines that are being drawn, that any independent person should seriously consider voting for Report A. It is the one that is not prepared by the government but rather by the independent experts who was hired with the independence to prepare whatever they wanted and have recommended a proposal and one of those proposals has been proposed to us here and we have the chance to go with that. I would suggest to all of you who are still trying to puzzle out what you are going to do to go with Report A because I believe that is what the average Joe out there will recognize as the one that is prepared from an impartial point of view.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I will be leading up to a question which I hope the most respected House Chair of the Taxation Committee and my very fine colleague, Representative Cashman, will answer for me.

He knows full-well the number of communications I had with him over tax policy this year and the kindness that he showed to my constituents in attempting to answer their concerns until there was a frustration for him, a frustration for me, and a frustration for everyone else.

I would like to propose a question with the second part through the Chair. I did examine both reports, had no trouble reading the reports, but I do have a concern in interpretation. I would like to surface those concerns and see if the good chair can answer them for me or any official representative of that committee.

In both reports, they refer to surviving spouse(s) that is confusing. What I would like to have is an interpretation whether that would apply to a surviving spouse, would he or she be allowed the conditions of either report? That is my first question, can I get that answered please?

The SPEAKER PRO TEM: Representative Aliberti of Lewiston has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I am sorry, I didn't hear the end of it. If you could restate it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Both reports, they list these conditions specifically, if you want to look on Page 3, #3, individual's filing married joint returns or surviving spouse(s), that is confusing to me. Would

a surviving spouse be eligible for the conditions which are included in both reports?

The SPEAKER PRO TEM: Representative Aliberti of Lewiston has restated his question through the Chair to Representative Cashman of Old Town, who may respond if he so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Yes, that is a very technical phrase that I believe exists already in federal tax law in that same terminology and yes, it would.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Members of the House: That answers my question again as you have diligently done in the past. So, now I can pass that on to the many inquiries that I will get in that specific area.

The second part of the question is, I heard about returning these funds and the millions of dollars that are going back, but I didn't hear anything of whether the interests on those amounts would be included in the return?

The SPEAKER PRO TEM: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Cashman of Old Town, who may respond if he so desires.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: That is a very interesting question. First of all, let me say that most of the Windfall, what you hear referred to here as Windfall, has not yet been collected. Most of the Windfall identified in the Peat, Marwick Report would occur in tax years 1989 and 1990 if we don't do something to correct the Maine Income Tax system. So, there really isn't any interest involved on that because it hasn't been collected yet.

As to that amount of the Windfall roughly \$16.5 million which already has been collected, under the old system, Representative Aliberti, that we operated under for two years with a Windfall account, that was an interest bearing account and the interest went into the rebate checks, went into the returns. That will not happen, unfortunately, with the \$16.5 million because, as you will recall, this House (for one reason) voted down the reestablishment of that Windfall account just a few short weeks ago, so that will not happen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: The question that Representative Aliberti asked about a surviving spouse, of course would be in both reports. It is on both the federal and state returns and only applies the year after the spouse has died. It doesn't continue on. From then on, if there is a surviving spouse with a dependent child, they become head of the household.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: The Representative from Thomaston talked in terms of regressive and progressive and suggested that what I was proposing was a regressive tax. If you describe it simply in those terms, that progressive is good and regressive is bad, the gentleman is correct. The same sort of thing happens the other way however, when you visit with Peat, Marwick and understand that they looked at us askance and say that we have the highest

progressive tax rate in the country, higher even than Wisconsin. That means that Maine taxpayers pay from the higher levels more income taxes than any other kinds of individuals paying state income taxes in the United States of America. Some people consider that to be a bad idea. That is one of those things that you have to try and deal with. That is part of what I called gobbledegook of tax rhetoric.

I think it is important to recognize that the Representative from Waldo indicated that the administration, and I do not believe all the caucus has taken a position with respect to either of these reports, and I speak only as the Representative from Belfast here today. I have followed closely the arguments from the Taxation position. That is, I was on the Tax Oversight Committee, was glad for that opportunity. I learned a great deal. I became convinced that the provisions of House "A" (H-681) (which I want to propose) would be in the best interests of Maine citizens. That is why I propose it. I am convinced that at some time the citizens of Maine are going to direct us to do exactly that.

The tax rate, being lower in the Minority Report means that if I have to pick between the Majority Report and the Minority Report, I would pick the Minority Report and that would be because it would be sort of like dancing with the smaller of the two gorillas. They may both be gorillas but hopefully one will be less tiring and that would be the Minority Report. That is why I would go along with that if I have to and if I am not able to persuade you that you should adopt the flat tax.

I just feel as though the kind of use of language, critical language, rather than trying to analyze the philosophy of what is best for the people of Maine, leaves us a bit adrift in these days. I recognize that there have been lots of tax arguments and questions. There have been a lot of things in the newspaper and all the rest of it. I know that the gentleman from Old Town, the gentleman from Thomaston, I know that they have worked hard. Sometimes I don't think that they have given those of us in our party as much information from the Peat, Marwick Reports as we would have wanted but that is also a part of the thing. They have not deprived me of any opportunity to talk with them and I have always enjoyed the opportunity to do that. We don't agree on some of the things and I think my position makes that clear.

I keep hoping that somehow what I perceive to be what it is that the people want will somehow become what it is that this legislature can deal with. I must tell you I don't have much hope for that this afternoon but I think nevertheless that it is important that that be offered. A flat tax has some real advantages and I think that it is something that Maine ought to have. I urge you to consider it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: We have discussed this issue and I am not sure that it is even a discussion at this point, but I simply want to make sure that everyone understands the position that I take on this issue. This Representative has absolutely no interest in cooking the numbers. In fact, this Representative would have been very happy to have seen a Peat, Marwick study come back that could have been satisfactory to every member of this body. It would have been easier. It would be easier to be in the halls right now than to be trying to understand this issue.

I appreciate very much the comments of Representative Anthony concerning where he was coming

from in trying to decipher the issues because it is very, very difficult. Peat, Marwick did not look at the Republican proposal. We added \$8 million to that proposal yesterday to make sure that the two proposals in regard to the windfalls did not disagree. That was a discussion that the minority members of the Taxation Committee held in earnest so that the debate on this issue would not focus on the Windfall and the return of windfalls. We do not differ on that issue at all. Both reports return potential Windfall collections back to the people.

I again refer to Peat, Marwick information relative to the Majority Report. It says in the Peat, Marwick material I have in my hand, a letter to Bent Schlosser that 109,935 taxpayers will pay a tax increase under the Majority Report. It's here in the material. All I have attempted to do is make this body aware of what we are passing. As we have looked through the numbers from Peat, Marwick, that is how we developed the graph that shows the majority of those with the increase are low-income people. You can quibble over the information and I understand how it may be distressing but it is from Peat, Marwick, it is from this material. I am not a tax expert, I have already said that before this afternoon. I don't trust my judgment on this issue. That is why I went to Peat, Marwick to find out how to present this to you.

The Chairman of our Committee was in Washington, I believe last week, getting the material for this report. Of course, any other position couldn't have been presented to the Committee or anyone else until we had the material from Peat, Marwick.

I want this body to understand — I hope you will accept the information that I have — what it is about to do. The tax system we passed last year gave an advantage to the lower-income people of the State of Maine. We are going back on that. We are returning some of the tax burden back on to the people of Maine who can least afford to pay. They are constituents of mine, I think they are constituents of many of you here. I just want you to understand that point.

Frankly, I would rather approach it in a nonpartisan manner, but be that as it may, that is what is before us today. Passing a tax package just to show motion is not going to satisfy the complaints of our constituents. 109,000 people are going to be adversely affected by this change. Please send your letters to the people who vote for this because they are going to come, just like they did last time. Those who suggest that the solution to these problems is simple is misleading. This is a complex issue. Peat, Marwick said it was a complex issue. They are having trouble with the numbers. The numbers in the original report have been changed to the numbers in the supplement. The Chairman from our committee says he has additional information and I have no doubt that he does. I can't understand for the life of me the validity of the argument as to why anybody would try to cook the numbers because, every time we move on this issue, we end up with it back in our face.

I have no intention of putting this body and certainly anyone on the second floor in an embarrassing position on this issue. I am simply trying to explain what we are doing here and offering an alternative, albeit not a perfect alternative, but one that does not place the burden back on to the poorer people of Maine.

So, I urge anyone who happens to be listening and in a position where they are considering the issue to question the proposals before us and understand that it is not for partisan advantage or any other advantage that this proposal "B" is before us. It is

a serious attempt on the part of this legislator to understand the issues as much as I can and to suggest that the alternatives in the Majority Report, a fine alternative if you agree with what it does. It can work. I have absolutely no question but what it will work, but understand the consequences. I urge rejection of the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, I would like to pose a question.

Concerning the Majority Report, I have heard time and time again reference to Peat, Marwick. Does the Majority Report follow the recommendations of Peat, Marwick, that is all of the recommendations of Peat, Marwick?

The SPEAKER PRO TEM: Representative Donald of Buxton has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would be glad to answer the question. The Majority Report follows exactly the recommendations of Peat, Marwick Main & Co. with the lone exception that we lower the inflation factor in the indexing tables from 4 to 3.5 percent. What that does is speed up the indexing of the brackets which would mean that we would collect less money in the future than Peat, Marwick Main & Co. projected.

While I am on my feet answering the question, because I don't want there to be confusion here. I have read into the Record a letter I received from Peat, Marwick. (Tom Vazques) option three is indeed their recommendation. It is the one that they prefer, it is the one that they endorsed, it is the one that they say will lead us out of the woods. Yes, there are people who will pay more taxes in 1989 than they did in 1988 under this recommendation. Most of them are not under \$20,000 and I read that into the Record. That is not me talking, that is Peat, Marwick Main & Co. talking. They are in the upper income brackets and the reasons they will pay more is because they were given a tremendous tax break last year. They are not paying a lot more than they would have been had the federal tax reform not been passed in 1986. That is what we asked them to come up with and they did it.

I am not going to try to outthink a big 8 accounting firm when it comes to tax recommendations. I think that this proposal will do exactly what they tell us it will do. I don't believe the information to the contrary that is being generated by sources other than Peat, Marwick. Again, I have read from this letter, it should be clear to everybody if you have been listening.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the remarks of the gentleman from Old Town earlier in the debate, he was talking about the numbers that we were working with in the Minority Report and how he had contacted Peat, Marwick in Washington and they had given him the exact same figures that we had and we were still going to be overwithholding our Windfall money of approximately \$35 million — that baffles me. I just can't imagine making a statement like that — not when you have got a bill that is reimbursing the taxpayers of this state \$51.7 million — both bills do. I think that is erroneous. You talk about convoluting the figures and the information, that is a little stirring.

Make no doubt that when you change your tax rates and that is exactly what Peat, Marwick Main & Co. is doing, they are changing the current system from 2, 4, 6 and 8 percent to 2, 4 1/2, 7, and 8 1/2 percent and also reducing the brackets. When I talk about reducing the brackets, I am talking about lowering the brackets before you get into that tax rate and dissolving the integrity of the indexing system that was adopted in 1982 by the citizens of this state. Under that proposal that went to the citizens of this state, indexing was to be one-half of the inflation rate not to exceed 7 percent. Under the Peat, Marwick Main & Co. proposal, when you index the brackets, it is in excess of 3.5 percent. As I said earlier, when you take a look at the economic forecast, as they go out into the early 90's, they equal and sometimes those forecasts are less than the 3.5 percent. It doesn't take a mathematician to figure out that there is a tax increase, a hidden tax increase there.

What we felt as a Minority in putting our proposal together, we didn't want to affect or impact any taxpayers in the state and that is what Report B does. It does not cause a tax increase in any category on any person, only if their income position has changed in that year. Under the Minority Report as the gentleman from Old Town has indicated, there are some who are going to receive a tax increase. He says it is going to be the majority of those taxpayers in excess of \$100,000. We say — and we have used the figures of the Peat, Marwick Main Report that show us they are below \$20,000. He has a letter from Peat, Marwick Main & Co. that says that is not so. Well, I would suggest that any member who votes for this today publish their telephone number in the newspaper so they can receive the calls next April because there are people who are going to be impacted and affected and you are going to get the same calls you got this year and rightly so. I am not a big fan of the credits but it appears to me that is the only way we can resolve this problem with the overcollection without a massive tax shift and a tax increase. It makes sense to me to resolve it in that manner.

Representative Whitcomb of Waldo was granted permission to address the House a third time.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I appreciate the indulgence of this body while I read from Peat, Marwick into the Record the number of people who will be receiving a tax increase in income categories. "Those who make \$5,000 or less, 11,288 will receive a tax increase under the Majority Report. Those who make from \$5,000 to \$10,000, 39,285 will receive a tax increase. Those from \$10,000 to \$15,000, 24,150 people will have a tax increase. From \$15,000 to \$20,000, 9,805 a tax increase. From \$20,000 to \$30,000, 5,703 will have a tax increase and from \$30,000 to \$50,000, 3,462." Understand what we are doing here, those people will be paying more taxes if the Majority Report prevails.

Representative Mayo of Thomaston requested a roll call vote.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: You know the good gentleman from Thomaston, Representative Mayo, stated a while ago that he did have a proposal that would have been a percentage of our federal income tax. I realize that that is not before us but that to me was a great idea. The tax people that he talked to that were experts that didn't want it, I believe were tax

preparers because they would have been out of business.

The matter at hand is accepting the Majority Report. The Majority Report, ladies and gentlemen, is almost a duplicate of what I had proposed in 1987, to have full conformity with the federal law. I got up and asked this House to do it but I had to take a "Leave to Withdraw" from the committee because the Committee on Taxation saw a different way of doing it, they had been informed differently. They told me that this would have cost close to \$60 million and there was no money to fund it. That L.D. number was 1294. The sponsors of that legislation was myself, the good Senator Black from Cumberland, the good Senator from Aroostook, Senator Theriault, and the good Representative from Cape Elizabeth, Representative Webster. As a matter of fact, after the report came in (a month and a half ago or maybe two) Representative Webster came to me and said, "You know what Representative McHenry? We were right." So, why not vote for what is right.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Men and Women of the House: I don't want to talk too long on this. I am confused, really I am. We have heard reports that figures have been changed here, they have been changed there. We just got the figures on who is going to be raised -- haven't heard who is going to go down.

I would like to ask anybody on the Taxation Committee, did they consider at all taking a percentage of the Federal Income Tax? When I was campaigning last year, I had a lot of people say, wouldn't that be the common sense, easy way to pay your tax? We would know exactly what we would have to pay for our income tax.

Last year, I remember Representative Mayo talking about this and I agreed with him. I agree with him this year. I was wondering, did the Taxation Committee consider this scheduling of paying our taxes when they were talking about it?

The SPEAKER PRO TEM: Representative Lord of Waterboro has posed a question through the Chair to any member of the Taxation Committee who may respond if they so desire.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: In answer to the gentleman's question, yes we did. As a matter of fact, that is one of the options offered in the report we received from Peat, Marwick. The problem with it, from my vantage point, is it takes away from the progressivity that we already have in our tax system. It makes our income tax system much less progressive than it is now. It results in a tax increase to an overwhelming majority of the people in the middle-income tax brackets and a tax decrease of significant amounts for people in the upper brackets.

Again, let me read from a letter I have here from Peat, Marwick that discusses a flat tax. "Compared with option three, the flat tax would produce lower taxes for about 251,000 taxpayers and higher taxes for about 245,000. The average decrease is about twice the average increase. However, the real potential problem with the approach as I see it is in where the increases and decreases occur in the income distribution. A third of the reduction would be experienced by taxpayers with incomes over \$50,000, two-thirds by taxpayers with incomes of \$30,000 to \$50,000. For example, three-fourths of the taxpayers in the \$50,000 to \$100,000 would have reductions, according to our analysis. In contrast, more than 95

percent of the taxpayers in experiencing tax increases under this approach would fall in income classes under \$50,000." That is the problem we found with it, Representative Lord, in answer to your question.

The gentleman from Belfast, Representative Marsano, has debated his amendment three times now, even though it is not before us so if I could take a moment to answer your question, that is the problem we had with the amendment that is not before us yet and that is the problem I will have with it when it is before us.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Chairman of the Taxation Committee.

I heard during previous debate presented by the gentleman from Old Town that the people who are the tax preparers, the CPA's, have adopted the Majority plan -- my question is, is that in comparison to the Minority Report plan or is that as a Peat, Marwick presentation as a whole?

The SPEAKER PRO TEM: Representative McGowan of Canaan has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The direct question to Mr. Goseline who is the President of the Certified Public Accountant's organization was, as opposed to the credits not specifically the Minority Plan because their plan increases those credits, but just as a system of taxation, comparing a credit system to the recommendations in option three which is to go back with full conformity with deductions and exemptions of the federal government, they told me that they would overwhelmingly support going back. They consider the credit system to have been a nightmare for Maine taxpayers and "nightmare" is his word.

Representative Whitcomb of Waldo was granted permission to speak a fourth time.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I only want to respond -- the system should benefit who? The people who prepare the forms or the people who are subjected to the tax? I understand the concerns about any change for those who prepare taxes. I understand that it may have been difficult but it is the impact of the tax that we need to focus on.

It was mentioned earlier that the Citizens For Tax Justice supported the Majority Report. I find that interesting and perhaps a bit misleading because the Citizens for Tax Justice also supported the tax credit proposal when it was offered and a lobbyist spoke for it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I appreciate very much the answer that the Representative from Old Town has given us in regard to the CPA's and the people who deal on a daily basis with Maine Income Tax. I believe that those people who are infact hired by us as their constituents and they work for us, they are the tax preparers, their job is to save us the greatest amount of money and they have come out and said that. As I have watched this system for the past couple of years, I would tell you that I have been a taxpayer and have seen from a personal basis that this tax system has indeed gone wacky. I have heard the analogy about dancing with a gorilla, I also know the analogy about buying a pig in a poke.

I won't be buying a pig in a poke this time, I will be buying the recommendations of the CPA's in the State of Maine and the people that are hired to save Maine taxpayers' money and the professionals of Peat, Marwick and not the numbers that have proven an economic hardship to the Maine taxpayers for the past few years.

Representative Erwin of Rumford was granted permission to speak a third time.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the comments of Representative Whitcomb with regard to tax preparers and the credit system. As a tax preparer, after my first return, I had no problem. I am sure that every CPA and PA and other tax preparers had the same experience as I did. I am concerned about the individuals in the State of Maine who prepare their own taxes. It is much easier for them if we go back to the other system.

Representative Jackson of Harrison was granted permission to speak a third time.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This will be brief. I just want to read something into the Record from the policy economic group of Peat, Marwick Main & Co. in response to a letter received by the House Chairman of the Taxation Committee which I have not seen and I am going to take it for granted that he has got it but I would just like to read this into the Record. It says, "While the policy economic group does not endorse any approach to future Maine individual income tax policy over others, we believe the approach outlined in options three and four demonstrate that a valid range of alternatives are available for dealing with the remaining federal tax reform liability gains and with current structural problems with the Maine individual income tax should the state elect to do so."

I just want to make it perfectly clear that Peat, Marwick has made recommendations and they are endorsing these plans but according to this report, they do not. I can certainly understand why with the complexity of the issue and the problems that can arise out of that.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I would like to pose a question to a member on the Minority Report.

Regardless of which plan is which and who gets which deductions and who gets which tax breaks, I would like to know why it is, that after three years of trouble that we have had with the tax problem, we should accept numbers that come from the same office that created the problem?

The SPEAKER PRO TEM: Representative Graham of Houlton has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I am sorry I have not been able to be clearer to relay to you that the numbers that I quoted are from Peat, Marwick, from their reports here in my hand. The only help that I have had from

the administration is to show me where they are. If you want to challenge that, I welcome that, but here is where they come from, Peat, Marwick.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 135

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Dellert, Dexter, Donald, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Webster, M.; Wentworth, Whitcomb.

Yes, 104; No, 47; Absent, 0; Paired, 0; Excused, 0.

104 having voted in the affirmative, 47 in the negative with none being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-674) was read by the Clerk.

Representative Marsano of Belfast offered House Amendment "B" (H-681) to Committee Amendment "A" (H-674) and moved its adoption.

The same Representative requested a Division on the motion to adopt House Amendment "B" (H-681) to Committee Amendment "A" (H-674).

House Amendment "B" (H-681) to Committee Amendment "A" (H-674) was read by the Clerk.

Representative Cashman of Old Town moved that House Amendment "B" to Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: House Amendment "B" which Representative Marsano is offering of a flat tax has already been debated at length, even though debated when it wasn't in front of this body. As I read from a report of Peat, Marwick just a few moments ago, a flat tax results in middle-income taxpayers paying

far more than they would pay under the Committee Amendment you just adopted, while higher income taxpayers would pay much less. When I say more and less, I mean they would pay more in the middle-income brackets than they paid in 1986 and pay much less in the higher income brackets than they did in 1986. It is a step backwards in terms of progressivity in our tax rate.

Representative Marsano mentioned earlier that Peat, Marwick had told us we had the most progressive income tax system in the country. What they actually told us was, we have a more progressive income tax than Wisconsin which came as some surprise to them because Wisconsin is generally regarded as the most progressive. Whether it is the most progressive or not, I take great pride in the fact that they made that comment. To try to take progressivity out of the system, I think, would be a shame. To tax middle-income payers at their expense to give higher income payers a break would be a shame. I hope you will vote for the indefinite postponement of this amendment.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: Much of what the Representative from Old Town said is true. However, after a short period of time, everybody begins to be a winner with respect to payment of taxes to state government under a flat tax system. What this system would do is for those middle-income earners who get into the mainstream of American life and begin to move up into the tax brackets where life seems to be better, they run into a situation where they can get a ten or 15 percent increase in their annual income and a 30 percent increase in their taxation because that is the way progressivity works. It is unfortunate because more and more of the people are moving into those areas. I feel as though it is a step into a direction that keeps Maine from having burgeoning dollars in their state coffers and gives an opportunity for better fiscal management to the state.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, I would like to pose a question to Representative Marsano of Belfast.

I would like the Representative to explain to me and I am going to give him a hypothetical situation. I would like him to calculate the tax for this hypothetical Maine resident under his system and under current law if he could. This Maine resident has \$1 million to invest and they invest all that million in securities of the State of Massachusetts, state bonds, what would the tax be under your system and what would the tax be under current Maine law?

The SPEAKER: Representative Mayo of Thomaston has posed a question through the Chair to Representative Marsano of Belfast who may respond if he so desires.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I will try to explain to the House the answer to my question. The answer to my question would be that that millionaire would pay zero Maine income tax under Representative Marsano's amendment. Under our amendment, that millionaire would pay at the rates currently in law, 2, 4, 6, 8 or if the new committee report is accepted, those new rates. I ask you, is it fair for someone who has \$1

million invested in Massachusetts state bonds to give them a tax break down to zero?

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It gives me a great deal of pleasure on this issue to stand in full agreement with the Chairman of our committee, Representative Cashman. If you took the chart which obviously made little impression on the majority of this body when I passed it out, but as a word of explanation, if you took the median line, virtually everybody below that line pays more under a flat tax; virtually everybody above that line pays less. I cannot support that kind of concept and I feel that the body should reject it.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 136

YEA - Adams, Aliberti, Allen, Anderson, Anthony, Bailey, Begley, Bell, Boutillier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dellert, Dexter, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Keltover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Luther, MacBride, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Ault, Carroll, J.; Curran, Foss, Garland, Hanley, Hepburn, Higgins, Jackson, Lord, Marsano, Marsh, Norton, Parent, Reed, Seavey, Stevens, A.; Webster, M..

ABSENT - Strout, D..

Yes, 131; No, 19; Absent, 1; Paired, 0; Excused, 0.

131 having voted in the affirmative, 19 in the negative, with 1 being absent, the motion to indefinitely postpone did prevail.

Subsequently, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:
PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Technical Changes to the Tax Law (S.P. 124) (L.D. 209) (C. "A" S-383)

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. 130 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Health Insurance (H.P. 560) (L.D. 758) (C. "A" H-643)

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. 122 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Implement Sound Forest Practices (H.P. 315) (L.D. 429) (S. "B" S-379 to C. "B" H-635)

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System (H.P. 1176) (L.D. 1630) (S. "B" S-380 to C. "A" H-586)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

ENACTOR

An Act Relating to the Director of the Bureau of Health (S.P. 379) (L.D. 1015) (S. "A" S-155 to C. "A" S-146)

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

On motion of Representative Joseph of Waterville, the House reconsidered its action whereby L.D. 1015 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-146) as amended by Senate Amendment "A" (S-155) thereto was adopted.

On further motion of the same Representative, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted.

On motion of the same Representative, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-107) to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Nine Members of the Committee on Taxation on Bill "An Act to Encourage Industry to Maintain and Modernize Machinery and Equipment" (H.P. 461) (L.D. 626) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-677)

Signed:

Senators: BALDACCI of Penobscot

EMERSON of Penobscot

Representatives: DUFFY of Bangor

DiPIETRO of South Portland

SWAZEY of Bucksport

TARDY of Palmyra

CASHMAN of Old Town

SEAVEY of Kennebunkport

NADEAU of Saco

Two Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-678)

Signed:

Representatives: JACKSON of Harrison

WHITCOMB of Waldo

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "C" (H-679)

Signed:

Representative: DORE of Auburn

One Member of the same Committee on same Bill reports in Report "D" that the same "Ought Not to Pass"

Signed:

Senator: ANDREWS of Cumberland

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-677) Report.

This is a Divided Report in the truest sense of the word. We had four reports, three of them "Ought to Pass" in one form or another and one "Ought Not to Pass."

Let me give the House a little history of what this issue is and how we ended up here.

We just finished debating the effects of federal tax changes on the individual income tax. We debated that issue much longer than we should have, hopefully we can wrap this one up a little sooner, but where this issues comes from is, the federal tax changes had the same effect on corporate income taxes as it did on individual income taxes. The federal government broadened the definition of income and lowered the corporate income tax rate. The State of Maine adopted that broadened definition and did not lower the rates. So, we have not done anything to compensate for federal tax adjustments in our corporate income tax.

Last Fall, when we came in for a Special Session to return a surplus, those of you who were members of the 113th will remember this well, the Taxation Committee met with the Governor to discuss that. The Governor wanted to include some of the money that we had in surplus at the time and more or less mail checks to corporations which was his idea at the time to try to compensate for this rather unequal treatment. We took the position on the Taxation Committee (at least the majority of us) that we really didn't want to do a one-time check mailing, but we said if the administration would like to set some money aside, we would see if we could devise a way by which to try to even this out a little bit and at the same time devise a system that might encourage investment in the State of Maine. That is where this comes from. There is \$5 million that has been set

aside since last Fall in the State Treasury that is dedicated to this purpose to pay for this in this biennium. So, I want to make that clear from the start that whatever "Ought to Pass" Report is accepted, if any, by the House that there is no fiscal impact in this biennium. That money has been set aside from last Fall's surplus.

The Majority Report signed by nine members of the committee (and it is a bipartisan report unlike the last one we debated) -- what we tried to do in the Majority Report was to try to design a tax credit system that would provide some relief to corporate taxpayers in the State of Maine and at the same time encourage investment in the State of Maine. The investment tax credit embodied in the Majority Report has been refined to target manufacturing jobs. We have done that because they are the best paying jobs. Manufacturing jobs provide the best chance for economic improvement for the lower and middle-class as we enter the 90's. This bill, the Majority Report, has received solid support from industry as well as labor.

Mr. Speaker, I would like to address the House.

The SPEAKER: Members in the back of the hall -- if you wish to remain there, you may do so, but not conduct a conversation.

The Representative may continue.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This issue is dry enough and I really didn't want to compete with anybody else while I am trying to debate it.

We tried to design something within the \$5 million parameter that we had to work within in this biennium that would encourage investment in the State of Maine by industry and encourage the creation of jobs, good paying jobs, manufacturing jobs.

What this bill does specifically in the Majority Report is it provides for a 1.5 percent income tax, corporate income tax credit, for investment in machinery and equipment. That credit can be taken for three years. There is a provision for a five year carry forward and a three year carryback. If you can think back to the old investment tax credit on the federal tax law, it works very similar. That provision in federal law had a 15 year carry forward and a seven year carryback. We cut the carry forward and carryback way back because we were trying to reduce the long-term fiscal impacts of this bill.

The reason we felt that we should target manufacturing jobs or manufacturers is because they provide the best jobs, number one. Number two and most importantly, the service sector economy depends on manufacturing jobs. I am in the service sector economy and I depend on manufacturing jobs; without them I am out of business.

I have a file here full of letters that I have received and I won't read them all to you because it is too warm but the majority of these letters are from non-manufacturers endorsing the Majority Report. The reason for that is the reasons that I just stated. They feel their businesses can't survive without manufacturing jobs. If we try to spread \$5 million any thinner than we have spread it here, in my judgment, it does nobody any good.

There are two "Ought to Pass" Minority Reports that I would like to address before I sit down. Report "B" provides for a one year, take it or lose it, tax credit. My problem with that is, I don't think it is June 21st and I don't think there is a major business in the state that can tell you right now if they are going to make money this year. If you don't provide any carry forward or carrybacks, what you are doing is, you are not really encouraging investment. You are not telling people if you invest

in this, we will give you a tax credit that you can use against your income taxes, because if you are buying it this year and you have to use a credit this year at this point in time, they don't even know if they need a credit. They don't know if they are going to make any money. So, all you are doing really is giving a handout after the fact, it doesn't encourage anything and that is my problem with it.

I understand that one of the Minority Reports would like to extend this to other businesses besides manufacturers and I think that is a worthy goal, I really do. If we had more money, I would support it. We don't. We had to work within these parameters, it had to be targeted. I think that this is the best alternative. I think that the people that are trying to be targeted in the Minority Report think so too and they have written me letters to that effect.

One last thing before I sit down. The long-term effects on this bill -- the state tax office has estimated that the out years will produce \$16 million loss in revenue, not \$5 million. Again, I question that and I will tell you why, because they are assuming a higher percentage of use of this tax credit than I think the tax credit will ever receive. The federal investment tax credit was never used more than 80 percent of its availability. That tax credit was far more lucrative than this one is. That tax credit had a 15 year carry forward and a seven year carryback compared to five and three in this bill.

A figure was in the paper the other day quoting a Representative in this House as saying that this bill will result in a \$13 million advantage to Madison Paper Company because they want to put in an investment that is worth X-number of dollars. I think that that quote just serves to point out the confusion over this issue. It does not give a tax credit for investment in real estate, in real property, in buildings. When you talk about Madison Paper or any other big manufacturer who is talking about putting something in and you say they are going to build a \$300 million facility, you have to understand that this credit does not apply to the building, the real estate, it applies to the machinery and equipment only. It also contains a 75 percent cap so that no manufacturer can be left paying no corporate income tax.

Again, the \$13 million figure assumes that Madison paper will have enough corporate income tax liability to use that. I don't think that would happen.

There will be confusion, I am sure, on the long-term effects of this in terms of revenue estimates and loss of revenue but I can tell you that the effect on the corporate income tax of federal changes, even if the tax office is right at \$16 million, has been far in excess of that.

I think that this is a good way to add some relief, I guess, to a tax structure that has been broadened by federal definition. And, it is a way to do it that encourages investment, encourages job creation, and I hope that this House will support the Majority Report.

Mr. Speaker, I would ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that you reject Committee Amendment "A" and I will tell you my reasons. I am obviously not going to be the big winner of the prize today since I am on a Minority Report of one.

When the Taxation Committee met with the Governor last Fall, it was decided that we had overcollected on income taxes and we had overcollected on corporate income taxes and the figure that was decided on by both parties, bipartisan, was that it overcollected on corporate income taxes by \$5 million, that was consensual, that was by both Republicans and Democrats on the committee and on the second floor.

My problem with Committee Amendment "A" is that we are not going to return to the income taxpayers more than we overcollected from them, but if we use Committee Amendment "A", we will be returning to the corporate taxpayers more than the \$5 million that it was agreed that we had overcollected from them.

I have absolutely no argument with the Chair of my committee's statement that this encourages investment, I think it does. But, I think when we sat that \$5 million aside last year, that is what we intended to return, \$5 million. When I look at a fiscal note and whether or not you believe this fiscal note, it comes from the Office of Program and Fiscal Review -- when I look at a \$16 million fiscal note, it means there's no decorations on the Christmas Tree, it means there is \$11 million worth of presents under the Christmas Tree.

Corporations have invested in Maine because Maine workers work hard. Corporations have invested in Maine because they have made money investing in Maine. Corporations like to make money -- last time I checked, I do too. Pretty convenient. I don't think that we need to give them \$11 million more in incentives to invest in Maine. I think we ought to return to them the \$5 million worth of overcollection. We decided to return it in terms of a capital equipment or property tax return because we decided as a committee that corporations complain to us more about their corporate property taxes than they did about their corporate income taxes. So, we took an income tax overcollection where we devised a way to return it in a property tax relief measure. I have no problem with that, if they find that that has discouraged investment, that is fine. My problem with the entire Committee Amendment "A" is that it goes beyond the \$5 million and I think that this is a one-time return and if we want to discuss next session whether or not we should have an investment credit, then I think that is a great thing to discuss next session.

I hope you will reject Committee Amendment "A" because I would like to see Committee Amendment "C" approved because that is what we told the corporations in Maine we would be returning to them, \$5 million.

More importantly, we told the individual citizens of Maine, our constituents, that we would be returning to the corporations \$5 million that we had overcollected from them, not a penny more, not a penny less. That is my problem with Committee Amendment "A" and I hope that you vote to defeat this. I know the likelihood.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Merrill.

Representative MERRILL: Mr. Speaker, Men and Women of the House: L.D. 626 will have an impact on every citizen living in the State of Maine. Our industries are the very backbone of our communities where we live, providing not only jobs for those that desire to live in Maine, but also in the manufacturing of quality products that we can all be proud of. These products are exported worldwide. We are a rural state and we need to be more competitive with other states. We do have a job market. L.D. 626 will encourage big business to invest more

capital in Maine. May we, as legislators, send to our business industry a positive message by adopting L.D. 626, Committee Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I have been involved with the investment tax credit because it was one of the new concepts that started at about the time that I began to practice law back in the early 1960's. I have always thought that, of all the tax policies that existed, the investment credit was probably the best. From the things that I have read and I have been involved in with this bill since it was first introduced, I have been persuaded that the report that appears under the name of the Representative from Kennebunkport, Representative Seavey, which is Committee Amendment "A" should be adopted. I would urge the adoption of the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, the committee wrestled with this L.D. 626 in depth in four different directions, Reports "A", "B", "C" and one "Ought Not to Pass."

I had an extremely difficult time making my decision as to how I would like to see the \$5 million go that was set aside, as Representative Dore indicated, in regards to the overcollection of corporate income tax. After many hours of deliberations and looking over the various proposals and options that were available to us, I opted on a proposal which would treat all businesses equally in the state, unlike Report "A." Looking at Committee Amendment "B", I see there was an error in the printing so I am not even going to ask you to vote for Report "B" because it doesn't do what I wanted it to do. So, I am going to ask you to vote against the Bill and I will explain why.

I don't disagree that you have to have some sort of incentive for industry to invest in any state. I know that probably better than anybody else or equally as anybody in this House, having been in business for several years in my life and continue to be in business, I know how important it is to have incentives to invest.

But, when I look at what we had agreed to do last Fall with the \$5 million -- that \$5 million was set aside to address corporate overcollections. The nearest report that does that is Representative Dore's report, Report "C."

Report "A" has an excess cost in the out years and it will end up costing, I believe in 1992, approximately \$16 million per year. That concerns me. It concerns me because we have tremendous needs today and we are going to have tremendous needs in the years ahead for state government. Those needs aren't going to be voted upon by members of this body. They have already been voted. When I talk about the needs, I talk about the needs for mental health, the needs for access to affordable health care, affordable housing, all these various proposals that we have. What's going to happen folks is, when we get to the crunch and we don't have those funds, where are we going to find the money to provide these services? Are we going to go ask the individual taxpayers through the income tax? Are we going to increase the sales tax? Are we going to increase a host of other taxes to meet our obligations that we left as a legacy to the future generations?

I feel that we have done quite well for industry in this state in the last few sessions, particularly the seven sessions that I have been here. I have

seen the sales tax on new and used equipment eliminated. I have seen the sales tax on electricity phased out. I have seen a host of other proposals that have given business the incentive to make investments in this state.

If I had my druthers to see where this \$5 million would go, I would druther it go to find access to affordable health care because I think this would do more for every business in this state than any investment tax credit will do. Anything that you can do to stabilize those excessive insurance costs that they are having to absorb today (and will further increase if we don't address it) is really going to be terrible. So, I think that when we talk about the \$5 million, I think that the Representative from Auburn is exactly correct, we made a commitment last Fall to return \$5 million that we felt was overcollected and due business and industry in this state. I think that is where it should be held.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Men and Women of the House: The Representative from Old Town, Representative Cashman, gave you all the basic reasons why we should support his amendment.

I would like to point out to you a couple of things. The Representative from Harrison, Representative Jackson, asked how we are going to support all of the services that we are being required to offer to the people. I would like to point out to you that we are not going to be able to fund them with service type jobs. Every one of us in this room knows that the service sector does not pay good wages. Most of them do not pay health benefits. There are some exceptions but on a whole the service sector does not pay nearly the wages that manufacturing jobs do. If we truly wish to have property tax reform, if we truly wish to solve the problem of health care, if we truly wish to solve the problem of insurance for people, then the thing that we must do is give those people decent, well-paying, jobs. The only place that you are truly going to find a decent, well-paying job is in the manufacturing sector. To make money, you have to spend money. It would seem to me that \$5 million is a small enough investment into the general welfare of the people of this state.

I think that the thing that we have to remember is that many of our big manufacturing firms are set up as basic separate entities and they must compete with other manufacturing centers in their own corporation. For example, Alabama gives tax breaks on the local, the county, and the state level. Those tax breaks can make a difference in where a paper company sets up its paper machines. It would seem to me that while \$5 million is a lot of money, \$5 million is a small price to pay to make an awful lot more money.

I will leave you with this one thought. According to the National Association of Manufacturers, each manufacturing job creates 48 other jobs. Even assuming that they were hopelessly optimistic and we cut it right in half, one manufacturing job creates 24 other jobs. To me folks, that is worth \$5 million.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you today for the first time this session with a selfish motive in mind. You heard Representative Cashman when he mentioned Madison Paper Industries and of course I being from Madison am vitally concerned with that. They are now contemplating an expansion which would

be \$3 to \$4 million and we realize that none of this would go toward the actual plant but would go toward the equipment and the machinery. It would do a great deal and mean a great deal to the people in my area if this could be passed. So, if you were in my position, I would ask you to do the same as I am going to be doing, pushing the green light for Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I want you to make no mistake about this, absolutely no mistake, Amendment "A" adds \$11 million in costs over the biennium, that is the fiscal note and we have to live or die with that. It may or may not pay off in the end. We don't know that, it is a major issue.

Let me tell you about being a capitalist. A capitalist is somebody who believes that profit is the incentive to invest. That is what a capitalist is. If you believe that profit is the incentive to invest, you don't need tax breaks to invest. People in this room have been talking about this incentive in Committee Amendment "A" as though it were the only business incentive that we offered and that is wrong because I have been on business incentives that we offered. I have been on a job in concrete business incentives that we offered and it has not been repealed. So, we offer businesses many incentives.

The problem I have with this is that last Fall we agreed with the administration that there was \$5 million in corporate tax overcollection on income taxes and we agreed to give it back in terms of a capital investment formula. I am interested in giving back that \$5 million. I would be happy next fall to discuss with you whether or not it pays to go any further. We can help Madison with that \$5 million, we can help a number of people with that \$5 million and we won't be doing any more than what we had originally agreed to do. Do we need to provide a greater incentive? I think that issue deserves a careful working over and I think we can do that next session. For now, we pledge \$5 million to returning overcollections in corporate income taxes and I think that we should defeat Amendment "A", go on to Amendment "C" so that we can return that \$5 million.

I appreciate Representative Jackson's comments about the many, many issues that Appropriations needs to fund that are not getting funded at this time and that ought to be given consideration when you look at that \$11 million additional dollars.

I would like to comment that Representative Jackson's Amendment "B" makes it annually \$5 million. Well, we haven't even overcollected annually \$5 million so there is no reason for an annual \$5 million program. We need to discuss a program after we have returned what we committed to return in the first place.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I know I probably won't change any of your minds but when this bill first came about I took an active part in it. I went down to the committee hearing in Taxation and spoke in favor of the bill. I also followed through the process and the hearings and work sessions. This bill itself has taken a tremendous turn through the process and I was really surprised to see the divided four-way report come out this evening. But, it didn't surprise me at all after what had taken place in the work sessions.

I would like to give you a little bit of information. You talk about capital intensity and wanting to spend money in the state -- for an

example, in the district I live in in Millinocket, we had two paper mills that were looking to expand. We are a corporation and we lost out a bid of \$550 million that went south and could have gone into our mills in Millinocket. They only thing we are asking for is a little bit of fair play out there so we can compete with these other states, that is the only thing we are asking for. I hope that when you vote, you vote for the Majority Report.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: We heard reference made earlier on the rivers bill to paper industry profits and how that was somehow an unacceptable concept. I do support the manufacturing sector and I also happen to believe that the profit making motive is what drives economic growth and the creation of jobs in our country and our state. However, I do not believe that paper companies should be granted new unequal tax breaks at the expense of the non-manufacturing businesses.

The Chairman of Taxation referred earlier to Madison Paper Company and my interest in this issue was peaked by an article in the Maine Sunday Telegram of May 28th. I will quote for you, "If the investment tax credit goes through, Madison will not only get a sales tax exemption for the purchase but it will be able to deduct \$1.5 percent of the investment from its corporate income taxes each year for the next three years. This would be an incentive so lucrative, the company would not have to pay any corporate income taxes in those years. I think that is unfair especially when we are doing nothing here for the non-manufacturing sector. After all, all businesses, manufacturing and non-manufacturing, contributed to the corporate windfall fund."

I would also like to quote you some numbers as of 1987 and the percentage of jobs and employers in the manufacturing versus the non-manufacturing areas. "7.1 percent of the employers are in the manufacturing, 92.9 percent are in the non-manufacturing. 25.5 percent of the employees are in manufacturing, 74.5 are in the non-manufacturing. The manufacturing sector contributes 26.9 percent of the gross state products. The non-manufacturing sector, 73.1 percent."

As I see it, there is nothing in Report A for the non-manufacturing sector. I would like to pose a question through the Chair to the Chair of Taxation. What percentage of the corporate income tax investment credit fund, which as I said earlier was developed by all businesses not just the manufacturing sector, will be dedicated to the paper companies?

The SPEAKER: Representative Foss of Yarmouth has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Zero, there is nothing dedicated in this bill to the paper companies.

While I am on my feet, the gentlelady just read the newspaper article that I referred to when I mentioned Madison Paper. The reason I referred to it

is because I said that that article pointed out conclusively the confusion around this issue and the lack of understanding of it and the gentlelady from Yarmouth pointed that out better than I can. To say in the paper that this will result in zero tax liability for Madison Paper or any other company is absolutely wrong. If you read the report, you will see that because there is a 75 percent cap upon which that credit can be applied. Obviously, the reporter or whoever you quoted didn't read it but I wish members of the House would.

Secondly, I said earlier that it has been narrowed to manufacturers. There are manufacturers in this state other than paper companies. That may come as a surprise to some but I have a list here of letters that I have received from Rockport-Camden-Lincolnville Chamber, Maine Municipal Association, Ed Gorham, AFL-CIO, Gates Form Fibre Products, Maine Machine Products, Saco Defense, Moose River Lumber, Digital Equipment, Trask-Decrow Machinery, A.G. Edwards & Son, the town of Madison, Mountain Machinery, Pratt & Whitney, Wade & Searway Construction, Paris Manufacturing, the Reese Corporation, National Semi-Conductor, Carlton Woolen Mills, I could go on and on but, to suggest that this is applicable only to paper companies or that a percentage of it has been assigned to paper companies is, I think, ludicrous. If you read the report, you will see that.

Finally before I sit down, the fiscal impact in this biennium is \$5 million. The \$11 million that is talked about by the State Tax Assessor is in out years beyond this biennium. I explained earlier that I would question that figure but that is not applicable to this biennium.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the hour, I will be brief, I can say what I want to say in less than two minutes but I want it on Record.

We are here talking about giving tax relief to big businesses, that is what we are talking about. Those of us in western Maine are very worried that the people, the senior citizens in our town, who use western Maine's transportation services aren't going to get that service because they are getting an \$800,000 tax cut. I am going home to talk to parents of the mentally retarded who are sick and haven't slept in months because they might close down the home in our town because there isn't money to fund that and yet we are seriously talking here about giving millions of dollars to big businesses that do very well in this state. I may not change any votes but I sure would like to peak your conscience -- what are you thinking of? This bill should be defeated, period.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I wish to apologize to Representative Jackson for interrupting his presentation.

Maine must not put itself in a position whereby manufacturing is going to be discouraged from operating in Maine. It is one of the prime things that we must retain and I strongly encourage you to support the proposal offered in Amendment "A."

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Cashman of Old Town that the House accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-677). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 137

YEA - Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Conley, Constantine, Cote, Curran, Daggett, DiPietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Hepburn, Hichborn, Hickey, Hogle, Holt, Hussey, Hutchins, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McPherson, McSweeney, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Reed, Richard, Richards, Ridley, Rotondi, Ruhlin, Seavey, Sheltra, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Wentworth, The Speaker.

NAY - Adams, Clark, M.; Dellert, Dore, Foss, Handy, Heeschen, Higgins, Jackson, Luther, MacBride, McHenry, McKeen, Melendy, Nutting, Rand, Rolde, Rydell, Sherburne, Webster, M.; Whitcomb.

ABSENT - Crowley, Dexter, Jalbert, O'Dea, Oliver, Small.

Yes, 124; No, 21; Absent, 6; Paired, 0; Excused, 0.

124 having voted in the affirmative and 21 in the negative with 6 being absent, Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-677) was accepted, the Bill read once.

Committee Amendment "A" (H-677) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

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

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
June 21, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Utilities, the Governor's nomination of Elizabeth Paine of Hallowell for appointment as a Commissioner for the Public Utilities Commission.

Elizabeth Paine is replacing David Moskovitz.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter

An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce (H.P. 438) (L.D. 603) (C. "B" H-633) which was passed to be enacted in the House on June 21, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-633) as amended by Senate Amendments "B" (S-347) and "C" (S-352) thereto in non-concurrence.

On motion of Representative Swazey of Bucksport, the House voted to Adhere.

Reference is made to (H.P. 481) (L.D. 661) Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals"

In reference to the action of the House on June 20, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative CARROLL of Gray
Representative RUHLIN of Brewer
Representative MURPHY of Berwick

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

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1284)

Ordered, the Senate concurring, that the following specified matters be held over to any special session or the Second Regular Session of the 114th Legislature:

COMMITTEE
Aging, Retirement
and Veterans

BILL
(H.P. 302) (L.D. 414) -
An Act to Establish a
Volunteer Firefighters'
Pension Fund

(S.P. 268) (L.D. 696) -
An Act Concerning
Out-of-state Service for
Members of the
Maine State Retirement
System

Agriculture

(H.P. 1243) (L.D. 1734)
An Act to Increase
Various License and
Registration Fees of
the Department of
Agriculture, Food and
Rural Resources

Appropriations and
Financial Affairs

(H.P. 1244) (L.D. 1737)
Resolve, to Establish the
Commission on Maine's
Food Policy
(H.P. 527) (L.D. 712) -
An Act to Authorize a
General Fund Bond Issue
in the Amount
of \$10,000,000 to Develop
a Statewide Enhanced
9-1-1 Emergency

Banking and Insurance	<p>Telephone System (H.P. 1248) (L.D. 1741) An Act to Authorize Mortgagees to Require Property Insurance Provided by Insurers Which Meet Standards Established by Federal Mortgage Loan Corporations (S.P. 648) (L.D. 1743) - An Act to Modernize the Capital Structure of Domestic Stock Insurers (H.P. 943) (L.D. 1311) An Act to Amend the Third-party Prescription Program Act and Provide for Responsible Health Care Decisions (S.P. 615) (L.D. 1710) - An Act Amending the Licensure Requirements for Plumbers (H.P. 38) (L.D. 38) - Resolve, Creating the Blue Ribbon Commission to Study the Establishment of a Cabinet-level Department of Children within State Government (Reported Pursuant to Resolves 1987, Chapter 110) (H.P. 660) (L.D. 902) - An Act Regarding the Maine Vocational-Technical Institute System (H.P. 882) (L.D. 1226) - An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students (H.P. 1154) (L.D. 1608) An Act to Clarify the Traffic Movement Standards under the Site Location and Development Law (S.P. 632) (L.D. 1725) - An Act to Amend Maine's Underground Oil Storage Law (S.P. 153) (L.D. 273) - An Act to Allow Municipalities to Assess Impact Fees for Activities that Create or Intensify Problems for Municipalities with Respect to the Availability of Affordable Housing (H.P. 332) (L.D. 451) - An Act to Create an Educational Bonus for Affordable Housing (H.P. 250) (L.D. 362) - An Act to Provide for Base-year Revisions for Intermediate</p>	Judiciary	<p>Care Facilities for the Mentally Retarded (H.P. 756) (L.D. 1060) - An Act to Strengthen the Maine Radiation Control Program (H.P. 846) (L.D. 1178) - An Act to Amend the Family Planning Services Act (S.P. 444) (L.D. 1197) - Resolve, Directing the Department of Mental Health and Mental Retardation to Study Mental Health Needs (H.P. 1148) (L.D. 1591) An Act Relating to the Status of Nursing Professions in Maine (Reported Pursuant to Resolves of 1987, chapter 106) (S.P. 586) (L.D. 1648) - An Act to Improve Services for Maine's Mentally Ill (H.P. 400) (L.D. 544) - An Act to Extend the Statute of Limitations for Medical Malpractice Cases (H.P. 462) (L.D. 627) - An Act Relating to Computer Access (H.P. 491) (L.D. 671) - An Act to Provide Written Notice to Creditors Under the Maine Probate Code (S.P. 281) (L.D. 727) - An Act to Improve the Availability of Emergency Obstetrical Services (S.P. 289) (L.D. 762) - An Act to Establish the Maine Medical Malpractice Act (H.P. 647) (L.D. 881) - An Act Regarding the Disposal of Fetal Remains (S.P. 338) (L.D. 899) - An Act to Improve the Availability of Emergency Medical Services (H.P. 733) (L.D. 1010) - An Act Concerning the Right to Die (H.P. 743) (L.D. 1026) - An Act to Modify Joint and Several Liability in Medical Malpractice Actions (S.P. 393) (L.D. 1038) - An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions (H.P. 760) (L.D. 1064) - An Act Concerning Jurisdiction over Contested Termination of Parental Rights Proceedings (S.P. 409) (L.D. 1075) -</p>
Business Legislation			
Education			
Energy and Natural Resources			
Housing and Economic Development			
Human Resources			

An Act to Prevent Double Recoveries in Medical Liability Actions (H.P. 822) (L.D. 1150) -
 An Act to Strengthen the State Forensic Service (S.P. 434) (L.D. 1151) -
 An Act to Amend the Common Law Collateral Source Rule in Medical Professional Liability Cases (S.P. 463) (L.D. 1248) -
 An Act to Encourage the Continuation of Obstetrical Services in the Medicaid Program (H.P. 998) (L.D. 1387) -
 An Act to Increase the Priority of Wage Claims Against Insolvent Employers (H.P. 1001) (L.D. 1390)
 An Act to Ensure that Child Support Payments Benefit the Family (H.P. 1030) (L.D. 1436)
 An Act to Amend the Laws Relating to Offers of Judgment (S.P. 531) (L.D. 1466) -
 An Act to Waive Restrictions on Certain Physicians (S.P. 541) (L.D. 1512) -
 An Act to Reform the Juvenile Criminal Justice System (Reported Pursuant to Resolves of 1987, chapter 68)
 Labor (H.P. 645) (L.D. 879) -
 An Act to Create a Standard for Respiratory Rescue Personnel Who Are State Employees (H.P. 666) (L.D. 908) -
 An Act to Create a Workers' Compensation Logging Industry Fund (H.P. 814) (L.D. 1126) -
 Legal Affairs (H.P. 814) (L.D. 1126) -
 An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws
 Utilities (S.P. 0041) (L.D. 11) -
 Resolve, to Study the Economic Effect of Competitive Telecommunication Services (S.P. 249) (L.D. 579) -
 An Act to Promote the Access of Cable Television to Maine Citizens (H.P. 1175) (L.D. 1629)
 An Act to Amend the Laws Concerning Service Territories of and Additional Service by Public Utilities (H.P. 1163) (L.D. 1617)
 Corrections, Joint Select Committee An Act to Allow Sheriffs'

Departments to Transport Juveniles to State-approved Treatment Facilities

Was read and passed.

The Chair laid before the House the following matter: Bill "An Act to Allow 15-year-olds to be Employed in Kitchen and Common Areas in Bed and Breakfast Establishments and Inns with less than 20 Rooms" (EMERGENCY) (H.P. 293) (L.D. 405) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Kilkelly of Wiscasset, the House reconsidered its action whereby House Amendment "A" was adopted.

The same Representative offered House Amendment "B" (H-682) to House Amendment "A" (H-654) and moved its adoption.

House Amendment "B" (H-682) to House Amendment "A" (H-654) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House:

In both those amendments, it doesn't really say what they are. I suspect that one of the amendments is going to strip the 20 room minimum and open it up to all motels of any size. If that is true, I think the House ought to know it.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: We have already adopted the amendment that did infact remove the limit of numbers of rooms that were affected. This amendment is one that presents a fiscal note and I apologize for not including it in my original amendment.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: Just to call your attention to an administrative matter on the fiscal note that is now pending before this body, apparently the Labor Committee gets the same kind of figures from the administration that the good Representative from Old Town gets in his Taxation Committee.

Before House Amendment "A" was adopted by this body, L.D. 405 did infact create job opportunities for 15 year olds in bed and breakfast institutions with less than 20 rooms across the state. The Commissioner of Labor, when this bill was presented in front of the Labor Committee, came to us with a fiscal note of over \$17,400 if the bill were adopted as printed. Since then, the good Representative from Wiscasset has amended it to include all housing and all hospitality, whether it be inns or motels of any size. The fiscal note on this is \$16,000 — now I ask you, how can the administration enforce all these child labor laws across the state to this multitude of places at less cost? Apparently we are getting a deal on our enforcement. So I think I know where the good Representative from Old Town is on this. I was amazed, I was dumbfounded.

In a statement before my committee, Mr. Fitzsimmons stated and I quote, "I will caution the committee again however that, because of the increase in telephone inquiries, issuance of work permits and enforcement activity by our Wage and R Division, passage of this bill will require additional funding." It seems to me if we wait another three months, the funding is going to go down more. I find

this disgusting that the administration comes to my committee with either false figures -- today it is false figures, one of them is wrong. We are dealing with 20 bedrooms or less or we are dealing with motels and inns across the state and we are saying it is going to be cheaper to enforce across the state?

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, I would like to pose a question to the Chair.

We have two House Amendment B's -- which filing number are we participating in now? 682 or....?

The SPEAKER: House Amendment "A" was adopted by this body and the pending question now is adoption of House Amendment "B" to House Amendment "A."

Representative RUHLIN: That is right -- which is filing H-682?

The SPEAKER: The Chair would answer in the affirmative.

Representative RUHLIN: Thank you sir.

Mr. Speaker, Ladies and Gentlemen of the House: This particular fiscal note, first of all, was made this morning when the bill itself related to 20 rooms or less. The other thing you should be aware of on this fiscal note is that it provides funds for a part-time clerical position, printing and mailing costs of the Labor law postal.

The State of Maine presently, to enforce any law that deals with juvenile labor, has to have five people in the Department of Labor to enforce it for the entire state. Now we are making a major move forward in our state policy on the hiring of minors and we say that we are going to satisfy the increased need with a part-time clerk? I ask you in all honesty, is that a realistic fiscal note? Is that what we really want to do -- that one part-time clerk for the whole length and breadth of the State of Maine to enforce and oversee a whole major new step? I hope you will join with me in defeating this amendment so that we may present another amendment dealing with the fiscal note that is far more realistic.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: According to the Department of Human Services, there are approximately 16,000 15-year-olds in this state. Last year, the Department issued approximately 14,000 work permits to 14 and 15-year-olds. It is the expectation of the Department that the major increase we are talking about here today is about 250 additional applications, work permit applications.

This amendment came from the original fiscal note and if there is a discrepancy, I would be happy to discuss that but it was created downstairs based on the original information according to the folks on the second floor, the Office of Fiscal and Program Review. It does add one part-time, part-year clerical person for the time that the work permits are being issued. It also provides for the creation of posters to be sent to 40,000 work places. However, it also states that if other legislation is passed that changes other labor laws, those laws require posting that those bills also share some of that cost.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that if you take this bill and allow 15-year-olds to go into a food processing area and actually work with slicing devices in the kitchen, what you are doing is

not dealing with just 15-year-olds because presently 16-year-olds and so forth are not allowed in that area. So, we are talking about this particular amendment. You are talking now that you are going to have to have the enforcement powers to cover, not just the 15-year-olds, but also the 16, 17, and 18-year-olds in those kitchen work areas. It is my understanding that presently that is not required so we do not have to have the staff. They are not even going to be in the kitchen areas anyway but if you are going to allow, not just 15-year-olds but other ages in these work areas, then I do say you are going to need more than a part-time clerical person, regardless of the number of 15 years old in this state.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: I would like to pose a question to the Chair.

Is it in order at this time to make a motion to indefinitely postpone this bill and all its accompanying papers?

The SPEAKER: The Chair would answer in the negative.

Representative LUTHER: Thank you Mr. Speaker.

Representative Ruhlin of Brewer requested a roll call.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is adoption of House Amendment "B" (H-682) to House Amendment "A" (H-654). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 138

YEA - Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Boutillier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Curran, Daggett, Dellert, Dexter, Donald, Dore, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Hanley, Hastings, Hepburn, Hickey, Hoglund, Holt, Hutchins, Jackson, Jacques, Ketover, Kilkelly, Larrivee, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Marsh, McGowan, Melendy, Merrill, Mitchell, Moholland, Nadeau, G. G.; Norton, O'Gara, Paradis, E.; Paradis, J.; Parent, Pendleton, Pines, Richards, Rotondi, Seavey, Sherburne, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Townsend, Webster, M.; Whitcomb.

NAY - Adams, Bell, Cahill, M.; Carter, Clark, H.; Conley, Cote, Crowley, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Gwadosky, Hale, Handy, Heesch, Hichborn, Hussey, Jalbert, Joseph, LaPointe, Lawrence, Luther, Macomber, Martin, H.; Mayo, McHenry, McSweeney, Michaud, Mills, Murphy, Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Ridley, Ruhlin, Rydell, Sheltra, Simpson, Smith, Swazey, Tracy, Tupper, Walker, Wentworth, The Speaker.

ABSENT - Gurney, Higgins, Marston, McCormick, McKeen, McPherson, Rolde.

Yes, 87; No, 57; Absent, 7; Paired, 0; Excused, 0.

87 having voted in the affirmative and 57 in the negative with 7 being absent, House Amendment "B" to House Amendment "A" was adopted.

The SPEAKER: The pending question now before the House is adoption of House Amendment "A" as amended by House Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, I wish to have a ruling from the Chair as to whether House Amendment "A" is germane to the bill?

The SPEAKER: The Chair would advise the Representative from Madawaska, Representative McHenry and members of the House, that the original bill calls for 15-year-olds to be employed in kitchen and common areas in bed and breakfast establishments and inns, the amendment as presented deals with 15-year-olds in public accommodations for lodging. Lodging and bed and breakfast establishments and inns are frankly, from the Chair's perspective, the same in that they both deal with public accommodations. The only difference between House Amendment "A" and the original bill deals with the number of rooms, with the original bill indicating less than 20 beds and the amendment striking out any limit or any maximum or minimum from the title.

The Chair would rule that the amendment is germane since it deals within the confines of the intent of the original piece of legislation.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Before we pass this bill here tonight, I think we ought to stop and think that we are making a drastic change on the policy of our juveniles working in motels or around motels, restaurants. Knowing that there is going to be a study done, this bill only has to wait one summer before the Labor Committee may work on it and may decide that it is a good idea. Running a guest house and knowing some of the things that does happen in those places once in awhile because you don't know who you are taking in when you go to the door, I feel very uncomfortable. I wish that we would wait here tonight until that study is done before we put our teenagers in some situations that they are not mature enough or responsible enough to handle and shouldn't have to have to have that responsibility. I think we should think twice before we do what we are planning to do here tonight.

Representative Luther of Mexico requested a roll call.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is adoption of House Amendment "A" as amended by House Amendment "B" thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 139

YEA - Aikman, Allen, Anderson, Anthony, Ault, Bailey, Begley, Boutillier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Curran, Daggett, Dexter, Donald, Dore, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Hanley, Hastings, Hepburn, Hickey, Hoglund, Holt, Hutchins, Jackson, Kilkelly, Larrivee,

Lebowitz, Libby, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Marsh, McCormick, McGowan, Melendy, Merrill, Mitchell, Moholland, Nadeau, G. G.; Norron, O'Gara, Paradis, E.; Paradis, J.; Parent, Pendleton, Richards, Rotondi, Seavey, Sherburne, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Townsend, Webster, M.; Whitcomb.

NAY - Adams, Aliberti, Bell, Cahill, M.; Carter, Clark, H.; Conley, Cote, Crowley, Dellert, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Gwadosky, Hale, Handy, Heeschen, Hichborn, Hussey, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Look, Luther, Macomber, Martin, H.; Mayo, McHenry, McSweeney, Michaud, Mills, Murphy, Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, P.; Paul, Pederson, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rolde, Ruhlin, Rydell, Sheltra, Simpson, Smith, Swazey, Tracy, Tupper, Walker, Wentworth, The Speaker.

ABSENT - Gurney, Higgins, Marston, McKeen, McPherson.

Yes, 82; No, 64; Absent, 5; Paired, 0; Excused, 0.

82 having voted in the affirmative and 64 in the negative with 5 being absent, House Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

The Chair laid before the House the following matter: Divided Report - Majority Report of the Committee on State and Local Government pursuant to Joint Order (H.P. 1241) reporting a Bill "An Act Regarding Governmental Ethics" (H.P. 1282) (L.D. 1773) and asking leave to report that the same "Ought to Pass" which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Hanley of Paris offered House Amendment "B" (H-670) and moved its adoption.

House Amendment "B" (H-670) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: It has been a very long day and it will probably get longer. I do not wish to extend this debate any longer than is absolutely necessary.

The fact of the matter is we are dealing at this point in time with the Ethics Bill. This was a bill that was in front of State and Local Government, we had a number of bills, eight or nine bills we took from to get the report that you have before you today.

The amendment before you now would ban honorarium. For those of you who aren't familiar with this bill or haven't had a chance to look at the amendment, what the amendment does is it allows you to speak in front of any group on your private area of expertise or any other area of expertise except for that of your legislative expertise and receive compensation for it. This does not preclude you -- for example, if I was to be invited up to Eagle Lake to speak, I could get my travel expenses, my housing and food, but I could not be paid compensation.

If I could just read the statement of purpose as far as the governmental ethics which is currently in statute and it reads, "It is essential under the American system of representative government that the people have faith and confidence in the integrity of the election process in the members of the legislature in order to strengthen this faith and confidence that the election process reflects the

will of the people and that each legislator considers and casts their vote on the enactments of laws according to the best interests of the public and his or her constituents, create an independent commission on governmental ethics and election practices to guard against corruption or undue influencing of election process and against acts or the appearance of misconduct by legislators.

Few practices raise many ethical questions as the acceptance of honorarium by public officials. Since the giving of honorarium can be perceived as affording the granting organization special access to public officials, the practice undermines public confidence in the integrity of government.

This amendment proposes that this practice should be outlawed. Under this amendment, acceptance of an honorarium would subject the recipient to a civil penalty of twice the value of the honorarium. Maine has enjoyed a long tradition of public confidence in its elected and appointed officials. This amendment seeks to ensure the continuation of that public support so essential to representative government without creating unnecessary barriers to public service."

Mr. Speaker, I respectfully request the yeas and nays be taken on this.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: On the State and Local Government Committee, we feel with the Majority Report that there is no problem. We are not even sure that anyone in this body or the other body is in fact offered any honorarium. Because there is no problem, we felt that we would ask in the Majority Report to have you disclose your honorarium and then in the future we would discover if in fact there was a problem.

I move indefinite postponement of this amendment.

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that House Amendment "B" be indefinitely postponed.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, I would pose a question to any member in this House if any of us have ever, ever had the good fortune of being paid to speak? I believe some of us have to pay to speak.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would request a roll call on the indefinite postponement.

Also, to follow up the good Representative from Waterville, Representative Joseph. There are in fact, and I am sure she is well aware that some members do accept honorarium, not that it is any more than \$25 or \$50, but I think that we are making a statement here, and that is what we do in all of the ethics bills in order to prevent any appearance of impropriety.

This amendment, nor do I believe any of the amendments that will be pursuing this evening, point any accusatory fingers at any one. What we are trying to do is just hold the Maine State Legislature up on a pedestal for all other states to compare themselves to. For us to accept honorarium, it would seem that we are moving ourselves towards being professional legislators, towards professional politicians. I know probably every legislator here speaks in front of the Chamber of Commerce, the Rotary, their church groups, their high schools, their junior highs and doesn't expect any money for

it. I guess I get quite a sense of pride when I have the opportunity to speak in front of my people in my district, and to accept money for that, being their Representative and being a Representative to the State of Maine, I have severe problems with that.

I wish that you would vote against indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: You know, looking at this amendment and the other one that will be coming along, I didn't know that I served with such a bunch of scoundrels as I do in this body. You know I am a little concerned that it appears that we have a bastion of corruption here.

Looking at this amendment -- and I think it is a ridiculous amendment -- I would have to ask that if I went to Presque Isle and spoke at Representative Lisnik's Fish and Game Club in the area and they said, we would like to have you sit down and have a ham dinner with us please because we appreciate the fact that you drove all the way up here at your expense (I don't charge, I never have charged), would I be violating this law? I think it is to our benefit to get out there and keep the people informed, but I would be violating this law.

Yesterday, I told you I spoke to the boys at Boys' State. It was my ninth year of doing that and yesterday they presented me with a Boys' State jacket, a thin nylon jacket that probably cost four or five dollars but it meant a lot to them to give it to me and it meant a lot for me to take it. Does that mean that I should come under the public eye of scrutiny and be held on a pedestal to be an example of somebody who is corrupt or potentially corrupt?

You know, I think we are looking for boogymen again. I take a personal offense to the fact that I am presumed to be doing something illegal and that someone is going to come along and offer these amendments and we are going to say that we have to vote for them so we can go back home and say, yes, we did something to make us do what everyone of us swore on the floor of this body to do. It just gripes me to no end that we would be dealing with issues saying, yes we are a bunch of scoundrels, yes we are a bunch of low-down people and you elected us to the House of Representatives and the Maine Senate and we have got to pass these amendments and these bills to keep us honest and clean. Men and women of the House, you don't have to do this to keep me honest and clean. I came here honest and clean and I am going to leave honest and clean. I resent this amendment and all the other ones like it. I urge you to vote against it.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I got the good Representative from Waterville so upset and wound up on this hot summer evening.

I wish that the good Representative had listened to my earlier remarks as far as the statement of purpose. In 1975, was the legislature looking for scoundrels when they first created the Governmental Ethics in Title I of the Maine Revised Statutes Annotated? No. They had the forethought to say we want to prevent any appearance of impropriety. As I said before, this does not point any accusatory fingers at anyone. What this does is the continuation of the ethics that was started back in 1975.

If the good Representative had taken a look at some of the other bills that had been introduced that we worked from in order to get this legislation, there were four bills dealing with ethics that were specifically taken to craft this. One of them had the House Chair of the State and Local and three other members of this body also asked for no honorarium. If Representative Jacques had been so upset, he should have expressed his displeasure to those sponsors because that is where we took the language from in order to craft these amendments.

Ladies and gentlemen of the House, let us not take the wrong view of what this Ethics Bill is all about. We worked long and hard as did the Energy and Natural Resources Committee in order to draft a comprehensive solid waste plan. We are trying to draft a comprehensive governmental ethics bill. We are not pointing any accusatory fingers. I am proud to serve in this legislature. I have nothing bad to say about any of the legislators here as far as their character and credibility. That is not the question at all.

I guess I am a little bit shocked to stand here and hear the Representative from Waterville, Representative Jacques, say that this bill is only to attack scoundrels and so on and so forth. That is not it. That wasn't the reason in 1975 when governmental ethics was initially enacted and it is not the purpose on this warm summer evening to do that either.

Mr. Speaker, I would hope that everyone in this body would vote against the indefinite postponement so we could accept the amendment.

The SPEAKER: The Chair recognizes the Representative from Waterville. Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am not hot, I am not angry, I am calm, I am rational. You can tell -- can you hear my voice? In reference to the good Representative, I indeed am expressing my concern about these bills today on the floor of this House. I serve on two very busy committees. I attended every public hearing. I attended every work session of those two committees (unless I was in one and I couldn't be in two places at the same time) and that is why I could not go down and express my dissatisfaction on a bill that is designed to appease the bougeyman. That is what I think these bills are designed to do.

In my eleven years here, twice have we had scandal in this body and twice the present law took care of it very quickly. Once the person involved resigned his seat and the second time the person chose not to run again because he knew ultimately what would happen. I do believe we have good laws on the books controlling the actions of the members of this body and the other one. It is to that that I address my concerns that we are going to a degree that is not called for.

I have not heard anyone say it is a problem. That is why I oppose this. I can just see the press now -- that the legislature passed something to make sure that you are all honest and that you all stick by the oath that you took when you got elected, the oath that we took in this very body, that is what I object to Representative Hanley. I think that if I can pass back an adage that was expounded by one of your former floor leaders that was used often, "If it is not broke, don't fix it."

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 the

members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I think I would like to say that the members of the State and Local Government only looked at so many of these bills which seemed to be asking for a guide to the ethics committee, we worked all the bills trying to make one bill out of them. There must have been something bothering somebody or we wouldn't have had so many.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joseph of Waterville that House Amendment "B" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 140

YEA - Adams, Aliberti, Anthony, Begley, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dellert, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Graham, Gurney, Gwadsky, Hale, Handy, Heesch, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, Melendy, Michaud, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker.

NAY - Aikman, Allen, Anderson, Ault, Bailey, Butland, Carroll, J.; Conley, Curran, Dexter, Donald, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hutchins, Jackson, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McSweeney, Merrill, Mills, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Rolde, Seavey, Sherburne, Simpson, Small, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Higgins, McKeen, McPherson, The Speaker.

Yes, 93; No, 54; Absent, 4; Paired, 0; Excused, 0.

93 having voted in the affirmative, 54 in the negative, with 4 being absent, the motion to indefinitely postpone did prevail.

Representative Hanley of Paris offered House Amendment "A" (H-669) and moved its adoption.

House Amendment "A" (H-669) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I am very happy to say that I hope this will be the last time I rise on the floor this session so I can just sit down and enjoy. I am sure that if I took a roll call on that, all the lights would turn green.

This second amendment addresses the inclusion of liability on your disclosure sheet. As I pointed out earlier, there were four bills that we chose from to get this aspect. I am kind of surprised that some of the members that had included these issues and including liabilities now, I hope that they will

continue to support this amendment even though it is not in the Majority Report.

The purpose of this amendment is to promote public confidence in the decisions of government officials. I must admit the Majority Report was on the right track with this as far as strengthening our Ethics Bill as to the income that had to be disclosed but didn't go down that track far enough. This amendment would have you include certain liabilities. If I could just go through them real quick, reportable liability would not include a debt that you owe to relatives, it would have to be a liability that exceeded \$1,000 in the aggregate at any time during the reporting period. It would not include a mortgage on any personal residence from which no income was derived. It would not affect any of your automobile loans, personal property loans as long as it wasn't for more than your car or property was already worth. So, what you couldn't do is negative debt financing. Also, any alimony or child support wouldn't have to be included. Any educational loan or guaranteed loan by a governmental entity, educational institution, or non-profit organization would not have to be included. If you had a charge account up to \$5,000, a revolving charge account, you would not have to include that either.

The Minority signers of this report felt very strongly that liability should be included in any ethics bill if we were truly going to make one that was tough, one that we could be proud of, because if you owe someone money, they can have the same undue influence on you as if they were paying you an income. That is what we are trying to get at. We could not see the difference between income and liability as far as the purpose that both are supposed to serve in any ethic statute.

Neither the report or this amendment points any accusatory fingers at anyone. Maine has been very fortunate in the quality and character of its legislators. My only wish is that Maine can continue to be as fortunate with its people it attracts to serve in this legislature.

Admittedly, it is a fine line between having an ethics bill which is so stringent that it precludes people from running for office and an ethics bill which is tough enough to strengthen public perception and possibly encourage people to run since the stigma of being a politician might not be as great.

Strong financial disclosure laws foster public confidence in the integrity of state officials because they help identify conflicts of interests and remind government officials to avoid official actions that could affect their personal interests. One way to protect the public interest is to make public one's private interests.

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

The Representative apologizes, he thought you were done. The Representative from Paris, Representative Hanley, may continue.

Representative HANLEY: With that intro, Mr. Speaker, I guess I will sit down, it is too hot up here anyway.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: You know, I owned my own business or I did until last year when I sold it. Neither my accountants, my lawyer, nor my banker knew my affairs in the details that this bill would require. They didn't even know it in the general terms this bill would require. I guess that I got elected by the people who knew me and I, like my friend from Waterville, Representative Jacques, find

it offensive that anyone would put in a bill like this because I think it is a self-fulfilling prophecy that we are going around trying to correct a problem that doesn't exist. We are going to put the idea in peoples mind that we do have a problem with ethics in Maine, simply by putting these bills in. It is a great disservice to me and a very great disservice to those who elected me to even have to discuss these bills in this body.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Having had an opportunity to serve on the Joint Standing Committee of State and Local Government for the past several weeks and had the opportunity to deal with this particular issue and specifically with the amendment that is now before us that would include liability as part of your disclosure, I think I can represent the feelings of most of the members of the majority signers that we felt this was completely unnecessary and for a couple of reasons. As Representative Hanley has indicated, this would only apply to two types of liability now. The first type of liability is if you owe a single creditor over \$1,000. The second type of liability is if you have a revolving charge account in excess of \$5,000. Presumption being that if you owe somebody a lot of money, there is an opportunity perhaps for you to be unethical because you may find yourself in a dangerous frame of mind.

One of the technical problems with this is that if I have a revolving charge account of \$5,001 or if I have a revolving charge account of \$500,000, no one is ever going to know because you don't report the money in this. All you report is that you happen to have a liability, you have a charge account or I owe money to a single creditor.

The other question and the problem I think many members of the committee had is that they already have on the statutes, first in our Joint Rules, Joint Rule 10, Conflict of Interest -- no member shall be permitted to vote on any question in either branch of the legislature or in committee whose private right is distinct from the public interest is immediately involved. Also, Conflict of Interest statutes, Title 1, Section 1015 -- when a member of the legislature has a conflict of interest, he shall not vote on any question in connection with the conflict in committee or in either branch of the legislature and shall not attempt to influence the outcome of that question.

Finally, Section 1014, Conflict of Interest, situations involving a conflict of interest. A conflict of interest shall include the following where a legislator or a member of the immediate family has or acquires a direct substantial personal financial interest distinct from that of the general public in an enterprise that would financially benefited by proposed legislation.

Clearly, there is more than enough on the books already. That was clearly the reason why the majority members of the Joint Standing Committee on State and Local Government felt that this was more than appropriate.

It is not that we shouldn't be dealing with these issues today, ladies and gentlemen, because the consideration of these are both timely and important. It is wise for us, as Representative Jacques pointed out, to stop for a minute and reflect on where we are in the State of Maine in regards to ethics right now. Particularly on the national level, but in several other states, we have seen a great deal of attention paid to ethics over the past several months. As I said, it is appropriate to

consider ways to enhance our current laws if appropriate. At the same time it is important to note how fortunate we have been in Maine. Representative Jacques pointed out a couple of examples. We have been extremely lucky with regards to ethic problems. I think that speaks well for Maine legislators who recognize the importance of strong ethics. The quality of this institution speaks well for the confidence that the Maine residents have placed in individual members.

As we go about fine tuning our ethics laws, I think we need to keep those things in mind. There has been, as you know, some discussion and some mention that because of the problems in Washington that there may be an attempt to drive the ethics issues back down to the states to use ethics issues for purely partisan purposes.

I applaud the committee during the time that this bill was being discussed, during the several workshops which we tried to reach a consensus because we all felt we had an opportunity to do something good. We didn't talk about partisan politics, didn't think that was necessary because we believe that the issue of ethics goes beyond partisan politics. I still believed that until about ten minutes ago.

I just receive a press release that was handed to me for immediate release, June 21, 1989, contact Willis Lyford. Headline, "Governor Calls for Action on Ethics Legislation." Let me share portions of this press release with you. "Saying that the proposed Democratic reforms for financial disclosure for top state government officials and lawmakers in Maine are a sham, Maine Governor McKernan today called on the full legislature to put into law new tougher disclosure standards he has proposed. Should the legislature fail to enact the reforms he has proposed, the Governor said he will ask top lawmakers, including legislative leaders of both parties and the state's Constitutional Officers, which includes Secretary of State, State Treasurer, the Attorney General, the State Auditor, to comply with his proposed tougher standards voluntarily. The Governor had early, voluntarily submitted his own detailed disclosure statement complying with the tougher standards to the Legislative Committee considering ethics legislation. The Governor said the focus on ethics in Congress brought on by the scandal involving House Speaker Jim Right has heightened the need for meaningful ethics legislation. We have seen how a scandal of this sort can taint a whole situation. We should learn from that by taking steps now to demonstrate to the public that top office holders in Maine are free of self-interest in carrying out their duties. The Governor said that the disclosure reforms proposed for debate in the full legislature by the State and Local Government Committee give only lip service to the issue of ethics. Some say that the proposal now being discussed is a good first step. That may be true if you compare it to our current disclosure standards which are so flimsy as to be laughable. I believe the proposal now before the legislature is a sham because it does not address some very basic questions about the financial interests of top office holders. My legislation would have required that sources of financial assets and liabilities of office holders be disclosed. Disclosures of liabilities is vital because the public should know to whom top office holders have financial obligations. Moreover, the Upper Commission which the Speaker and President form to make recommendations to this legislature on disclosures recommended that liabilities be disclosed. I can't believe Democratic leadership is prepared to turn its back on the very commission they

named to suggest a strengthening in our ethics laws. Additionally, my law will also ban the receipt of honorarium by top officials and that is an added step I believe we should take. The Governor said the state needs tougher disclosure law requirements, not only to ensure that decisions are being made by top officials free from conflict of interest, but also to help officials steer clear of situations which could create an apparent conflict of interest. The current requirements are so weak as to be practically useless by guiding officials actions in certain circumstances."

Our concerns for the last month was that the Governor of this state would not stoop so low as to try to use the issue of ethics for purely partisan, political purposes. Obviously, that is not the case.

What the Majority Report out of the Joint Standing Committee on State Government has proposed is that rather than overreact to the situations we have seen in Washington that we shouldn't pretend that there is or has been some great scandal in the State of Maine that causes us to make sweeping changes. Rather, what is suggested and what the Majority Report of the Committee worked to accomplish is that we enhance the operation of our citizens legislature.

The natural concern, as has been mentioned here this evening, for ethics and ethic laws is to uphold the principle the legislators should avoid even the perception of a conflict of interest. That needs to be balanced with the fact that in the State of Maine we have a fundamental notion of a citizens legislature which requires that legislators earning part-time salaries have to make money outside of their legislative salaries. In passing any type of ethics laws, we need to be careful not to undermine the system which we value so deeply. A citizens legislature where people from different areas of the state, different divergent backgrounds and viewpoints, can get together and do the work and do the business of the people of this state. Ethic laws should promote honest government and a responsible government but they should not be overly restrictive nor should they be made to create change merely for the sake of change.

The Majority Report that came out of State Government Committee makes changes that creates a balance, changes that apply some common sense and understand the value of the citizens' legislature. It makes responsive and effective changes to our Ethic Laws.

I think it is unfortunate that the Governor of this state would come in at the last minute to prove to the citizens of this state that evidently he comes from a higher standard of ethics than you and I. I think it is time to send a strong message to the people back home that we understand the difference between right and wrong, that we are proud to be members of this legislature and we know the sacrifices that each of us have to make.

This amendment needs to be defeated. Several other amendments that will come before us may need to be defeated. We will allow that to the individual members of this body to make those determinations but I think the Governor of this state owes the people of this state an apology and he owes every member of this legislature an apology.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I promised I wouldn't speak on solid waste but I didn't promise that I wouldn't speak on this. I've got a good, calm voice, I am not

raising my voice and I've told you three times I went to Boys' State yesterday and do you know what I talked about at Boys' State yesterday? Ethics in government. The 500 plus young men who I tried to encourage to get involved in government in the political process from the selectman level all the way up to, yes, the Maine House of Representatives and the Maine Senate. Do you know what I foolishly did? I foolishly used as examples of someone who can serve with dignity, integrity, honesty in government -- Senator Margaret Chase Smith, Senator Edmund S. Muskie and then I went on to mention the four people we have in Congress today. No one has ever questioned their integrity or their honesty or their ethics. I said, (I foolishly said) you have an outstanding Maine Legislature, it is a citizens legislature, it was elected by the people because they have the trust and integrity of every one of those people who were sent down there. That is what I told those young people.

I said, "Yes, the legislature is looking at tightening up some of our ethics laws but they are not so far out of whack that we have people running amuck, doing things wrong. You can be proud of your Maine Legislature." That is what I told these young men -- that I am encouraging them to get involved in state government. You can be proud of your legislature because every single one of them, every single one of you, have set high ideals and maintain those high ideals, with two little exceptions that I mentioned earlier. How foolish was I to believe that this body didn't agree with me when I made that little speech yesterday to those young people. How foolish I must seem to them today when this press release comes out.

I won my last reelection by the highest margin I ever won after serving in this body for ten years. After campaigning, after casting votes, sometimes it made people happy, sometimes it didn't make them happy but I have to believe that the people who reelected me by the largest margin that I was ever reelected by did so because they believe that I am honest, that I do have ethics, that I do have integrity and I believe every one that voted for you did so for the very same reasons. How foolish I was when I spoke to those young men yesterday. This is what they have got to look forward to, boogeymen in the closet, political maneuvering to make it look like if you don't vote for these ridiculous amendments that you are against good ethics in government and honesty and integrity. How foolish I was.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for the opportunity of letting me speak on this nice warm night. I am looking at something and I would like to ask a question through the Chair.

If there is a violation, (and I have looked through the Majority Report) where would you bring the person who is in violation? Looking at the Standing Committees of the House, the Ways and Means, Leaves of Absence, Bills in the Second Reading, Engrossed Bills, Rules and Business of the House and the House Committee on Elections -- I cannot find in the bill what committee this would be referred to if there is a violation. Can I have an answer to that please?

The SPEAKER: The Representative from Lewiston, Representative Telow, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the question from Representative Telow. Those issues which usually go before the Ethics Commission and somebody would have to bring some sort of charge of a violation and then that would go before the Ethics Commission.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: If I may ask, where and what is the Ethics Committee. It doesn't say in there who will it will be composed of -- the Speaker, the President of the Senate or who will be on the Ethics Committee? You have it on your Standing Committees there -- all the Standing Committees and the names of the people, what about this?

The SPEAKER: The Representative from Lewiston, Representative Telow, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The Ethics Commission is not a legislative committee or group, it is a group of individuals that traditionally meet over at the Secretary of State's Office and they are a separate group other than the legislative function itself.

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

Representative COLES: Mr. Speaker, Men and Women of the House: First Mr. Speaker, I would like to offer my apologies to the Representative from Paris, I truly did not intend to interrupt him and I hope he accepts my apology. I also hope he forgives me for what I am about to say.

The comments from the Representative from Fairfield were very interesting because the same things were on my mind. We are a part-time legislature and we are paid on a part-time basis. Many of us have businesses or engage in other activities to help support our families and meet our other needs during the rest of the year.

A series of questions occurred to me reading this amendment. If, for example, I have a business and I take out a loan to buy equipment or to provide working capital to build a new building, do I have to report that? If I lease a computer or a vehicle, do I have to report that? Do I have to infact report every single financial obligation that I might incur other than those personal obligations relating to my home and my personal credit cards?

It seems to me that such a report would be, not only complex but would put all of us in an almost impossible position. Many small businesses might not be able to operate if that kind of information were revealed to their competitors. Many realtors might not be able to operate if they are buying property, holding it for awhile and selling it again if all their competitors knew what they were doing.

It seems to me that the Representative who has offered this amendment and the previous amendment has failed to take into account the basic nature of this legislature and the basic nature of life. He is looking for some sort of world in which we have passed from reality and which our only job and our only occupation is legislative. Would the Representative, for example, be as enthusiastic about an amendment which would limit our outside income so we could make no more than 50 percent of our legislative income? That might be a good way infact to limit any possible conflict of interest. You might say if we are in the legislature, we agree to

take only \$16,000 over two years and that would make sure that we won't have any conflict of interest.

It seems to me if we really want to get serious about this, we should offer proposals that are workable proposals, proposals that do not pose an impossible burden on people who are trying to provide livings for their families, their other needs, as well as do public service.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, I would like to pose a question through the Chair to the young gentleman from Paris.

I don't usually get a chance to get free legal advice, I thought this might be a good chance to avail myself of it.

I want you to understand that this is strictly a hypothetical question. Let's say I was a gambler who played the horses or something of that nature, (hypothetical, ladies and gentlemen) if I went to my Bookie and I bet an amount of money and I owed him something like a thousand dollars, we will say, and I am forced to disclose that on a disclosure sheet that we may have here -- under the 5th and 6th amendments of the United States Constitution, would I be in fact incriminating myself?

The SPEAKER: The Representative from South Portland, Representative Macomber, has posed a question through the Chair to the Representative from Paris, Representative Hanley, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately Representative Macomber, I am not an attorney but I would gladly defer to any of the other attorneys in this body.

In answer your question in general, yes if you did have an outstanding loan or liability to an individual over \$1,000 you would have to disclose that, not the amount, but the individual's name.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Members of the House: To any one of the many attorneys here of the learned profession, would I be in fact incriminating myself under the 5th and 6th amendments of the United States Constitution?

The SPEAKER: The Representative from South Portland, Representative Macomber, has posed a question through the Chair to any member of the bar who may respond if they so desire.

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would simply defer to the attorneys of Peter Rose.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Conley.

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: If I could meet with Representative Macomber up back for a small fee, I might be able to advise him.

Representative Hanley of Paris was granted permission to speak a third time.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I thank Representative Macomber for bringing a little bit of levity here this evening.

I guess I would just like to point out for everyone that is reeling up against this amendment where this idea came from. There were four L.D.'s that comprised the bill before you. For those people

who asked the question, I would like to let them know who sponsored these, Representative Carroll, Representative Handy, Senator Bost and Senator Baldacci sponsored L.D. 302. L.D. 327 was sponsored by Senator Bost, Senator Berube, Representative Carroll and Representative Joseph. All those dealt with in kind income, very similar to the reporting of liability that we have before us today.

L.D. 1639 was sponsored by Speaker Martin and cosponsored by Senator Gauvreau and Representative Simpson.

L.D. 1650 was sponsored by Senator Andrews, Senator Berube, Representative Joseph and Representative Paul.

Ladies and gentlemen of the House, to answer Representative Graham's question, this is not this Representative's brainchild. I had some very good minds that preceded me in supporting and sponsoring this legislation. That is why it is before you today. To reply, and I hope that some of the press is here today, to the good Representative from Fairfield, Representative Gwadosky, regarding the press release sent out by our Governor -- I remember back last fall, there was a lot of press on the sponsors of these bills, putting in some very tough, stringent ethics bills to toughen up our Ethics Laws.

Does it seem, not only just a little bit weird to you that the sponsors of this stricter, more stringent ethics bill, which I am seemingly taking the heat on on this already hot and humid evening, why in the world it is coming down here. If we are talking about making an issue partisan, and I wholeheartedly agree with the Representative from Fairfield, Representative Gwadosky, let us put partisanship aside, let us vote on an ethics bill that the State of Maine can be proud of, that our constituents can be proud of and that we can be proud of.

I applaud the sponsors of the legislation that got us to this point, I applaud them. Now all I ask is that we all applaud them. Let's not turn this into a partisan thing, let's take a look and anyone who would like to see -- this is the folder right here. The majority of the sponsors were Democratic, I wish I had sponsored an ethic bill and unfortunately I did not. There are bipartisan bills in here, let's us rally around the intelligence and the forethought of the sponsors who put in this rash of bills and vote on a strong ethics bill.

I guess I am just having a hard time, in my own mind, having it pinned on the Governor because I am sure the Governor would be more than happy to have passed every ethics bill that was submitted. If that is the alternative and if you would like to recommit this report so we can accept all the other reports, then fine, I would be in favor of that. But let's not pick sides and turn this thing into a partisan issue because it is not. It was proven at the outset of the session that everyone was interested and everyone was very supportive of getting a very strong ethics bill out. I implore you that we follow up with this good action that was taken on account of a number of good legislators in both bodies and pass a strong ethics bill.

Mr. Speaker, I request a roll call on this amendment.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: I know that I am only a Freshman and I don't know anything about ethic laws but I feel I have to make an apology for the Governor to my family. I am so sorry my children are down here to hear this debate.

The good Representative from Paris calls this a non-partisan issue when the Governor is downstairs calling my legislation that they sponsor, shams, I take offense to that. If the people in Paris are so worried that they need this type of crap to put somebody through, maybe they ought to be looking elsewhere.

I want my children to know that the members of this House, either party, are upstanding people. I brought them here so they could see the process and see how it works and I am embarrassed. It sounds like we've got Atwater downstairs. If that is what we are going to be, you can make the path by calling my leadership people that sponsor shams and your Governor is down there saying that this very minute. You are saying my Majority Leader didn't work on this legislation. You are saying that people that have been here in my party for years (that have much expertise) is in shambles. I find it disgusting. I would hope that most of the men and women in this House do too.

I looked through the Majority Report and I looked through the Minority Report and I made my own decision. It is obvious what these amendments are. I agree with the good Representative from Waterville, Representative Jacques when he really questioned what he told the young people up in Orono and I don't blame him for doing so, if this is what the process has deteriorated to.

Bipartisan -- when the Governor is down there calling this about my leadership? I want everybody in this House to remember that. Think about it, we know what he did with the Education Bill and you are talking bipartisan?

The hour is late, it is getting hot, but that is no reason to be acting like this and calling it like this. I can't understand why someone would subject himself to two years in this House like this and he would want to come back? Veterans must have the patience of Job. I will not be humiliated by the second floor. This body is upstanding and when I ran for it my people knew where I stood. Apparently, they didn't have to know how many creditors I had out there or what my total assets were. You know, no one questioned from home, I haven't had one call yet.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Paris.

Was any consideration given at the time of drafting this amendment to the reporting of assets as well as liabilities?

The SPEAKER: The Representative from Kittery, Representative Lawrence, has posed a question through the Chair to the Representative from Paris, Representative Hanley, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: Yes, a lot of thought went into the inclusion of assets. I would just point out the reason why it was not included and that was, the committee in reviewing the myriad of bills that had been submitted by both parties we worked through, piece by piece, as far as which items from which bills should be included and what should be omitted. We tried to come together as a committee with a unanimous report. When we found that this couldn't be because of the question on honorarium and liability and also on assets, that is where the impasse hit and that is where the two reports diverged. In order to bring it before the House, the Minority felt that it could make a more credible

argument just for liabilities because of the appearance of impropriety rather than assets although the reporting of assets had been suggested in a number of those bills that I had mentioned previously.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Without the inclusion of assets in this amendment, it really is a one-sided proposal. When you ask only those people who have incurred liabilities and not the people who have assets to report those is really being prejudice against people who start life without assets and must incur liabilities. Those people who start out life with assets do not have to report them. For that reason, I think the amendment should not be adopted because unless you consider the issue of assets and at the same time you consider the issue of liabilities, I don't think you are treating the issue fairly.

Representative Gwadosky of Fairfield moved that House Amendment "A" be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: In response to Representative Hanley, I would remind him that he is the one who put in House Amendment "A" and that is why he is on the hot seat on this hot night.

I would also make the observation that it appears that the Lee Atwater method of politicking has not hit the state full-blown since we have the gentleman on the second floor commenting on legislation before it is even passed.

I would like to pose a question through the Chair.

It seems as though studies have become quite popular around here, we want to get all the facts before we make laws and require large businesses to comply with what we want them to do. So, I am proposing in the spirit of compromise that the Minority party do a study. Let's have them report on this criteria voluntarily for a year or two so we can see if it is really going to work to clean up government. I would ask any one of those members if they are willing to have the Minority party do this study for us?

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When the good Representative from Paris started proposing his amendments, I believe that in fairness each and every one of us felt, let's give him a chance to present his position. Unbeknownst to me and I was stunned when the Representative from Fairfield read that press release. I don't believe those are the tactics that is known to be prevalent on the second floor and if the Governor is listening, "Governor McKernan, you've got some awful bum advisors down there. You had better think twice before you listen to them."

In the five years that I have been here, I have served on at least five study committees -- what guarantee do I have now that when we study this, that before the report comes out and a decision is made by this body, that we don't get a press release put out by one of the Governor's assistants saying, this is what we have done. I wouldn't mind if the Governor's Office (and I say this to you Governor McKernan) had waited until after the vote was taken on this ethics issue. Maybe we would have adopted some of the proposals that the Representative from Paris proposed but why did he jump the gun? I think that is very poor playing.

I worked with the Governor on the OUI Bill and all the time we were working, unbeknownst to me, how did I know that before it hit the floor here, it might have been corrected or amended, that we didn't get a press release saying that we did not live up to our responsibility.

I worked on the study to revamp the retirement system -- how did I know that before it hit the floor, it may have been corrected in proper form and that the Governor's Office was not going to come out and say we have not lived up to our responsibility?

I worked on the study for the new mobile home parks -- how did I know that before it hit the floor, it may have been corrected in proper form and that the Governor's Office was not going to come out and say we have not lived up to our responsibility?

From now on, any study that I go on, I want a promise from the Governor's advisors that before anybody comes out and accuses me or anyone else of not living up to my responsibilities that at least listen until the bill hits the floor here, that it may be amended so it could be acceptable to all, but don't go out and accuse someone before it is discussed.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker. Men and Women of the House: I would be remiss if I didn't rise tonight to speak to you. Earlier I had jotted down some words and I said. "For what purpose is this amendment before us?" I now have a clear understanding of why this amendment is before us and why we are discussing some of these issues that really don't pertain to a citizenry legislature, to a part-time legislature such as the Maine Legislature. Do these words sound familiar men and women of this House?

Do these words help you to recall what we swore to do early in December as we do every other December? "I, Ruth Joseph, do swear that I will support the Constitution of the United States and of this state so long as I shall continue to be a citizen thereof, so help me God. I, Ruth Joseph, do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a State Representative according to the Constitution and laws of the state, so help me God."

I am appalled, I am shocked by the words of the Chief Executive of this state. He took this oath as well as each one of us and apparently it does not mean as much to him as it does to all of us.

This document is our most precious document that we hold most dear to guide us through our work each day. We hold this document to a higher standard than any piece of legislation that we could possibly craft. We had seven pieces of legislation before the State and Local Government Committee and I was proud to be a cosponsor of those to consider what would be best as we crafted an Ethics Bill for the State of Maine.

I am hurt and I am angered to hear the Governor of this state demean the hard work of the State and Local Government Committee, to demean the hard work of the full 114th Legislature and the members of the House of Representatives.

We felt that we did our work well, we felt that we addressed this problem on the mark, we felt that we did not need extremely restrictive legislation because we believed that any member of this body and the other body, when they take an oath that I just read, would hold to that oath and that there are other laws that will pertain to any violations that we may commit. I urge you to defeat this amendment and vote to indefinitely postpone it.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I am very sorry to be too late to make that motion myself. I have never seen such actions on the floor of this House.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am somewhat appalled by the discussions going on here tonight. We do have a citizenry legislature and by having that, we have people from all walks of life that serve here, which I think is very good because you get many, many ideas. I, too, as most of you know, had a business for many years, I have retired now, but there were lots of times when I ran that business that I owed thousands of dollars. I might have bought a load of steel to manufacture parts, aluminum, plastics, and so forth and to think that I would have to report down here that I owed American Steel and Aluminum three or four thousand dollars or I owed Eastern Plastics -- I think that is ridiculous.

The people, especially in the small towns and even the cities, they know each and every one of us when we run for office. You sort of hang your underwear right out on the line and let them all look at it.

I can't see where any of this here is really necessary. I think we have a good ethics committee and a good ethics code now.

Another thing I would like to point out is, in smaller towns and (I think even to a degree) in larger cities, if legislation like this goes through, you are going to be hard put to find people to run for public office, selectmen, tax collectors, towns clerks and what have you. We push down enough stuff on to them now and I think if you do this, you are going to be real hard put. In fact, I wouldn't be surprised but some of them might resign.

I know that it is late in the session, it is late in the hour, but I would hope that you would vote to indefinitely postpone this amendment before you and, truthfully, any others that might come. I think it is time to (as they say) smell the roses and take a good look at this thing.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to try to stay to the issue that is before us on House Amendment "A" but I would relate to you, that over the years that I have served in this body, which is a number of years now, I have always felt that I served here with honor and I guess my people back home have treated me that way because they have kept sending me back. I do have some problems with part of this amendment and I will tell you what it is.

Take Item A, the first line, it says "Liabilities owed to a single creditor, the aggregate value which did not exceed a thousand dollars at any time during the report period" -- the way I interpreted that is that any time you go over a thousand dollars during any reporting period, I must tell you that as a father of six children, for various reasons we combine our insurance policies on our automobiles and we do it for various reasons. There are certain times during the reporting period that my cost of automobile insurance, because I help my children out, being a good old Dad, runs over a thousand dollars. I see a situation where I have got to report the specific person that I owe that bill to and I think that is wrong.

I know the intentions are good by trying to tighten this up. I am going to tell you something and I don't care if the press hears it, because it doesn't matter to me whether I serve here in the future or not, but if I want to run again it won't matter what the press thinks of what I say tonight. I don't think we need any of this. I felt that this morning and I feel that way tonight. We have operated here as a two-party system and I have known a lot of you and I don't think any of us deliberately try to do anything wrong or try to put anything over on anybody. I will say it again, after this amendment, whether it is put on or defeated and I doubt anyone will make the motion here tonight because of what has been in the papers over the last two months, probably nobody dares to do it, but I have thought about it earlier this afternoon and also this evening, that probably the best thing we could do would be to go out and face the press. It wouldn't bother me to defeat this whole thing. I think we would be doing a better job by doing that than by trying to put on some of these amendments. Some of these amendments that I have seen that will be coming, I am going to support. In my other profession when I am not here, there are bills that go through here that would give the appearance of conflict. I deal a lot with municipal officials, just like a lot of you have over the years being a selectman or other things.

Another thing bothered me in the L.D. and that was, why are we going after municipal officials and not school board members?

There are two things in this amendment that bothers me. One is Section A dealing with over a thousand dollars and the other was the revolving charge accounts. It just seems too bad that we might have to make some people go under a revolving charge account so they wouldn't have to report because they are over a thousand dollars in debt.

I would hope that as we continue tonight, regardless of what has been said earlier, that we would try to band together and, if we do have to pass something, let's pass it in unity for what it is worth. I will say for the third time, that I would be just as happy if we did nothing.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't very clear when I spoke before. I want to move that this L.D. and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would advise the Representative that we must first take action on the present amendment before we do that. The pending motion is the motion to indefinitely postpone House Amendment "A" and once that motion has been disposed of, then the motion to indefinitely postpone the bill and all its accompanying papers would be in order.

The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I am really concerned that this thing has gotten sort of out of hand here tonight because I don't think it had to be. I look at this amendment as simply the reverse of income, it is a very logical thing to have in this bill, it is probably the most logical thing to have in the bill because it really is the reverse of income which is the most susceptible to any kind of pressure on a legislator. I don't think it needs to be a partisan thing. I don't think we need to have some of the rhetoric that we have had here and things said that have been said. I sat on the State and Local Government Committee and we discussed all of these

issues and, at one point, we almost put liabilities into a bill. Then it was decided by the majority not to do that. I respect their thoughts on that, it is up to them. It was a little confusing to me because some of the same people that had it in the bills that they presented to our committee, don't want it in there now and that is a little confusing to me. Why was it presented with such fanfare and then not wanted later on? That as a Freshman struck me kind of funny.

Let me get back to liabilities, I am a former businessman and I had to divulge, not just who I had liabilities with, but many, many times in many forms, I had to divulge the amounts of money that I had, both to banks, to various credit outfits, to bonding companies when I would get bonding on larger projects and that to me, if you had to divulge the amounts of your liabilities, I could see that, I don't think it is anybody's business. But to simply state that you do have some indebtedness to someone, to me, I can't find that all objectionable or obnoxious. I can't understand why businessmen have to divulge this information all the time -- infact in my business, I used to say that the people around town knew more about my business than sometimes I felt I knew or at least they knew it before I did, and I don't think it ever hurt me because I always tried to act in a proper manner and I am sure this legislature does also. I have no reason to believe that they don't. To put up such a holler over something to me is just such a routine, simple thing to do -- it doesn't even ask you the amount of money, it just says that you name the person. Like income, as far as income is concerned, you state a certain amount and who pays you. If you owe somebody some money within the limitations shown in the amendment, you just state who you owe it to.

I thank you for listening to me and I hope you will consider this amendment on that basis because I can't for the life of me see anything in that bill that could embarrass anybody unless they had something to hide.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am really very glad to have heard the last speaker reduce the assembly to a state of calm. I appreciate that.

I was going to say to you all that I am calm, cool and in a state of control and I am trying very hard to maintain that composure, even under the circumstances.

I have to tell you that I am an idealist as much as Representative Jacques is, as much as Representative Pineau, I have always been an idealist, I always will. For what you want to make of this, when I come over that hill in the morning, I am thrilled when I see the dome of this place, when I walk through those doors, I am thrilled to say that I am a lawmaker, among all of you who are lawmakers, looking after your constituents and people in the State of Maine.

I will tell you another thing too, I have no special zeal for this particular legislation. It is not my legislation, I am not a leader in legislation and you had better believe that I am not necessarily a follower in legislation but I do subscribe to the same level of ethics and concern that Representative Handy of Lewiston does and Representative Carroll of Gray does and probably all of you do. There is something that I hesitate to say and I am still deciding whether I should say it or not but perhaps I will. First though, let me say this, that a year or two years ago, we had a debate on this floor about

the adequacy of our election laws. It was stated on the floor in no uncertain terms that nobody, but nobody, in the State of Maine would ever violate one of the election laws. The people who made those statements that day and the people who believed those statements that day lost of credibility in my eyes because we are all realists, we are not children and to believe for a moment, that among a few hundred people there's nobody at all, even one person, who never reaches a level of temptation that he can't resist, come on, let's not be children about this.

What I had told you that I may or may not say is a familiar quote that we all learned in high school. It comes to mind here tonight, "Me thinks he protested too much" so let's not any of us be guilty of that. Let's not any of us be guilty of thinking that because a person seems to protests too much. It is kind of difficult not to think something along those lines.

Representative Jacques (and I don't single him out necessarily except he speaks the loudest for us all) seems to think that this legislation singles him out as being dishonest. Of course it doesn't single him out, he knows that and you know that. It doesn't single me out and it doesn't single you out or anyone in the Executive Department, no one is singled out. Let me tell you this, for several years of my quite long career (I mean real career in real life) I was in charge of the branches of a rather widespread banking system. In those branches, of course, were like more than a hundred tellers and I approved the hiring of those tellers. There was a case where I had to fire one. They came to the bank almost to a person with the same kind of attitude in this respect at least that nobody who ever worked in an institution of that kind is dishonest. I can promise you (and I don't mean to malign the industry that I took my living from for so long, it is no different than any other industry in this respect) that it was difficult, almost impossible, to convince some of these young people that came to work for us with very responsible jobs, handling large amounts of money, that everybody in the world was not as honest as they were. I don't know whether it was against the law or not but I am a fatherly type in that respect being a father of four children and I used to say, sure you are honest and everybody else around you is honest, we all know that. But believe me, you don't know the temptation of a person on that side of you so keep your eye and hands on your money. You don't know the level of temptation of that person beside you so keep your eyes and hands on your money. Believe me, I knew that was a good thing to tell them. Nobody knows the pressures that anyone else around them has on them and what their level of resistance or their level of temptation is. Of course, we need standards of ethics, we are not naive, we are not children, we need standards of ethics, we are all honest, you know I am honest, I know he is honest, I know everyone here is honest but that doesn't mean that we don't need standards of ethics.

I was quite interested in what the Representative from Houlton said, which relates to what the Representative from Rockport said, that he has been in business, nobody ever knew any of his business including his lawyer — we have a lot of lawyers here. I hope they don't do that — or particularly his accountant. We have at least one banker here who hopes that he doesn't have to believe that that man's accountant didn't know anything about his business and surely his banker ought to be fired and get into another business if he didn't know more about his business than this legislature is proposing to ask him about. So, to make a long story short, I don't

mean to bore you at such a late hour, but I had to get these things off my chest.

One other thing I want to get off my chest to prove to you or at least to emphasize to you my idealism. It is true that I am an idealist and I do love all of this stuff and things that we are responsible for and the things that we do but I have to tell you (and you see how calm and cool I am) how much I think the honor and dignity of this body has been diminished in the last four or five days in the mind of this idealist. I guess I have said enough, perhaps you will hold it against me what I have said but it is honest feelings, honest and true feelings.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.
Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I know that you are all acquainted with the story of the camel and the caretaker who added one straw at a time to the load that the camel carried and finally the camel gave up, laid down, and refused to travel.

This question of ethics really does bother me a little bit because I think some of the first lessons in ethics that I learned were learned from my father. One of the lessons that he taught me was that I should think for myself and I early learned that. The second lesson in ethics that he taught me was that I should remember that the other fellow had the same rights to think for himself too. Just because the other fellow didn't think the same as I did didn't mean that the other fellow was diminished in my eyes or his eyes or anyone else's eyes.

I am glad to hear somebody stand up here and say that they are cool and calm and collected and that they are idealists. Of course, nobody is singled out but it happened about 48 hours ago in a public meeting, the same individual referring to a vote that I had taken the day before said, "It was a terrible, terrible, terrible thing that had been done and it would have been better had I stayed at home." I don't think that that indicated calm, cool and collected thoughts but if it did, it certainly adds to my feeling and to my resentment and I will say that what I have heard here tonight is the final straw.

I have a son, he is an adopted son, but he very well could be my own because I think probably he is even more stubborn than I am, but he is a good boy. It just so happens that he belongs to the same political party that I do. The other night he said, "You know Dad, you may not like this, but I think I am going to change." I have got a surprise for that boy when I go home because I beat him to the punch.

(At Ease)

The House was called to order by the Speaker.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: It distresses me to hear that perhaps some of you may give up the thought of returning here because of the implications presented here this evening.

May I speak to you from experience, please? I appeared before your Ethics Committee before I was even sworn in here. It was my intention to serve the people of my community. It was a campaign that was difficult, it involved a man of great stature, of great experience, great power and longevity that was

unmatched, almost in the United States. I had to appear before that committee to face this kind of situation, to the Committee on Ethics, not even elected, didn't know a person on the committee, and was subjected to their procedure — I will tell you one thing, I was on edge every single minute before that committee, I feared what I had done and the achievements that I had worked so hard for, I feared it every minute, knowing full-well that what I had done was ethical. That committee, ladies and gentlemen, was one of the first committees I ever sat before and appeared before. That committee had to make a decision that I hoped I would never have to make under the circumstances. What is my message? My message is that our ethics is challenged only by us in our actions.

I can go on in appreciation of that particular experience, it will live with me forever and ever. Do you doubt for one minute the credibility of the Ethics Committee and the way it operates here? I tell you, dispel that.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I can't put in fancy words how I feel this evening but I am beginning to wonder, should I go home this weekend? There are those who say politicians are all crooked, one step above a used car salesman and I am wondering, are we trying to prove that to the people tonight? What are we really doing? I think we are trying to convict ourselves. I don't hold myself above anybody else but I certainly don't like to be put down. I guess if it hadn't been for Mr. Hichborn's move this evening, I probably wouldn't have gone home, but now I think I can hold my head up and go home because he has made this a good day for me.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: I have served in public office for nearly 50 years and I have never witnessed anything like this. I want to say tonight that, when I aspired to run for public office, I was told by a very learned person that I highly respected, "Leone, you don't want to get into that." I said, "Why not? I have served the public for many years, I think this is a natural progression in an area that I like. Why shouldn't I?" This man, who is now gone said to me, "Because it is dirty." My response to him was this, "Politics is only as good or as bad as the people that are in it." I still hold to that view. I will say this, that it must be extremely difficult to work and place each one of us in a position of responsibility within the area of this legislature in positions where perhaps our backgrounds will not put us in the question of being in a conflict of interest situation. Many of us have diverse backgrounds and that diversification can prove very good for this legislature because with the accumulative experience that is here, we can address the issues that come before us. I really feel that each of us can do that to the degree and we ourselves are our own barometer of whether we are crossing that line of conflict of interest.

I respect all of you, I think each of you can do this, and I think the strength of the government of this country, from the little community group right up through the highest level in this land, is strong because of the people that are in it.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DiPIETRO: Mr. Speaker, now that we have a new member in this aisle, do you think it would at all possible to get these lights fixed on this side? To our new Representative, I would like to say, "Welcome Home."

The SPEAKER: The Chair would like to advise the Representative the reason the lights are not on is not because that side happens to be primarily represented by members of the Republican Party but because we are trying to cut down the number of lights since it creates so much heat. However, based on the debate this evening, frankly the hot air took care of most of that.

The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief tonight but I hope that each and everyone of us has the same respect for each other that I have for everyone in this House. It is a free country where we do have choices.

I was married to a man who didn't have that choice and I hope everyone of us will not forget it.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 141

YEA - Adams, Aliberti, Allen, Anderson, Anthony, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dexter, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Stevenson, Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Wentworth.

NAY - Aikman, Ault, Butland, Carroll, J.; Curran, Donald, Foss, Foster, Garland, Hanley, Hastings, Hepburn, Hutchins, MacBride, Marsano, Marsh, McCormick, Merrill, Paradis, E.; Parent, Pines, Seavey, Sherburne, Small, Stevens, A.; Strout, B.; Tupper, Webster, M..

ABSENT - Dellert, Higgins, McPherson, Whitcomb, The Speaker.

Yes, 118; No, 28; Absent, 5; Paired, 0; Excused, 0.

118 having voted in the affirmative and 28 in the negative with 5 being absent, the motion did prevail.

Representative Wentworth of Wells moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This has been a night of historical perspective. I understand the frustration and anxiety of many members of this body and the very, very difficult and tough issue that ethics is and always will be. But there are times when I think we have to look back within ourselves and say, what is the best thing to do and what is the right thing to do? There are some incredibly important provisions in this bill. There are also some changes that need to be made. There are some amendments that are going to be offered in this body, there are some amendments that are going to be offered in the other body. But, on the whole, this report accomplishes what we talked about earlier. It enhances the operations of our citizens legislature and it balances that with the need to make sure that our conflict of interests laws are in check. I think the last thing that any of us need to do at this time, given the circumstances of the evening, given the press statement of the Governor of this state, is to allow us to be baited into killing this piece of legislation. I would certainly encourage the members of my caucus and indeed every member of this legislature not to let that happen.

There are some important provisions in this bill. The bill would require that each year, at the beginning of our two year term, that an ethics seminar be held. The Ethics Commission in conjunction with the Attorney General's office would put that on and allow us all the opportunity to see what that level playing field is and play under the same rules.

The bill deals with, in a somewhat modest way but an important way, disclosures of income. Currently, we have to disclose under a broad economic activity. In other words, if I happen to work for a hotel, I have to disclose that I am in the service industry. Under the provisions of this bill, we are asking that legislators should perhaps go one step further, perhaps they should say, "I work in at the Atrium Hotel, I don't work in the service industry." There are provisions in this bill that would require a bit more specificity. For spouses and members of the immediate family, still broad economic activity, not too restrictive but we do believe there are elements of information that can be provided.

In the issue of honorarium, we discussed that tonight at length to some extent. The Majority Report says that if you receive any honorarium which is defined as cash over \$50 that you simply need to disclose it. It doesn't put a ban on it. We certainly know very few members of this body receive honorarium. As Representative McHenry said, most of us are paid not to speak. But, in the fatuative circumstances that someone does wish to offer someone an honorarium, what the majority of the State Government Committee felt was that we should indeed disclose that information so we can begin to track it and to make sure they don't have problems like they have had in other states or in the national level.

There are also provisions in this bill dealing with guidelines. A section of the bill says, "The Legislature shall enact, publish, maintain and implement as authorized in the Constitution of Maine disciplinary guidelines for its own members." It suggests that we, by Joint Rule, not by statute but by Joint Rule, develop a code of ethics for our own

members, a code of ethics that we understand and that will be developed by each of us and approved by a majority vote in this House.

Finally, all the provisions in this bill dealing with the disclosure apply equally to members of the executive branch.

Lastly, we are recommending that in addition to disclosing certain amounts of information and keep in mind that we are not asking much more than really what we disclose right now, but a little bit more specificity. What we are requiring is that local municipalities and counties also adopt a code of ethics. There will be amendments offered this evening that will clarify the types of things they have to report and the types of things that they need to list. I think it is important that they be treated the same way that you and I be treated.

One other provision in this bill that I have neglected to mention deals with the confidentiality of complaints before the Ethics Commission. We have a provision in this bill that says quite clearly that any complaints before the Ethics Commission must be held in absolute confidentiality, except that the person who is being investigated must be notified. There are some very important items in this bill. It may continue to need some work, there are a variety of amendments to be offered tonight in the House and in the other body. I can't emphasize enough that this will balance our need to preserve a citizens legislature and enhance the conflict of interest laws we currently have in this state. It is a sensible balance. It is a balance that treats us as adults. I would urge each member of this body not to be baited by the Governor of this state and in frustration reject this proposal out of hand because once we clear away the unnecessary amendments, there is indeed a good piece of legislation and something we can all be proud of. I would hope you would oppose the motion to indefinitely postpone.

Representative Tracy of Rome requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the Representative from Fairfield, Representative Gwadosky, I think there is a great deal in this bill that can enhance our service in the legislature.

I am disappointed with the tone of the debate this evening and I am sorry that there has been such a partisan focus on our areas of disagreement because I think there are a lot of areas in which we agree. I think that if we can get to those things that we agree upon, continue to keep this bill before us and vote against the indefinite postponement motion.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, I would like to pose a question. Is there a motion on the floor?

The SPEAKER: The pending motion is to indefinitely postpone the bill and all accompanying papers.

Representative LUTHER: Mr. Speaker, then I rise to move the question.

The SPEAKER: Representative Luther of Mexico has moved the previous question. For the Chair to entertain a motion to move the previous question it must have the expressed desire of one-third of the members present and voting. Those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken and less than one-third of the members having expressed a desire to

move the previous question, the question was not entertained.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, agree that this bill should not be killed. When I spoke on the amendment earlier this evening, it was not my intent that this bill should be killed in any way. It is the only one we have before us and it is the one that we have to work with. I think it is a great deal better than what we have for laws now. Therefore, I feel that we should not indefinitely postpone.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Wentworth of Wells that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 142

YEA - Dexter, Macomber, Mahany, Norton, Parent, Ridley, Tardy.

NAY - Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Calhcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Heeschen, Hepburn, Hitchborn, Hickey, Hogle, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammara, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; The Speaker.

ABSENT - Adams, Cashman, Dellert, Hastings, Higgins, McPherson, Richards, Wentworth, Whitcomb.

Yes, 7; No, 135; Absent, 9; Paired, 0; Excused, 0.

7 having voted in the affirmative, 135 in the negative with 9 being absent, the motion to indefinitely postpone did not prevail.

Representative Plourde of Biddeford offered House Amendment "G" (H-684) and moved its adoption.

House Amendment "G" (H-684) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

Representative PLOURDE: Mr. Speaker, Men and Women of the House: The reason I rise and request this amendment is simply to remove a small word which provides an implication of mandating municipal officers or municipalities and counties to adopt an

ethics policy. All we are doing is changing the word from shall to may so it would be optional.

There is a great feeling out there that we have a difficult time finding candidates at the local level. I am quite sure that many of these candidates would be shocked and surprised that now they would have to have an ethical program to cover their candidacy. That is why we have this amendment on the floor.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to oppose this particular amendment because we are going to be considering another amendment soon that just removes the criteria in the standards used as guidelines in the piece of legislation as we ask county municipal officials to adopt a code of ethics for themselves. We feel that they too, as elected public officials, should adopt an ethics policy for themselves according to what seems to be the standards of that community and what should be necessary.

As the committee discussed this piece of legislation and this provision, we went from the far right where we would include county and municipal officials at the same level as we held legislators or to the far left where we would not include them at all. In the spirit of compromise and trying to reach a consensus on this piece of legislation, we felt that we would ask municipal and county officials to adopt an ethics policy that would seem appropriate for them. Therefore, I would ask you to oppose this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: As a member of the State and Local Government Committee who is on the Majority Report, I would like to say that I am going to support Representative Plourde's amendment. I do realize that I could well have misunderstood what was happening and I am not trying to say what Representative Joseph said is not true. I just know from my own point and my own perspective, I thought we were just saying to the communities, please do this or you "may" do it. I did not think we were saying "shall." I realize I am in the minority on that in that group. Because of that, I feel comfortable supporting Representative Plourde's amendment.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I hope tonight that you will support the gentleman from Biddeford, Representative Plourde, on this amendment. I think that if we don't adopt this amendment, it is putting a tough situation especially on the municipalities when you say they "shall" have to come under some kind of code of ethics. We have a hard enough time right now getting people to run for municipal office. I would urge you to adopt the amendment and then a municipality "may" do this if they want to and it won't put them in a position where they will have to do it.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the bill currently says that by December 1st of 1990 both county and municipal officials must adopt an ethics policy governing the conduct of elected county officials or elected municipal officials. The bill currently then goes on to say that the ethics policy

"shall" address and it has (a) through (d) specific items of conflict of interest, abuse of office or position. The position of the State Government Committee was that it was not unreasonable to request municipal or county officers to adopt a code of ethics. Now, the code of ethics that they adopt may infact not be a code of ethics. They may adopt a code of ethics that says absolutely nothing, very little, or they may adopt something that is much more stringent than this.

The proposed amendment would say that the various counties and towns may adopt an ethics policy. The language currently in the bill says that they shall adopt an ethics policy. I don't necessarily think this is a tremendous hardship, this is not a major portion of the bill for me. I think it is an individual issue for each member here as to whether or not you feel that municipal and county officials would be harmed or whether it would hurt recruitment by requiring them to disclose, albeit perhaps a modest policy of ethics. That is essentially what the committee felt. This amendment would make that optional and you are free to vote however you want.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "G." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 25 in the negative, House Amendment "G" was adopted.

Representative Allen of Washington offered House Amendment "F" (H-683) and moved its adoption.

House Amendment "F" (H-683) was read by the Clerk and adopted.

Representative Nutting of Leeds offered House Amendment "H" (H-686) and moved its adoption.

House Amendment "H" (H-686) was read by the Clerk and adopted.

Representative Larrivee of Gorham offered House Amendment "E" and moved its adoption.

Subsequently, Representative Larrivee of Gorham withdrew House Amendment "E."

Subsequently, L.D. 1773 was passed to be engrossed as amended by House Amendments "G", "F" and "H." Sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Joint Order: (S.P. 660)

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 114th Legislature shall be extended for two legislative days; the first being Thursday, June 22, 1989, and the second legislative day being Thursday, June 29, 1989, in accordance with the Provisions of said section.

Came from the Senate, read and passed.

Was read.

A two-thirds vote of the members present and voting being necessary, a total was taken. 133 voted

in favor of the same and 3 against and accordingly the Joint Order was passed in concurrence.

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing (H.P. 1000) (L.D. 1389) (H. "B" H-671 to C. "A" H-617)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 115 voted in favor of same and 17 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$49,500,000 for Construction and Renovation of Correctional Facilities" (S.P. 608) (L.D. 1702) (C. "A" S-332) on which the Bill and accompanying papers were Indefinitely Postponed in the House on June 20, 1989.

Came from the Senate with the Bill and accompanying papers Committed to the Joint Select Committee on Corrections in non-concurrence.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Due to some technical snafu, this Bond Authorization is in a strange parliamentary position. If the House moved to recede and concur, the bill would go to the Committee on Corrections. If the House voted to adhere, the bill would die. The only motion available to the House is the motion to insist and ask for a Committee of Conference.

Therefore, I move the House Insist and ask for a Committee of Conference.

Subsequently, on motion of Representative Mayo of Thomaston, the House voted to Insist and ask for a Committee of Conference.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Require Liquor Sellers' Permits" (S.P. 151) (L.D. 271) have had the same under consideration and ask leave to report: that the House Recede from its action whereby it Indefinitely Postponed Bill and Accompanying Papers; Indefinitely Postpone Committee Amendment "A" (S-265); Read and Adopt Conference Committee Amendment "A" (H-685) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-685) in non-concurrence.

That the Senate recede and concur with the House.
(Signed) Speaker MARTIN of Eagle Lake, Representative McGOWAN of Canaan and Representative MARSH of West Gardiner - of the House.

Senator MATTHEWS of Kennebec, Senator BALDACCI of Penobscot and Senator DILLENBACK of Cumberland - of the Senate.

The Committee of Conference Report was read and accepted.

The House voted to recede whereby the Bill and accompanying papers were indefinitely postponed.

Committee Amendment "A" (S-265) was indefinitely postponed.

Committee of Conference Amendment "A" (H-685) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee of Conference Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Representative McHenry of Madawaska, the House reconsidered its action whereby An Act to Clarify the Definition of Seasonal Workers under the Workers' Compensation Law (S.P. 550) (L.D. 1521) (S. "A" S-321 to C. "A" S-293) was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1521 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-293) as amended by Senate Amendment "A" (S-321) thereto was adopted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted.

On motion of Representative McHenry of Madawaska, Senate Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-637) to Committee Amendment "A" (S-293) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

Quorum call was held.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

Bill "An Act to Amend the Maine Income Tax Laws" (H.P. 124) (L.D. 161) which was passed to be engrossed as amended by Committee Amendment "A" (H-674) in the House on June 21, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-674) as amended by Senate Amendment "A" (S-394) thereto in non-concurrence.

The House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to Engrossing.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Establish the Department of Families and Children (H.P. 1199) (L.D. 1666) (H. "B" H-658 to C. "A" H-621)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife (H.P. 895) (L.D. 1239) (H. "A" H-626 and S. "A" S-385 to C. "A" H-615)

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. 128 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine (S.P. 594) (L.D. 1671) (S. "A" S-360, S. "B" S-361, S. "C" S-362, S. "D" S-363, S. "E" S-364, S. "F" S-365, S. "G" S-366, S. "H" S-367, S. "I" S-368, S. "J" S-369, S. "K" S-370, S. "L" S-371, S. "M" S-372, S. "N" S-373, S. "O" S-374, S. "P" S-375, S. "Q" S-376, S. "R" S-377 and S. "S" S-378 to C. "A" S-344)

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. 132 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Revise the Communicable Disease Law (H.P. 1122) (L.D. 1554) (H. "A" H-609 to C. "A" H-408 and H. "A" H-659)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Encourage Industry to Maintain and Modernize Machinery and Equipment (H.P. 461) (L.D. 626) (C. "A" H-677)

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

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We debated this issue

earlier this afternoon so I am not going to debate it again this evening, I am just going to ask for a roll call on enactment.

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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 143

YEA - Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Chonko, Clark, H.; Coles, Conley, Constantine, Cote, Curran, Daggett, Dexter, DiPietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heesch, Hepburn, Hichborn, Hickey, Hoeglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Look, Lord, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McSweeney, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Reed, Richard, Richards, Rotondi, Ruhlin, Seavey, Sheltra, Sherburne, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Wenworth, The Speaker.

NAY - Adams, Brewer, Cathcart, Clark, M.; Foss, Handy, Jackson, LaPointe, Luther, MacBride, McHenry, McKeen, Melendy, Nutting, O'Dea, Oliver, Paradis, J.; Rand, Rolde, Rydell, Webster, M.; Whitcomb.

ABSENT - Burke, Crowley, Dellert, Dore, Higgins, Lisnik, McPherson, Parent, Ridley, Simpson.
Yes, 119; No, 22; Absent, 10; Paired, 0; Excused, 0.

119 having voted in the affirmative, 22 in the negative, with 10 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to the Director of the Bureau of Health (S.P. 379) (L.D. 1015) (H. "A" H-407 to C. "A" S-146)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Amend the Maine Income Tax Laws (H.P. 124) (L.D. 161) (S. "A" S-394 to C. "A" H-674)

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

Representative Whitcomb of Waldo requested a roll call vote on enactment.

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 the

members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 144

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Daggett, DiPietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hickey, Hoeglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Richard, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dexter, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hutchins, Jackson, Look, MacBride, Marsano, Marsh, McCormick, Merrill, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Webster, M.; Wentworth, Whitcomb.

ABSENT - Crowley, Dellert, Dore, Higgins, McPherson, Parent, Ridley, Simpson.

Yes, 107; No, 36; Absent, 8; Paired, 0; Excused, 0.

107 having voted in the affirmative, 36 in the negative, with 8 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Improve Access to Health Care and Relieve Hospital Costs Due to Charity and Bad Debt Care Which are Currently Shifted to Third-party Payors" (EMERGENCY) (H.P. 954) (L.D. 1322) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-644).

Representative Manning of Portland offered House Amendment "A" (H-653) to Committee Amendment "A" (H-644) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

On motion of Representative Gwadosky of Fairfield, retabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and later today assigned.

The Chair laid before the House the following matter: An Act to Respond to Recommendations Proposed by the Blue Ribbon Commission on the Regulation of Health Care Expenditures (S.P. 348) (L.D. 920) (C. "A" S-326) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Rydell of Brunswick, L.D. 920 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation (H.P. 1025) (L.D. 1431) (H. "D" H-661 and H. "E" H-663 to C. "A" H-640) which was passed to be enacted in the House on June 21, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-640) as amended by House Amendments "D" (H-661) and "E" (H-663) and Senate Amendment "J" (S-397) thereto in non-concurrence.

The House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to Engrossing.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation (H.P. 1025) (L.D. 1431) (H. "D" H-661, H. "E" H-663 and S. "J" S-397 to C. "A" H-640)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

Bill "An Act Regarding Governmental Ethics" (H.P. 1282) (L.D. 1773) which was passed to be engrossed as amended by House Amendments "F" (H-683), "G" (H-684) and "H" (H-686) in the House on June 21, 1989.

Came from the Senate passed to be engrossed as amended by House Amendment "G" (H-684) and Senate Amendments "A" (S-386), "D" (S-395) and "F" (S-400) in non-concurrence.

Representative Gwadosky of Fairfield moved that the House Insist and Ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: As many of you may have seen from the report from the other body, they have included two amendments on this particular bill, amendments that many members of this body, I think, would perceive as somewhat objectionable. They have included the issue of liability, a measure that we rejected overwhelmingly in this House. They have also included an issue of honorarium which I think we also dealt with quite positively. I think that there is capability and the capacity to have a meeting of the minds and get together with them. I think the most appropriate thing at this point is to deal with this issue. Since we are going to be off for a couple of days, it will give us more than enough time to work out the differences between the two bodies and indeed pass along an ethics measure that we can all be proud of. I would urge you to join with me in moving to insist and join in a Committee of Conference.

Mr. Speaker, I request a roll call.

Representative Webster of Cape Elizabeth moved that the House recede and concur.

The same Representative requested a roll call on the motion to recede and 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 the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just as a reminder that if the House does move to recede and concur this evening, you are adopting the policy of liability. That is an issue we dealt with quite strongly in this House. The Senate version has the issue of liability and is an issue that you will have to disclose. I think that is something you will want to feel strongly about.

There is also the issue of honorarium that is on this. The motion to recede and concur would move this obviously in position with the Senate. I would hope that you would oppose the motion to recede and concur so that we can then move to insist and join in a Committee of Conference.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Webster of Cape Elizabeth that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 145

YEA - Aikman, Anderson, Ault, Bailey, Butland, Carroll, J.; Curran, Dexter, Donald, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hutchins, Jackson, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, McCormick, Merrill, Paradis, E.; Pendleton, Pines, Reed, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth.

NAY - Adams, Aliberti, Allen, Anthony, Begley, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover,

Kilkelly, LaPointe, Lawrence, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Cashman, Dellert, Dore, Foster, Higgins, Larrivee, Marston, McPherson, Michaud, Paradis, P.; Parent, Richards, Ridley, Simpson, Whitcomb.

Yes, 41; No, 95; Absent, 15; Paired, 0; Excused, 0.

41 having voted in the affirmative, 95 in the negative, with 15 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Pineau of Jay, Adjourned until Thursday, June 29, 1989, at nine o'clock in the morning pursuant to Joint Order (S.P. 660).

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
June 21, 1989

Senate called to Order by the President.

Prayer by the Honorable N. Paul Gauvreau of Androscoggin.

SENATOR GAUVREAU: Let us pray. Lord, as we arrive at this, the conclusion, of our Legislative Session, please give us the strength to make principle decisions effecting the lives of the people of Maine, the wisdom to fashion public policy, which will benefit our children and those who come after them. The patience to listen to and learn from others with whom we disagree. The compassion to provide for those less fortunate than us and the capacity to respect and appreciate the contributions of all our colleagues in this Legislature. Let us go forward in a spirit of collegiality and mutual respect to discharge our Legislative responsibilities with dignity, intellect, and fairness. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS
The Following Communication:
COMMITTEE ON UTILITIES
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 20, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Utilities has had under consideration the nomination of Elizabeth Paine of Hallowell, for appointment as a Commissioner for the Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 10
NAYS: 0
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elizabeth Paine of Hallowell, for appointment as a Commissioner for the Public Utilities Commission be confirmed.

Sincerely,
S/Stephen M. Bost Senate Chair
S/Herbert E. Clark House Chair
Which was READ.

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

After Recess
Senate called to order by the President.