

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
Index

FIRST CONFIRMATION SESSION
October 30, 1989
Index

SECOND CONFIRMATION SESSION
December 12, 1989
Index

SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

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

By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1772)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House such legislation as the committee sees fit to make supplemental appropriations and allocations for the expenditures of State Government and to change certain provisions of the law necessary for the proper operation of State Government for the fiscal years ending June 30, 1990, and June 30, 1991.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws" (H.P. 814) (L.D. 1126) which was passed to be engrossed as amended by Committee Amendment "A" (H-775) as amended by House Amendment "B" (H-930) thereto in the House on March 15, 1990; came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-775) as amended by Senate Amendment "A" (S-589) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Priest of Brunswick, the House voted to recede and concur.

(Off Record Remarks)

On motion of Representative Strout of Corinth, Adjourned until Tuesday, March 20, 1990, at eight-thirty in the morning.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
March 19, 1990

Senate called to Order by the President.

Prayer by Reverend Michael Elliott of the Chestnut Street Baptist Church in Camden.

REVEREND MICHAEL ELLIOTT: Shall we bow our heads, please? Gracious Father, we're so thankful for a beautiful day You've given to us and I want to thank You for the men and women who represent us here in the state of Maine. I ask that You would give them wisdom, clearness of thought today as they carry on the business which affects all of our lives. I'm so grateful that every power, every government, is ordained duly by You, so that we know You are behind us. I want You to use them today as they represent us. Give them clearness of thought. In the name of Christ, we pray these things. Amen.

Reading of the Journal of Friday, March 16, 1990.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development

S.P. 607 L.D. 1701
(S "A" S-558 to C "B" S-551)

In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-551) AS AMENDED BY SENATE AMENDMENT "A" (S-558) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-551) AS AMENDED BY HOUSE AMENDMENT "A" (H-936) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Increase the Penalty for Desecration of a Cemetery"

S.P. 719 L.D. 1894
(C "A" S-560)

In Senate, March 9, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560) AS AMENDED BY HOUSE AMENDMENT "A" (H-940) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Regarding Municipal Shellfish Regulations"

H.P. 1533 L.D. 2118
(S "A" S-579 to C "A" H-887)

In House, March 9, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887).

In Senate, March 14, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887) AS

AMENDED BY SENATE AMENDMENT "A" (S-579) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887) AS AMENDED BY HOUSE AMENDMENT "A" (H-927) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled Unassigned pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Extend the Deadline for the Solicitation of Funds for a Slain Law Enforcement Officers' Memorial" (Emergency)

H.P. 1768 L.D. 2437

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 16, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
114th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker 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 Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information" (S.P. 889) (L.D. 2265) (C. "A" S-540):

Representative HEESCHEN of Wilton
Representative ROLDE of York
Representative MURPHY of Berwick

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

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Increase the Bonding Limit for the Maine Court Facilities Authority"

S.P. 973 L.D. 2439

Presented by Senator CLARK of Cumberland
Cosponsored by Senator CAHILL of Sagadahoc,
Representative MacBRIDE of Presque Isle and
Representative LISNIK of Presque Isle

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act Concerning the Authority of the Public Utilities Commission to Order Competitive Bidding"

S.P. 972 L.D. 2438

Presented by President PRAY of Penobscot

Cosponsored by Senator BOST of Penobscot and Representative CLARK of Millinocket

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator GAUVREAU: In reference to the Memoriam on the death of Alfred A. Plourde of Lewiston, an outstanding citizen, dedicated family man, city treasurer and mayor, who will long be remembered for his 25 years of loyalty and devotion to public service that contributed immeasurably to the Lewiston community; who served admirably for many years in my home community of Lewiston and served the people of our community with great integrity and great sincerity and a sense of compassion and warmth. Freddy was our tax collector for some 25 years. One, ordinarily, does not gain great popularity serving in that position. But, in fact, his disposition and his honesty and his genuine concern for his fellow man and woman, I think, really served him in good stead. Of all the people who have entered public life in my community, I can't think of anybody in my community who is held in higher regard, indeed love, by our people, than Freddy Plourde.

Freddy basically lived his life with very simple objectives. In a day when it is not fashionable to contribute to society, he did exactly that. In a time when people have thought more about their own personal lives, perhaps their own personal financial aggrandizement, Freddy Plourde believed that the way to true self-fulfillment was to give back to his community and pay back to others what they had given to him. It was because of that that he was universally respected and, indeed, admired and loved in our community. He will be very, very sorely missed. Mr. President, I move that when the Senate adjourns this morning, it does so in memory of Alfred Plourde. Thank you.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Appropriations to the Maine Osteopathic Loan Program"

H.P. 1389 L.D. 1919

Leave to Withdraw

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Continue 2 Positions for the Maine Human Rights Commission"

H.P. 1416 L.D. 1968

The Committee on BANKING AND INSURANCE on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure the Financial Integrity of Any Public Mutual Insurance Company Established to Provide Workers' Compensation Insurance to Employers in This State

H.P. 1561 L.D. 2167

The Committee on BANKING AND INSURANCE on Bill
"An Act to Create a State Insurance Fund"
H.P. 1591 L.D. 2203

Change of Reference

The Committee on ENERGY AND NATURAL RESOURCES on
Bill "An Act to Amend the Solid Waste Landfill
Remediation and Closure Laws Administered by the
Department of Environmental Protection" (Emergency)
H.P. 1712 L.D. 2363

Reported that the same be REFERRED to the
Committee on JUDICIARY.

Comes from the House with the Report READ and
ACCEPTED and the Bill REFERRED to the Committee on
JUDICIARY.

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled
until Later in Today's Session, pending ACCEPTANCE of
the Committee Report.

Ought to Pass

The Committee on AGRICULTURE on Bill "An Act to
Amend the Laws Pertaining to the Commission on
Biotechnology and Genetic Engineering"

H.P. 1759 L.D. 2424

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in
concurrence.

Which was, under suspension of the Rules, READ
TWICE and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended

The Committee on EDUCATION on Resolve,
Establishing the Commission to Assess the Impact of
Increased State Spending on the University of Maine
System (Emergency)

H.P. 1637 L.D. 2270

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-928).

Comes from the House, with the Report READ and
ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-928).

Which Report was READ and ACCEPTED, in
concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-928) READ and ADOPTED,
in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR
SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on
Bill "An Act to Clarify the Governance of Mackworth
Island Public Trust Lands"

H.P. 1608 L.D. 2221

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-909).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-909).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-909) READ and ADOPTED,
in concurrence.

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

The Committee on HOUSING AND ECONOMIC DEVELOPMENT
on Bill "An Act to Create an Educational Bonus for
Affordable Housing"

H.P. 332 L.D. 451

Reported that the same Ought to Pass as Amended
by Committee Amendment "B" (H-908).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "B" (H-908) AS AMENDED
BY HOUSE AMENDMENT "A" (H-939) thereto.

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-908) READ.

House Amendment "A" (H-939) to Committee
Amendment "B" (H-908) READ and ADOPTED, in
concurrence.

Committee Amendment "B" (H-908) as Amended by
House Amendment "A" (H-939) thereto, ADOPTED, in
concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
READING.

The Committee on UTILITIES on Bill "An Act to
Include Consideration of the Comparative
Environmental Impacts of Energy Production in Utility
Proceedings"

H.P. 1455 L.D. 2029

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-925).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-925).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-925) READ and ADOPTED,
in concurrence.

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

Senate
Ought to Pass

Senator GILL for the Committee on EDUCATION on
Bill "An Act Regarding the Secondary Market for
Student Loans"

S.P. 901 L.D. 2295

Reported that the same Ought to Pass.

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled
Unassigned, pending ACCEPTANCE of the Committee
Report.

Senator MATTHEWS for the Committee on LEGAL
AFFAIRS on Bill "An Act Concerning the Use of Funds
Raised by Organizations Operating Games of Chance or
Beano" (Emergency)

S.P. 937 L.D. 2372

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GILL for the Committee on EDUCATION on
Resolve, Creating the Special Commission to Study and
Evaluate the Status of Education Reform in Maine
(Emergency)

S.P. 561 L.D. 1564

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-593). Which Report was READ and ACCEPTED. The Resolve READ ONCE. Committee Amendment "B" (S-593) READ and ADOPTED. The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BOST for the Committee on EDUCATION on Bill "An Act Relating to Services to Infants and Young Children, Ages 0 through 5, Who Are Handicapped or at Risk for Developmental Delay"

S.P. 805 L.D. 2068

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-592). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-592) READ. On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "A" (S-592).

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act to Discourage Negative Campaign Practices"

H.P. 1558 L.D. 2158
(C "A" H-919)

Bill "An Act to Protect Health Insurance Coverage for Citizens on Jury Duty"

H.P. 1655 L.D. 2291
(C "A" H-920)

Bill "An Act to Deorganize Plantation E in Aroostook County" (Emergency)

H.P. 1667 L.D. 2308
(C "A" H-922)

Bill "An Act to Amend the State Railroad Preservation and Assistance Act" (Emergency)

H.P. 1724 L.D. 2383
(C "A" H-921)

Bill "An Act Regarding Squa Pan Stream" (Emergency)

H.P. 1742 L.D. 2406
(C "A" H-924)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act to Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137

Which was READ A SECOND TIME.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "A" (S-590) READ.

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

Senator CAHILL: Thank you, Mr. President. I would ask for a Division on adoption of this Senate Amendment and would speak just very briefly in opposition to the amendment. The Homestead Exemption which was passed during the last session of the Legislature, as you well remember, on the eleventh hour of the eleventh day of the Legislature, was, at that time, what we considered a compromise to make the entire property tax package work. I believe that it's incumbent upon us to at least give that Homestead a chance to work.

As you know, the \$10 million that has been removed from the homestead package is currently being worked on by the Appropriations Committee, or I'm assuming the Appropriations Committee is counting on working with that \$10 million. If we accept this amendment today, we are virtually taking the \$10 million that is going to be used to help with the budget situation that we have down on the second floor right now and I believe it would really, at that point, upset the apple cart. The \$10 million that is currently allocated for the Homestead Exemption, under this amendment, would go to the revenue sharing formula.

I'm a little concerned about that because I believe it would destroy the formula in that, currently, there is a percentage set aside. To put that \$10 million into that formula would be difficult. I think that would send a message to the communities that, perhaps, we don't want to send. Now, the communities, granted, have been quite active and quite vocal in the last few weeks about repealing the Homestead Exemption. The argument that they use mostly, is that it is too tough to administer, but it's my understanding that there is legislation down in the Taxation Committee that would help with the administration of the Homestead Exemption, if we could get that far. I hope that today you'll vote against this amendment and I request a Division when that vote is taken.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator PEARSON: Thank you, Mr. President, Men and Women of the Senate, I support the young lady from Sagadahoc's position on this particular Bill. The original intent, it seemed to me, of the Homestead...

THE PRESIDENT: The Chair would advise the Senator that references to other members of this Body is by the Senator's title and name and their county of residence.

Senator PEARSON: Thank you, Mr. President. I support the lovely lady from Sagadahoc,...

THE PRESIDENT: The Chair would advise the Senator that the young lady he is making reference to is the Senator from Sagadahoc, Senator Cahill

Senator PEARSON: Mr. President, I don't know what I'd do without my seatmate. Anyway, Senator Cahill from Sagadahoc's position is correct on this, in my view. The original intent of the Homestead Tax was not to aid municipalities, although that's a laudable thing to do, because we have devices to do that. We can increase revenue sharing by increasing the percentage of sales and income tax that we share with them, if one wants to do that. That's the clean, straight, honest way to do it. Or we can, if you want to, and this would cause a little more argument, increase the general purpose aid for education under the formula. Well, the formula has problems. If you're from the coast, you feel that it's not equitable and one thing or another.

The intent of the Homestead Tax, although it's small, as I understood it and still understand it and still support, is to aid the taxpayers, themselves, to hold onto the one precious thing that they all have in common and everybody dreams to have, the American Dream, their home. That's all it is. This amendment of throwing the money that was meant to aid those people to hold onto their home by putting it into revenue sharing does not achieve that same purpose, in my estimation. It does give more money to municipalities and that, like I said, is laudable. But it destroys the original intent of the Homestead Property Tax Relief package.

I heard all the arguments a week ago about it being an administrative nightmare and everybody was going to be able to get a hold of it. I think that when you look at those, they're not really true. It's not any more of an administrative nightmare, as I pointed out to you, as the excise tax. The only difference is, the excise tax is something that communities get to keep so they don't complain about it. I think this Bill, Mr. President, is wrong. I think the amendment is wrong and so I would move, if it's proper, the indefinite postponement of this Bill and all its accompanying papers.

THE PRESIDENT: The Chair would advise the Senator that his motion is not proper at this time.

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

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, to begin, I hope that before you vote on this amendment, you would please read it. The amendment was proposed, as you heard in my discussion on Friday, to address some of the technical problems and concerns that some members had with the original Bill. This particular amendment does nothing more nor less than to address those particular concerns with how this Bill would be written into law. That is what this particular amendment does and that is what is on the floor before us.

Let me also address some of the concerns that have been expressed on the floor with regard to the original Bill, the Bill to repeal the Homestead Program. When we began debating this legislation about a week and a half ago, I described just what kind of a process the Taxation Committee went through in achieving a Property Tax Relief package, that we based what we did on the input of citizens around the state. We spent six weekends traveling to town halls, to gymnasiums, to auditoriums, listening directly to the people of this state who live in cities and towns and pay property taxes and administer property taxes what they felt we should be doing in regard to this issue. When we passed the Bill that we passed last year, we sent letters to every single person who came to those hearings and every single person who had expressed an interest or concern on this issue and asked them for their input on what we had done, to keep us informed on the progress of that legislation. We received a thick stack of letters, both from individuals as well as from City Councils and Boards of Selectmen, expressing their views of what we did.

The one consistent sentiment that we received from the correspondence and those phone calls and those letters was that the Homestead Exemption was a very short-sighted, very ineffective and very inefficient way to address the property tax relief problem and if we did anything, then we should change that particular piece of that package. Two weeks ago, I read off several examples of those letters. I have that stack with me. I'd be happy to share some of them with you.

The point was this, from cities and towns, that if you're going to pass and you're going to bring property tax relief, don't do it in such an ineffective way where you're taking precious few property tax relief dollars and spreading them so thin, including to those people that have the largest paychecks or the largest income of the communities and provide that property tax relief, those precious few property tax relief dollars, to those wealthiest individuals. Why? Well, not only is it unfair, but it just doesn't work, if your goal is property tax relief, because these people are making the kind of incomes that allow them to pay the property taxes

they're paying. It's not a burden to those individuals. Those individuals don't need property tax relief. Spending money in areas where it's not needed, not only is unfair, but it simply doesn't make sense if our goal is to achieve property tax relief. That was one point that they made.

The second point that they made was: here we go again, Augusta, trying to be helpful to the citizens of the state and to the municipalities of our state. Once again saying: hi, we're from Augusta, we're here to help you and once again, passing a program that provides red tape, new bureaucracy and new administrative expense in the form of yet another mandate. Because we're mandating that those cities and towns administer this program and we're not giving them a penny for it. Sure, the excise tax program is a program that they will administer. They can administer it. They get resources to administer it. It doesn't break their budgets. But this is an example of yet one more mandate with yet no more dollars to them, to administer it.

Of course, we debate this subject time and time again, and there are members of this Chamber who have quite eloquently stood before us and decried the policy of shoving mandates down the throats of our cities and towns without paying for them. Just this session, just a few weeks ago, there was a debate over another piece of legislation that had to do with mandates and the good Senator from Sagadahoc, Senator Cahill, quite eloquently made a speech on the floor of the Senate and she made reference to that Municipal-State Summit that we had a few weeks ago. She very eloquently described on the floor of this Chamber, the frustration of municipal officials over these kinds of mandates being passed on to the cities and towns. She quoted from a discussion paper on the floor and I just want to refresh your memory, "Municipal officials recognize that mandates, whether they are federal or state, usually address a legitimate need or problem. Municipal officials, however, object to one level of government passing a law that is expensive to administer and which provides neither adequate funding nor technical assistance, which substitutes its priorities for local priorities. Municipal officials objections to mandates are more than fiscal concerns over the added costs. Mandates require municipalities to substitute the priorities adopted by the local communities with state or federal prerogatives" The bitter irony behind this is that it's these very people who we're hoping to help and yet are giving them one more piece of expensive bureaucratic red tape and mandate without providing them a penny to administer it.

I think the more important point that was raised on the floor that I would like to address is the intent of the Homestead Exemption and I think that the Senator from Penobscot, Senator Pearson is right. I think that we all have an intent of helping that person out there who is trying to hold on to their home. Well, if that is our intent and that is our goal, then the Homestead Exemption is the most ineffective and inefficient and unfair way to achieve that goal.

You know something? For the first time in this country's history, home ownership is actually on the decline, first time in history, that's just happened. Why? Because it's too expensive to buy homes. People are stuck in their apartments, renting, because they can't afford property taxes, or they can't afford down payments, or they can't afford the high prices of home ownership. You know, and for those people, that's another bitter pill of the Homestead Exemption. Why? Because unlike the Circuit Breaker program that we passed before, in

which renters, who pay property taxes, maybe not to their municipal officials, but to their landlord, these renters receive not a penny of relief from this program at all. They're completely tossed aside as far as this form of Property Tax Relief. The irony here is that those renters who are paying their taxes to finance this Bill are paying for a program that is going to put \$25, maybe \$30, maybe \$40 in the pockets of the wealthiest homeowners in their community while they are eliminated completely from any benefit of this program. Now that's unfair as well and that adds to the burden of those people who are seeking to buy their first home but can't because of the endless drain of their rent expenses because of such things as rising property taxes.

In terms of the standards we use in the Chamber to pass good legislation, this Bill, no matter where you sit on the ideological spectrum or the political spectrum, doesn't make sense. We pass Bills here that we hope are effective. This is ineffective. It doesn't do what we want it to do. It doesn't meet the intent of helping those beleaguered homeowners. We pass Bills because they are efficient. They do what we want to do in a cost-efficient way and this doesn't. It spreads this so thin, to those that don't need it, that it doesn't provide meaningful tax relief to those who do. It's unfair to our municipalities. How often we have heard the rhetoric of: "Let's stop passing mandates down on these cities and towns without paying for them? Let's stop the red tape and bureaucracy." But, ladies and gentlemen, this Bill fails that test as well. It's inefficient. It's ineffective and it's unfair. I hope you will accept my motion to adopt this amendment and go on to pass this Bill so we can go on about the business of tax fairness in this state. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you. Mr. President, Members of the Senate, the good Senator from Cumberland, as usual, makes a very persuasive argument for his point of view. I would agree that, perhaps, this method of Property Tax Relief does not measure up, for example, to the importance of the Circuit Breaker program which indeed does address those who most need that type of assistance. Nevertheless, it is a very attractive piece of legislation. It has great appeal, I think, for the citizens of this state. I find, in my home town, for example, there are lots of people who can use the relatively small amount of assistance that is offered by this program.

The program has been maligned, if you will, as being an administrative nightmare. I'd like to report to you that in the City of Caribou, our program was developed to the point where we were receiving applications and had already enrolled a thousand people for this particular program. Over the weekend, I had occasion to meet with the City Manager, who also happens to be the immediate past President of the Maine Municipal Association, and he advised me that they were indeed able to administer the program and that they would be happy to continue doing so. They did it without additional help. I think, perhaps, if there are some weaknesses in the administration of the program, they are not insurmountable.

Now I appreciate the fact that money is indeed tight this time around and I think we have to make careful decisions on the manner in which we spend it. If I had my personal druthers I'd still like to continue this program because this Legislature did, in fact, put it in place last time and started with a

very modest amount of money to fund it. If that is not possible, I think I would prefer it went the route of the Appropriations Table or the Appropriations process, I should say, and I guess my next choice would be that the money went for public education aid.

It seems to me that if we send it to municipal revenue sharing, that money can end up in a multitude of different ways. True, it does give the local option of the city fathers selecting what that might be but perhaps it doesn't have the wide point of view that is available through the Appropriations Committee of the State Legislature.

It seems to me that what we are really doing is we're changing the formula for revenue sharing. Keep in mind there is a formula that takes, I think, 5.1% of the major taxes, sales tax and income tax, and disperses that through a further refinement of formula to the various communities. Effectively, this is raising that formula and I am not sure of the numbers, but I suspect it might be in the neighborhood of 5.1% to 5.6%. It seems to me that we have automatically placed revenue sharing in a position where it gains additional income for the years to come. I like money to go back to the towns, but I wonder if we have really thought about it in this case or whether we have just diverted funding from one program and put it over in revenue sharing.

It seems to me that we ought to, instead of doing this, we ought to have this in a position where it can be worked upon by the Appropriations Committee. Our needs are great, the money is little. It seems to me that this method automatically puts it in a position where it is no longer under the control of the State Legislature's Appropriations process. I suspect that there are a great many homesteaders in this state that will be very disappointed if we entirely ignore the fact that we passed this last time around and are immediately closing it down before it's ever been funded. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you. Mr. President, Men and Women of the Senate, I agree with the remarks from the good Senator from Aroostook, Senator Collins, and I guess with the remarks from the good Senator from Cumberland, Senator Andrews, I'd like to point out a couple of differences that I see and what my opinion is and what his opinion is and obviously, there probably is a difference of opinion.

When he makes reference to the people at the upper end of the scale being able to pay their real estate taxes, no doubt in my mind that they have ample assets to take care of that. At the bottom end of the scale, there are mechanisms in place to take care of those people that are at the bottom end of the scale. Unfortunately, we've heard too many times about the people in the middle that are really squeezed and not benefitting from the bottom end safety measures and they really don't have the assets that the top end has. I'm concerned with that because as far as I'm concerned that is the largest majority of the people of this state.

A homestead tax would address those people. It wouldn't really make a great deal of difference to the people at the top, I'm sure, if we're talking about sending \$40 or \$50 back. But, initially, when this was passed in the discussion a year ago, it had to do with, This is the initial step, this is a \$5,000 exemption, we would hope to expand upon that in given years and depending on the economic times. I would like to see that. There are a lot of states where there is a Homestead Tax Exemption and it's

working very well. It's administered no differently than we would intend to administer it here. In some states, it's as high as \$25,000 for residents of those particular states. It's working well and it's giving those people the opportunity to have a break in real estate taxes.

Now, if we use the method as proposed by the good Senator from Cumberland, through his amendment and use revenue sharing basis, we're not only giving the break to the top end of the scale, we're also giving the non-residents that are property owners in this state a benefit from this. If we take the money from the state coffers and return it through revenue sharing, those people that are obviously on the upper scale, that have seasonal residences here, many of them, valuable residences, will also benefit. I, personally, have a problem with that.

Now, the municipal officials, having been there myself, I can understand their plight and their concern and their looking under rocks and shaking the trees and everything else, trying to get the money out as we are within the State, trying to meet our obligations and promises that we made. But, when we send the money back without any strings attached, it usually does not end up in any kind of relief. It's just reallocated and that takes care of it. It just kind of disappears in the flow, if you will. So, with that in my mind, I would ask that you vote against the pending motion and that you allow the Homestead Tax to remain in, even though this year it's going to put on hold. It hasn't even really had any effect. It's been inoperable up until now and I guess, just as a matter of point of clarification, when the good Senator from Cumberland makes reference to his small technical amendment, part of that technicality is that it removes the Emergency preamble. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you. Mr. President, Men and Women of the Senate, I wasn't certain whether I was going to rise this morning, but, I must admit, the comments of my colleagues in this Chamber have moved me to express my sentiments for your consideration, if not persuasion. It seems to me, we all know that, given the fiscal crisis confronting our state, the Homestead Program will not be funded this year and that the money that had been allocated to that will in all likelihood be used to satiate the purposes of deficit reduction.

What we have today, I think, is largely a symbolic debate, but a debate which is important, nonetheless, because this issue, perhaps, better than most others which confront us in this Chamber, does raise fundamental issues in terms of how we are going to raise revenues to fund essential and beneficial government services. We have heard this morning and in weeks past, arguments, well-spoken, well thought out, that homestead would serve the interests of some middle-income taxpayers and therefore, we ought to use this as a modality to provide some relief, however slight, to that segment, the majority segment, of our populace.

With all due respect to those who have spoken before me, I suggest that we should reject that approach. From my perspective it has been painful, and painful is probably not the appropriate terminology in my lexicon, but it's the one I have to use in polite debate, to see elected officials at the state and federal level craft basically regressive tax policy which has inured to be enduring detriment to many low and middle-income taxpayers. I think we really face a paralysis in our country, a paralysis of leadership. As many of us have observed, tax

policy oftentimes is hidden, in that we have a tendency to thrust onto lower levels of government, the most regressive means of taxation. That has gone on, in my view, over the last ten years.

As you know, I spend most of my time advocating for social and educational services. In 1980, our country, at the federal level, allocated some 25% of the federal budget towards social services and education. Today, we allocate about 17%. We've had about an 8% drop in our federal expenditures and we in the state capitols know that because we see, either in reductions in our Federal Block Grants or in sequestration under Gramm-Rudman-Hollings, we see we don't have the working capital to fund essential programs. At the same time, it should be noted, our leaders in Washington, have seen fit to raise our expenditures for foreign aid and defense from 21% of our federal budget to over 28% of our federal budget.

And now the chickens have come home to roost. Now we see we can't afford, we certainly can't afford, to fund necessary, necessary social services, necessary educational services. I'm not looking at who wins this particular election. Frankly, that isn't too important to me. What is important to me is how my children are going to live their lives, how their children are going to live their lives. We are going to have to accept the notion that we have to have some rudimentary progressive principles incorporated in our tax structure. For some reason, we have allowed that basic notion of justice to escape us in the last ten years. We now have a truly ironic situation.

My colleague, my good friend, from Androscoggin, Senator Whitmore, indicated we should craft tax policy for the middle-class. I agree. But, you know, today, a person who makes \$20,000-25,000 a year spends a greater percent of his or her income, all levels, property, sales, excise, income and social security, funding government services than does his or her counterpart who makes \$200,000 a year. From where I stand, that is fundamentally regressive social policy, but, more to the point, the people who fund government services are very near a rebellion. They recognize something that is fundamentally wrong in our society. They know there is something basically wrong with the way we're funding government services. I've had the benefit of working the last eight years in government so I have a little more knowledge than perhaps my neighbors, but we have the same basic instinct. The system is broke. It really is broke and we darn well better fix it. I think we at all levels of government have to demand that we allow a reasonable degree of progression in our tax policy, not to stymie or discourage those who will work hard and build our private economy which, in fact, is the basis for our success in our society.

But I do not believe that if we have a moderate level of progression in our tax policy, businesses will flee our state or our country and go to other jurisdictions. In fact, businesses understand, better than most, the necessity for an informed electorate, an informed populace, a populace that has reasonable social services, has good health care, has access to good educational systems. These issues really do arise from this particular debate because if we were to maintain the Homestead Tax, it is basically a regressive policy, all individuals realize the same relative benefit regardless of their economic circumstances. It is my belief, as a sometimes student of governmental affairs in our society, that the populace will no longer tolerate government expenditures as they are currently being made for basic services. It is not because the

American people do not want to fund services, but because they recognize something that is fundamentally wrong in the way we raise revenues.

I should ask you this morning, that we ought to posthaste send the Homestead Exemption to a short-lived history, eliminate the program and more importantly, let us scrutinize in the future, all possible revenue sources and begin to adopt fundamental and rudimentary principles of progressivity in our tax system. If we do not do that, we will find an increasing reluctance among our citizens to pay for basic services in our society. That concerns me a great deal. What I'm hearing today, what I've heard in the past are some very sincere expressions of philosophy and perhaps, a few early salvos in the next election year. My concerns go far beyond that to the way we pay for basic government services we all need in our society. Thank you.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, as the other member of the Taxation Committee, I feel it's important to relate some of the concerns I had with this particular issue. I share the concerns of most of the people who have already spoken, that I do not want to repeal the program just to repeal the program and fight a paper tiger. It is not a symbolic gesture which I am engaging in in this debate or on this particular legislation. For me, it has to have substance. I believe the amendment adds the substance which was lacking in the original Committee Report. Why repeal a program where there's no money? Why leave false hope to communities that they're going to get funds when, in fact, there's no funds there, in all likelihood?

Communities are experiencing the brunt of the \$210 million deficit. \$70 million, roughly, and they have a property tax system in order to come up with the difference. Last year, we tried to engage in some property tax relief measures. That was fashioned here in this Legislature to incorporate a host of circuit-breakers, homestead exemptions, aid to education through a formula based on how much they received below the 50% of the state-wide reimbursement average. But, now, because of this certain budget situation, we're having some problems at the local level. My superintendent in Bangor can't cut, doesn't want to cut, is bucking the cuts that are going to be required to bring it into conformity with what has been done as far as the state is concerned. My City Council has voted overwhelmingly to repeal the homestead program and to have the money go into aid to education as the good Senator from Aroostook, Senator Collins, alluded to and municipal revenue sharing. They're hurting and they need help. They were down here last week and they were telling us about their problems. Nobody wants to raise taxes in an election year. Nobody even wants to talk about raising taxes in an election.

This amendment offers, to me, the substance that I didn't have in the original Bill. This amendment is not symbolic, but this amendment, on an on-going basis, takes that money that was going to go into that homestead program and plugs it into municipal revenue sharing. Now people can talk about the process of doing it in a certain fashion and the process is sacrosanct. Sometimes, those same interested people, in the dark of night, in the waning days of the session, in a group of five, are passing tax legislation that isn't even done within the Taxation Committee, but now before us today,

we're talking about the process and the correct process.

My community needs assistance, whether it's going to go into municipal revenue sharing, which the community may not know how smartly to spend the money as we do down here in Augusta, I don't know. But they're a lot closer to the people, they're a lot closer to recall, they're a lot closer to rebutting with the people in the community. They're directly responsible when they go home at night. Those people are concerned about lights. They're concerned about trash. They're concerned about education. They're concerned about a lot of things. They're in close contact, as the good Senator from Androscoggin, Senator Whitmore, alluded to, as a former member of a Council and a former Mayor, he understands the situation. I was a member of the Council for three years. I feel I have some idea of what goes on after spending three years and suffering numerous scars. This community in Bangor and I'm sure communities across the state need to know that we are concerned about their problems.

If you vote against this amendment, you are voting against communities getting any type of relief this session. You are sending a message to the communities throughout this state that we will take care of our own here in Augusta. We will not cut any jobs that we don't have to cut. We will not lay off any people that we don't have to lay off, here in Augusta, or people that work for the state first, or the state bureaucracy. But what goes on at the municipal level, which is a creature of the state government and responsible for educating our young children and for taking care of affairs in the communities, we are turning our back to them and saying, You figure it out. I believe it's a tragic mistake to vote against this amendment and I would request, Mr. President, when the vote is taken, that it be taken by Yeas and Nays.

On motion by Senator BALDACCI of Penobscot, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

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

Senator DILLENBACK: Thank you. Mr. President, Ladies and Gentlemen of the Senate, you know, I enjoy the philosophy that passes back and forth here, the people who have their ideals and where they're coming from and what they're doing.

I come from a wealthy town. Half the town is wealthy. The other half is not wealthy. I spent fifteen years as an Assessor in that town and I never heard anybody tell me that taxes were not a burden, whether it be the wealthy or the retired or the poor. You know, some of the people in my community have beautiful homes. They've been retired for ten years and they've had a 5% inflation basis, practically for those ten years. Their money's worth half what it was, if they haven't properly invested it, and they're having a hard time paying their taxes.

I have other people who are extremely wealthy. They've inherited a great deal of money and don't tell me they're even going to apply for this. They wouldn't be bothered. Now this makes me laugh a little bit because the people in the town office, of course, have told me, Don't vote for this, Bob. This is going to be a problem to us. But it isn't going to be a problem to the fellow who needs it.

Many of my friends and associates in the community have beautiful homes. They paid a great deal of money for them, \$300,000 - \$400,000. But, you know, suddenly, they have a mother in the hospital. They have three children going to college and perhaps they've even lost their job. Those

people are in tough shape. It isn't just the fellow on the bottom. Many people fall through the cracks, but there's many of the wealthy today that are going to fall through the cracks, what you call the wealthy. I'm not talking about the multi-millionaires. I'm talking about the people that make \$60,000-70,000 a year. There's probably four or five millionaires right on the road where I live, but the point is, they have their problems, too. I think it's nice that we can be fair about this and not worry about some of the other people. Thank you.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, I'd like to point out to the members of the Senate that, as I understand it, the Homestead Exemption is based on the first \$5,000 of the valuation of your home and I would submit, that there is, with the wealthy people and you compare them with people who are not so wealthy, chances are the poor people in the state would have a home that was worth considerably less than a wealthy person, so the impact of it is progressive, in that regard. I don't think it is as progressive as I would like to have it be, but it is progressive to some degree.

You know, the gist of this amendment is, as I understand it, to move money, the \$10 million from homestead to revenue sharing or if you wish, maybe even to aid to education. This Bill does not achieve that. It really does not. I mean, who are we kidding around here? We understand, every one of us, that the Governor and the times suggest and demand that that \$10 million cannot be used for either one of those purposes, this year, this biennium. We don't have the money to give out \$10 million or to aid to education, to revenue sharing or the homestead. The purpose of this Bill is to kill the homestead tax. That is what it will do.

Now I want you to understand that within the Appropriations Act, which has not been finalized, of course, is a provision to delay the homestead tax. If you didn't know that, I want you to know that now. There is no intention of using the homestead money for homestead tax relief in this biennium simply because we're in the dilemma of a \$210 million deficit. The people who support this particular amendment suggest to you that they'll take that \$10 million and put it in revenue sharing. I'd like to be able to give \$10 million to revenue sharing. I'd like to be able to give \$10 million to aide for education. The fact of the matter is we're not going to be able to do it. I think everybody in here knows that.

This amendment simply suggests or moves something that can't be achieved in an attempt to kill a program that is in existence. So I think the ultimate issue is whether we want to keep the Homestead Tax Relief program going or not. I do. Others don't. Obviously, there's disagreements. I'd like to submit something else to people who are interested in the progressive nature of taxes and that sort of thing and reforming. I believe that the Homestead Tax package, when it finally does become a reality, if it ever does, is not only relief, but it's also reform. Because for the very first time, you're going to have people who pay taxes, partly funded by sales and income taxes and not just by the value of their property. It's not much of a move. I envision it growing larger and larger as the years went on. My seatmate indicated to you that in Florida, it's \$25,000 of valuation. Here, it's only \$5,000. It's only a start, but I believe it's an important start.

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

Senator CAHILL: Thank you. Mr. President, Ladies and gentlemen of the Senate, first of all, I would like to point out to the good Senator from Penobscot, Senator Pearson, that although it may not be in proper Senate form, I relish "young lady".

Secondly, I'd like to point out to the good Senator from Cumberland, Senator Andrews, when he referred to my speech on mandates a couple of weeks ago that I lost that debate. I received just eight votes in this Senate. I would further like to point out to that same Senator that I remember I was standing here on this Senate floor in November, I believe, of 1988, when we were discussing giving back windfall money and I proposed an amendment that would have given back the windfall, all of the windfall, in the form of property tax relief, either through a per capita reimbursement or through revenue sharing. I got six votes at that time. The reason, everyone said, is because, We don't want a quick fix. We want comprehensive reform.

I submit to you, ladies and gentlemen of the Senate, that the Homestead Tax Relief program is the only comprehensive, broad-based, not an income transfer, but comprehensive, broad-based tax program that we actually have in the state of Maine. Now I agree, it's not enough money. I would love to have \$20 million or \$30 million to spend in this money, but we believe, some of us at least believe, that it is a first step and you have to take a slice at a time when you're really serious about property tax reform. Granted, this particular program gives to the wealthy individuals as well as the poor individuals who are property tax owners.

But do you know who else it gives to? It gives to the middle-income. These aren't the wealthy people. They might be a two-income wage-earner from Bath Iron Works. They don't qualify for a Maine State Housing loan. They don't qualify for the circuit-breaker program. They don't qualify when it comes time for aid to their kids when it comes time to send them to college. I know all these examples on a first-hand experience, believe me. But these are the middle-income people and when you're talking about revenue sharing, and I think Senator Whitmore said it best, revenue sharing gives to all segments of our population, to the wealthy and to the poor and to the middle-income and also to the dreaded out of staters.

My last point today is about the \$10 million that we're proposing taking out of the homestead and putting into revenue sharing. Where is that \$10 million going to come from? What programs are we going to cut? You've already heard the Chairman of the Appropriations Committee say how tight the situation is down in the Appropriations Committee. He's telling us there isn't any money, ladies and gentlemen. What are we going to do? Where are we going to take that \$10 million, or better yet, which tax are we going to raise to get that \$10 million?

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

Senator KANY: Thank you. Mr. President, Members of the Senate, I hope that we end up voting for property tax relief today. Property Tax Relief, yes, a Homestead Tax Exemption, no.

The Maine Legislature accepted a Homestead Tax Exemption as part of a package. It was part of a package and it was forced upon us as part of a package. How does it help the homeless? How does it help the roomers? How does it help those who rent and who pay property tax through their rent? I live in a neighborhood in Waterville, which is similar to

those in some other larger communities in the state, older homes, kind of post-Victorian, early Waterville, we call it. There are neighborhoods like it in Bangor, around Deering High School in Portland, attractive, residential neighborhood but of older, larger homes. I live on a corner on the street that goes up to Mayflower Hill and to Colby College. Next to me on the corner is my neighbor that I'm very fond of, who is president of a very successful company in Maine. Now that neighbor would be eligible for this homestead tax exemption. On the other, on the side street, our next door neighbor is a woman who is a widow and I'm sure, living purely on Social Security and a little bit of money she gets from rent. She had a big old home and made it into three apartments. Now in one of the apartments resides an older couple living purely on Social Security. In the third apartment, lives a single person who I know has a very limited income, and then, the widow, who owns the apartment building, lives in the third apartment, really on the first floor and she even has a roomer.

Now, let's look at those three buildings - the Kanys, middle-income, we don't care one way or another about getting the homestead tax exemption. My wealthy neighbor would be eligible for that homestead tax exemption. The widow who owns the apartment building would be eligible for the homestead tax exemption, but her roomer would not be, nor would either of the two renters in her other two apartments. I mean, ladies and gentlemen of the Maine Senate, if we have limited economic resources, why expend them on a ridiculous homestead tax exemption such as this?

In Waterville, 50% of the housing units are rental units. How is this going to help those renters? We have other programs that we should focus on, the circuit-breaker, revenue sharing to help our municipalities, but not this. I urge you to support the good gentleman from Cumberland County, Senator Andrews, and vote in favor of this amendment. In addition to objecting strongly to a homestead tax exemption policy, I also feel very strongly that a vote against an amendment like this is a vote in favor of property tax increases.

We know, we are all very familiar with the facts, that we have a \$210 million revenue shortfall and we know how that will affect our municipalities with the Governor's budget proposal. We know, we know, that unless we offer some assistance to those municipalities just to keep the minimal services they need to provide for their citizens, that we, by so doing, are voting in favor of a property tax increase. Now what are these services that those municipalities provide? Many of us have served on the local level. I just went through two years of pleasure and pain, a lot of pain, serving at the local level. I know full well what those services are. Schools, solid waste management, those are the two biggest items paid for by the property tax. What else? Fire, police, local roads, improving and maintaining local roads, snow removal, sweeping the dust off those roads so that we can breathe. Those are the major expenditures from property taxes. That is what you would make your local officials provide. We require them to provide those services here in the Maine Legislature. You, by voting against an amendment, such as this, are voting to increase property taxes.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, the good Senator from Kennebec, Senator Kany, has indicated that there are

three different people in her neighborhood. One wealthy, one medium, one poor and how it would affect them. She said that she thought that she would probably fit in the medium income area and that she wouldn't care one way or another about this.

I would submit that if she doesn't care one way or another about this, she doesn't have to apply for it and if she doesn't feel that way about it, probably wealthy people won't apply for it either. But the poor people will and I would hope that as the program develops over the years that poor people who have to take in roomers, have to take in boarders or have their house split into apartments because their property tax burden is lower, will not have to charge as much rent to the people who are living in those particular houses. I would hope that their rent increases would be reflected in the necessity to have money on the part of the landlord. If the landlord has less of a necessity, I would hope that the rent would not go up as much.

As to the argument, that if we are voting for this amendment, we are voting for property tax increases, I say hogwash. That's not true and I don't like to be painted as a person who isn't in favor of property tax relief. I don't know where you come from, but where I come from, property taxes are determined on the local level. As a matter of fact, this evening, sometime around 7:00, I shall be sitting in my town meeting and determining what the property taxes are going to be in my community. In communities where there is a council form of government, of which I've participated and was also the Chairman of the City government at one time and have some background, that is determined by the Council and ultimately by the voters of that community.

I just have to reiterate the fact that if this amendment passes, I cannot envision \$10 million going to revenue sharing this year or the next fiscal year given the financial situation we now have. You know, people say, the towns don't like this program. They don't like homestead. I can tell you when I go home tonight, sitting in Enfield's VFW Hall, the town is not going to be the First Selectman, the Second Selectman and the Third Selectman and the Town Clerk. The town's going to be those people sitting out there in the chairs. That's the town. Those are the ones that pay the money that run the town. Those people that are sitting up front, the First, Second and Third Selectmen work for that town and they're wonderful people. But when you say the towns don't like this, I'd like to know who the towns are you're talking about. Are you talking about municipal officials? A lot of them like the program. I think you ought to think about towns in relation to the people who live there and pay their taxes and try to maintain a home there.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I wish that the good Senator from Kennebec, Senator Kany, was here because I would like her to hear my comments about my concern about the comments she made several minutes ago.

I'm personally offended, first of all, from the implication that my vote on this issue would mean that I was supporting a property tax increase. I remember sitting here in the Senate in 1984 when we passed an education reform act, as a matter of fact, I was sitting in the House at the time, which was underfunded. It was a mandate of state government to municipalities. I remember sitting in the Legislature when we turned back thousands of miles of

roads under Governor Brennan and Commissioner Connors at the time, roads which municipalities in this state had to pick up and turn over. They had to repave and rebuild, costs that were borne by the property tax. I remember sitting in the Legislature, at the time the good Senator from Kennebec, Senator Kany, served on the Committee that required all the salt sheds in the state to be covered. A great idea, I might add, the problem is we didn't pay for it.

Time and time again this Legislature has passed mandates, over and over again, without funding. If there's a property tax problem, and there is, out there, it's a direct result of action taken by this Legislature and previous legislatures. As far as I'm concerned, people who live in glass houses should not throw the first stone. I suggest that if we really want to do something about the property tax problem in this state, this Bill was not the measure to do it. It seems to me, that the homestead program that was passed, was a compromise passed by Republicans and Democrats alike, members of the Committee, people who listened and who came up with a compromise that would be amenable so we could pass something. It seems to me that if there's a property tax problem out there, and there is, that what we ought to start doing is stop passing laws without giving money.

That's what we have to do and I suggest that this Bill, this amendment before us, is simply a joke, because everybody knows, we all know, there's no money in this program. There's no \$10 million to spend. The Governor, the Appropriations Committee and those people that deal with this issue have found that there isn't enough money and we're going to have to take the money from the Homestead program and use it for other worthy programs. So I suggest today, that what we ought to be doing is getting on with business, defeat this amendment, let's kill the whole Bill and let's go on and do something else. Thank you.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, while I do disagree with my colleague, the good Senator from Franklin, Senator Webster, I do agree with him on some issues. But, to infer that this amendment is a joke is something in which I cannot just sit back idly and let go by.

I was very concerned about the original Bill and was prepared to vote against it and had reported that to the Committee on Taxation. Had it not been for this amendment, which is substance and is not a joke, which, in fact, if the good Senator from Franklin, Senator Webster, would read it, does say on an ongoing basis that that money would be dedicated. Because in fact, he is correct, there is no money now at this point, today, because of the budget situation.

I feel it is very important that in reviewing this amendment that the concerns of the communities that have been shared to all of us are not a partisan issue. It is not meant to be a partisan issue. I don't want it purported as a partisan issue. I am here trying to give some relief, some sense of relief, some light at the end of the tunnel, to communities during some very hard budgetary constraints. I would hate to see this develop into, Well, if you like the homestead, you feel one way about it and if you hate the homestead, you feel the other way about it, because I was not prepared to repeal the program at this point. But because of the concerns and the problems going on in the communities, I think it is very important for us to show that we are concerned about that. I would appreciate it if you would support this amendment and

we'd be able to pass this Bill as amended with that amendment. Thank you, Mr. President.

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

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, I simply would like to clear up some, in some cases, gross misunderstandings of the program that we're discussing, the Homestead program, and also try to fish out some of the red herrings that we have swimming around this debate. This Chamber looks more like a fish factory sometimes, I think, than a Chamber, with the red herrings we have, but I would like to just talk about some of them.

First of all, a misunderstanding. This program, the Homestead, is not based on the first \$5,000 of value. It's based on 5% of the first \$45,000 of value or less than half of the first \$5,000 of value.

Secondly, there was some misunderstanding that there's an ounce of progressivity in this homestead. There isn't, not an ounce, not one bit of progressivity. It has nothing to do with ability to pay. All you have to do is own your home, property owner, you get it and you get the same amount, no matter what your situation happens to be in terms of your ability to pay. The revenue sharing formula we've heard municipalities maligned along with the revenue sharing formula and of course, our great mistrust as to what municipalities may do with money we give them and you know, maybe it won't end up in property tax relief.

Well, you know, maybe some of the money that they would get through this program would pay for some of the mandates that we've hoisted onto their shoulders. Maybe, it would pay for some local property tax abatements of a working family who simply can't pay their property tax because of the mandates that we've put down upon them or because of the situation confronting those communities and the municipality will extend them a tax abatement so that they could keep their homes. Maybe, it will go to that. But, you know, if it doesn't go into those communities, you know where that money's going to come from to pay for those mandates and to pay for those abatements? It's going to come out of the property tax payer's pocket, whether they pay it directly to their city or town or whether they pay it to their landlord or landlady, that's the pockets that's going to come from.

I had to chuckle at some of the discussions that we've heard on mandates and the great problem that we all seem to have with mandates and how we shouldn't be throwing stones if we live in glass houses, but, you know, the solution we're having put before us today through this program, the way to deal with mandates is to have one more mandate and not pay for it. That's the solution, that's the proposal. Cut through the rhetoric. If you don't like mandates and you don't like a program without money to pay for it, then support the amendment on the floor and support this Bill that's on the floor because this Bill is all about stopping a program that provides one more mandate and doesn't provide money for it.

But that's not the biggest problem I have with the Homestead Exemption program. The biggest problem I have and I think the biggest problem I have with this debate, frankly, ladies and gentlemen of the Senate, is the problem I have, generally speaking, with tax policy discussions around the state and country, for that matter. The President, Harry Truman, had a sign on his desk in the White House. It said, "the buck stops here". It seems for at least a decade, there's a new sign in the White House and Congress and increasingly on the signs of this

Legislature, that says, The buck stops there, with a finger pointing to people at home and their pockets.

The federal government gives us less support, cuts progressivity, taxes based on the ability to pay. We, in turn, pass the buck onto municipalities and they, in turn, squeeze the local property taxpayer. The thing that bothers me with all of that, beyond the fact that 80% of the people in this country have had a tax increase over the past several years, while the top 1% has seen a net tax decrease of 25%, the thing that bothers me even more is the fraud that's perpetrated on those people that are paying those increased taxes, the fraud that says, Read my lips, or the fraud that says, We are not going to increase the taxes of people whose budgets are squeezed by tough economic times, because the fact of the matter is their taxes are going up. They are going up and they are being squeezed. All the while, we say with our rhetoric, No new taxes. It's fraudulent. We talk about the middle-class and the working men and women, the BIW workers who were struggling to make ends meet, that are squeezed between a rock and a hard place, when it comes to property tax time. If that's what we're concerned about, why take \$25 or \$30 out of their pockets so we can give it to people who don't need it, who are making plenty of money, enough to pay their property taxes?

If your concerns are with those people that are having a hard time making ends meet then let's provide some relief to those people. Let's not continue the fraud of passing along dollar after dollar after dollar to those people who have had this great net decrease in their taxes. In the name of working men and women, just don't say it, do it if you want or if you need to or if that's your priority or your value or what you think makes sense but don't continue the fraud of saying we're doing it in the name of people who are trying to make ends meet who are squeezed out there because those are the people whose pockets we're taking this money from to give it to those who don't need it, once again. The buck stops here and the buck stops with this amendment and with this Bill and I hope that you support it. Thank you.

Senator PEARSON of Penobscot, having spoken three times, requested and received Leave of the Senate to speak a fourth.

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, I would like to say with regard to forgetting the geographic locations of individuals in the Senate, I apologize. I usually don't find myself on the same side of issues as I have today and I have forgotten where some of the people on the other side live. I will try to correct that.

I would like to say also, that I stand corrected on my \$5,000. I apologize. I was given some wrong information. I did not intend to mislead. With regard to it being progressive, I don't think it's very progressive, but I do think it is a little progressive. I must say that.

I'd also like to say, with regard to the argument of giving it to people that don't need it, I don't particularly like that idea either. I really don't. But, I will say, that most people that are wealthy in the State, probably are getting the vast amount of their wealth, well, at least some of the people who are wealthy in this state, are getting their wealth from land, factories, or whatever they own, which will not be affected by this homestead exemption, only their homes would be, but, I understand the argument that nothing is perfect. I don't think this is perfect either, but I know something else, too,

that the circuit-breaker isn't perfect either because wealthy people who can show a tax loss also get money through circuit-breaker and have been. Many of them have been. I would suggest to you that nobody in here probably wants that to happen either and that may be a loophole that can be closed at some future time. I still believe that a person's home in Maine, not cottage property or vast amounts of timberland, a person's home in Maine, should be recipient of a homestead break.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I've listened to the debate here today and I've listened to the good Senator from Cumberland, Senator Andrews, bring up some points. I'd like to ask a question to him. During his debate, he talked about the \$25 or \$30 we're taking from the working people and we're going to give it to the wealthiest. I'd like to have someone argue, I'd like to have the Senator from Cumberland, Senator Andrews, tell me how putting in to revenue sharing and giving it to the towns so that they can give property tax relief to some of the wealthiest people who own cottages on the coast, how that is helping the average Maine citizen. It seems to me that the Senator from Androscoggin, Senator Whitmore, made a good point when he said that giving this money to municipalities through revenue sharing is going to indeed help out of state people who own property in this state and I'd like to have someone argue that that is a good idea.

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

Senator KANY: Thank you. Mr. President, Members of the Senate, first of all, I'd like to remind you who has approved of the budgets in the municipalities throughout this state. In some instances, it may be a town council, but most of the time, it's the town meetings. Each individual citizen in most of those municipalities could have had a say and many of them did. We've been reading, week in and week out, about the results of those town meetings. Many of us have been to many of those town meetings. We know there is not a lot of excess fat in those budgets. We know that they've been debated day in and day out, line by line. I think it's insulting to Mainers to suggest, perhaps, that there's a lot of extra fat in those budgets and that has been suggested here.

It certainly would fall upon the property taxpayers to pay for the property tax increase if we choose not to relieve that property tax, if we choose not to send some more revenue back to the municipalities so they can pay for the programs that we have mandated and we require that they provide whether they be roads, whether they be schools, whether they be solid waste management and so, Who would pay?, the gentlemen from Franklin County asked. Who would pay? Who would pay? It would be not only those out of staters who own some property here. It would be Maine people, owning Maine property, who definitely will be paying higher property taxes unless they get some relief from this Legislature.

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

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, simply to address the question addressed to me from the good Senator from Franklin, Senator Webster, regarding the revenue sharing formula and where does the revenue sharing formula go. To explain to you why the revenue sharing formula is in the original Bill and why we

are suggesting that the homestead money be directed toward the revenue sharing program is very simple.

The revenue sharing program, at least I thought, was a bipartisan supported program that is developed on the basis of a formula, based on need and distributed to cities and towns all around the state to help them pay for the increasing costs of municipalities, as well as things like state mandates. The formula has enjoyed the support of every member of this Chamber. The formula has enjoyed the support of this Legislature, the Executive Branch, not just for this Session or last Session, or even for several years. We're talking decades. This is a well-established, fair, need-based formula that has bipartisan support.

That's why we used it as the vehicle for property tax relief, as well as another key reason. It won't cost one red cent more in administration. There's not one ounce of red tape and there's not a smidgen more of bureaucracy involved in directing this money through this revenue sharing program. It's clean. It's straightforward. It doesn't cost a penny more in administration and it's enjoyed the bipartisan support of every member of this Legislature and legislatures for years and years before us for that very reason. That is why we're directing it to the revenue sharing program.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ANDREWS of Cumberland to ADOPT Senate Amendment "A" (S-590).

A vote of Yes will be in favor of ADOPTION of Senate Amendment "A" (S-590).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator BERUBE of Androscoggin who would have voted NAY requested and received Leave of the Senate to pair her vote with Senator MATTHEWS of Kennebec who would have voted YEA.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BOST, BRANNIGAN, BUSTIN, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, KANY, THERIAULT, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRAUN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, PEARSON, PERKINS, RANDALL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senator HOBBS

PAIRED: Senators BERUBE, MATTHEWS

Senator CLARK of Cumberland requested and received Leave of the Senate to change her vote from YEA to NAY.

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the motion of Senator ANDREWS of Cumberland, to ADOPT Senate Amendment "A" (S-590), FAILED.

Senator CLARK of Cumberland moved that the Senate RECONSIDER whereby the motion of Senator ANDREWS of Cumberland to ADOPT Senate Amendment "A" (S-590) FAILED.

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending the motion of Senator CLARK of Cumberland to RECONSIDER whereby the motion of Senator ANDREWS of Cumberland to ADOPT Senate Amendment "A" (S-590) FAILED.

Senate As Amended

Bill "An Act to Move Certain Minor Capital Costs from the Operating Allocation to the Debt Service Allocation under the School Finance Act of 1985" (Emergency)

S.P. 82 L.D. 83
(C "B" S-587)

Bill "An Act Relating to Pharmacy Services to Nursing Home Residents"

S.P. 886 L.D. 2262
(C "A" S-586)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Bill "An Act to Amend the Financial Responsibility Law Pertaining to Motor Vehicles"

S.P. 849 L.D. 2178
(C "A" S-588)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Senate at Ease

Senate called to order by the President.

ENACTORS

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

An Act Concerning the Definition of Security Guard

H.P. 1342 L.D. 1859
(C "A" H-886)

An Act to Correct the Subdivision Laws

H.P. 1357 L.D. 1874
(C "A" H-843)

An Act to Strengthen Penalties for Operating under the Influence When a Minor Is a Passenger

H.P. 1405 L.D. 1953
(C "A" H-878)

An Act Concerning the Depuration Digging of Shellfish

H.P. 1441 L.D. 2010
(C "A" H-873)

An Act to Replace the Large Lot Exceptions under the Site Location of Development Law with a Low-density Exemption

H.P. 1543 L.D. 2128
(C "A" H-889)

An Act Regarding Homeowners' Rights When Mobile Home Parks are Sold

H.P. 1563 L.D. 2169
(H "B" H-899 to C "A" H-875)

An Act to Require Prior Notice of the Sale of Gas Stations

S.P. 846 L.D. 2176
(H "A" H-892 to C "A" S-518)

An Act to Facilitate the Disclosure of the Mobile Home Statutory Warranty

H.P. 1582 L.D. 2191
(C "A" H-876)

An Act to Ensure the Proper Delivery of Insurance Benefits

S.P. 859 L.D. 2195
(C "A" S-562)

An Act to Clarify the Tax Lien Discharge Law

H.P. 1599 L.D. 2223
(C "A" H-872)

An Act Providing for the 1990 Amendments to the Finance Authority of Maine Act

H.P. 1619 L.D. 2241
(C "A" H-866)
An Act to Reclassify Surface Waters of the State
H.P. 1622 L.D. 2244
(C "A" H-870)

An Act to Create Low-interest Loans for
Businesses to Purchase Furnaces or Boilers That Burn
Waste Motor Oil

H.P. 1638 L.D. 2271
(C "A" H-869)

An Act to Provide Legislative Oversight of
Transactions Dealing with State Held Lands and
Property

H.P. 1666 L.D. 2307
(C "A" H-883)

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

An Act to Ensure the Independence of the Animal
Welfare Board

S.P. 691 L.D. 1830
(H "C" H-906; S "A"
S-564 to C "A" S-523)

On motion by Senator PEARSON of Penobscot, placed
on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

An Act to Increase the Capacity of the State to
Provide Mental Health Services

S.P. 861 L.D. 2210
(C "A" S-557)

On motion by Senator PEARSON of Penobscot, placed
on the SPECIAL APPROPRIATIONS TABLE, pending
ENACTMENT.

Emergency

An Act to Promote Judicial Economy by Allowing
Corporate Self-representation in Traffic Cases

H.P. 1439 L.D. 2009
(C "A" H-867)

This being an Emergency Measure and having
received the affirmative vote of 32 Members of the
Senate, with No Senators having voted in negative,
and 32 being more than two-thirds of the entire
elected Membership of the Senate, was PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency

An Act to Conform Maine Antifouling Paint Law to
Federal Standards

H.P. 1635 L.D. 2268
(C "A" H-888)

This being an Emergency Measure and having
received the affirmative vote of 33 Members of the
Senate, with No Senators having voted in negative,
and 33 being more than two-thirds of the entire
elected Membership of the Senate, was PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency

An Act to Prohibit the Development of
Spaghetti-lot Subdivisions

S.P. 899 L.D. 2289
(C "A" S-553)

This being an Emergency Measure and having
received the affirmative vote of 33 Members of the
Senate, with No Senators having voted in negative,
and 33 being more than two-thirds of the entire
elected Membership of the Senate, was PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency

An Act to Further Clarify the Relationship
Between Woodcutters and Landowners

H.P. 1679 L.D. 2320
(C "A" H-882)

This being an Emergency Measure and having
received the affirmative vote of 33 Members of the
Senate, with No Senators having voted in negative,
and 33 being more than two-thirds of the entire
elected Membership of the Senate, was PASSED TO BE
ENACTED and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency Resolve

Resolve, to Study the Feasibility of Establishing
a Piscataqua River Basin Compact between Maine and
New Hampshire

S.P. 496 L.D. 1370
(C "B" S-552)

On motion by Senator PEARSON of Penobscot, placed
on the SPECIAL APPROPRIATIONS TABLE, pending FINAL
PASSAGE.

Emergency Resolve

Resolve, to Designate the Quoddy Loop as a Scenic
Way

H.P. 1738 L.D. 2402

This being an Emergency Measure and having
received the affirmative vote of 33 Members of the
Senate, with No Senators having voted in negative,
and 33 being more than two-thirds of the entire
elected Membership of the Senate, was FINALLY PASSED
and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Emergency Resolve

Resolve, to Extend the Deadline for the Report of
the Commission on Maine's Future

S.P. 956 L.D. 2420

This being an Emergency Measure and having
received the affirmative vote of 33 Members of the
Senate, with No Senators having voted in negative,
and 33 being more than two-thirds of the entire
elected Membership of the Senate, was FINALLY PASSED
and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on STATE AND
LOCAL GOVERNMENT on Bill "An Act to Annex Township 4,
Range 3 WELS to the Town of Island Falls"

H.P. 164 L.D. 229

Majority - Ought Not to Pass.

Minority - Ought to Pass.

Tabled - March 16, 1990, by Senator PEARSON of Penobscot.

Pending - Motion of Senator COLLINS of Aroostook to RECONSIDER whereby the Senate ADHERED

(In House, March 30, 1989, Reports READ and the Bill and Accompanying Papers RECOMMENDED to the Committee on STATE AND LOCAL GOVERNMENT.)

(In Senate, April 3, 1989, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, March 13, 1990, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-915) in NON-CONCURRENCE

(In Senate, March 16, 1990, on motion by Senator BERUBE of Androscoggin the Senate ADHERED.)

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you. Mr. President, Members of the Senate, I would ask for a Division and I'd urge the Senate to vote against the pending motion.

Senator COLLINS of Aroostook requested a Division.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, as is the case in so many other instances I find myself, a few minutes ago on one side with Senator Collins and I find myself on the other side of the Senator from Aroostook, Senator Collins. I simply would encourage people in this Chamber to vote to reconsider. The events of this last summer with regard to Island Falls seem to me to indicate all of the things that I said last year about the development of the town next to Island Falls are about to come true. I am more concerned now than I was then. People who are landowners in the adjacent towns have been asked for comments by the company that owns the vast majority of that land on how they want that particular place to be developed. It's very close to Island Falls and I think Island Falls should have the right to determine it because it shares the same common watershed. I won't go beyond that except that I hope the Senate will reconsider.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: Thank you. Mr. President, Ladies and gentlemen of the Senate, I don't know this Bill was suddenly taken off the Unassigned Table after being there for close to one year, taken off at this time, but I do recall that last year in our Committee, we gave it an 8-5 Ought Not to Pass and we defeated it here 22-4, if my memory is correct. Last week, we adhered to our position of last year. The issue, in my view, is still the same, that we just heard the Senator from Penobscot, Senator Pearson, say that Island Falls should have the right to determine. Well I believe, as did 22 members of this Senate last year, that the individuals living in Township 4 should also have the right to determine. If the vote were individually counted, that would be fairness and fair play. This way, the vote or votes of Township 4 will be logged into the greater population vote of Island Falls, thereby lies the unfairness. We recently, within the last week or so, we had a Bill that would have done similar things in another area of Penobscot County or around the Millinocket area. The vote is separate, you see, from one district to another and I think that is the way this one should have been. So I ask you to vote against reconsideration, please.

At the request of Senator Collins of Aroostook, a Division was had. 9 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator COLLINS of Aroostook to RECONSIDER whereby the Senate ADHERED, FAILED.

The Secretary has so informed the Speaker of the House.

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

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development

S.P. 607 L.D. 1701
(S "A" S-558 to C "B" S-551)

Tabled - March 19, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-551) AS AMENDED BY SENATE AMENDMENT "A" (S-558) thereto.)

(In House, March 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-551) AS AMENDED BY HOUSE AMENDMENT "A" (H-936) thereto, in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

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

HOUSE REPORT - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection" (Emergency)

H.P. 1712 L.D. 2363

Report - REFERRED to JUDICIARY.

Tabled - March 19, 1990, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of Committee Report

(In Senate, March 19, 1990, Report READ.)

(In House, March 16, 1990, Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of the Committee Report.

Off Record Remarks

Senator THERIAULT of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator THERIAULT: Thank you. Mr. President, Members of the Senate, I missed an important vote last Friday and I guess I need to explain to you what happened. In our caucus it was discussed that we would not vote on the confirmation of Mr. Morrison. Since I had a prior commitment and I had to get out of here in a hurry, when the President said, Announcements, last Friday, I was on my way. On the way home, I was listening to the news and sure enough, there it was on the radio. The vote had been taken. But I want you to know that if I would have been here I would have voted for his confirmation.

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator ANDREWS: Thank you. Mr. President, Men and Women of the Senate, one of the pleasures that I

have here in the Senate is to engage in healthy, constructive debate and one of the individuals who I particularly enjoy exchanging very diverse points of view with is the Senator from Aroostook, Senator Collins. One of the nice things about this Chamber is that you can have a knock-down, drag-out fight on the floor of the Senate and go on out and enjoy a cup of coffee and enjoy friendship of those very colleagues that you engaged in debate on the floor with.

The same is true on, not only the Senate floor, but on the basketball floor. This past weekend the City of Portland at the Cumberland County Civic Center and the Lady Bulldogs of Portland High School hosted the girls basketball team of Presque Isle. To show just how warm and hospitable the City of Portland can be, we waved good-bye to the Class A Girls Basketball champions, the Presque Isle High School girls and I would like to, on the floor, on behalf of my city, congratulate the City of Presque Isle and the good Senator from Aroostook County, Senator Collins.

Senator COLLINS of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED, in memory of Alfred A. Plourde, until Tuesday, March 20, 1990, at 8:30 in the morning.