

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
53rd Legislative Day
Thursday, May 23, 1991

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Kenneth Woodhams, Wayne Community Church.

The Journal of, Wednesday, May 22, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 22, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the Bill "An Act to Amend the Voter Ratification Provisions of the Low-level Radioactive Waste Laws" (EMERGENCY) (S.P. 346) (L.D. 946).

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 22, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the Bill "An Act to Amend the Laws Regarding Sunday Sales" (H.P. 1079) (L.D. 1573).

Sincerely,

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

Was read and ordered placed on file.

Resolve, to Adjust the Amounts of Money Allocated to Certain Projects for Site Acquisition, Construction, Repair and Renovation of Public Safety Facilities (EMERGENCY) (S.P. 710) (L.D. 1893)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Amend the Classification of the St. George River" (S.P. 712) (L.D. 1895)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Alter the Composition of the Commission on Governmental Ethics and Election Practices" (S.P. 711) (L.D. 1894)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Was referred to the Committee on **State and Local Government** in concurrence.

Resolve, Directing the Public Utilities Commission to Analyze the Minimization of Electric Rates as an Integral Factor in the State's Least Cost Energy Plan (S.P. 713) (L.D. 1896)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Was referred to the Committee on **Utilities** in concurrence.

Reported Pursuant to the Statutes

Report of the Joint Standing Committee on Audit and Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Relocate Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety Pursuant to the Maine Sunset Act" (S.P. 709) (L.D. 1890) be referred to the Joint Standing Committee on **Audit and Program Review** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the Bill read twice and passed to be

engrossed under suspension of the rules and without reference to a Committee.

Report was read and accepted. Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading Tuesday, May 28, 1991.

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Suspend a Driver's License for Convicted Drug Offenses" (S.P. 667) (L.D. 1753)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure Proper Oversight of State Spending (S.P. 474) (L.D. 1266)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Resolve, Requiring the Maine State Housing Authority to Study Continuing Care Retirement Communities and Life Care Communities (S.P. 526) (L.D. 1404)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Establish the Law Student Loan Repayment Assistance Fund for Law School Graduates Pursuing Public Interest Employment" (S.P. 567) (L.D. 1487)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Allow the Creation of County Budget Committees by Referendum Vote" (S.P. 577) (L.D. 1531)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Provide New Flags for the State, Governor, National Guard and Merchant and Marine" (S.P. 605) (L.D. 1609)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Authorizing Issuance of an Official State Nondriver Identification Card to Persons 15 Years of Age or Older" (S.P. 615) (L.D. 1619)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Require State Employees to Reimburse the State for Frequent-flier Awards" (S.P. 628) (L.D. 1632)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass as Amended

Report of the Committee on Utilities reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-184) on Bill "An Act to Promote Competition in Providing Telecommunications Services" (S.P. 492)

(L.D. 1330)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-184).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-184) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 28, 1991.

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

Ought to Pass as Amended

Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-172) on Bill "An Act to Permit Earlier Repayment of Contributions to the Maine State Retirement System" (S.P. 359) (L.D. 961)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-209).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-172) was read by the Clerk.

Subsequently, Committee Amendment "A" (S-172) was indefinitely postponed.

Senate Amendment "A" (S-209) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 28, 1991.

Ought to Pass as Amended

Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-170) on Bill "An Act Relating to Retirement Service Credits for Former Workers' Compensation Commissioners Who Became Judges before December 1, 1984" (S.P. 553) (L.D. 1457)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-208).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-170) was read by the Clerk.

On motion of Representative Jalbert of Lisbon, Committee Amendment "A" (S-170) was indefinitely postponed.

Senate Amendment "A" (S-208) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 28, 1991.

Divided Report

Majority Report of the Committee on Education

reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-180) on Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine (S.P. 548) (L.D. 1452)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

Representatives: CROWLEY of Stockton Springs
PFEIFFER of Brunswick
OLIVER of Portland
NORTON of Winthrop
BARTH of Bethel
CAHILL of Mattawamkeag
O'GARA of Westbrook
O'DEA of Orono
AULT of Wayne
HANDY of Lewiston

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Resolve.

Signed:

Senator: BRAUN of Knox

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-180)

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority **"Ought to Pass"** Report was accepted, the Resolve read once.

Committee Amendment "A" (S-180) was read by the Clerk and adopted and the Resolve assigned for second reading Tuesday, May 28, 1991.

Non-Concurrent Matter

Bill "An Act to Eliminate Sunday Allocations on the Penobscot River" (S.P. 676) (L.D. 1790) on which the Majority **"Ought Not to Pass"** Report of the Committee on Fisheries and Wildlife was read and accepted in the House on May 20, 1991.

Came from the Senate with that Body having adhered to its former action whereby the Minority **"Ought to Pass"** Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed in non-concurrence.

On motion of Representative Clark of Millinocket, the House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Amend and Add to Certain Provisions of Geographic-based Information Services" (H.P. 743) (L.D. 1047) which was passed to be engrossed as amended by House Amendment "A" (H-335)

in the House on May 16, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-191) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Establish a Commission to Investigate Census Data Irregularities (EMERGENCY) (H.P. 1310) (L.D. 1892) which was referred to the Committee on State and Local Government in the House on May 22, 1991.

Came from the Senate read twice under suspension of the rules without reference to a committee and passed to be engrossed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Relating to the Knox County Budget Process (EMERGENCY) (S.P. 290) (L.D. 772) (C. "A" S-116) which was passed to be enacted in the House on May 20, 1991.

Came from the Senate failing of passage to be enacted in non-concurrence.

On motion of Representative Mayo of Thomaston, the House voted to Insist.

COMMUNICATIONS

The following Communication:

EXECUTIVE DEPARTMENT
PUBLIC ADVOCATE
STATE HOUSE STATION 112
AUGUSTA, MAINE 04333

May 20, 1991

Speaker John L. Martin
House of Representatives
115th Maine Legislature
State House Station 2
Augusta, Me 04333

President Charles P. Pray
Senate Chamber
115th Maine Legislature
State House Station 3
Augusta, Me 04333

Rep. James Mitchell
Chair, Advisory
Commission on Radioactive
Waste
State House Station 120
Augusta, Me 04333

Peter DeAngelis, Chairman
Maine Low-Level
Radioactive Waste
Authority
99 Western Avenue
Augusta, Me 04330

Dear Speaker Martin, President Pray, Representative Mitchell and Chairman DeAngelis:

As I have done in the past, I am writing to provide an update on the current status of efforts to

secure a long-term, out-of-state solution for the permanent disposal of low-level radioactive waste generated in Maine.

Last week, the Texas House of Representatives approved by a 94 to 44 vote legislation authorizing Texas to enter into a compact for low-level radioactive waste disposal with a state (or states) whose projected volumes over a fifty year period do not exceed 20% of volumes to be generated in Texas over the same period. The Texas Senate earlier this month had unanimously approved similar legislation. Both versions require the other state (or states) "to share the full cost of constructing the disposal site" - a cost projected at approximately \$20 million by the Texas Low-Level Radioactive Waste Disposal Authority. The legislation now moves to the desk of Governor Ann Richards for signature; I enclose a copy for your review. The 20% condition is extremely useful in limiting consideration of potential compact partners to small generator states such as Vermont and Maine, and excluding large producer states like New York, Massachusetts, Connecticut or New Jersey.

This success in the Texas Legislature follows by six months a compact offer (attached) submitted by Governor McKernan in December, 1990, for payment of a \$20 million construction fee in exchange for zero-cost disposal of Maine waste at a Maine/Texas compact facility in Texas. Notwithstanding these encouraging signs of progress, we have continued to pursue the alternative of a 30-year contract with the State of California for the disposal of Maine's low-level radioactive waste at a facility near Needles, California which is expected to begin operation in February 1992.

As mentioned in previous correspondence to you on this topic (dated January 23, 1989 and subsequently), there are numerous reasons that an out-of-state solution for low-level waste disposal is attractive, including meteorological, geologic and legal considerations. I will continue to keep you informed about further developments, in either California or Texas, for the successful resolution of this problem.

Best Wishes,

S/Stephen G. Ward

Was read.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The letter that is on today's calendar is probably one of the most positive and best news that Maine has received in the ten years in which we have been trying to establish a compact with other states to dispose of our low-level radioactive waste. As you can see by reading the letter, the Texas House voted by a large margin last week to approve a change in Texas law which would allow them to enter into a compact with a smaller state that produces less than 20 percent of their waste. It is very good news for Maine because there is a high likelihood that Maine may be the state that Texas chooses to do this.

We have just talked a lot about radioactive waste in the last few days around here, Texas is a more

appropriate site to dispose of low-level radioactive waste than Maine because of their airy climate. It is much safer to dispose of it in a place like that than it is in a humid climate like we have here in Maine.

This compact represents a lot of hard work and there are three people in particular who should be singled out and thanked for their efforts in bringing this compact together. The former Commissioner of the DEP, Henry Warren, worked for years trying to negotiate a compact with numerous states. The former Chair of the Advisory Commission on Radioactive Waste, Senator Kany, worked very hard on it and recently during the McKernan administration, Steve Ward, the Public Advocate, has been meeting with other states and we have to thank Steve Ward for getting this Texas compact together, doing all the work and making those trips to Texas that have resulted in this very good news for Maine.

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

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

I am certainly relieved to know that we can make as much radioactive waste as we want to. I would like to ask Representative Mitchell if the contract that will eventually result, we hope, with Texas will assure that Maine won't have to take any waste from Texas nor would Maine have to provide emergency access in case of a problem at the Texas waste site, since they have so much bad radioactive waste in their state?

The SPEAKER: Representative Holt of Bath has posed a question through the Chair to Representative Mitchell of Freeport who may respond if he so desires.

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The answer to that question is, Maine will not have to take waste if something goes wrong at the Texas site as the negotiations now stand.

Subsequently, the communication with accompanying papers was ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Taxation

Bill "An Act to Develop and Implement a Statewide System to Collect and Dispose of Household Hazardous Products" (EMERGENCY) (H.P. 1317) (L.D. 1904) (Presented by Representative BUTLAND of Cumberland) (Cosponsored by Senator TITCOMB of Cumberland)

(The Committee on Reference of Bills had suggested the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings" (H.P. 1318) (L.D. 1905) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator CLARK of Cumberland and Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MURPHY from the Committee on Taxation on Bill "An Act Concerning Interest Deductions for Corporations" (EMERGENCY) (H.P. 838) (L.D. 1204) reporting "Ought Not to Pass"

Representative MURPHY from the Committee on Taxation on Bill "An Act to Aid Municipalities in Collecting Past Due Property Taxes" (H.P. 673) (L.D. 972) reporting "Ought Not to Pass"

Representative MURPHY from the Committee on Taxation on Bill "An Act to Restructure the Personal Income Tax System to Provide Greater Equity and Progressivity" (H.P. 942) (L.D. 1364) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 769) (L.D. 1103) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 819) (L.D. 1173) reporting "Ought Not to Pass"

Representative LAWRENCE from the Committee on Legal Affairs on Resolve, Authorizing Paul Wiegleb to Bring a Civil Action Against the State (H.P. 104) (L.D. 147) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Expand the User Fee at the Municipality Level" (H.P. 1281) (L.D. 1851) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Create a Sales Tax Trust Fund for Maine's Future" (EMERGENCY) (H.P. 1251) (L.D. 1818) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Give School Districts Taxing Authority (H.P. 1241) (L.D. 1807) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Amend the Laws Relating to Watercraft Registration and Excise Tax" (H.P. 1212) (L.D. 1770) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act Concerning Interest Paid on Savings" (H.P. 1179) (L.D. 1722) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Redefine Nonprofit Status in the Sales and Use Tax Law" (H.P. 902) (L.D. 1299) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 563) (L.D. 806) reporting "Ought Not to Pass"

Representative DiPIETRO from the Committee on Taxation on Bill "An Act to Increase the Progressivity of the Maine Sales Tax Code" (H.P. 189) (L.D. 282) reporting "Ought Not to Pass"

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

Refer to the Committee on Taxation

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Provide Tire Disposal Alternatives and Fund Waste Management Programs" (EMERGENCY) (H.P. 1300) (L.D. 1880) reporting that it be referred to the Committee on Taxation.

Report was read and accepted and the bill referred to the Committee on Taxation and sent up for concurrence.

Ought to Pass as Amended

Representative PARENT from the Committee on Agriculture on Bill "An Act to Revise the Maine Horticultural Laws" (H.P. 923) (L.D. 1320) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-409)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-409) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 28, 1991.

Divided Report

Majority Report of the Committee on Education

reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Determination of the Amount of a School District Budget when the Budget Amount Proposed Fails to Pass" (H.P. 1256) (L.D. 1824)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

Representatives: PFEIFFER of Brunswick
OLIVER of Portland
NORTON of Winthrop
CROWLEY of Stockton Springs
CAHILL of Mattawamkeag
O'GARA of Westbrook
O'DEA of Orono
AULT of Wayne
HANDY of Lewiston

Minority Report of the same Committee reporting **"Ought to Pass"** on same Bill.

Signed:

Senator: BRAUN of Knox

Representative: BARTH of Bethel

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This is a bill which I filed in connection with a matter which I think is of serious consequence to members of my district. I was apprised as I left my office early this morning that a newspaper article had appeared in my local paper which I have since had an opportunity to acquire and read. It is a cross fire item by Mike Brown who purports to know something about the legislative process but whose writing indicates that he in fact can't read. I have been so distressed by this report that I am not prepared to speak to this bill today which is very important to some of my constituents. I would ask that someone consider moving to table this matter so that I have an opportunity to speak with several members of the committee who I think perhaps did not understand the point I was attempting to make. I would like to be allowed the opportunity to debate this when I am not as enraged at the incompetence of this reporter as I presently am.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 28, 1991.

Divided Report

Majority Report of the Committee on Education reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-356) on Bill "An Act to Provide Full Pupil Subsidies for Home School

Students" (H.P. 579) (L.D. 830)

Signed:

Senator: ESTES of York

Representatives: CROWLEY of Stockton Springs
NORTON of Winthrop
PFEIFFER of Brunswick
AULT of Wayne
O'GARA of Westbrook
BARTH of Bethel
CAHILL of Mattawamkeag
O'DEA of Orono

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (H-357) on same Bill.

Signed:

Senators: McCORMICK of Kennebec
BRAUN of Knox

Representatives: OLIVER of Portland
HANDY of Lewiston

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-356) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 28, 1991.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 967) (L.D. 1394) Bill "An Act to Improve Markets for Recycled Materials" Committee on **Housing and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-391)

(H.P. 1208) (L.D. 1764) Bill "An Act to Promote Affordable Housing for Persons of Low to Moderate Income" (EMERGENCY) Committee on **Housing and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-392)

(S.P. 40) (L.D. 64) Bill "An Act to Provide Funds for Women with Substance Abuse Problems" Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-182)

(S.P. 288) (L.D. 770) Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members (EMERGENCY) Committee on **Aging, Retirement and Veterans** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-171)

(S.P. 319) (L.D. 857) Bill "An Act to Ensure

Adequate Resources for Energy Assistance Programs for Low-income Households" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-174)

(S.P. 437) (L.D. 1181) Bill "An Act Regarding Taking Scallops in the Swan's Island Cable Area" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-183)

(S.P. 459) (L.D. 1235) Bill "An Act to Amend the Motor Vehicle Dealer Manufacturer Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-175)

(S.P. 494) (L.D. 1332) Bill "An Act to Enhance Social Services and Therapeutic Patient Activities in Nursing Homes" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-181)

(S.P. 495) (L.D. 1333) Bill "An Act to Include Radiology in the Medical Liability Demonstration Project" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-177)

(S.P. 569) (L.D. 1489) Bill "An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-169)

(S.P. 659) (L.D. 1735) Resolve, Authorizing the Conveyance of a Utility Easement to the City of Belfast Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-173)

(S.P. 663) (L.D. 1739) Bill "An Act to Establish a Grading System for Maple Syrup Produced in the State" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-185)

(S.P. 586) (L.D. 1539) Resolve, Concerning Reauthorization of the \$12,000,000 Bond Issue for Sewer Treatment Facilities (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 595) (L.D. 1580) Bill "An Act to Amend the Definition of 'Regional Association' under the Laws Relating to Waste Management" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 966) (L.D. 1393) Bill "An Act Increasing the Membership of the Nursing Home Administrators Licensing Board and Clarifying the Penalty for Unlicensed Practice" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-395)

(H.P. 825) (L.D. 1179) Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (EMERGENCY) Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-394)

(H.P. 927) (L.D. 1324) Bill "An Act to Amend the

Laws Regulating Aestheticians" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-393)

(H.P. 1131) (L.D. 1656) Bill "An Act to Amend the Election Laws Governing Voting Machines and Electronic Voting Systems" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-397)

(H.P. 839) (L.D. 1205) Bill "An Act Concerning Landlord-tenant Contracts of Adhesion" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-396)

(H.P. 1078) (L.D. 1572) Bill "An Act to Amend the Laws Governing the Intensive Supervision Program" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-398)

(H.P. 1159) (L.D. 1700) Bill "An Act Concerning the Construction of the Maine Revised Statutes" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-399)

(H.P. 406) (L.D. 589) Bill "An Act to Establish a Crime and Penalty for Killing a Person While Hunting" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-400)

(H.P. 1177) (L.D. 1718) Bill "An Act to Provide for Administrative Correction of Certain Errors and Inconsistencies in the Maine Revised Statutes and to Establish the Commission to Study Resolution of Conflicting Enactments" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-401)

(H.P. 1229) (L.D. 1793) Bill "An Act to Ensure Notification of Guardians Ad Litem of Changes in Foster Care Placement of Children" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-402)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 28, 1991, under the listing of Second Day.

(H.P. 964) (L.D. 1391) Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-403)

On motion of Representative Jalbert of Lisbon, was removed from Consent Calendar, First Day.

On motion of the same Representative, was recommitted to the Joint Standing Committee on Aging, Retiring and Veterans and sent up for concurrence.

(H.P. 1234) (L.D. 1798) Bill "An Act to Establish the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities" Committee on Human Resources

reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-404)

(H.P. 482) (L.D. 676) Bill "An Act to Allow Unemployment Compensation Benefits to be Payable to Individuals Who are Forced to Leave Employment to Protect Their Health and Safety" Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-405)

(H.P. 1297) (L.D. 1877) Bill "An Act Regarding the Ministerial and Grammar School Fund of Turner" Committee on State and Local Government reporting **"Ought to Pass"**

(H.P. 1021) (L.D. 1494) Bill "An Act to Assist Maine Citizens with Health Insurance Costs" Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-408)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 28, 1991, under the listing of Second Day.

(H.P. 1134) (L.D. 1659) Bill "An Act to Protect Consumers from Unfair and Deceptive Telephone Practices" Committee on Utilities reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-410)

On motion of Representative Clark of Millinocket, was removed from Consent Calendar, First Day.

On motion of the same Representative, was recommitted to the Joint Standing Committee on Utilities and sent up for concurrence.

(H.P. 1219) (L.D. 1777) Bill "An Act to Deregulate Mobile Telecommunications Services" Committee on Utilities reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-411)

(H.P. 1306) (L.D. 1888) Bill "An Act to Ensure Continuity in Liability for Ground Water Contamination" (EMERGENCY) Committee on Energy and Natural Resources reporting **"Ought to Pass"**

(H.P. 987) (L.D. 1432) Bill "An Act to Establish and Implement the Maine Nonpoint Source Pollution Control Program" Committee on Energy and Natural Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-415)

(H.P. 693) (L.D. 992) Bill "An Act to Amend the Mandatory Zoning and Subdivision Control Laws" Committee on Energy and Natural Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-416)

(H.P. 1029) (L.D. 1502) Bill "An Act to Provide for the Acquisition of Property for the Establishment, Preservation or Enhancement of Open Space and Recreation Corridors in the State" Committee on Energy and Natural Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-417)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 28, 1991, under the listing of Second Day.

By unanimous consent, all matters requiring reference and the two matters being recommitted to committees were ordered sent forthwith to the Senate.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 15) (L.D. 3) Bill "An Act to Allow Relicensing of an Existing Biomedical Waste Facility" (EMERGENCY) (C. "A" S-162)

(S.P. 237) (L.D. 628) Bill "An Act to Ensure Community Participation in Substance Abuse Programs and Planning" (C. "A" S-154)

(S.P. 396) (L.D. 1072) Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage" (C. "A" S-161)

(S.P. 433) (L.D. 1154) Bill "An Act to Clarify the Tax Status of Nonprofit Hospitals, Nursing Homes and Boarding Homes" (C. "A" S-168)

(S.P. 612) (L.D. 1616) Bill "An Act Relating to the Jail Operations Surcharge Fund" (C. "A" S-163)

(H.P. 1215) (L.D. 1773) Bill "An Act to Require Parental Consent to Adoption before a Probate Judge"

(H.P. 989) (L.D. 1434) Bill "An Act to Amend the Law Regarding Assessment of Insurers and License Fees under the Insurance Law" (C. "A" H-352)

(H.P. 934) (L.D. 1354) Bill "An Act Relating to Insurance of Rental Motor Vehicles" (C. "A" H-353)

(H.P. 230) (L.D. 321) Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies" (C. "B" H-354)

(H.P. 814) (L.D. 1168) Bill "An Act to Clarify the Status of Employee Benefit Excess Insurance" (C. "A" H-355)

(H.P. 53) (L.D. 74) Bill "An Act Regarding Liability for Persons Responding to Oil Spills" (C. "A" H-360)

(H.P. 726) (L.D. 1030) Bill "An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians" (C. "A" H-361)

(H.P. 760) (L.D. 1094) Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (C. "A" H-365)

(H.P. 1157) (L.D. 1698) Bill "An Act to Promote Participation in Affordable Telephone Service" (C. "A" H-368)

(H.P. 1092) (L.D. 1592) Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and Make Certain Other Changes" (EMERGENCY) (C. "A" H-369)

(H.P. 778) (L.D. 1110) Bill "An Act Regarding Passing of School Buses" (EMERGENCY) (C. "A" H-378)

(H.P. 668) (L.D. 948) Resolve, Authorizing the Bureau of Public Improvements to Conduct a Study of All State Work Places (C. "A" H-379)

(H.P. 696) (L.D. 1000) Bill "An Act to Preserve Public Ownership of Historic Fort Gorges in Casco Bay" (C. "A" H-380)

(H.P. 586) (L.D. 837) Resolve, to Create a Demonstration Program to Increase Utilization of the Food Stamp Program by the Elderly (C. "A" H-382)

(H.P. 970) (L.D. 1411) Bill "An Act Concerning the Number of Signatures Required for County Office Elections" (C. "A" H-384)

(H.P. 915) (L.D. 1312) Bill "An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons" (C. "A" H-386)

(H.P. 1121) (L.D. 1646) Bill "An Act Regarding Cable Television" (C. "A" H-388)

(H.P. 1155) (L.D. 1696) Bill "An Act Concerning the Unlawful Prohibition of Legal Activities as a Condition of Employment" (C. "A" H-389)

(H.P. 755) (L.D. 1089) Bill "An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes" (EMERGENCY) (C. "A" H-390)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act Concerning Federal and Other Special Revenue Funds in Maine State Government" (S.P. 685) (L.D. 1819)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Representative Chonko of Topsham, tabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1991.

PASSED TO BE ENGROSSED

Bill "An Act to Increase the Debt Limit of the Ogunquit Sewer District" (EMERGENCY) (H.P. 1255) (L.D. 1823)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Unclaimed Property Act" (S.P. 117) (L.D. 216) (C. "A" S-155)

Bill "An Act to Provide Confidentiality for the Records of Individuals Who Receive Funds from a Community Development Program Created Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205" (S.P. 527) (L.D. 1405) (C. "A" S-157)

Bill "An Act to Amend the Severance Pay Laws" (EMERGENCY) (S.P. 84) (L.D. 157) (C. "A" S-159)

Bill "An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs" (H.P. 454) (L.D. 644) (C. "A" H-359)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as amended in concurrence and the House Paper was Passed to be Engrossed as amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (H.P. 968) (L.D. 1395) (C. "A" H-363)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Tamaro of Baileyville offered House Amendment "A" (H-429) and moved its adoption.

House Amendment "A" (H-429) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-429) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Regarding Aquaculture" (H.P. 55) (L.D. 76) (C. "A" H-373)

Bill "An Act to Strengthen the Prohibition Against Illegal Transportation of Alcohol by Minors" (H.P. 901) (L.D. 1298) (C. "A" H-381)

Bill "An Act Dealing with Abandoned Automobiles in the State" (H.P. 1022) (L.D. 1495) (C. "A" H-383)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were Passed to be Engrossed as amended and sent up for concurrence.

Bill "An Act to Extend the Certificate of Need Program to All Major Medical Equipment" (H.P. 1051) (L.D. 1524) (C. "A" H-349)

Representative Tammaro of Baileyville offered House Amendment "A" (H-431) and moved its adoption.

House Amendment "A" (H-431) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, I would like L.D. 1524 and all its accompanying papers be indefinitely postponed.

I would just like to make two points today. This bill does not tinker with the CON process as it presently exists. The opposition is in extending it to the non-hospital setting.

The second point I want to make is that I want to make sure that everybody understands that the hospitals are opposed to this bill. The reason for that is they do not want to have to share their credits from the Hospital Development Account with anymore people than they have to. 42 hospitals are competing for credits within the Hospital Development Account. Already there is a two year waiting period for needy projects that have been approved by the Certificate of Need and certainly we do not need to further stress this account.

The end result is a loss of health care services and the people needing this health care are the ones who stand to lose.

I urge you to support the pending motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: First of all, I would call for the yeas and nays.

The Representative from Scarborough brought up a point that the Development Account is very low. Of all the years for us to be comparing the Development Account is this year. What committee hasn't spent the last three or four days trying to cut state government? The same people who we are talking about who would not have health care are the same people who will not have many of the other services that we in state government are providing. If memory serves me right, the latest go-around with the Governor's budget indicates almost a half a million dollars in cuts. A lot of services aren't going to be provided there also, whether it is in schools in your own community, whether it is in your own community in social service agencies, whether it is in the parks, whatever agency we are talking about, they are going to be taking cuts.

We are talking about the same people who are dealing with health care. This is not the year for us to be looking at increasing the Hospital Development Account when, on one hand, we increase that and, on the other hand, we are cutting state budgets the way we are. I would hope you would go along with what we did yesterday and pass this bill and send it on its way.

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

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

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

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: State regulators should not be permitted to restrict equipment preventing its use by any and all the patients. The state's share of the cost of the Medicaid program represents only three percent of the health care expenditures in Maine. The physician portion of the Medicaid, for instance, represents less than five percent of the Medicaid budget. This equipment, when placed in a private clinic outside the hospital, is taxed on personal tax and property tax. Therefore, I think this bill should be indefinitely postponed. I hope you will vote with that motion. These people are in private business and should not be included in the Certificate of Need.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I hope you will not go along with the pending motion but will go along with what we did last evening.

I think it is important to say that L.D. 1524 is about extending the Certificate of Need process to purchases of all major medical equipment costing \$1 million or more, regardless of the setting. Hospitals are also private businesses. We do not have public hospitals in our state, we have private hospitals, we have doctors in private practice. We have a limited number of people in our state and a limited number of dollars that can go for high technology medical care. We need to review that in whatever setting it is found, whether it is lithotripsy in the hospital or in an out-patient setting, in a physician ambulatory center, whether it is cataract surgery in a hospital out-patient department or cataract surgery in an ambulatory surgical center. We need to decide in a logical, rational manner how much money we have to spend on that kind of equipment, how many of each type of equipment we need in our state, where those ought to be located so that every person in our state has adequate access.

We are talking about looking at our health care system in a rational manner, not picking on one part of the system and saying that this particular portion can do whatever it wants, can purchase as many of million dollar types of equipment as it wants while another part of our system cannot. They are interrelated.

The out-patient department in hospitals have (frankly) been losing patients, losing care to

ambulatory centers outside of hospitals. That may or may not be appropriate for all parts of our state. We need to look at supporting our hospitals.

It is not true that all the hospitals do not support this legislation. There is a mixed feeling out there but it is also true that some of our hospitals are going to be more and more dependent upon their out-patient department in order to be viable institutions. In order to have that portion of in-patient care that we will need, not as often as we did before, but we will still need and if we want to have those hospitals as viable institutions, they need to be able to develop their out-patient services. And, we will also need to have certain types of services out of physicians offices in some parts of our state. But, we need to do this in a rational manner, we need to look at our total health care system with this type of very expensive medical technology. We are only talking about the most expensive of medical technology, a limited type of equipment, limited numbers of them and not all of medicine. We are looking, again, at a very limited part of our medical care system. I would urge you to defeat the pending motion.

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

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

I didn't understand the Representative from Brunswick, did she say a rationing manner or rational manner?

The SPEAKER: Representative Duplessis of Old Town has posed a question through the Chair to Representative Rydell of Brunswick who may respond if she so desires.

The Chair recognizes that Representative.

Representative RYDELL: Mr. Speaker, Men and Women of the House: Rational, we need to be rational in how we deliver medical care in our state when we are talking about the most expensive type of equipment. We only need a certain amount of some of that equipment and we need to be rational in how we apportion it around our state to assure access for Maine citizens.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I would like to pose a question. I thought the motion was indefinite postponement.

The SPEAKER: The Chair would answer in the negative, the Representative did not move indefinite postponement.

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

ROLL CALL NO. 83

YEA - Adams, Anthony, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Crowley, Daggett, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hognlund, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin,

Powers, Rand, Richardson, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Swazey, Townsend, Treat, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Clark, M.; Cote, DiPietro, Duffy, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Heino, Hepburn, Hussey, Kerr, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Merrill, Morrison, Murphy, Nash, Norton, Ott, Parent, Paul, Pendexter, Pendleton, Pines, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Ruhlin, Salisbury, Savage, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Donnelly, Hichens, Marsh, McKeen.

Yes, 74; No, 73; Absent, 4; Paired, 0; Excused, 0.

74 having voted in the affirmative and 73 in the negative with 4 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program" (H.P. 557) (L.D. 800) (C. "A" H-350)

Bill "An Act Regarding Public Exposure to Nonionizing Radiation" (H.P. 509) (L.D. 703) (C. "A" H-351)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were Passed to be Engrossed as amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Waldoboro Sewer District Charter" (EMERGENCY) (H.P. 1225) (L.D. 1783) (C. "A" H-370)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Tamaro of Baileyville offered House Amendment "B" (H-430) and moved its adoption.

House Amendment "B" (H-430) was read by the Clerk and adopted.

Representative Clark of Millinocket offered House Amendment "A" (H-387) and moved its adoption.

House Amendment "A" (H-387) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-370) and House Amendment "B" (H-430) and House Amendment "A" (H-387) thereto and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Concerning State Education Mandate Waivers" (H.P. 908) (L.D. 1305) (C. "A" H-358)

Was reported by the Committee on Bills in the **Second Reading**, read the second time, the House Paper was Passed to be Engrossed as amended and sent up for concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act to Establish a Fund to Promote Lobster Marketing" (H.P. 818) (L.D. 1172) (C. "A" H-364)

Was reported by the Committee on Bills in the **Second Reading** and read the second time.

Representative Mitchell of Freeport moved that L.D. 1172 be tabled for two legislative days.

Subsequently, the same Representative withdrew his motion to table for two legislative days.

On motion of Representative Mitchell of Freeport, tabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1991.

PASSED TO BE ENACTED

An Act to Provide an Expedited Process for the Commencement of Paternity Actions (S.P. 310) (L.D. 819) (C. "A" S-87; H. "A" H-340)

An Act to Exempt Certain Persons from the Counselors Licensure Laws (S.P. 357) (L.D. 959) (C. "A" S-140)

An Act to Encourage the Development of Air Transportation Service to Small Communities (H.P. 602) (L.D. 862) (C. "A" H-269)

An Act to Amend Certain Commercial Motor Vehicle Laws (H.P. 636) (L.D. 906) (C. "A" H-268)

An Act to Encourage Recycling of Waste Oil (H.P. 658) (L.D. 937) (C. "A" H-191; H. "A" H-309)

An Act Concerning Credit Card Surcharges (H.P. 829) (L.D. 1195) (C. "A" H-282)

An Act to Clarify the Landlord's Handling of Abandoned Property (H.P. 873) (L.D. 1259) (C. "A" H-274)

An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State (H.P. 875) (L.D. 1261) (C. "A" H-273)

An Act to Notify the Probation Officer and the Probationer When a Motion Is Filed to Terminate

Probation at a Time Earlier Than That Provided for in the Sentence (H.P. 878) (L.D. 1269) (H. "A" H-337 to C. "A" H-207)

An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters (H.P. 893) (L.D. 1290) (C. "A" H-267)

An Act to Improve the Smoke Detector Laws (H.P. 897) (L.D. 1294) (C. "A" H-275)

An Act to Increase the Late Fee for Dog Licenses (H.P. 932) (L.D. 1352) (C. "A" H-272)

An Act to Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A (H.P. 1053) (L.D. 1542)

An Act to Make Maine Milk Laws Conform to Federal Laws (H.P. 1060) (L.D. 1549) (C. "A" H-271)

An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System (H.P. 1084) (L.D. 1578)

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

FINALLY PASSED

Resolve, To Require the Department of Human Services to Inform Certain Persons of their Rights (H.P. 776) (L.D. 1108) (C. "A" H-278)

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources (S.P. 457) (L.D. 1233)

TABLED - May 20, 1991 by Representative MITCHELL of Freeport.

PENDING - Passage to be Enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 1233 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-422) and moved its adoption.

House Amendment "A" (H-422) was read by the Clerk

and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-422) in non-concurrence and sent up for concurrence.

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

An Act to Clarify the Appointment and Dismissal of the Warden of the Maine State Prison (H.P. 775) (L.D. 1107)

TABLED - May 20, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, May 28, 1991.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on Legal Affairs on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)

TABLED - May 20, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative LAWRENCE of Kittery that the House accept the Majority "Ought Not to Pass" Report (Roll Call Requested) and later today assigned.

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

Bill "An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities" (H.P. 1271) (L.D. 1842)

TABLED - May 20, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1991.

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

Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties" (H.P. 813) (L.D. 1167)

TABLED - May 20, 1991 by Representative MAYO of Thomaston.

PENDING - Adoption of House Amendment "A" (H-375) to Committee Amendment "A" (H-305)

On motion of Representative Mayo of Thomaston, retabled pending adoption of House Amendment "A" (H-375) to Committee Amendment "A" (H-305) and specially assigned for Tuesday, May 28, 1991.

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

SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-160) - Minority (3) "Ought Not to Pass" - Committee on Taxation on Bill "An Act Concerning the Sales and Use Tax on Aircraft Parts" (S.P. 375) (L.D. 1009)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-160)

TABLED - May 22, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

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

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

This bill comes to us from the two major airports in the state, the Portland Airport and the Bangor Airport. Their problem is, as they explained it to the Taxation Committee, that they are a very rare exception here in Maine in that, when they do maintenance work on aircraft at the two airports, they are forced to charge a sales tax on the parts that are used in that maintenance. That is a rare thing in the northeast and consequently they say that they are not going to do any maintenance business at either airport because of the sales tax.

I believe what they are saying. The city managers and the airport managers from both cities came down, however, it kind of greets you with mixed emotions because of the fact that the Taxation Committee is informally taken a position this year that we don't grant any sales tax exemptions because of the fact that we don't have any money.

However, this bill is a little unique in that even though it grants a sales tax exemption, there is no fiscal note on it. I asked John LaFaver, the tax assessor, how it could be that there was no fiscal note on this and he told me that in trying to arrive at what it would cost the state to grant this exemption, he called several airlines that do business in Maine, Delta, Continental and whatever else lands in Portland and found that they weren't doing any business in Maine that involved aircraft parts, mostly because of the sales tax. They were having their maintenance work done in Massachusetts and New Hampshire. The bill has no fiscal impact because there isn't any business being done now.

We felt that we were placing our airports at a disadvantage and that we probably ought to exempt aircraft parts, that is why it has a Majority "Ought to Pass" Report and I urge the House to support it.

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

Representative DORE: Mr. Speaker, is the bill

properly before the body, pursuant to Maine Constitution, Article IV, Part 3rd, Section 9?

The SPEAKER: The Chair would advise the Representative that the question of constitutionality of an issue is not decided by this body even though each one of us may have an opinion. It does not matter whether one is a constitutional attorney or whether one is a practicing attorney without a license. The issue of constitutionality is to be decided only by the courts. However, the Chair would advise the Representative that this bill does not raise funds and, in the Chair's opinion, it would be a violation of Section 9, Part 4, Section 1.

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: L.D. 1009 with Committee Amendment "A" (S-160) is a sales tax exemption. It is an exemption on aircraft parts. We are currently facing the largest fiscal crisis the state has ever faced. We are in a situation where we have been called one of the ten worst states fiscally of the 50 in this country. We are considering the elimination of many exemptions and I have heard many of you say that all exemptions ought to be on the table, exemptions that already exist, exemptions that do good like the social services exemptions, certain business tax exemptions that are already on the books, already in place and that businesses are already utilizing. They are all up for grabs because of the state that we find ourselves in fiscally and because we don't want to raise anymore tax dollars than are necessary.

Along comes this bill and this proposal to give yet another exemption to one small business in one part of the state so that perhaps, maybe, they can attract some business. No guarantees and one would hardly think that the sales tax on an aircraft part would be the reason one can't bid competitively but perhaps that is so.

The problem with this is not that this costs money because it doesn't cost us any money at all until someone gets this business going. The problem with this is that we are giving out an exemption when we are still in the process of deciding whether or not to remove others. The problem with this is that we are giving out an exemption in the hopes that we can generate some business that we don't even have when we are struggling to maintain the businesses that already exist in this state.

The Majority Report asks you to extend an exemption to someone who may come along and get a business going and, if it does, we will get some income taxes. There isn't anyone out there saying I will send you these aircraft if you will give this sales exemption out.

When you are going to be asked on roll calls to vote for additional taxes and maybe asked on roll calls to vote for the elimination of exemptions, do you want to be on a roll call that adds a new exemption for one business in one area of the state? If you vote for this, there is absolutely no earthly reason not to extend this to truck parts and there is a very sizable fiscal note if you extend this to truck parts. Why, you ask, would I extend an aircraft parts exemption to truck parts exemption — I will tell you why, interstate commerce is why. What is good for one industry in interstate commerce in Maine ought to be good for its competing industry, the trucking industry in interstate commerce in Maine. If we pass this this year, it is only right

and good that we should also pass it for those engaged in the trucking industry and that has a substantial fiscal note. If you don't do that, then what you are doing is you are effectively creating a very unlevel playing field for two different areas of interstate commerce in the State of Maine.

I hope that you will vote against this. I would like to see this indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I might go along with this bill except that just yesterday, in Oxford County, we were approached by an airport, which two years ago had no business at all, today it has 18 employees refurbishing airplanes which has asked us to support a \$485,000 bond issue so it can have up to ten more employees.

It is a business which has grown dramatically in the last year. They started in January of 1990, only a year after they had started their business and in 1990 which was a down year for the State of Maine, they added seven more employees. That business, I would suggest, would be exempt from taxation on sales tax if this bill is passed. It is a business in my area, Oxford County, not in my district but in Oxford County — it is a business which is growing faster than they can handle right now. Eight-five percent of the business comes in from out-of-state, 85 percent they told us. I forgot if they are doing seven planes a month, (I think they are) mostly small planes of course.

Normally, I would tend to support something that helped an industry in my area but I am very low today to vote for any tax exemption where I know there is a legitimate business that has grown dramatically and which is telling us that, regardless of the downturn in business, it will be gaining by its new facility a minimum of seven and up to at least ten new employees. So, I would suggest to you it is a multi-million dollar business in Oxford, Maine and I would suggest that we should not consider that this is a fiscal free bill.

I would urge you not to act in favor of the pending motion so that we may later vote to have this bill indefinitely postponed.

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

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

My question is directed to Representative Cashman, please. Is this exemption exclusive for the two major airports of the state?

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

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, the answer to the question is no, it is not. It would be a statewide policy that aircraft parts would be sales tax exempt. If I gave the impression that it was, it was only in pointing out that the bill was brought in by the two major airports in the state but it would not be for their exclusive benefit.

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

Representative DORE: Mr. Speaker, I would like to ask a question to the Chair.

Can I have this bill tabled for an opinion by the

Attorney General about the constitutionality? Would that be appropriate or inappropriate at this time?

The SPEAKER: The Chair would answer that the Chair is not in a position to be making motions to table.

Representative DORE: I move that the bill and all accompanying papers be indefinitely postponed and further request a roll call vote on that motion.

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

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

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I voted this bill out "Ought to Pass" and I would like to tell you why. This bill was sponsored by a member of the other body and, in doing so, he did it to make an incentive to help business come into this state. There was a business, Duty Air Bus, which is looking for a place on the east coast and also on the west coast of the United States to bring planes in for maintenance. Bangor, Maine already has the hangers for them to take the planes in and to do this repair and maintenance work. Pease Air Force Base (which has closed down) also has some empty hangers, as I am sure most of you people know. There is also a place on the west coast they are looking at.

In the process of listening to this bill and having the two major airports in the State of Maine tell us some of the problems they have — we had an article in our local paper at home and what it said was that they didn't worry about Duty Air Bus coming into the state to the north of New Hampshire because of our tax policies and that they weren't even going to consider that. You know, sometimes that kind of irritates me even though probably I should have voted against the bill so that my constituents could work at Pease because we are hurting a little bit because of Pease closing. Nevertheless, my Maine birth I guess, got me a little teed off and I said it is time that we gave incentives to businesses from overseas and we start looking at it worldwide because there are a lot of businesses coming in. Well, it hasn't been decided whether it is going to Pease yet but it is now between Pease and a base on the west coast. From all reports, it looks good, we will probably have it at Pease.

Therefore, Maine, once again, has to take a back seat. It is going to create jobs and what little bit we would lose in sales tax, if it created some of the jobs up there which we have lost at Bangor Airport, I say it is worth it. It is an incentive and I think it is time that we changed the image of the State of Maine that it is a business state, we want businesses and that we are willing to give a little incentive for businesses to come in here.

I hope you vote against the pending motion so that this bill can go on and become enacted.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention to the fact that this bill states that this is for

scheduled airlines and the performance of service under federal regulations of the Civil Aeronautics Board. This does not cover other airlines.

I would also like to state that there have never been any parts that I am aware of that have been sold in the State of Maine so that we would not be losing any taxes because we have never had them. If there were parts flown in to be installed on our scheduled airlines breakdowns, they would come in from another state. They would be bought and paid for in another state but the benefits we would receive would be the people who would be employed to do the repair work and to keep the business here and that is where we will generate some money. It isn't specifically for Bangor, it is for Bangor and Portland. I wish you would think about that and vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, I would like to pose two questions through the Chair if I could to anyone on the committee who heard this bill and ask that they might respond to them.

The first is, in your deliberations, did anyone tell you about the business of refurbishing airplanes which is currently going on at the Oxford County Airport in Oxford, Maine?

Second, did I understand the good lady from Bangor to indicate that this bill would only apply to sales taxes on parts that were incorporated into scheduled airlines?

The SPEAKER: Representative Hastings of Fryeburg has posed two questions through the Chair to any member of the Committee who may respond if they so desire.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: To the second question that the gentleman asked, the gentlelady from Bangor is exactly correct. If you read the bill it says, "In this state when used by a scheduled airline in the performance of service under federal regulations of the Civil Aeronautics Board."

In answer to the first part of his question, I am sure that there is light aircraft maintenance done at every airport in the state. I know they do light aircraft maintenance in Old Town. This bill pertains to our commercial airlines, Delta, Continental, so on and so forth. There are a number of hangers in the Bangor airport that are now empty which formerly had been used by scheduled airlines for maintenance. They are not used anymore. That is the reason there is no fiscal note because that is who the bill applies to and they are not repairing their aircraft there now.

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

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

To whoever would like to answer — wouldn't it be an incentive to business, all businesses, if we just did away with the sales tax, period?

The SPEAKER: Representative Luther of Mexico has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: It would be an enormous

incentive to all business in Maine if we would just eliminate the sales tax. I guess we would all have to go home tomorrow because we would have to shut down state government immediately.

The point of this is, yes, this is scheduled airlines and I would like to briefly speak to that again.

The point of this is, at this time, we are considering a gasoline tax increase that will have an enormous impact, negative impact. By the way, jet fuel is different from gasoline. There is an enormous impact on everyone traveling in every way and here we have a 747 that flies into Maine and it loses something, something doesn't work. Are they going to tow it out-of-state to fix it? Have you seen any 747's being towed down the turnpike because it needs a part and they don't want to pay the sales tax on a part if it is here? Oh sure, you could fly in some planes for extra maintenance and generate a business and that is what they are trying to do but, when you are increasing everybody's tax later this year on gasoline and all their sales and on amusements and, heaven knows what else, and you are eliminating several tax exemptions, some of which are for business and far broader and better for all types of business, do you really want to have on your roll call a vote for a new exemption?

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: You know, I think we have all said at one time or another that the best economic recovery is new jobs that are here year-round. If it is one new job or ten new jobs or 100 new jobs and we have brought them in because we took the turn instead of sitting here bemoaning the fact that we are in a downslide, we are going to keep going down unless we do come up with business incentives.

The best welfare program was a new job, the best economic recovery plan is going to be new jobs and they are going to be jobs we need year-round. We can't play a roll of the dice that the tourists are going to come here in droves every year, that the good Lord is going to make the sun shine and we are going to have Florida type temperatures everyday so that we know they are going to be here, we have to do something on our own to bring in new business. There is availability of space for this particular business and there is competition for this business, it is in New Hampshire, it is all up and down the east coast. I can tell you now that there are very, very few places that have sales tax on this particular item.

What we are trying to do is create a level playing field so that we can compete for these jobs throughout New England and the east coast.

I ask you to please vote against indefinite postponement and support this.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: A couple of facts that were not brought up earlier and perhaps some I will reiterate on a different slant. The fact is that there are ten northeastern states and, out of those ten, six allow this type of exemption. The fact of it is that we have a major airport in Bangor. We have an airport that has access to international connections in Europe and Asia and the British Isles. The fact of it is that we have got a lot of

empty space up there. The fact of it is that there is interest for people to come in and open up new jobs. The fact of it is that we are in economic bad times. The fact of it is that we are not going to lose any money if we pass this bill. In fact, we are going to gain money because we are going to be putting people back to work. We lost 300 jobs when we closed them down last time. I would suspect that we would at least get back 300 jobs over a period of time, if not more. Those are people that go to post-secondary education that will fuel the use of our technical colleges, it will also provide jobs in a range of \$20,000 to \$40,000, those people get taxed and the state benefits.

This is a bill that is going to help the state overall because it is going to generate business in this state. It is going to utilize an airport that has the longest airstrip in the Northeast, Bangor International Airport, and that is not being fully used. I would urge you to please support this bill.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I voted on the Majority Report and I would like to simply indicate why. First of all, we are not losing money.

Secondly, nothing is set in concrete at this point in time. At this point in time, we could certainly use those new jobs and we could certainly use the tax money that comes in from those new jobs.

Moreover, European airlines — for example, a German airline is seriously considering Pease in New Hampshire for maintenance work. This has become an international market, if you will. I should hate to see Maine lose getting some of that international business because of competition with Pease, which is all in their favor right now.

As I said, nothing is set in concrete but, at this particular point in time, I think the right thing to do is to favor this bill. So, I am going to vote against the motion on the floor and I hope you will follow me.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: If you do not pass this bill, the people of New Hampshire will thank you because 8 miles from my house is an airport and they want the business that is in Presque Isle and they want the business that is in Bangor. So for their sake, don't pass the bill.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would just like to make clear what I see as the principle that is at stake here. It sounds to me like the Taxation Committee, which I have great respect for and I know is working very hard this year on very important matters, had some missing factual information when they made their decision. If Representative Hastings is right about the business that currently exists and is growing rapidly in his district, this bill clearly will cost the state money.

I understand the arguments and I understand the passion about what other people have said but I think this becomes a tax expenditure and we are making a statement that we are willing to give x-amount of

ROLL CALL NO. 84

dollars to businesses. I support the idea of providing business incentives but this year we have to look at all the business incentives we have to provide, the best business incentive they say is a skilled work force. We are cutting education by \$200 million dollars right now. They say the best business incentive next to a skilled work force is a good infrastructure and we have a shortfall of \$20 some million in the Highway Fund and we are talking about raising gas taxes.

I would suggest that we have other business incentives that are at stake right now and this should go in a pile of things that we have to look at when we are looking at the whole picture. It may well go there if the fiscal note gets corrected but I feel compelled to vote against this bill for that reason.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to correct the statement made by my good friend, Representative Farnsworth, perhaps she wasn't listening when the Representative from Bangor corrected the Representative from Fryeburg, Representative Hastings, on who the bill applies to. It applies to aircraft parts used in this state for scheduled airlines in the performance of service under federal regulations of the Civil Aeronautics Board. It does not apply to the business that Representative Hastings referred to and the committee did know that, we were not suffering from lack of information. We may have had other problems we were suffering from but that is why the bill does not have a fiscal note and the fiscal note really doesn't need to be corrected.

I also would like to respond to a question that was asked a little while ago as to whether it would be advantageous to business if we did away with the sales tax completely — a good question, probably a little sarcastic, but a good question. Yes, if the State of Maine didn't tax businesses at all, would we be at a competitive advantage to other states? Sure, but we have to, to pay for state government. I think generally the policy of the Taxation Committee has been, over the years that I have been on there, if we were assessing a sales tax on business that puts that particular business in a competitive disadvantage, then perhaps we ought to look at it. In this case, I think and at least 10 members of the committee felt that we were putting — and mind you, this isn't a tax break for a business, this bill comes from the Airport Authorities in the cities that handle the aircrafts. Their business is renting hangar space to maintenance crews. They are not doing any. We feel the reason they are not is because they are at a competitive disadvantage and, when the State Tax Assessor wrote the fiscal note and checked with scheduled airlines, he reported back to us that that is what the scheduled airlines said, that Maine is at a disadvantage, that is why they don't do business here. That is why 10 members of the committee voted this bill out "Ought to Pass" and I would encourage the House to defeat the pending motion and accept the Majority Report.

The SPEAKER: The pending question before the House is the motion of the Representative from Auburn, Representative Dore, that L.D. 1009 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

YEA - Adams, Aliberti, Anthony, Bennett, Carroll, D.; Chonko, Clark, M.; Coles, Dore, Dutremble, L.; Farnsworth, Foss, Gean, Goodridge, Gray, Gwadosky, Handy, Hanley, Hastings, Heesch, Heino, Hoglund, Ketterer, Kilkelly, Larrivee, Lawrence, Lemke, Lipman, Luther, Marsano, Mayo, McHenry, McKeen, Michaud, Nutting, Oliver, Pendleton, Pfeiffer, Pineau, Rand, Richardson, Rotondi, Rydell, Saint Onge, Salisbury, Swazey, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bell, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, J.; Cashman, Cathcart, Clark, H.; Constantine, Cote, Crowley, Daggett, DiPietro, Duffy, Duplessis, Erwin, Farnum, Farren, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Hepburn, Hichborn, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Kontos, Kutasi, LaPointe, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Mahany, Manning, Martin, H.; Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, O'Dea, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Ruhlin, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tammaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Bailey, H.; Donnelly, Hichens, Jacques, Marsh, Nadeau, The Speaker.

Yes, 48; No, 96; Absent, 7; Paired, 0; Excused, 0.

48 having voted in the affirmative and 96 in the negative with 7 being absent, the motion did not prevail.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I did not speak on the motion to indefinitely postpone because I had hoped that the logic of the Representative from Auburn would prevail.

This bill reminds me of a warm, little puppy dog that wandered into the house and in these trying times, we all look for some kind of creature to pat that will make us feel good. I recognize that the Representative from Old Town is attempting to put food on people's tables and I applaud that. Unfortunately, this bill is tax gimmickry and is, therefore, bad tax policy.

What we do is to wander down the same avenues of tax gimmickry that we have before. Because I disagree with the philosophy, I will vote against this bill.

Representative Coles of Harpswell requested a Division.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call as we will be voting on many other tax bills this year.

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

A vote of the House was taken and less than

one-fifth of the members present and voting not expressing a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 50 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-160) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 28, 1991.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 514) (L.D. 1375) (C. "A" S-156)

TABLED - May 22, 1991 by Representative MAYO of Thomaston.

PENDING - Motion of Representative RAND of Portland to Indefinitely Postpone Bill and Accompanying Papers.

Representative Erwin moved that L.D. 1375 be tabled one legislative day.

Representative Rand of Portland requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Erwin of Rumford that L.D. 1375 be tabled one legislative day.

Representative Martin of Eagle Lake and Representative Norton of Winthrop were excused from voting pursuant to House Rule 19 and Joint Rule 10.

The SPEAKER: The pending question before the House is the motion of Representative Erwin of Rumford that L.D. 1375 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 85

YEA - Adams, Aliberti, Bailey, H.; Boutilier, Cahill, M.; Chonko, Clark, H.; Coles, Constantine, Crowley, Daggett, Dore, Duffy, Erwin, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Look, Lord, Mahany, Manning, Marsano, Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau,

Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ruhlin, Rydell, Saint Onge, Savage, Simpson, Spear, Stevens, P.; Stevenson, Swazey, Tardy, Townsend, Treat, Whitcomb.

NAY - Aikman, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Bowers, Butland, Carleton, Carroll, J.; Cashman, Cathcart, Clark, M.; Cote, DiPietro, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Gean, Greenlaw, Heino, Hoglund, Kontos, Kutasi, Libby, Lipman, Luther, MacBride, Macomber, Martin, H.; McHenry, McKeen, Merrill, Murphy, Nadeau, Ott, Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Rand, Richardson, Ricker, Rotondi, Salisbury, Sheltra, Simonds, Small, Stevens, A.; Strout, Tamaro, Tracy, Tupper, Vigue, Waterman, Wentworth.

ABSENT - Bennett, Carroll, D.; Donnelly, Hichens, Jacques, Marsh, Skoglund.

EXCUSED - Norton, The Speaker.

Yes, 79; No, 63; Absent, 7; Paired, 0; Excused, 2.

79 having voted in the affirmative and 63 in the negative with 7 being absent and 2 excused, the bill was tabled pending the motion of Representative Rand of Portland that L.D. 1375 and all accompanying papers be indefinitely postponed and specially assigned for Tuesday, May 28, 1991.

The Chair laid before the House the second tabled and today assigned matter:

An Act to Enhance the Filing of Documents in the Registry of Deeds (H.P. 95) (L.D. 136) (H. "A" H-286 to C. "A" H-229)

TABLED - May 22, 1991 by Representative JOSEPH of Waterville.

PENDING - Passage to be Enacted.

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

The Chair laid before the House the third tabled and today assigned matter:

An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs (H.P. 86) (L.D. 121) (S. "A" S-58 and H. "F" H-247 to C. "A" H-72)

TABLED - May 22, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Motion of same Representative to Reconsider Indefinite Postponement of Bill and All Accompanying Papers.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Ladies and Gentlemen of the House: This motion is an effort to keep a bill alive that should have died a long time ago. I thought it did Monday evening. I realize that oftentimes this motion is granted as a courtesy when there might be something new to consider but, to my knowledge, there is no new proposed amendment to be offered this evening. So, I can only conclude that it is an effort to revisit a bill that we have

twisted, fractured and debated to death. I ask that you let it rest in peace and defeat this motion.

Mr. Speaker, I request a Division.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly disagree with the previous speaker and feel that maybe there is not new information to come before the body but I do believe that there needs to be some clarification.

This bill has been through a great deal in both bodies and we have discussed it and talked about it and there have been a variety of amendments. Some of those amendments have passed and some have not passed. I think it is important to note that there is a handout on your desk that very clearly explains exactly what this bill does.

I would urge you to go along with the motion to reconsider so we could take a look at it again and possibly clarify some of the questions that people have raised so I would urge you, please, to reconsider this bill.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: All of you have been plagued by me, by the other side, by many people, phone calls and time is running short. It would be nice if we could revisit all the issues on which we disagree with the outcome of the vote. Under most circumstances, I would support reconsideration of an issue if new information was forthcoming. I ask if any of you need more information about this bill? If so, if we reconsider it, I will be glad to debate it tonight and I am sure many other people will as well.

I ask you to vote against the motion to reconsider. We would all like to get out of here, we are prepared to try it again and argue our position. Please, time is running out and I urge you to vote against the motion.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I had anticipated that possibly something could be worked out on reconsideration but as I was told by others who supported the bill very strongly that there was to be no compromise with their position.

The amendment that you might have seen floating around with my name is not for what the reconsideration is to be had tonight. It is rather to reconsider issues which I consider have already been rehashed and I would hope that you would vote against the reconsideration motion.

Representative Gurney of Portland requested a roll call.

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

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

On motion of Representative Strout of Corinth, tabled pending the motion of Representative Gwadosky of Fairfield that the House reconsider indefinite postponement of bill and all accompanying papers and

specially assigned for Tuesday, May 28, 1991.

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

SENATE PAPERS

The following Joint Order: (S.P. 715)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 28, 1991, at nine o'clock in the morning.

Came from the Senate, read and passed.

Was read.

Representative Gwadosky of Fairfield offered House Amendment "A" (H-436) and moved its adoption.

House Amendment "A" (H-436) was read by the Clerk in its entirety and adopted.

Subsequently, the Joint Order was passed as amended by House Amendment "A" (H-436) in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Cashman of Old Town, having voted on the prevailing side, the House reconsidered its action whereby An Act to Enhance the Filing of Documents in the Registry of Deeds (H.P. 95) (L.D. 136) (H. "A" H-286 to C. "A" H-229) was passed to be enacted.

On motion of the same Representative, was recommitted to the Committee on State and Local Government and sent up for concurrence.

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

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

The following Joint Order: (S.P. 717)

ORDERED, the House concurring, that Bill, "An Act to Establish the Maine Primary Care Residency Training Assistance Program," L.D. 999, S.P. 374, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

By unanimous consent, ordered sent forthwith.

On motion of Representative Swazey of Bucksport,
Adjourned at 5:52 p.m. until Tuesday, May 28,
1991, at eight-thirty in the morning pursuant to
Joint Order (S.P. 715)
