

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
48th Legislative Day
Thursday, May 25, 1995

The Speaker resumed the Chair.

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

Prayer by the Reverend Lloyd Leeman, Centenary United Methodist Church, Skowhegan.

National Anthem by the Belfast Area High School Chorus.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 173)

Maine State Senate
State House Station 3
Augusta, Maine 04333

May 24, 1995

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Insisted on its former action whereby it Accepted the Majority Ought Not To Pass Report on Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months" (H.P. 263) (L.D. 365).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 174)

Maine State Senate
State House Station 3
Augusta, Maine 04333

May 24, 1995

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Minority Ought Not To Pass Report on Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters" (H.P. 251) (L.D. 353).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Eleven Members of the Committee on Banking and Insurance on Bill "An Act to Require Mortgage Insurers to Offer a Policy Following the Cancellation of an Original Policy" (S.P. 314) (L.D. 895) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-160)

Signed:

Senators: ABROMSON of Cumberland

SMALL of Sagadahoc

Representatives: CAMPBELL of Holden

CHASE of China
GATES of Rockport
GUERRETTE of Pittston
LUMBRA of Bangor
MAYO of Bath
VIGUE of Winslow
MITCHELL of Vassalboro
SAXL of Portland

One Member of the same Committee on same Bill reports in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-161)

Signed:

Senator: McCORMICK of Kennebec

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

Signed:

Representative: JONES of Pittsfield

Came from the Senate with Report "A" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-160).

Was read.

Representative VIGUE of Winslow moved that the House accept Report "A" "Ought to Pass" as amended.

On further motion of the same Representative, tabled pending his motion to accept Report "A" "Ought to Pass" as amended and later today assigned.

Non-Concurrent Matter

Bill "An Act to Repeal the Snack Tax" (H.P. 144) (L.D. 192) on which the Minority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on May 17, 1995.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-208) in non-concurrence.

On motion of Representative MITCHELL of Vassalboro, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

An Act to Change the Commissions Payable to the State from Off-track Betting (EMERGENCY) (S.P. 240) (L.D. 637) (C. "A" S-95) which was passed to be enacted in the House on May 16, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-95) as amended by Senate Amendment "A" (S-156) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs" (S.P. 260) (L.D. 696) on which the Bill and accompanying papers were indefinitely postponed in the House on May 11, 1995.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-82) in non-concurrence.

Representative JOYCE of Biddeford moved that the House Adhere.

Representative HATCH of Skowhegan moved that the House Recede and Concur.

Representative JOYCE of Biddeford requested a division on the motion that the House Recede and Concur.

Representative HATCH of Skowhegan requested a roll call on the motion to Recede and Concur.

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

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

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: This particular bill went down in the House and came back to us in non-concurrence. I would like to speak to that. When it came out of committee there was some concern about an unfunded liability. At that time, the Fiscal and Policy Committee could not tell us what that was. We received a note saying that an actuarial had been done and the note would be somewhere from 3 or 4 million dollars. I checked into that and there were no actuarial figures run by the Retirement System actuarial based on their own figures. It was based on figures given to them and run through the system.

I find no problem with this bill. It was set up to allow people who were already members of the Retirement System and were within the VISTA program to come back and when they return to work buy just certain blocks of time, similar to when you serve in the military and you would have had to spend 15 years in the Retirement System itself, before you were allowed to buy this time. This note, I don't know where it came from, I don't have any idea. I only know that I question the note on there. I know that it has been debated in the other body and I would request that you would look at this.

We only had one person show up and testify that they would like this to be done. I don't know how many VISTA or Peace Corps volunteers there are out there. There are some numbers floating around like 900, but I haven't seen anything to back that up statistically in the state of Maine. I have no idea. I am sure if there were 900 VISTA and Peace Corps volunteers probably there would be very few of them who would even belong to the Retirement System or who could buy back time. We are only requesting that you allow them to do this just like you do service volunteers.

There was also something brought up that said you can only buy back service if it was during a war time period. That is exactly not true. If you served in the Armed Forces and you belong to the Retirement System, you can buy back certain amounts of time. It is only a small block of time, but it is not just during war time that you can buy back time. They wanted to discredit that, but I think anytime our people serve in a foreign country, we ought to allow them to do certain things.

I am not sure what the fiscal note is and I am sure we could debate that all day, but the truth of the matter is, the Retirement System has no way of knowing what their fiscal note would be. I assume that it is very low and would not be any more than a couple thousand dollars. It would be nothing in the

3 or 4 million dollar range over the next couple of years. They have to pay back their own time, their percentage plus interest. I would ask that you would vote to go along with this and Recede and Concur with the Senate.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: If I understood the good Representative correctly, no one knows what this will cost the state. No one knows how many people we are talking about.

In the city of Bangor several years ago we discussed the issue of whether or not to allow city employees to buy time, who were in the Vietnam War and the unfunded liability to the city side for the Retirement System was going to be \$700,000 and that is in a municipality that only employs a few hundred people. It scares me to death to imagine how many people we might be talking about. Nobody has the real hard fact numbers and I think if we are going to discuss this issue, we should put this off for another year and actually do a survey and find out how many employees we are talking about and find out how much money it is going to cost us.

The good Representative said that one person came forward, but she also stated that she heard there might be 900 people out there. We talked about several million dollars, but someone disputes that number. How can we possibly vote for something that is going to cost the state millions of dollars or maybe not even millions of dollars without knowing all the hard facts. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Last year I had the opportunity of serving on the Aging and Retirement Committee and the one thing we had for a problem is trying to correct an unfunded liability. I tell you, I would not be in favor of voting for this unless I understood exactly what the effect would be on the unfunded liability. This is a problem that we have to correct at some time and I think this is something very serious. We should give it our utmost attention. I urge you to oppose this. Thank you.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: Originally, two years ago, I put this bill in to take care of constituents problems. I felt serving in VISTA or the Peace Corps is identical to me serving in the military. I want to give that person and these people the same right that I have. They elected to serve in the VISTA or Peace Corps and I elected to serve in the service. I find nothing wrong with paying these people what they are looking for. Yes, there is only one person that came down from Patten, Maine, who went to Stearns High School in Millinocket. I think this is a real good bill and it is going to help a few people and there is nothing wrong with it. This bill has been around for a while. Don't put it off, let's take care of it today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House: I was the one who made a request to the Retirement System to try to figure out or have some idea of what the cost was. In recalling my

earlier conversation with you, I think I was very clear in saying that the biggest problem I had was we didn't have any idea what the cost was. A piece of paper that was passed out to every member here was very, very clear, I think, in saying to people that we had an idea and all we could do was set up some scenarios, because each individual case, the person who was going to buy back time, had to be computed individually and separately.

We did go to the actuary and we asked for a couple of sample situations on people where you could reasonably assume to be eligible. The 900 figure came up when someone said how many state employees and teachers, there are approximately 30,000 people combined that are in this system, how many people would have served in VISTA or Peace Corps? In the Peace Corps, I personally know four people, that is just me. Of those four people, three of them are teachers and one is a state employee. The problem comes when we really don't know.

The 900 people since the beginning of the Peace Corps in 1961 or 1962, there have been 960 people from the state of Maine that have served in the Peace Corps. How many of them are state employees? How many of them are teachers? We have no way of knowing and that is precisely the problem. Under current law, people who served in the Peace Corps and VISTA can buy the retirement credits, but they have to pay the actuarial cost of that.

There are lots of people that have that opportunity to do that, including some types of service, but if you have a 45 year old teacher, who is a state employee, who has served for 15 years as a state employee or teacher, they want to buy two years of Peace Corps service and their current pay is \$30,000 and the first year they became employed for the state they earned \$15,000. Under the current law, that member wants to buy the two year service, they pay \$12,000 and the cost to the state is zero.

Under the proposed law, the cost to the members \$1,950 and the cost to the state is \$10,150. All I said and I continue to say, if there are 100 people that would take that option, it would increase the unfunded liability by 1 million dollars. The actuarial cost of that, it would cost the state 4.2 million dollars to pay off that 1 million dollars in unfunded liability. The problem is we don't know what the cost is. We don't know what the numbers are and until we do, I think it is absolutely irresponsible for us to add additional unfunded liabilities or interest to the taxpayers and future taxpayers of this state. Thank you very much.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I am not going to speak to the sample figures or the guesstimates that Representative Winsor just gave us. I would like to say this. In order to even want to do this, remember they have to want to do this, they have to be in the Retirement System 15 years. They have to be vested. They have to be in the Peace Corps or VISTA. Just think of how many people that probably is, that is very, very few in this state. I also think it is important to remember that the people who serve in the Peace Corps or VISTA this is a military alternative for these people. It is foreign service for many of them. They are dedicated in the very same way those people who either volunteer or are

drafted into the service, I believe they should be treated the same way. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I don't mean to belabor this issue, but I would hope you would support Representative Hatch in her motion to Recede and Concur on this issue. This is an amended version of the original bill and its filing number is (S-82) and if any of you have had a chance to look it over, I would ask you to do that.

The amendment essentially restricts the purchase of retirement service credits provided by the original bill for members of the Maine State Retirement System, who were formally Peace Corps workers. It is important to note that the amendment requires payment for service credit purchased at the same rate for purchase as presently is done by the Armed Forces service credit. Presently it is already on the lot for them.

While I commend the Representative from Norway, Representative Winsor's concerns on actuarial expense, I think he should be commended, but in all honesty based upon testimony that has been given here today, the high fiscal impact projections are speculative at best. Having checked with the Retirement System as other members of the committee have, we received no such figures. For that reason, I would encourage you to support the motion to Recede and Concur.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This issue is one that I think we can all probably feel good if we vote for it. It is a nice thing to do, but I have to say I think in this particular session of the Legislature would be an irresponsible thing to do. You have heard people talk about the unfunded liability of the retirement fund. Up to this point, I think it is safe to say we have nearly ignored that.

Everyone of the 151 of us in this room has to take a responsibility for the state budget. This reminds me of what happened a couple of sessions ago around the Car-test issue. We made some decisions and they were based on probably what we know now to be not as good of information as we could have had. If it was one person, it would be very simple. I think it is very irresponsible for us to go ahead and do this with absolutely no idea. Maybe the good Representative from Norway is wrong, maybe it isn't going to be 100 people, but even if it is 50 people, folks, we have some serious financial problems in this state. We have a hospital tax issue. We have an unfunded liability for the retirement fund.

I think it is just unfair to push all this down to the Appropriations Committee and let them on the last night of the session try to make these decisions and then a month later we can blame the Appropriations Committee, because they didn't create money. Well they can't create money folks. It is the responsibility of each and every one of us here to make some very difficult decisions. It is easy to say yes. It is extremely easy to say yes. I think we have to make some very hard choices and this is one of them. It is a responsible choice to say at this particular time. Maybe at the next session this would be appropriate, when the retirement system can come back and give us some estimate. I don't see any

reason that they can't check on the number of people in the system and it could well be more than 100, nobody knows.

We make laws and we don't have the information ultimately, 90 percent of the time, we are going to being very sorry for this. It is much more difficult to undo these things than it is not to do them to begin with. I ask you not to dump this responsibility downstairs on the Appropriations people. They are going to have enough hard decisions. I urge you to vote against the pending motion. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative ROSEBUSH: Thank you. I am curious. These people are state employees and while they are employed they are paying their insurance and the state is paying their half and now they go into the VISTA or Peace Corps. Basically, the question I want to ask is the state would still be paying while they are working, but when they want to come back and buy back into it, is the state paying back what they would have been paying anyway if they stayed working? Are those people paying back what they would have paid if they stayed also?

The SPEAKER: The Representative from East Millinocket, Representative Rosebush has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Thank you Mr. Speaker. I will try to answer the member. As I understand it and I think I am accurate, this bill has nothing to do with if someone is a current state employee, well I suppose it does, but it is designed for somebody who a number of years ago served in the VISTA or Peace Corps for a period of two years, either in domestic Peace Corps or overseas and then following that becomes a state employee and after they serve 15 years as a state employee, under the current law have the right to buy those two years time by paying the full actuarial cost. This bill would simply allow them to only pay in the members contribution, in other words, that portion of their first years salary that they would normally pay in.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: I would just like to answer that question also. This particular bill when it was brought before our committee was brought on behalf of a teacher who had 15 years service within the state and had gone into the Peace Corps and had come back and requested that she be able to buy back the time. Just exactly like you would if you had gone into the service, that is what it was. It may be an exception.

We don't know how many people are out there. I would like to say, but we also don't know and there may be only a couple. I think we are looking at something very small. Most people wouldn't even know about this and whether they cared to buy back this time or could afford to, would be another thing. I think this is all guesstimate on our part. The thing is this is a 15 year teacher who wanted to buy back

two years of credible service and had gone back to teaching.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Sirois.

Representative SIROIS: Mr. Speaker, Men and Women of the House: I retired from the Loring Air force Base back in 1987, but in 1951 and 1952 I was at the base and I have a reduction in force. I took my retirement money at that time. I came back from New Haven Railroad back in 1966 and there was an opening back at the base and I went back to work at the base. In 1987, I retired and I had a choice of either paying back or let it be as it was. What happened was I paid it back and it made a difference in my pension of over \$200.

I feel that anyone who worked in the VISTA or Peace Corps is entitled to pay it back if he wants to. I feel he should pay it back and get more money for his time that he was away and besides that he is entitled to it and even if it costs a few dollars to the state, what the heck. All he has to do is jack up the tax and pay the gentlemen that was working for the government at the same time. Thank you.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House: I serve on the Labor Committee and Retirement Committee and I have heard the testimony. I haven't been here very long, but I know one way to kill a bill that makes sense and that is to throw a bunch of numbers out. I think it is fair for the military people to buy back their time and there is a vast amount of people who work for the state in public service do that. Very few people have served in the Peace Corps and I think it is just as fair that they also buy back their time if they wish to do so. Both have served this country well and I think they deserve it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Men and Women of the House: I also serve on the Labor Committee and I also was one who was able to buy back my military time a few years ago. I also know that in this particular case it is going to cost the state over \$10,000 in unfunded liability for this one case. If you want to take the chance that this is going to be the only case and you thing we can afford the \$10,000, that is fine.

I think this is the time to put the line in the sand and not cross it. We have to deal with this unfunded liability in many different areas and this is one of those places where we can say we feel badly about it, but we can't do it. The persons, under the present law, can buy the time served in the Peace Corps by paying the actuarial cost. That isn't excluded from them for that opportunity. It is just that the state cannot afford to add more to the unfunded liability at this time. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 116

YEA - Ahearne, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Gould, Green, Hatch, Heesch, Jacques, Johnson, Jones, K.; Joseph, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, McAlevy,

Meres, Mitchell EH; Mitchell JE; Nadeau, O'Neal, Paul, Poulin, Povich, Richardson, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, DiPietro, Donnelly, Dunn, Farnum, Gamache, Gieringer, Goolley, Greenlaw, Guerrette, Hartnett, Heino, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Adams, Birney, Daggett, Dore, Hichborn, Jones, S.; Lindahl, Morrison, O'Gara, Truman, Yackobitz.

Yes, 62; No, 78; Absent, 11; Excused, 0.

62 having voted in the affirmative and 78 voted in the negative, with 11 being absent, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information" (H.P. 788) (L.D. 1105) which was passed to be engrossed as amended by Committee Amendment "A" (H-252) in the House on May 17, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-252) as amended by Senate Amendment "B" (S-177) thereto in non-concurrence.

On motion of Representative MITCHELL of Vassalboro, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Authorize the Use of Loon Plates on Baxter State Park Authority Vehicles" (EMERGENCY) (H.P. 819) (L.D. 1150) which was passed to be engrossed as amended by Committee Amendment "A" (H-259) in the House on May 18, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-259) as amended by Senate Amendment "A" (S-175) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Fund Drug Abuse Resistance Education (DARE) by Increasing the Tobacco Tax by 1.5 Mills" (H.P. 1007) (L.D. 1418) on which the Unanimous "Refer to the Committee on Appropriation and Financial Affairs" Report of the Committee on Taxation was read and accepted and the Bill and accompanying papers referred to the Committee on Appropriations and Financial Affairs in the House on May 18, 1995.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Insist.

COMMUNICATIONS

The following Communication: (H.C. 161)

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE COMMITTEE ON BANKING AND INSURANCE

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 262

An Act to Allow Banks and Credit Unions to Request the Scheduling of Joint Compliance Examinations by 2 State Regulatory Agencies
An Act to Create a New Deductible for Workers' Compensation and to Clarify Reporting Requirements

L.D. 1430

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 162)

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE COMMITTEE ON HUMAN RESOURCES

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 228

An Act to Restrict the Duration and Amount of Welfare Benefits

L.D. 268

An Act to Create a Learnfare Program in the State

L.D. 1140

An Act to Allow Pharmacies That Serve Long-term Care Recipients to Receive Discounts from Manufacturers

L.D. 1248

An Act to Establish the Work-Not-Welfare Pilot Program

L.D. 1334

Resolve, to Renew the State's Commitment to Family Planning Services for Low-income Women and Teens

L.D. 1406 An Act to Assist Working Families during Catastrophic Illness and Economic Hardship through Eligibility for Medicaid

L.D. 1427 An Act to Promote Family Self-sufficiency by Changing the Welfare Rules Governing the Disregard Period

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter
Senate Chair

S/Rep. Michael J. Fitzpatrick
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 163)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 1057

An Act to Amend the Law Regarding Snowmobile Registration Fees
Resolve, to Establish the Sportsmen Policing Our Ranks Together Program

L.D. 1131

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 164)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 310 An Act to Limit Protected Classes Under Maine Law

L.D. 954 An Act to Limit Liability for Farm Pick-your-own Operations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 165)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 69 An Act to Require Binding Arbitration for Public Employees

L.D. 223 An Act to Amend the Workers' Compensation Laws Regarding Small Businesses

L.D. 534 An Act to Require the Department of Labor to Keep Statistics on the Number of Jobs That are Full-time, Part-time and Temporary

L.D. 537 An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employee Labor Relations Laws

L.D. 552 An Act Regarding Employer Errors and the Maine State Retirement System

L.D. 693 An Act to Allow Seasonal Public Employees to Be Eligible for Unemployment Compensation

L.D. 856 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Schedule for Paying Off the Unfunded Liability of the Maine State Retirement System

L.D. 1090 An Act to Require Reimbursement of Unemployment Benefits by Workers' Compensation Insurers

L.D. 1227 Resolve, to Establish a Task Force to Identify the Part-time Workforce in the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Charles M. Begley S/Rep. Pamela H. Hatch
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 166)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 63 An Act to Require Closure of the Discount Liquor Store in Kittery If a Discount Liquor Store Opens in Saco
- L.D. 867 An Act to Provide Certain Renters in Boarding Homes with the Status of Tenant at Will
- L.D. 920 An Act to Ensure That Landlords and Tenants Are Aware of the Right to a Court Hearing
- L.D. 999 An Act to Allow for Substitution of a Presidential Candidate Nominated by Petition BY REQUEST
- L.D. 1043 An Act to Allow Political Parties to Determine the Method of Nominating Candidates
- L.D. 1212 An Act to Eliminate State Participation in the Retail Liquor Business
- L.D. 1257 An Act to Clarify That an Arrearage by a Federally Assisted Tenant Applies Only to the Tenant's Share
- L.D. 1399 An Act to Control the Sale and Display of Tobacco Products
- L.D. 1460 An Act to Privatize the Liquor Industry
- L.D. 1494 An Act to Strengthen Prohibitions against Youth Access to Tobacco Products

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr.

Senate Chair

S/Rep. Guy R. Nadeau

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 167)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on

Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 993 An Act to Allow Municipalities to Grant Aquaculture Licenses for Sea Vegetables

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jeffrey H. Butland S/Rep. Peter A. Cloutier

Senate Chair

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 168)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 674 An Act to Create a Buffer Strip Requirement for the Location of Gravel Pits
- L.D. 773 An Act to Amend the Laws Pertaining to the Control of Phosphorus Transport in Watersheds
- L.D. 873 An Act to Clarify the Derivation of Metal Limitations for Waste Discharge Licenses
- L.D. 921 An Act Allowing Homeowners to Maintain Underground Oil Tanks
- L.D. 949 An Act to Study the Design of the Auto Emissions Testing Program and to Limit the Use of Credits Created by the Program
- L.D. 1002 An Act to Establish a Clean Air Act Title V Operating Permit Program
- L.D. 1086 Resolve, Exempting Michael and Theresa Palumbo of York from Legislation Requiring the Removal of Underground Storage Tanks
- L.D. 1241 An Act to Repeal the 100-foot Setback from Landfills for Recycling Facilities
- L.D. 1302 An Act to Grant the Department of Environmental Protection the Authority to Waive the 180-day Limit to Apply for Coverage under the Insurance Fund
- L.D. 1351 An Act to Regulate Automobile Refinishing Operations BY REQUEST
- L.D. 1416 Resolve, Directing the State Planning Office to Improve

the Coordination of State
Agencies and Resources
Involved in Projects Having
an Environmental Significance

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord S/Rep. Richard A. Gould
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 169)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on State
and Local Government has voted unanimously to report
the following bills out "Ought Not to Pass":

L.D. 120	An Act to Establish Procedures for Secession and Annexation of Territory Situating within a Municipality
L.D. 449	Resolve, Directing the Department of Administrative and Financial Services to Assume Auditing Functions for Certain Departments
L.D. 798	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Agency Rulemaking
L.D. 862	An Act to Dissolve the Northport Village Corporation BY REQUEST
L.D. 891	An Act to Establish Procedures for Secession and Annexation of Territories
L.D. 961	An Act to Require the Legislature to Set the Fees Imposed by Executive Agencies
L.D. 1129	An Act to Amend the Bidding Process for School Construction Purposes
L.D. 1169	An Act to Allow for the Adjustment of Grant Issuance Procedures
L.D. 1273	Resolve, to Ensure Standardization among State Agency Regulations

We have also notified the sponsors and cosponsors of
each bill listed of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 170)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to
notify you that the Joint Standing Committee on
Taxation has voted unanimously to report the
following bills out "Ought Not to Pass":

L.D. 92	An Act to Reduce the Withdrawal Penalty for Certain Persons under the Maine Tree Growth Tax Law
L.D. 286	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Local Tax Assessors to Assess Land at Current Use Value BY REQUEST
L.D. 296	An Act to Improve the Administration of Personal Property Tax Assessing
L.D. 611	An Act to Reduce the State Sales Tax from 6% to 5%
L.D. 703	An Act to Protect Private Enterprise from Tax-subsidized Competition
L.D. 807	An Act to Expand the Definition of "Taxable Services"
L.D. 809	An Act Regarding the Payment of Excise Taxes on Leased Motor Vehicles Registered in One Municipality and Garaged in Another Municipality
L.D. 820	An Act to Require Review by the Attorney General of Purchases of Large Tracts of Land under the Maine Tree Growth Tax Law
L.D. 840	Resolve, to Establish the Commission to Study the Payment of Excise Taxes
L.D. 997	An Act to Eliminate Tree Growth Tax Benefits for Landowners Who Clear-cut BY REQUEST
L.D. 1022	An Act to Provide a Definition of Domicile for Purposes of Equitable Taxation
L.D. 1027	An Act to Exempt Local Municipalities from Paying a Lease Tax on Equipment
L.D. 1028	An Act to Alter the Valuation of Searsport
L.D. 1080	An Act to Amend the Law Regarding Tax Exemptions for Water Pollution Control Facilities
L.D. 1106	Resolve, Authorizing Reimbursement of an Overpayment of Income Taxes
L.D. 1108	An Act to Eliminate the Sales Tax Exemption on Fuel and Electricity Used in Manufacturing

- L.D. 1156 An Act to Clarify the Tax Status of Homeless Shelters in Maine
- L.D. 1278 An Act to Decrease State Costs by Requiring That Both Parties Involved in a Property Tax Dispute Share Hearing Costs
- L.D. 1279 An Act to Exempt Computer Software Services from Taxation
- L.D. 1289 An Act to Amend the Property Tax Applicable to Institutions and Organizations
- L.D. 1293 An Act to Reduce the Sales Tax to 5% by October 1, 1996
- L.D. 1365 An Act to Promote Modernization and Job Training for Small and Medium-sized Businesses in Maine
- L.D. 1410 An Act to Create a Homestead Tax Credit to Be Administered by Local Municipalities
- L.D. 1417 An Act to Restrict Application of the Maine Tree Growth Tax Law BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 171)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 492 An Act Relating to Authority of Governing Boards of Consumer-owned Electric Utilities
- L.D. 886 An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate
- L.D. 1109 An Act to Modify the Kennebec Water District's Authority to Limit Swimming in a Certain Area on China Lake

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos
Senate Chair House Chair
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Agriculture, Conservation and Forestry

Bill "An Act to Protect Traditional Uses in the North Woods" (H.P. 1104) (L.D. 1551) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: CLARK of Millinocket, ROTONDI of Madison, Senators: HALL of Piscataquis, LORD of York, RUHLIN of Penobscot)

ORDERS

On motion of Representative CLARK of Millinocket, the following Joint Order (H.P. 1105)

ORDERED, the Senate concurring, that Bill, "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct," H.P. 357, L.D. 477, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative O'GARA from the Committee on Transportation on Bill "An Act to Amend the Law Regulating 53-foot Semitrailers" (H.P. 508) (L.D. 689) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-305) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 30, 1995.

Ought to Pass as Amended

Representative O'GARA from the Committee on Transportation on Bill "An Act to Amend the Motor Vehicle Laws" (H.P. 679) (L.D. 930) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-306)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-306) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 30, 1995.

Ought to Pass as Amended

Representative NADEAU from the Committee on Legal and Veterans Affairs on Bill "An Act to Clarify the Discretion of the Commission on Governmental Ethics and Election Practices in Assessing Penalties" (EMERGENCY) (H.P. 685) (L.D. 936) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-308)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-308) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 30, 1995.

Divided Report

Majority Report of the Committee on **Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-293) on Bill "An Act to Change the State's Air Quality Standard for Ozone to the Federal Standard" (H.P. 199) (L.D. 258)

Signed:

Senators: LORD of York
RUHLIN of Penobscot
GOULD of Greenville
Representatives: POULIN of Oakland
SAXL of Bangor
BERRY of Livermore
MERES of Norridgewock
SHIAH of Bowdoinham
GREENLAW of Standish
DAMREN of Belgrade
NICKERSON of Turner
MARSHALL of Eliot

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

Signed:

Senator: HATHAWAY of York

Was read.

On motion of Representative GOULD of Greenville, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-293) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 30, 1995.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Require That School Buildings Be Renovated Unless New Construction Is More Cost-effective" (H.P. 600) (L.D. 810)

Signed:

Senators: SMALL of Sagadahoc
ESTY of Cumberland
ABROMSON of Cumberland
Representatives: AULT of Wayne
BARTH of Bethel
STEVENS of Orono
CLOUTIER of South Portland
MARTIN of Eagle Lake
McELROY of Unity
BRENNAN of Portland

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-304) on same Bill.

Signed:

Representatives: DESMOND of Mapleton
LIBBY of Buxton
WINN of Glenburn

Was read.

On motion of Representative MITCHELL of Vassalboro, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on **Labor** reporting **"Ought Not to Pass"** on Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System" (H.P. 664) (L.D. 887)

Signed:

Senators: MILLS of Somerset
RAND of Cumberland

Representatives: HATCH of Skowhegan
CHASE of China
LEMAIRE of Lewiston
PENDLETON of Scarborough
SAMSON of Jay
TUTTLE of Sanford

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-295) on same Bill.

Signed:

Senator: BEGLEY of Lincoln
Representatives: JOY of Crystal
JOYCE of Biddeford
STEDMAN of Hartland
WINSOR of Norway

Was read.

Representative HATCH of Skowhegan moved that the House accept the Majority **"Ought Not to Pass"** Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought Not to Pass"** Report and specially assigned for Wednesday, May 31, 1995.

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-289) on Bill "An Act Regarding Cable Television" (H.P. 831) (L.D. 1162)

Signed:

Representatives: KONTOS of Windham
ADAMS of Portland
GIERINGER of Portland
POULIN of Oakland
HEESCHEN of Wilton
POIRIER of Saco
LUTHER of Mexico

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

Signed:

Senators: CARPENTER of York
HARRIMAN of Cumberland
CLEVELAND of Androscoggin
Representatives: TAYLOR of Cumberland
STONE of Bangor

Representative O'NEAL of Limestone - of the House - abstaining.

Was read.

Representative KONTOS of Windham moved that the House accept the Majority **"Ought to Pass"** as amended Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought to Pass"** as amended Report and specially assigned for Tuesday, May 30, 1995.

CONSENT CALENDAR

First Day

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

(H.P. 1040) (L.D. 1459) Bill "An Act to Make Changes to the Public Utilities Laws" Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-307)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, May 30, 1995 under the listing of Second Day.

CONSENT CALENDAR**Second Day**

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

(S.P. 119) (L.D. 294) Bill "An Act to Increase the Number of Primary Care Practitioners in the State"

(S.P. 393) (L.D. 1081) Bill "An Act to Allow Part-time Police Officers to Acquire Liquor Licenses"

(S.P. 439) (L.D. 1207) Bill "An Act to Correct Certain Errors and Inconsistencies in Employer's Contributions and Coverage in Unemployment Compensation"

(S.P. 76) (L.D. 164) Bill "An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments" (C. "A" S-28)

(S.P. 348) (L.D. 976) Bill "An Act Regarding Liquor Licenses for Golf Courses" (C. "A" S-155)

(S.P. 378) (L.D. 1055) Resolve, Requiring a Study of the State's Export Financing Services (C. "A" S-167)

(S.P. 408) (L.D. 1096) Bill "An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements" (C. "A" S-150)

(S.P. 409) (L.D. 1097) Resolve, to Establish the Task Force to Study Environmental Regulation (C. "A" S-169)

(S.P. 418) (L.D. 1141) Bill "An Act Concerning Employee Leasing Companies" (C. "A" S-162)

(S.P. 437) (L.D. 1205) Bill "An Act to Conform State Unemployment Compensation Laws to Federal Requirements" (C. "A" S-163)

(H.P. 576) (L.D. 781) Bill "An Act Protecting a Citizen's Right of Petition under the Constitution" (C. "A" H-300)

(H.P. 589) (L.D. 799) Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault" (C. "A" H-299)

(H.P. 772) (L.D. 1069) Bill "An Act to Promote the Use of Alternative Dispute Resolution in State Government" (C. "A" H-302)

(H.P. 884) (L.D. 1237) Bill "An Act to Ensure Public Review and Legislative Oversight of Proposals Regarding the Introduction or Reintroduction of Threatened or Endangered Species" (C. "A" H-288)

(H.P. 947) (L.D. 1336) Resolve, to Direct the Land and Water Resources Council to Develop Alternatives to the Site Location of Development Laws That Protect the Environment and Improve the Effectiveness and Efficiency of the State's Land Use Laws (Governor's Bill) (C. "A" H-303)

(H.P. 974) (L.D. 1383) Bill "An Act to Establish Periodic Adjustments in the Mileage Reimbursements" (C. "A" H-291)

(H.P. 1057) (L.D. 1486) Bill "An Act to Add Types of Pharmacies That Are Subject to Record Seizure" (C. "A" H-296)

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

BILLS IN THE SECOND READING

Bill "An Act Concerning Environmental Registration Plates" (EMERGENCY) (H.P. 1103) (L.D. 1550)

As Amended

Bill "An Act to Amend the Child Labor Laws to Allow Minors to Work in Hotels or Rooming Houses" (S.P. 146) (L.D. 332) (C. "A" S-164)

Bill "An Act to Prohibit Any State or Independent Agency from Establishing Private Accounts" (S.P. 277) (L.D. 749) (C. "A" S-151)

Bill "An Act to Amend the Loring Development Authority Law" (S.P. 304) (L.D. 843) (C. "A" S-159)

Bill "An Act to Amend the Law Dealing with Agreements for Recovery of Personal Property" (S.P. 359) (L.D. 985) (C. "A" S-154)

Bill "An Act to Allow for Decreased Municipal Liability Regarding Ice-skating Rinks" (H.P. 750) (L.D. 1024) (C. "A" H-301)

Bill "An Act to Increase the Formula Used for ATV's and Snowmobile Reimbursement" (H.P. 802) (L.D. 1119) (C. "A" H-297)

Bill "An Act to Provide Immunity for Clinicians Contracted by the State Forensic Service" (S.P. 413) (L.D. 1136) (C. "A" S-166)

Bill "An Act to Amend the Laws Governing Civil Liability for Individual Medical Providers with Whom the Department of Corrections Contracts" (H.P. 925) (L.D. 1306) (C. "A" H-294)

Bill "An Act to Improve Public Access to the Maine State Museum" (S.P. 483) (L.D. 1317) (C. "A" S-168)

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 Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

ENACTORS**Emergency Measure**

An Act to Expand Eligibility for Benefits under the Adoption Assistance Program (S.P. 247) (L.D. 644) (C. "A" S-109)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mandate

An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers (S.P. 448) (L.D. 1221) (C. "A" S-145)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 1 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 0 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Concerning Placement of Modular Homes (S.P. 109) (L.D. 285)

An Act to Allow Candidates to Donate Surplus Campaign Funds to Charitable and Educational Institutions (S.P. 340) (L.D. 945)

An Act to Amend Certain Provisions of the Law Relating to Defense (S.P. 384) (L.D. 1061) (C. "A" S-144)

An Act Concerning the Sale of Double Gauge Lobster Measures (S.P. 429) (L.D. 1197) (C. "A" S-143)

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

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 574)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 30, 1995, at 9:30 o'clock in the morning.

Came from the Senate read and passed.

Was read and passed in concurrence. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

Senate Divided Report - Committee on Banking and Insurance - (11) Members Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-160) - (1) Member Report "B" "Ought to Pass" as amended by Committee Amendment "B" (S-161) - (1) Member Report "C" "Ought Not to Pass" on Bill "An Act to Require Mortgage Insurers to Offer a Policy Following the Cancellation of an Original Policy" (S.P. 314) (L.D. 895) which was tabled by Representative VIGUE of Winslow pending his motion to accept Report "A" "Ought to Pass".

Subsequently, Report "A" "Ought to Pass" as amended was accepted. The Bill was read once. Committee Amendment "A" (S-160) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 30, 1995.

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.

SENATE DIVIDED REPORT - Report "A" (8) "Ought Not to Pass" - Report "B" (4) "Ought to Pass" as amended by Committee Amendment "A" (S-117) - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-118) - Committee on Utilities and Energy on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335)

- In Senate, Report "B" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117).

TABLED - May 23, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass."

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass" and later today assigned.

Bill "An Act to Allow the Sale of Irradiated Food in the State" (H.P. 437) (L.D. 603) (C. "A" H-128) TABLED - May 23, 1995 by Representative AHEARNE of Madawaska.

PENDING - Passage to be Engrossed.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-273) - Minority (3) "Ought Not to Pass" - Committee on Natural Resources on Bill "An Act Concerning Ring Holding Devices Used in Packaging" (H.P. 940) (L.D. 1329)

TABLED - May 24, 1995 (Till Later Today) by Representative GOULD of Greenville.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative GOULD of Greenville to accept the Majority "Ought to Pass" as amended Report and later today assigned.

An Act to Combine the Sabattus Water District and the Sabattus Sanitary District (MANDATE) (S.P. 411) (L.D. 1099) (C. "A" S-131)

TABLED - May 24, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time (S.P. 234) (L.D. 599) (C. "A" S-88)

TABLED - May 24, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies (H.P. 846) (L.D. 1177)

TABLED - May 24, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-115) - Minority (3) "Ought Not to Pass" - Committee on Taxation on Bill "An Act to Create an Income Tax Stabilization Program" (EMERGENCY) (S.P. 98) (L.D. 238)

- 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-115).

TABLED - May 24, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative DORE of Auburn to accept the Minority "Ought Not to Pass" Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative DORE of Auburn to accept the Minority "Ought Not to Pass" Report and later today assigned.

SENATE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-152) - Committee on Taxation on Bill "An Act to Reduce the Maine Sales Tax and the Meals and Lodging Tax to 3%" (EMERGENCY) (S.P. 470) (L.D. 1266)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-152).

TABLED - May 24, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Acceptance of either Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending acceptance of either Report and later today assigned.

Bill "An Act to Coordinate Low-income Energy Assistance Programs" (S.P. 270) (L.D. 721)

- In House, Majority "Ought Not to Pass" Report of the Committee on Business and Economic Development read and accepted on May 18, 1995.

- In Senate, Senate insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Business and Economic Development was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-126) and asked for a Committee of Conference in non-concurrence.

TABLED - May 24, 1995 (Till Later Today) by Representative WHITCOMB of Waldo.

PENDING - Motion of Representative ROWE of Portland to Adhere.

On motion of Representative ROWE of Portland, tabled pending his motion to Adhere and specially assigned for Tuesday, May 30, 1995.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-119) - Committee on Utilities and Energy on Bill "An Act to Clarify the Intent of the Electric Rate Reform Act" (S.P. 253) (L.D. 691)

- In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - May 24, 1995 by Representative MITCHELL of Vassalboro.

PENDING - Motion of Representative KONTOS of Windham to accept the Majority "Ought Not to Pass" Report. (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of

the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 117

YEA - Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Bouffard, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Cloutier, Clukey, Cross, Damren, Davidson, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hatch, Heino, Hichborn, Jacques, Johnson, Joseph, Joyce, Joyner, Keane, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lovett, Madore, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Povich, Reed, G.; Rice, Ricker, Rosebush, Rowe, Savage, Saxl, J.; Saxl, M.; Simoneau, Spear, Stevens, Stone, Taylor, Thompson, Townsend, Tripp, True, Tuttle, Tyler, Vigue, Watson, Winglass, Winsor, The Speaker.

NAY - Ahearne, Buck, Bunker, Clark, Desmond, Donnelly, Gerry, Hartnett, Heeschen, Jones, K.; Joy, Kneeland, Lane, Layton, Look, Lumbra, Luther, Marshall, Nass, O'Neal, Plowman, Reed, W.; Richardson, Robichaud, Rotondi, Samson, Shiah, Sirois, Stedman, Strout, Treat, Tufts, Underwood, Volenik, Waterhouse, Wheeler, Winn.

ABSENT - Adams, Birney, Brennan, Daggett, Dexter, DiPietro, Jones, S.; Lindahl, O'Gara, Truman, Whitcomb, Yackobitz.

Yes, 102; No, 37; Absent, 12; Excused, 0.

102 having voted in the affirmative and 37 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

COMMUNICATIONS

The following Communication: (S.P. 575)

117TH LEGISLATURE

May 24, 1995

Senator Mary E. Small

Representative John L. Martin

Chairpersons

Joint Standing Committee on Education and Cultural Affairs

117th Legislature

Augusta, Maine 04333

Dear Senator Small and Representative Martin:

Please be advised that Governor Angus S. King, Jr., has withdrawn his nomination of Mark P. LeGassey of Millinocket for appointment as the student member of the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, this nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

Came from the Senate, read and referred to the Committee on Education and Cultural Affairs.

Was read and referred to the Committee on Education and Cultural Affairs in concurrence.

The following Communication: (S.P. 576)
117th LEGISLATURE

May 24, 1995

Senator Stephen E. Hall
Representative Dorothy Rotondi
Chairpersons
Joint Standing Committee on Inland Fisheries and Wildlife
117th Legislature
Augusta, Maine 04333

Dear Senator Hall and Representative Rotondi:

Please be advised that Governor Angus S. King, Jr. has nominated Wilnot "Wiggy" Robinson of Millinocket for reappointment and F. Dale Speed of Princeton, Millard A. Wardwell of Penobscot and Charles F. Beck of Presque Isle for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

Came from the Senate read and referred to the Committee on Inland Fisheries and Wildlife.

Was read and referred to the Committee on Inland Fisheries and Wildlife in concurrence.

Bill "An Act to Simplify the Process of Registering Business Entities" (S.P. 573) (L.D. 1553)
Came from the Senate referred to the Committee on Business and Economic Development and Ordered Printed.
Was referred to the Committee on Business and Economic Development in concurrence.

Bill "An Act Concerning the Sites for Western Aroostook District Court" (S.P. 572) (L.D. 1552)
Came from the Senate referred to the Committee on Judiciary and Ordered Printed.
Was referred to the Committee on Judiciary in concurrence.

The following Order was taken up out of order by unanimous consent:

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 26)

ORDERED, that Representative John T. Buck of Yarmouth be excused April 12 to 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sumner A. Jones, Jr. of Pittsfield be excused May 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elizabeth H. Mitchell of Vassalboro be excused May 18 for personal reasons.

Was read and passed.

BILL HELD

Bill "An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs" (EMERGENCY) (H.P. 1095) (L.D. 1539)

- In House, Passed to be Engrossed.

HELD at the Request of Representative JACQUES of Waterville.

On motion of Representative JACQUES of Waterville the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Repeal the Snack Tax" (H.P. 144) (L.D. 192) which was tabled by Representative MITCHELL of Vassalboro pending further consideration.
-In House, Minority "Ought Not to Pass" Report accepted

-In Senate, Bill passed to be engrossed as amended by Committee Amendment "A" (H-208)

Representative DORE of Auburn moved that the House Adhere.

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

Representative DORE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: We had a lengthy debate and I thought it was a very good high caliber debate on this subject last week. This is not the issue we are going to find ourselves, hopefully not fighting about, but negotiating around at the end of this session, at the end of June when we are all ready to get out of here.

I think we all know in truth, we are going to negotiate around circuit breakers and some things Democrats want and we are going to negotiate around hospital tax. There are a lot of items left on the table. We are going to negotiate around the school in Aroostook County. This is not that item. This is an item the Chief Executive has indicated no support for. This is an item that should not be cluttering up the budget. This is an item that were to pass and come to fruition would take millions and millions of dollars, not out of this biennium, which we are all elected to, because it has that wonderful gimmick of starting April 1, 1997, put out to the next biennium, 23 million dollars. Would I like to get rid of the snack tax? Yes. Is it my highest priority? No. Is it a peculiar tax?

Sure it is a peculiar tax on an entirely discretionary item. We are talking about Cheetos, Fritos, ice creams and brownies. Over 35 percent of America has an obesity problem, I don't mind taxing snacks. Do I like it? Is it the wisest tax? No. Is it wise to tax bibles and not Playboy? I don't think so, but we do that. The point is it is a reliable revenue stream from a totally discretionary item that nobody thinks about whether or not they ought to make this purchase, based on the tax, because it is an entirely discretionary item. Do we have problems competing with New Hampshire? The good Representative from Berwick is going to tell you how much trouble it makes competing with New Hampshire. The trouble we have competing with New Hampshire has to do with sales tax and income tax. It does not have to do with this tax on Cheetos.

I would encourage you to let us put on the table the matters that we truly want to negotiate about and

lets take this off the table now. I would remind you that your voters back home, are they really questioning you about repealing the snack tax? I respect the Representative from Berwick, Representative Murphy and I think her voters are, but for the rest of you, dig into your conscience and ask yourself, do my voters back home want me to do or die over a repeal of a snack tax. No matter what happens to their school budgets. No matter what happens to hospitals. No matter what happens to their roads. Do they want me to lie down in the highway over a snack tax. I think that is the question ladies and gentlemen. I would move that we kill this and kill it now.

Representative MURPHY of Berwick moved that the House Recede and Concur.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This is not about the snack tax. That is not just my personal opinion. I do not want to take the tax of Cheetos, gum, one doughnut and one muffin. That is not what this is all about.

What this is all about and I will quote Justice Alexander who probably can read the law better than I can, at least I hope he can, he is a judge in the state of Maine in Superior Court. He said, "Well characterized as a snack tax to better appeal to the tax weary public. The 1991 legislation which is what I am trying to repeal, in fact, subjected a wide range of ready to eat food sales to taxation." He also says, "In 1991 tax law is not a tax on snacks", which I tried to tell you the other day, "as Maine people think of snack. "It is a tax on a lot of food that are part of everyday meals." I believe that. That is why I am trying to repeal that part of it. "Since its beginning this tax has been a burden to Maine consumers," Justice Alexander said.

"A blueberry muffin is taxes an english muffin is not. Instant tea is taxed, but instant coffee is not. Roasted nuts are taxed, but unroasted nuts are not. Usually consumers do not even know which food items are taxable." I could go on with a list. I have a list here a mile long. I won't bore you with all that today. I think I went through a lot of them the other day. If the idea in 1991 were to tax food eaten as a snack, then it does not make sense that frosted cake for 12, a prepared pie or marshmallow creme, which is a sandwich filling, are taxed. These are foods which are part of a meal, not foods that make a quick snack. I have always said that anyone who sits down and eats a cake that is made for 12 people, I would just plain call him a hog or a whole pie either. I just don't think those are snacks. I don't think too many of us sit down and eat them as snacks.

Justice Alexander, in my opinion, is right. This is a tax on select group of foods. Taxing food is not the right way to go. I hope the Legislature will support this bill to repeal the 1991 tax on food. I would like to make it very clear that actually in my district, I do represent my little small district down there, there is one store. This is the first time, in my tenure here that I have actually had a full grocery store that you can go in and buy meat to represent, because my other district did not have just a couple of other neighborhood stores. You could not go in and do your weeks shopping. I am not really representing a lot of businesses down there.

The people that I represent, as you all know, because of the taxes in this state, we don't have any business and 51 percent of the people who live in York County, in that 51 percent doesn't live in my district, part of them do, but not the whole 51 percent and 15 percent of Cumberland County and they are certainly not in my legislative district, shop out-of-state. Twenty-nine percent of the total population of Maine shop out-of-state. Do you realize how much money is going across the border? If we could lower our taxes, our economy would pick up because businesses would be able to start and prosper. Not only in York County, but in Cumberland County, evidentially, because if 15 percent of the people in Cumberland County and I believe their population is over 220,000 and we have 170,000 in York County, there is 51 percent, so that is a lot of people and when you talk 29 percent, almost 30 percent of the people in Maine go across the border, you cannot pass a law.

You can always put state troopers on the border down here, I suppose, if you wanted to and arrest us like you did the guy from Boston who happened to stop and buy some wine on sale in New Hampshire to take to his camp and then his wife, he probably divorced her by now, decided she wanted to shop in Portland, that was his big mistake. We took the wine away from him. He had no intentions of drinking it in Maine or anything else, he just happened to buy it in New Hampshire before he crossed the border. This is what we are doing to the state of Maine.

Our taxes are a detriment. I really believe that if we can reduce this snack tax down to the snacks that we really wanted to, the gum, candy bars and things that are really a snack that you would pick up and eat as a snack, not a cake that serves 12 people. None of us eat a cake as a snack for 12 people or a whole pie. Ladies and gentlemen, stop and think of what we are taxing here. We are one of the few states in the country that tax food. Very few states do that and certainly none in New England. I just would like to have you agree with me and vote to Recede and Concur so that the businesses in Maine can start up and they can hire people and we can become a viable economy and compete with all our neighbors to the south. Thank you.

The same Representative requested a roll call on her motion to Recede and Concur.

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

Representative MITCHELL: Thank you Mr. Speaker, Men and Women of the House: It is very difficult to debate the wonderful Representative Murphy, because she is colorful, delightful and makes excellent points. However, we are talking about choices. The choices are Twinkies vs. text books, pretzels vs. property tax relief, jelly beans vs. job creation. I don't know about you, but I come down very strongly on the side of the text books, property tax relief and job creation. I hope you will join me in voting against Recede and Concur. If we want to reduce taxes, the number one tax that I am hearing about back home, I bet you are too, is property taxes. As the state and the federal government have shifted things to your townspeople, their taxes have gone up for schools, roads, sewers and everything else. I think they much prefer a reduction in property taxes than a reduction on taxes on Twinkies and jelly beans.

The other thing I would like to remind you of is it is like asking for a charge account. Ladies and gentlemen, I believe Maine's credit card is no longer acceptable in most places, since we have been a little bad about paying our bills. You are asking to charge 26 million dollars for the next legislature, which many of us won't even be a part of. Pay as you go, good public policy and its fiscal responsibility. Please join me in voting against the motion to Recede and Concur.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: Twice the comment has been made during this debate about taxing bibles. I did some research over the weekend and what I thought was true is true. We do not tax bibles.

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

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

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Dunn.

Representative DUNN: Mr. Speaker, Ladies and Gentlemen of the House: It was suggested that, perhaps, this was not the tax that we would lie down for. What I am doing is standing up for what I think is good tax policy. At the present time the snack tax which we have taxes food, it is a very difficult tax to understand. It is difficult to administer. I haven't heard anyone say that it was the type of tax that we really should be charging.

As to the question of making decisions, when I started my campaign looked at some of the decisions that we had been making in the legislature over the past many years. I started with the biennium for 84-85 when the state spending was 1.6 billion dollars. The current biennium is 3.3 billion dollars. If you take the increase in population, you take the increase in cost of living for that 10 year period and you compound those you get from 1.6 billion dollars to 2.5 billion dollars where actual spending is 3.3 billion dollars. That is 800 million dollars increase in expenditures over what you might expect.

I think that we have to balance things. We have two choices. Either we continue to increase taxes or keep unfair taxes on the books or we reduce spending. My belief is that there is spending within that 800 million dollars that can be reduced to do away with unfair taxes. Thank you. I would encourage you to support the motion to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the motion to Recede and Concur. I would just like to comment on a couple of notions. First this is a food tax, this is not a snack tax. The misnomer, I think hurts it. Some of us came here and we promised people that we would fight to cut taxes. This is a place where we get to put our money where our mouth is. I don't see this as a text books against candy

bar issues. I look at the Governor's budget that he gave us. I see departments getting 23 percent increases. I see departments getting 34 percent increases. I see another department getting 33 percent increase and another department get a 31 percent increase.

If I thought this was text books against candy bars, I would vote for text books. I feel this is government's responsibility against taking more from the people of Maine in a very regressive form of taxation, which unfairly punishes low-income people by taxing the food they eat. We need to vote today for a tax cut. Vote today to put our money where our mouth is and stop taxing these food products in Maine. Thank you.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I keep hearing these people say that people back home are telling us to cut taxes. I think I have heard that, but I haven't heard anyone tell me back home, cut taxes and put it on the 118th. In all honesty, how can you justify it. It is just shifting a burden. If it is problem today, then lets stand up to the problem. It is our problem, not the 118th. I would ask you, do you shift your responsibilities at home when you have to meet your payroll? Do you when you have to meet anything? You don't shift your responsibilities and put it off to your great grandchildren or children. You assume your responsibilities then and there. If this is such a problem, lets take care of this problem today. Lets stop passing everything off to the 118th. I feel sorry for those of you who are going to come back in the 118th.

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

Representative WHITCOMB: Thank you Mr. Speaker, Men and Women of the House: Quickly in response to the Representative from Lewiston. We are only at the point of acceptance of agreement with the Senate. I certainly would be willing to amend this proposal in front of us to apply this tax reduction sooner. I would hope if we offered that amendment and did find the funds to pay for it that we could draw on the support of he and others who are concerned that we are only shifting the burden into the next biennium.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I would like to outline for you why I would not be supporting such an amendment. Another child died in Maine last week, eight month old, Victoria Rose Dale died of bleeding and swelling of the brain caused by violent shaking. Her's was the third death so far in 1995. She was the third little girl to be killed by an act of homicide. I would like to read to you from a report you are shortly to be receiving on the issue of child homicide in Maine.

"In 1993, in the past year the usual instances of child homicide have been two or three annually. In 1993, Maine's homicide rate for adults decline markedly, whereas the homicide rate for children was the highest on record. Seven child homicides in 1993. Six children killed by family members. In 1994, Maine's child homicide rate equaled 1993. Four additional child deaths were of undetermined cause or manner where homicide could not be excluded." Here is the issue that makes this germane to this debate.

"The departments ability to respond to referrals of child abuse or neglect is based on factors such as the number of case workers, the seriousness or complexity of the cases receiving services and the ability . . .

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Eliot, Representative Marshall and inquire for what purpose the Representative rises.

Representative MARSHALL: Point of germaneness.

The SPEAKER: The Representative may state his point of germaneness.

Representative MARSHALL: I would like a ruling, if I could, from the Speaker as to the germaneness of this argument.

The SPEAKER: The Chair would respond to the Representative from Eliot, Representative Marshall in the same fashion that the Chair would respond to several members who have debated this item today. The Chair would encourage members to confine their comments to the topic which is, in fact, to repeal the snack tax in and of itself. There have been several discussions so far on the floor this morning that have strayed from the specific topic of the snack tax and the Chair would encourage all members to attempt to define their comments to the prospects of repealing the snack tax and or not.

The Chair would apologize to the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Thank you Mr. Speaker. If I could finish, I will clarify the issue of germaneness. "Current staff resources are not sufficient for the department to assign all of the referrals for child protective services it receives. There were 2,438 appropriate referrals that were not assigned for assessment, due to insufficient staff. The allegations in these referrals warrant child protective services intervention, but are not assigned because the office has reached the upper limits of its capacity to investigate and assess. There were 4,010 referrals involving 8,902 children which were assigned to a case worker for a complete assessment. In other words, the Department of Human Services, Child Protective Division is unable to complete its mission because it has inadequate funding. That is why I would not be supporting a measure that would create another hole in the budget. I will not be party to another child homicide in Maine.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: We are talking about the snack tax, a hole in the budget and the fact that child welfare services are not funded. The facts are from 1985 to 1995 the budget for child welfare services has gone from a little over 4 million dollars to 15.5 million dollars. That is about a four time increase.

We are talking about 2 million dollars on the snack tax in this biennium. I am not rising to argue whether it is good tax or bad tax. I got my views on that and I think it is a bad tax. We have to send a message. We are not going to get the state budget under control until we control spending. The legislature has not shown any inclination toward that for a number of years. You talk about shifting a burden to the 118th, we have had a burden shifted to

the 117th from the 114th, 115th and 116th. This is it. This is the moment of truth.

If we don't take and shut down that flow of tax revenue, you are not going to take and shut down or reduce the flow of tax or so called spending. I don't believe in taking a meat ax approach to a budget, that is irresponsible. I do believe in taking a scalpel approach. We are talking 20 million dollars in the next biennium if we don't raise the money from this tax. We just passed a productivity task force that projects 60 million dollars a year. If my math is correct, that is what six times, what this tax represents. That is just that much more spending, that is not going to happen.

We talk about cutting taxes and cutting spending. We have not cut the level of spending in this state. The current budget given to us, depending on what moment we are looking at, is somewhere in the vicinity of a 250 million dollars above the level of spending in the last budget. That is not a decrease. There is a good reason for some of that being there and we are addressing those. We are addressing what I think has been shifted to us. This is a chance to send a message to the bureaucracy, we are not playing anymore folks.

Two years from now when you come back in with your budget, be prepared to reduce your spending or to hold the line. That is what this represents to me and that is why I would encourage you to vote to Recede and Concur.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will oppose the motion to Recede and Concur. I have heard some interesting things this morning. I think people are under a lot of pressure to vote for a tax cut to send a message.

We aren't here to send messages. We are here to govern. We are not the telephone company. We are the Legislature. I would just like to add all of you, again, your voters back home, how would they be leaning on you right now. Don't know? Call a few. Take a few moments while we are all yammering, go in and say how do you feel about the snack tax? Representative Murphy indicated that this is really a tax on food. To the extent that she brought that up in committee, she was right. When we said, Representative Murphy, rather than send out this bill that has a 23 million dollar cost in the biennium and folks I will not be here to pick up that bill, but some of you will be. Rather than do that, how about if we change the bill and direct the department and direct the bureau to change some of what is taxed.

If you don't object to taxing gum, Fritos and Cheetos, but you do object to taxing cakes and doughnuts, lets rewrite the bill. She didn't want to do that, because she represents her district and she is doing a good job and they want the snack tax gone. What does your district want? I know in Auburn what is going on and let me tell you something, half those people came off the circuit breaker last time, half the people in my community that got circuit property tax relief came off the program last time from the cuts that we supposedly weren't imposing. We supposedly weren't cutting things only we managed to cut that program in half last time. This is not my Governor. This is not your Governor, but he is the Governor for the State

of Maine right now and he is the only Governor we've got.

I happen to know taking a look at what is going on in the budget debate, that what they are doing that I think is the most responsible thing to do, is paying some of these back bills. Representative Mitchell referred to the credit card, the payroll push. You want friendly state employees, try paying them on time. You've got employees back home, you pay them on time. We are dealing with the hospital, trying to deal with the 4 million dollars overdue phone bill that is years old and that we are paying a great deal of money in interest on. We have a higher bond rating because of our credit rating problem coming out of the 1990 recession.

I think if you ask the people back home, keep the income stream there in order to pay off the bill and then we will talk reductions or reduce the taxes and then we will hope there is enough money to pay off the old bills. Call them up and ask them. Most of them, rather than take a pay cut, would like to pay off their Mastercard and that is what we have to do here, folks. We have to pay off our Mastercard. I don't blame anyone for this recession. It was region wide. It was all of New England in a very bad recession. It was all of America in a recession, but now it is time to pay the bills.

What we do by gimmicking a pay off and saying well if we can find the money, maybe we will amend it further and bring it closer to now and date. Come on you all know it is bologna. This is a 23 million dollar fiscal note in the next biennium. Sure it is a couple million in this biennium. You know if I were the Governor, I don't know that I would veto it. I wouldn't play this game. You know what I would do, I would sign it and say I was going to rescind it in the next Legislature by a simple majority. I am going to make sure that I have that majority. I would sign it and call it hypocrisy.

I don't think he wants to play that game. I don't think he wants to come out and say this is what it takes to buy you, I will buy you, buy I want you all to know. If I were him, I would go on TV. . .

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Presque Isle, Representative Donnelly and would inquire for what purpose the Representative rises.

Representative DONNELLY: Point of Parliamentary inquiry.

The SPEAKER: The Representative may state his point of parliamentary inquiry.

Representative DONNELLY: Is it proper to surmise or anticipate the actions or speeches a Governor may give?

The SPEAKER: In response to the request of the Representative from Presque Isle, Representative Donnelly the Chair would concur that it would be inappropriate to discuss the potential actions or support of or lack of support of any item that is currently under consideration. The Chair would urge the good Representative from Auburn, Representative Dore to please defer from those types of comments.

Representative DORE: You are right Mr. Speaker. I apologize to Representative Donnelly and I will not infer anything. I will just suggest you all read your newspapers, because the information that I was inferring is in those newspapers. Again, I can't stress this enough. What do the people back home want? Representative Murphy is answering to her people back home. We all like to answer to our

caucus. I like to answer to my caucus, but ask yourself now, what do they want in my home district? They want us to send messages or they want us to govern and pay the bill.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Ladies and Gentlemen of the House: I sit here and listen to the debate as I did not a very long time ago and the bottom line still sets with me. I just don't understand how anybody can conceivably start talking about cutting taxes until we pay our bills and get our house in order. This is crazy. There is not one person out there that I spoke to that didn't say, lets get the tree tax back where it is supposed to be. Lets get the county jails paid for and quit not paying our bills. Here we have people saying we are not going to pay our bills.

We are still going to have these gimmicks. We still are going to have these short falls come in all these different areas that the state is not owning up to and then suddenly we are cutting taxes, because somebody doesn't want to pay for potato chips or someone doesn't want to pay the tax on ice cream or someone is inconvenienced. That is a choice, ladies and gentlemen, to decide whether you want to add the two or three cents to buy a pack of potato chips or what have you. My goodness, it is not a choice of those communities to have to suffer the burden of not paying fully the tree tax to the schools, the sick tax or any of these others. Lets clean our house. Lets pay our bills and then lets start cutting taxes. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: Someone made a question, what are the folks thinking about back home? Back home where I live, they are saying cut the taxes and also cut the spending. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: You know the people in my district, also, are worried about text books, our schools and property tax. Last year our property tax went up \$2.40 a thousand for schools. If I remember correctly, this Legislature voted on a plan that did not go by the formula and we lost money. We are concerned because we are paying for those textbooks and what is happening is because of the taxes, we don't have any businesses for a tax base. Therefore, it goes right onto property tax. I happen to come from a town that has the second highest mill rate in the state of Maine, second only to Old Orchard. These are the places where we are paying high taxes.

It is a fact by the economists in this country that taxes reduce economic efficiency and that is what I am trying to tell you. If Maine would reduce some of their taxes, they would have more business, we could reduce our property tax and we certainly could support our education, even more. I am a supporter of education. Taxes retard economic growth. Research illustrates that higher taxes reduce the size of the economy. That is not me speaking, I am reading that. Believe me I am not an economist, but I really believe it. The total cost of the current U.S. tax structure is estimated at

\$1.39 for each \$1.00 in increased taxes, this includes \$1.00 in taxation and a direct reduction and 39 cents in lost economic growth.

I am sure the state of Maine is no different than the country wide. Ladies and gentlemen, the state of New Hampshire gained 1.5 billion dollars in retail sales, because of cross border hopping, some of that money is ours. If we could have more business, it would help our property tax and people would be working in Maine. I also got a letter from a small businessman in Maine and he is not down on the border of Maine and New Hampshire. He says as a manager of a small business, Humpty Dumpty Potato Chip Company, the only manufacturer of potato chips in the state of Maine. I believe a few years ago we had one up in Aroostook County who went into Canada because of our taxes. I think that was Frito Lay.

I encourage you to vote to repeal the Maine snack tax. Much of our business is generated within the Maine borders. The snack tax is a hindrance to our growth potential and has had a negative effect on our sales since its inception. Humpty Dumpty employs 100 people in Maine with a payroll of 2 million dollars. Humpty Dumpty purchases Maine potatoes for nine plus months a year with a raw product cost of over \$500,000. The snack food business is a competitive market place. I am talking about here, not the little bags of potato chips, the big bags that we are charging tax on. The little bags, nobody cares. I would like to say again, we are not taking the tax off one muffin, one doughnut, gum and candy. The taxes stay on them and I don't have a problem with that. It is the food part that I have a problem with. Humpty Dumpty sells in parts of New Hampshire and Vermont, Maine sales are about 80 percent of their business.

The snack tax hurts every manufacturers sales, but the tax has a particularly negative effect of Humpty Dumpty, because we depend on our Maine sales more than our competitors do. The snack tax adversely effects potato chip sales, there is a corresponding decline in Humpty Dumpty's purchase of potatoes and a decline in business for truckers shipping these potatoes and so on. Humpty Dumpty is a small company competing with some snack food giants. I understand that you must establish priorities in considering tax reduction, just as Humpty Dumpty must continually look at ways to reduce costs and remain competitive. Please take a hard look at repealing the snack tax as soon as possible. Currently Maryland and the District of Columbia are the only other areas of the country with the selective food tax like Maine.

If Maine could repeal its snack tax, it would mean a lot for this Maine Company. That is from right here in the state of Maine a little small company. I would like to remind the people here that business taxes do not reduce the price of government for the people. Business does not pay taxes. Business taxes like all other taxes are paid by individuals, those are the consumers. The consumers will buy things were they don't have to pay tax on it, if at all possible. As I already told you 29 percent of the Maine people, buy things where there is no tax on them. The only thing that we have to send in at the end of year are our use tax and also paying sales tax on automobiles and things that we have to. We all know we are not getting the tax back that we really deserve.

This tax is really hurting the little small businesses. It is even hurting the little businesses

around tourism, the little store in York. That guy is on me all the time. I went in and talked to him last Thursday night when I got home and he said, "I don't care if it is two years away. I have something to look forward to and I think I can hang on. We really do need to do that." I didn't promise him that we would do it. I just told him, we are trying and trying hard. We have to help those little businesses. They are the back bone of the state of Maine. He hires people. These people pay taxes. Ladies and gentlemen, please join me in Receding and Concurring.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: It is now quarter past twelve. We have now discussed this for about an hour and a half. We discussed it an hour and half the other day. I don't think anybody has heard anything that is going to change your mind one way or the other. Mr. Speaker, I would like to have us move on please.

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

Representative BOUFFARD: Mr. Speaker, Ladies and Gentlemen of the House: I will not be lengthy with this at all. I agree with Representative Farnum that the folks back home did ask us to cut the spending and cut the taxes. However, everyone that I asked in the city of Lewiston did come up and say, cut the spending and pay your bills first before you ever attempt to cut any taxes. The only way we can pay our bills is through taxation and this is what I have been asked to do, is make sure the bills get paid, cut the spending and then we can get tax relief. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I think when you stand and correct it, it is very good to stand and correct the record. I said earlier that we do not tax bibles and that generated a flurry of little notes. My statement was based on the fact that my wife works in a bookstore, Bookland in South Portland, and they don't tax bibles. The Clerk has reminded me by calling the Oblate Father's Bookstore, the good fathers tax bibles. The good Representative from Auburn, Representative Dore has stated that the tax assessor or whoever runs these rules in the state of Maine and there OPLA representative, Kevin Madigan, has said that yes, bibles are supposed to be taxed. For the moment, I will stand corrected. Apparently bibles are supposed to be taxed, but you may want to think where you buy them, because some places you might not be. Thank you

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 118

YEA - Aikman, Ault, Bailey, Barth, Bigl, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Joy, Joyce, Joyner, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAulvey, McElroy, Murphy, Nass, Nickerson, Ott,

Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, KilKelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Neal, Paul, Poulin, Pouliot, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

ABSENT - Adams, Birney, Cloutier, Daggett, Jones, S.; Lindahl, O'Gara, Truman, Yackobitz.

Yes, 73; No, 69; Absent, 9; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, with 9 being absent, the motion to Recede and Concur was accepted.

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

On motion of Representative WHITCOMB of Waldo, the House adjourned at 12:35 p.m. until 9:30 a.m., Tuesday, May 30, 1995 in memory of Rosa W. Prime of Windsor.