

# 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  
52nd Legislative Day  
Monday, June 5, 1995

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

Prayer by the Reverend Doctor Seymour Van Dyken, Acton Congregational United Church of Christ.

National Anthem by the Chelsea Elementary School Chorus.

The Journal of Thursday, June 1, 1995 was read and approved.

**SENATE PAPERS**

The following Communication: (H.C. 192)  
Maine State Senate  
State House Station 3  
Augusta, Maine 04333

June 1, 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 Minority Ought Not To Pass Report on Bill "An Act to Require Firearm Hunters to Wear Blaze Orange" (H.P. 586) (L.D. 796).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

**Ought to Pass as Amended**

Report of the Committee on **Business and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-196) on Bill "An Act to Promote Long-term Economic Development through the Establishment of the Maine Technology Investment Fund" (EMERGENCY) (S.P. 511) (L.D. 1370)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-196).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-196) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, June 6, 1995.

**Ought to Pass as Amended**

Report of the Committee on **Criminal Justice** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-199) on Bill "An Act to Prohibit the Sale of Firearms to Minors without Parental Approval" (S.P. 550) (L.D. 1509)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-199).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-199) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, June 6, 1995.

**Divided Report**

Majority Report of the Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-190) on Bill "An Act to Repeal Point-of-sale Fees for Future Disposal of Certain Items" (S.P. 84) (L.D. 203)

Signed:

Senator: CAREY of Kennebec

Representatives: TRIPP of Topsham

KEANE of Old Town

RICHARDSON of Portland

GREEN of Monmouth

DORE of Auburn

SPEAR of Nobleboro

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-191) on same Bill.

Signed:

Senators: HATHAWAY of York

FERGUSON of Oxford

Representatives: TUTTLE of Sanford

MURPHY of Berwick

DUNN of Gray

REED of Falmouth

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-190).

Was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and later today assigned.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

**Taxation**

Bill "An Act to Exempt Food Banks from Sales Tax and to Provide a Review Schedule for Sales Tax Exemptions" (H.P. 1116) (L.D. 1561) (Presented by Representative SAXL of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, DORE of Auburn, DUNN of Gray, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of Brewer, GAMACHE of Lewiston, GERRY of Auburn, GREEN of Monmouth, KEANE of Old Town, LEMAIRE of Lewiston, LEMONT of Kittery, MURPHY of Berwick, PAUL of Sanford, POULIOT of Lewiston, REED of Falmouth, RICHARDSON of Portland, RICKER of Lewiston, SAXL of Bangor, SHIAH of Bowdoinham, SPEAR of Nobleboro, TRIPP of Topsham, TUTTLE of Sanford, Senators: BERUBE of Androscoggin, CAREY of Kennebec, FERGUSON of Oxford, HARRIMAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

**Transportation**

Bill "An Act to Implement the Recommendations of the Governor's Task Force on Motor Carrier Safety Laws" (H.P. 1118) (L.D. 1562) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Senator: PENDEXTER of Cumberland) (Governor's Bill)

**ORDERS**

On motion of Representative CLOUTIER of South Portland, the following Joint Resolution: (H.P. 1117) (Cosponsored by Representatives: AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BENEDIKT of Brunswick, BERRY of Livermore, BIGL of Bucksport, BIRNEY of Paris, BOUFFARD of Lewiston, BRENNAN of Portland, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CHARTRAND of Rockland, CHASE of China, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DAMREN of Belgrade, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, DUNN of Gray, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of Brewer, FITZPATRICK of Durham, GATES of Rockport, GERRY of Auburn, GIERINGER of Portland, GOOLEY of Farmington, GOULD of Greenville, GREEN of Monmouth, GREENLAW of Standish, GUERRETTE of Pittston, GWADOSKY of Fairfield, HARTNETT of Freeport, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of Lagrange, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JONES of Pittsfield, JOSEPH of Waterville, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, LABRECQUE of Gorham, LaFOUNTAIN of Biddeford, LANE of Enfield, LAYTON of Cherryfield, LEMAIRE of Lewiston, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, LUTHER of Mexico, MADORE of Augusta, MARSHALL of Eliot, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MERES of Norridgewock, MITCHELL of Vassalboro, MITCHELL of Portland, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, NICKERSON of Turner, O'GARA of Westbrook, O'NEAL of Limestone, OTT of York, PAUL of Sanford, PEAVEY of Woolwich, PENDLETON of Scarborough, PERKINS of Penobscot, PINKHAM of Lamoine, PLOWMAN of Hampden, POIRIER of Saco, POULIN of Oakland, POULIOT of Lewiston, POVICH of Ellsworth, REED of Falmouth, REED of Dexter, RICE of South Bristol, RICKER of Lewiston, ROSEBUSH of East Millinocket, ROTONDI of Madison, ROWE of Portland, SAMSON of Jay, SAVAGE of Union, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIMONEAU of Thomaston, SIROIS of Caribou, SPEAR of Nobleboro, STEDMAN of Hartland, STEVENS of Orono, STONE of Bangor, STROUT of Corinth, TAYLOR of Cumberland, THOMPSON of Naples, TOWNSEND of Portland, TREAT of Gardiner, TRIPP of Topsham, TRUE of Fryeburg, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, UNDERWOOD of Oxford, VIGUE of Winslow, VOLENIK of Sedgwick, WATERHOUSE of Bridgton, WATSON of Farmingdale, WHEELER of Bridgewater, WHITCOMB of Waldo, WINGLASS of Auburn, WINN of Glenburn, WINSOR of Norway, YACKOBITZ of Hermon, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BERUBE of Androscoggin, BUTLAND of Cumberland, CARPENTER of York, CASSIDY of Washington, CIANCHETTE of Somerset, ESTY of Cumberland, FAIRCLOTH of Penobscot, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LAWRENCE of York, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot,

MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF  
THE UNITED STATES TO EXTEND THE MAINE  
TERRITORIAL SEA LIMITS FROM 3 MILES  
TO 12 MILES**

**WHEREAS**, We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the members of Congress of the United States, as follows:

**WHEREAS**, the current territorial sea limit for the State of Maine is 3 miles; and

**WHEREAS**, waters within the 3-mile territorial sea limit are regulated by the State of Maine with respect to marine fisheries and the waters outside the 3-mile territorial sea limit are not within the jurisdiction of the State; and

**WHEREAS**, the United States Government has extended territorial limits to 12 miles for purposes other than marine fisheries; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the Congress of the United States to extend the territorial sea limit of the State of Maine from 3 miles to 12 miles for the purposes of marine fisheries so that the State of Maine can more effectively manage its marine fisheries resources; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Was read.

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

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to take this moment to thank everybody for signing onto this Joint Resolution. Obviously it is an extremely important issue here for all the people in the State of Maine. The issue is not simply one of marine resources, but one of international marine resources. We are now in a position whereby our marine resources here in the state add quite hardly to our second largest industry, which is our tourism industry. We must protect our marine resources here in the State of Maine and by you all signing on to this particular Joint Resolution, which I thank you hardly for, we will be presenting this to Congress and hopefully under the watchful eye of those Representatives in Congress. We will move a position whereby our marine resources will always and forever be protected. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: Maine's fishing resources is among its most important industry and most important part of its heritage. Today the Maine Legislature joins together to send the strongest possible message to the United States Congress that no longer can we expect members of our fishing community to abide by

laws, but not allow members who come to fish in our waters from other states to live by another set of rules. Our draggers shouldn't be 3.2 miles while the State of Massachusetts sends fishermen into our community and our waters and strip some of our lobsters and our valuable ground fish.

Today this piece of legislation falls on the tail of a piece of legislation which I submitted which would assert our territorial waters. Please join Representative Cloutier and myself in sending the strongest message and giving our Congressional Delegation the strongest possible message during the reauthorization of something called the Magnuson Act which deals with our territorial waters and help protect this Maine way of life. Thank you.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I just want to add my support for this piece of legislation. The 116th Legislature passed a similar resolution that did go to Washington, but apparently nothing has ever been done about it. The action of the 116th Legislature has again been brought to the attention of our Congressional Delegation, but I too, want to thank each and every one who signed on this particular memorialization that we are dealing with today. We have an extremely serious situation out there in the ocean. The Federal Government has been the regulation beyond the 12 mile limit and consequently because of lack of proper management, we have almost entirely lost the species that we have relied on for many, many years, the cod, the haddock, the flounder and all the others that we are familiar with. Please support this and we appreciate your help. Thank you.

Was adopted and sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Ought to Pass as Amended

Representative ETNIER from the Committee on Marine Resources on Bill "An Act to Limit the Size of Drag Nets Used in South Bay in Eastport" (H.P. 605) (L.D. 815) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-358)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-358) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, June 6, 1995.

##### Ought to Pass as Amended

Representative DORE from the Committee on Taxation on Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (H.P. 686) (L.D. 937) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-347)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-347) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, June 6, 1995.

##### Ought to Pass as Amended

Representative VOLENIK from the Committee on Marine Resources on Bill "An Act to Amend the Law Regarding the Possession of Short Lobsters" (H.P. 797) (L.D. 1114) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-359)

Report was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of the Committee Report and later today assigned.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-333) on Bill "An Act to Increase Levels of Property Tax Relief Found in the Maine Residents Property Tax Program" (H.P. 450) (L.D. 616)

Signed:

Senator:

Representatives:

CAREY of Kennebec

TRIPP of Topsham

TUTTLE of Sanford

KEANE of Old Town

RICHARDSON of Portland

GREEN of Monmouth

DORE of Auburn

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-334) on same Bill.

Signed:

Senators:

Representatives:

HATHAWAY of York

FERGUSON of Oxford

MURPHY of Berwick

SPEAR of Nobleboro

DUNN of Gray

REED of Falmouth

Was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and later today assigned.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339) on Resolve, to Create a Task Force on Economic Development Tax Incentives (EMERGENCY) (H.P. 858) (L.D. 1189)

Signed:

Senators:

Representatives:

FERGUSON of Oxford

CAREY of Kennebec

TRIPP of Topsham

TUTTLE of Sanford

KEANE of Old Town

RICHARDSON of Portland

MURPHY of Berwick

GREEN of Monmouth

DORE of Auburn

SPEAR of Nobleboro

DUNN of Gray

REED of Falmouth

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

Signed:

Senator:

Was read.

HATHAWAY of York

On motion of Representative TUTTLE of Sanford, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-339) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 6, 1995.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 350) (L.D. 978) Bill "An Act to Transfer Responsibility for Approval of Employee Assistance Programs" Committee on Labor reporting "Ought to Pass"

(S.P. 523) (L.D. 1421) Bill "An Act to Preserve Deteriorating and Irreplaceable Historic Battle Flags and Banners" Committee on Education and Cultural Affairs reporting "Ought to Pass"

(S.P. 250) (L.D. 647) Bill "An Act to Amend the Laws Regarding Use and Acquisition of State Property" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-201)

(S.P. 338) (L.D. 919) Bill "An Act to Amend the Continuing Care Retirement Community Law" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-194)

(S.P. 438) (L.D. 1206) Bill "An Act to Amend the Medical Examiner Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-198)

(S.P. 534) (L.D. 1472) Bill "An Act to Require That Physicians Providing Services from Another State to Patients Located in Maine Be Licensed by the State" Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-197)

(H.P. 1009) (L.D. 1424) Bill "An Act to Provide for the Dissolution of the Town of York School District" Committee on Education and Cultural Affairs reporting "Ought to Pass"

(H.P. 522) (L.D. 712) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (Governor's Bill) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-348)

(H.P. 692) (L.D. 943) Bill "An Act to Create an Honorary Position of Maine State Poet Laureate" Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-350)

(H.P. 954) (L.D. 1343) Resolve, Establishing a Commission to Study the Trespass Laws (EMERGENCY) Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-344)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, June 6, 1995 under the listing of Second Day.

(H.P. 361) (L.D. 481) Resolve, to Improve Postsecondary Education in the State (EMERGENCY) Committee on Education and Cultural Affairs reporting "Ought to Pass"

On motion of Representative MARTIN of Eagle Lake was removed from the First Day Consent Calendar.

The Report was read and accepted. The Resolve was read once. The Resolve was assigned for second reading Tuesday, June 6, 1995.

#### CONSENT CALENDAR Second Day

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

(S.P. 96) (L.D. 236) Bill "An Act to Amend the Laws Governing Reciprocity in the Licensure of Pharmacists" (C. "A" S-187) (S.P. 311) (L.D. 892) Bill "An Act Amending the Maine Residents Property Tax Program Allowing Persons Having Sole Responsibility for Property Maintenance the Entire Exemption" (C. "A" S-193)

(S.P. 545) (L.D. 1493) Bill "An Act to Modernize Vital Statistics Reporting" (C. "A" S-192)

(H.P. 955) (L.D. 1344) Bill "An Act to Make Certain Changes to Postconviction Review"

(H.P. 785) (L.D. 1102) Bill "An Act to Exempt Bows from the Firearms Discharge Ordinances" (C. "A" H-335)

(H.P. 934) (L.D. 1315) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" H-337)

(H.P. 977) (L.D. 1386) Bill "An Act to Make Minor Adjustments to the 1993 Apportionment Plan" (C. "A" H-340)

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

(H.P. 701) (L.D. 959) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96" (EMERGENCY) (C. "A" H-336)

On motion of Representative MURPHY of Berwick was removed from the Second Day Consent Calendar.

The Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-336) was read by the Clerk.

On motion of Representative MARTIN of Eagle Lake tabled pending adoption of Committee Amendment "A" (H-336) and later today assigned.

#### BILLS IN THE SECOND READING As Amended

Bill "An Act to Promote Economic Development by Establishing a Research and Development Tax Credit" (S.P. 217) (L.D. 559) (C. "A" S-188)

Bill "An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax" (H.P. 776) (L.D. 1073) (C. "A" H-338)

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

Bill "An Act to Forbid an Employer from Hiring Replacement Workers during a Strike" (H.P. 236) (L.D. 316) (C. "A" H-310)

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

On motion of Representative JOY of Crystal was set aside.

The same Representative requested a roll call on passage to be engrossed.

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 pending question before the House is Engrossment. All those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 127

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Perkins, Poulin, Pouliot, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Shiah, Sirois, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Volenik, Watson, Winglass, Winn, The Speaker.

NAY - Ault, Barth, Birney, Buck, Carleton, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Kneeland, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, McAlevy, McElroy, Murphy, Nass, Nickerson, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Savage, Spear, Stedman, Stone, Strout, Taylor, True, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor.

ABSENT - Aikman, Bailey, Brennan, Daggett, Fitzpatrick, Joyner, Labrecque, Ott, Povich, Richardson, Robichaud, Rotondi, Simoneau, Stevens, Truman, Vigue, Yackobitz.

Yes, 79; No, 55; Absent, 17; Excused, 0.

79 having voted in the affirmative and 55 voted in the negative, with 17 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 505) (L.D. 686) (C. "A" H-312)

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

On motion of Representative JOY of Crystal was set aside.

The same Representative requested a roll call on passage to be engrossed.

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 pending question before the House is Engrossment. All those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 128

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Luther, Madore, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Perkins, Poulin, Pouliot, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Volenik, Watson, Winn, The Speaker.

NAY - Ault, Barth, Birney, Buck, Carleton, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Greenlaw, Hartnett, Heino, Jones, S.; Joy, Joyce, Kneeland, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Marshall, Marvin, McAlevy, McElroy, Murphy, Nass, Nickerson, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Aikman, Bailey, Brennan, Joyner, Labrecque, Ott, Povich, Richardson, Robichaud, Rotondi, Stevens, Truman, Vigue, Yackobitz.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

## ENACTORS

## Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003) (C. "A" H-175; H. "A" H-238)

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

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: I listened very carefully to the debate on this bill when we had it a week or two ago. Particularly attentively to the questions, because I had concerns about this bill and I had hoped that some of my concerns would be answered. People did ask questions about the things I was concerned about and the answers did not reassure me.

One issue I have with this bill is on Line 11 of the bill. It refers to an enacted Legislative Document, that is, any bill that comes before this body that has money attached, not simply the budget bill.

My other concern has to do with the replacement of any item in such a document by the Governor, as long as it costs the same or less. We could be talking about a substantive difference. A replacement, you suggest it, one program over another, one school over another, it doesn't matter what the topic is. As long as it does not cost more, we can see a replacement in any Legislative Document. The Legislative Document may be as complex as our budget bills where the Appropriations Committee has worked hard and forged some sort of compromise. That bill

having been passed by both bodies is then changed by the Chief Executive or that replacement can occur in a simple document that happens to have a money item.

For these reasons, men and women of the House, I urge you to vote against Final Passage of L.D. 1003. Thank you.

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 strong support of this bill. This to me is just a common sense measure. It is, in my mind, a well crafted bill that balances the needs of protecting the rights of this body to make legislation and yet giving the Governor the ability to take bad pieces of spending out of the budget. The way I look at it is that I don't want anything passing this House that would not be supported by a majority of this House. To override a veto all we would need to do is have 50 percent plus one members of this body vote affirmatively to override the Governor's veto and it would be overridden. If we do not have 50 percent plus one members of this body willing to vote for a particular piece of legislation with a particular cost attached, it should not pass.

It is a very simple very balanced, very reasonable measure and I applaud Representative Kerr for bringing it forward. I urge you to support it.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I would urge you to vote against the pending motion to enact this Resolution to amend the Constitution and establish a Line-item Veto. I believe that we should do this for several different reasons.

Number one it gives inordinate power to any Chief Executive. We are amending the Constitution to say to this Governor or the next Governor and Governors of the future that, in fact, if there is an item in the budget that they do not like or do not agree with, then they have the power to amend that out of the budget.

Ladies and gentlemen of the House, I believe this is very strong power. Many of you have watched the machination of what is going on now in the Appropriations Committee and the compromise, the discussion and all the negotiations about items in the budget is going on by all parties, including the Executive Branch of Government. That is as it should be.

The tradition of leaving the control of the public purse strings in the House of Representatives with the Legislature stems from our very colonial roots and the people's distrust of the unbridled executive authority in a Chief Executive or a Governor. Our Constitution was designed to have balanced powers of Government and I believe the Line-item Veto would then cause an unbalanced for that. The colonial roots of our legislative control of the purse strings is reflected in the fact that of the seven states that do not give extraordinary authority of Line-item Veto to their Governors, four of those states are in New England. I call that Yankee independence or ingenuity.

Our Constitutional system of checks and balances, including the veto power given to the Governor has served Maine for the past 175 years. The sponsors or the cosponsors are the only proponent of the

Line-item Veto bill during our Public Hearing who offered any evidence of a single incidence in the 175 years history of our state where the exercise of a Line-item Veto would have or could have made a difference or improvement to the peace health and harmony and welfare for the people of the State of Maine.

As a body we recently adopted a measure, the Productivity Task Force. Some felt at that time it was an abrogation of our responsibilities and legislative authority. It gave great power to the Executive Branch and it took ten days of eight hour negotiations in order to find a middle ground so that this body and the other body would adopt the Task Force. I would ask you before we do further damage to the Legislative authority we should ask ourselves what is broken and what are we trying to fix? If the answer is I don't know or nothing is broken, then I would state that we should exercise our strong Yankee skepticism that we share with all our sister New England states and say no.

I urge you to vote against Enactment of the Line-item Veto.

Representative SIMONEAU of Thomaston requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I am rising to urge you to vote against the passage of this bill. As a new member of this chamber I can't see why we needlessly extend debate on controversial issues, which is what this veto power will be used on. The bills that I have seen go through here especially budget issues that we have debated hardily. We vote on these at least three times and I don't see any need why we would want to vote on those once more in order to decide whether or not to override a gubernatorial veto.

There is adequate room in the process right now both in Appropriations process and on this floor for the Executive Branch and all of us to adequately influence any budget bills. By the time they leave here after the necessary three readings, I think we are done with those. The voters have sent me here to make decisions and move forward, not to continue the debate on bills needlessly into the future which I think will be one of the effects of using this Line-item Veto. I think it would be an avocation of our responsibility as legislators to hand over the power to influence policies we have already voted on.

There is also no question in my mind that a budgetary Line-item Veto will effect policy on important bills and it will be used especially on controversial bills that have already had enough hearing in this chamber and in the other chamber. I would encourage you to vote against passage of this bill.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: This is strictly a public policy question. As far as the Line-item Veto, lets not make more of this bill than really exists. The Governor should he exercise this veto power is not going to change policy. It is only going to change



the amount of dollars that is going to be allocated or de-appropriated.

As far as the Governor being authorized to replace an item that has been vetoed with an amount that does not increase the appropriation or decrease the de-allocation. The Governor will not be authorized to disapprove, omit or modify any language dealing with the statutes. The Governor can not increase spending elsewhere in the appropriation. The Governor must also exercise his Line-item Veto within one day. If he does do that, it is this legislature that will determine the outcome of that veto by a simple majority.

Mr. Speaker, when the vote is taken I request a roll call.

Representative KERR of Old Orchard Beach requested a roll call on passage to be enacted.

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 Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The Representative from China raised some objections to the bill that were very appropriately addressed by the amendment offered by the Representative from Old Orchard to the original bill. As he just so clearly stated, we are only talking about dollar amounts, not amounts that can be substituted or changed within the budget, only deleted.

The Representative from Waterville in her carefully prepared remarks reminded us that 43 states do provide this authority to the Chief Executive and with good reason. I appreciate that half the members of this House have not been present when a budget has been finally approved by this body. There are, in fact, items in there that you will not recognize. I will hasten to add that it is unlikely that many members will read a budget in its entirety. It is a long document and unfortunately there are some components in the end that are added that come very difficultly and may come when the rest of us are not present.

The Representative from Waterville asked if there had been one instance where it had not worked in nearly two centuries of our operation as a state. I think of one instance that I was exposed to where a school was added to the budget late at night in the last of the process and ahead of all the rest of ours for funding. It just seemed to me that that was one instance where we as a legislature should, should the Governor strike that out, be given an opportunity to decide should that one school funding proposal move ahead of all the rest of ours in the school funding construction process.

I think unfortunately budgets are prepared without the input of all us and this is a very appropriate mechanism for us and for the Chief Executive to have a little bit of discretion as to spending. I think it is appropriate that we pass this item to let the people decide if a Line-item Veto is something they choose to give the Chief Executive. Thank you.

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

ROLL CALL NO. 129

YEA - Aikman, Ault, Barth, Benedikt, Bigl, Birney, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Davidson, Dexter, DiPietro, Donnelly, Dunn, Farnum, Fisher, Gates, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Heino, Hichborn, Jones, S.; Joy, Joyce, Keane, Kerr, Kneeland, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Morrison, Murphy, Nadeau, Nass, Nickerson, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, True, Tufts, Tuttle, Tyler, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Ahearne, Berry, Bouffard, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Desmond, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Green, Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Kilkelly, Kontos, LaFountain, Lemaire, Luther, Mitchell EH; Mitchell JE; O'Gara, O'Neal, Pouliot, Povich, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Townsend, Treat, Tripp, Volenik, Watson, Winn.

ABSENT - Bailey, Brennan, Joyner, Labrecque, Martin, Ott, Richardson, Rotondi, Truman, Vigue, Yackobitz.

Yes, 91; No, 49; Absent, 11; Excused, 0.

91 having voted in the affirmative and 49 voted in the negative, with 11 being absent, this being a Constitutional Amendment a two-thirds vote of the House being necessary, this Resolution failed final passage and was sent up for concurrence.

Emergency Measure

An Act to Clarify Immunity from Civil Suit for Volunteer Activities (S.P. 128) (L.D. 320) (C. "A" S-178)

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. 113 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Discretion of the Commission on Governmental Ethics and Election Practices in Assessing Penalties (H.P. 685) (L.D. 936) (C. "A" H-308)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Environmental Registration Plates (H.P. 1103) (L.D. 1550) (S. "A" S-200)

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. 106 voted in favor of the same and 19 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

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 (H.P. 947) (L.D. 1336) (Governor's Bill) (C. "A" H-303)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend the Maine Tree Growth Tax Law (S.P. 64) (L.D. 93) (S. "B" S-185 to C. "A" S-153)

An Act to Repeal the Snack Tax (H.P. 144) (L.D. 192) (C. "A" H-208)

An Act to Amend Real Estate Appraisal Licensing and Certification Laws (S.P. 168) (L.D. 429) (C. "A" S-158)

An Act to Amend the Law Regulating 53-foot Semitrailers (H.P. 508) (L.D. 689) (C. "A" H-305)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1996 (S.P. 284) (L.D. 772) (C. "A" S-181)

An Act to Amend the Motor Vehicle Laws (H.P. 679) (L.D. 930) (C. "A" H-306)

An Act to Allow Towns to Register Vehicles on Loan through the Federal Excess Property Program without Local Title (S.P. 370) (L.D. 1047) (C. "A" S-180)

An Act to Promote the Collection of Data Concerning the Importing and Exporting of Forest Products (S.P. 376) (L.D. 1053) (C. "A" S-184)

An Act Concerning the Richmond Utilities District (S.P. 381) (L.D. 1058) (C. "A" S-183)

An Act to Require That a Vacancy in a County Office Be Filled by an Appointee from the Same Political Party (S.P. 390) (L.D. 1067)

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

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

An Act to Restore State Funding for State Expenses at County Jails (H.P. 803) (L.D. 1120) (C. "A" H-287)

An Act to Increase Moose Hunting Permit Application Fees (H.P. 841) (L.D. 1172) (S. "A" S-205 to C. "A" H-263)

An Act to Simplify the Licensure Requirements of the Board of Counseling Professionals Licensure (H.P. 844) (L.D. 1175) (C. "A" H-317)

An Act to Ensure Public Review and Legislative Oversight of Proposals Regarding the Introduction or

Reintroduction of Threatened or Endangered Species (H.P. 884) (L.D. 1237) (C. "A" H-288)

An Act to Make Certain Changes to the Maine Juvenile Code (S.P. 466) (L.D. 1262) (C. "A" S-173)

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)

An Act Concerning Inspection at Sea (H.P. 929) (L.D. 1310) (C. "A" H-320)

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

An Act to Permit Consumer-owned Utilities to Seek Rate Reductions (S.P. 522) (L.D. 1420) (C. "A" S-182)

An Act to Make Changes to the Public Utilities Laws (H.P. 1040) (L.D. 1459) (C. "A" H-307)

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

Resolve, Renaming a Cove in the Town of Friendship (S.P. 361) (L.D. 987) (C. "A" S-179)

Resolve, Authorizing the Town of Dennysville to Transfer a Certain Parcel of Property (H.P. 1030) (L.D. 1449)

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

An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (H.P. 425) (L.D. 582) (C. "A" H-281)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

An Act to Authorize Municipalities to Pay Employees Biweekly (S.P. 259) (L.D. 695)

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

On motion of Representative HATCH of Skowhegan was set aside.

The same Representative moved that the rules be suspended for the purpose of reconsideration.

On motion of Representative CARLETON of Wells, tabled pending the motion of Representative HATCH of Skowhegan to suspend the rules for reconsideration and later today assigned.

An Act to Require Licensure for Use of the Title Athletic Trainer (H.P. 699) (L.D. 957) (C. "A" H-282)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

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

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

On motion of Representative DONNELLY of Presque Isle, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

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

House Divided Report - Committee on Taxation - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-333) - (6) Members "Ought to Pass" as amended by Committee "B" on Bill "An Act to Increase Levels of Property Tax Relief Found in the Maine Residents Property Tax Program" (H.P. 450) (L.D. 616) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

Representative DORE of Auburn moved that the House accept the Majority "Ought to Pass" as amended Report.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This morning prior to this time, very quietly the House enacted the snack tax bill. I want you to think about that for a moment. You very quietly in the next biennium promised to cut taxes by 24 million dollars after what had been a lengthy protracted debate a few weeks ago. We have a bad case of tax cut fever in here and I am going to give you an opportunity to state your tax cut fever this morning.

I don't want to ask you for a show of hands, but I want you to think about your campaign. I think about my campaign. What is on your literature? I think about what was on my literature, work for property tax relief. I ran saying I would work for property tax relief. I ran into very few other candidates that didn't put that on their literature. I read brochures around the state as you go and talk to other candidates and you meet them and they ask, "What do you think of my brochure?" Work for property tax relief. Well this morning here is your chance. This is it and this is the only chance of offering substantial property tax relief to people who don't have any yet.

There will be another proposal before you, but what is wrong with that proposal is, it doesn't give property tax relief to one more person who isn't currently getting it. This program, in short hand, is called the circuit breaker program. This program of property tax relief was originally designed for middle class people. It originally went to an income of \$60,000. The state couldn't afford it so we dropped it to \$50,000 and last term while the state was busy going broke, we dropped it to \$25,000. We effectively took property tax relief away from middle class people. This term we can't afford to restore property tax relief to all working middle class people in Maine who have high property taxes.

We can afford to restore it to some of them. What is before you, the Majority Report, and you are going to see a little form on it, is a property tax relief program that would go up to incomes of \$35,000 that

would grant rebate checks up to \$1,000. If your property tax burden is more than five percent of your income, it would give you 50 cents on the dollar for everything over five percent of your income that you pay in property tax. If your property tax burden is over 10 percent of your income, it would rebate a dollar to every dollar of property tax over 10 percent of your income. It is a substantial rebate. It goes to a \$1,000 maximum check.

Many of your constituents three years ago got a circuit breaker check, property tax relief check and last year they did not and when you went campaigning door to door, they commented about it. They were angry about it. They felt like the legislature had abandoned any relief for the middle class. In Auburn last week there was an article in the paper talking about the tears of farewell, as some of our teachers were given their pink slip notices because we cannot afford to increase property taxes anymore. In fact, we have cut our schools back because we can't afford it anymore. When we had a substantial property tax relief program, at least educating our children didn't burden those people on fixed incomes. They didn't need to choose between their kids and paying their property tax bills.

Everybody talks about there are too many taxes. Well in the last eight years that I have been here, we have reduced income taxes twice. Many of you don't know that, we have reduced income taxes twice, but property taxes throughout the recession spiked because we didn't help towns with schools and roads as much as we used to. Your tax problems, there are many tax problems, but the primary tax problems your citizens will talk to you about are their property tax burdens. All of us campaigned, I venture to say virtually all of us campaigned that we would work for property tax relief. If you have a town, particularly coastal communities, urban communities, communities that don't have as much school aide, that is beset by property tax burden, this is the program that will help you to offer to your citizens property tax relief and when you vote for this you can go home and you can say you voted for property tax relief for people who didn't yet have it.

If you don't vote for this, you are not going to be able to go home and say that. You will be able to go home and say maybe I voted for a bigger check for people who are already getting a check, but you won't be able to say you offered one single individual more property tax relief. In fact, in this legislature this year we have added to everybody's property tax burden. We have doubled exemptions on farm machinery. We have double exemptions on parsonages. We have done a lot to add to the property tax burden. That is what you could campaign on, if you don't feel like voting for this. Next time you could campaign by saying I have increased the property tax burden, because that is what you did with the other votes.

Here is your chance to be able to say, I lowered the property tax burden on middle income working people in the State of Maine. I certainly hope you are going to. I certainly hope and believe that all of you understand that the largest share of the tax bite these days is property tax. Talk to some of your older citizens and you are going to find that their property tax bills are higher than their mortgage payment and that is wrong. We ought to do something about that. It has nothing to do with the

ability to pay. I would encourage you to vote with the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to support the Majority "Ought to Pass" as amended by Committee Amendment "A". I think the good Representative from Auburn said there are two Committee Amendments that surfaced as a result of this bill. Far and away, I think this is the one that is going to have the most effect and provide the most relief for your constituents.

This amendment raises the maximum amount of a refund to your constituents from the current \$500 as is law now to \$1,000. Recently this law, it might have been in 1989 and for several years thereafter provided up to \$3,000 worth of relief to property tax payers and up to as the good Representative said, if you had an income level up to \$60,000 for the first couple years of this program the level was up there that high and that was in 1989 and maybe 1990. In this Committee Amendment that I urge you to support the income level for a household with two or more members who's total incomes is up to \$35,000.

It is not a tax relief program for even the middle income folks, but it is a lot closer to it than we are now at \$25,800. This gets it up to a realistic income level. I represent coastal towns as you all know and we are suffering from amazingly high property tax burden in our area. A good number of the people there, as you know, are not retired folks who have just moved in or wealthy folks from out-of-state as we like to picture them. They are people who have lived there for generations. They have income levels of up to \$35,000 especially if you have two people or more in your family, this is not an unreasonable number.

I think you would be in far better standing with your constituents if you supported Committee Amendment "A" to L.D. 616, which was a bill that I sponsored quite a while ago. Originally the bill as I sponsored it has an income level of up to \$50,000 and a \$1,500 rebate. It was kind of a Cadillac of circuit breaker, not a Rolls Royce, but a Cadillac. I was very honored to have bipartisan support for that Cadillac of plans. I would be very honored today if I could have bipartisan support for this Committee Amendment. I think of the two it is by far the best and I urge you to consider it. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise to urge you to support Committee Amendment "B". One of the speakers mentioned that they campaigned on lower property taxes and that people felt as though they were cheated.

I didn't campaign on it, but I did go down to my Town Office to find out just what the problems that was happening with circuit breaker. As some of you remember in the final hours of the last session, circuit breaker was one of the items we were trying to work out and to come up with a compromise. Some of us were not happy with what we came up with. I was the one who was not happy with the tax cap of \$500. I didn't think it was enough. I thought, I will check and see what happened with that cap. I found out that a lot of people were hurt, not because of the income level, but because of the cap.

In talking with the Town Tax Collector, the Assessor and the people at the Town Office, I said what do you think we should do? Do you think we should raise the income level or do you think the cap should be raised? They said the income level is fine, it is the cap that is really hurting the people. It is not helping the people it was meant to help with \$500, because \$500 out of a \$2,000 or \$1,600 tax bill is not much money. I would like to have seen it gone a little higher than \$1,000, but I realize we probably couldn't get that through, so I settled on \$1,000 to get unanimous on Committee "B". Those are the people we are trying to help.

You can call this a middle income tax bill, if you want to, but I guess middle income in Maine is probably \$25,000. People here in this state do not make big money. There are some, but most of us do not make big money. The people in my district, most of them, do not make much over \$25,000 to \$30,000, if there is a sole person working in that family. This would help them and we wouldn't have to put a lot of money in.

It was also mentioned about the snack tax. To me that is just a beginning of lowering taxes on our road to recovery. Also it was mentioned that we have cut income tax. Those of us who were here during the recession, if you remember, that was a surcharge we put on income tax and we promised to cut that. That wasn't cut for any other reason, that was another one of those temporary taxes and that was the one we did do as we said and that was the only one we did as we told the people out there. We did keep our honesty on that one. I would urge you to support the Committee Amendment "B" because, to me, it is the one that is really needed and it is one that we can really afford. It will really help a lot of people. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative SIMONEAU: Could someone tell me how many states give circuit breaker relief of \$500 or more? How many states give circuit breaker relief to incomes above \$15,000?

The SPEAKER: The Representative from Thomaston, Representative Simoneau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I can't answer that question, but I can remind Representative Simoneau that he wanted us to look at Vermont. Vermont gives a larger check and we can't afford to do what Vermont does. It gives a larger check than we do in Maine. What was the second question? I don't know the other states. I do know Vermont already gives a more generous circuit breaker program. Following Representative Simoneau's instructions, we looked into whether we could afford to do what Vermont does and we simply, as a state, could not afford it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote

against the Majority "Ought to Pass" as amended so we could go on with the Minority Report with Committee Amendment "B".

Basically I think we all believe in some property tax relief, but what we are talking about here is a philosophical difference in the committee. It is whether you want to reach through property tax relief the people who really need it or whether you want to go to up into medium income people or higher. The Minority Report even increases this program by 6 million dollars over the biennium. It isn't that we aren't doing anything. We know there is a problem there and we are willing to put in 6 million dollars in new money with the Minority Report.

We really believe that \$25,000 cap for income is real important. If you go above there, it gets very costly, but by adding 6 million dollars as Representative Murphy said, we can increase the cap from \$500 to \$1,000. That is very important for people in the coastal sections of Maine that do have the higher taxes and are in a lower income bracket. Once again we have to look at what we can afford and we cannot afford. We are saying, we believe we can go up to the 6 million dollars over the biennium, but if you go 20 million dollars and go up to a \$35,000 household cap, that is just more that we can afford at this time. I would urge you to vote against the Majority "Ought to Pass" Report. Thank you.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I listened to people talk here over the year and I keep hearing that people have sent them here to make a change. Well, ladies and gentlemen, I want to tell you that now is your opportunity to make a change. I am not concerned what particular part of circuit breaker you support, but I want to tell you that this is the best thing that ever came down the pike. If you really want to go home and you really want to be proud, vote for this property tax relief. This is why the people have sent you here. They want to make sure that when you go home you can tell them that you have done something about their property tax relief. I urge you to support this bill. What amendment you want to support is entirely up to you, but please help those people back home. Thank you very much.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Maine is a unique state in many ways, but in this debate Maine's uniqueness on one fact stands out. We are the only state in the country and that includes New Hampshire, that supports all the services of local government allowing local government just the property tax, even New Hampshire has a couple of small areas of benefit. There are some fees arguably in Maine that are included in our support of local government, but they are essentially nonexistent. The other 48 states give significant other sources of revenue to carry local government. The property tax is the way we fund local government in Maine. This is the only way that we can elevate when that burden becomes crushing on individual tax payers. That is the only way we have. Thank you.

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

Representative DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, believe that we should be providing a tax relief through the circuit breaker program. I think the question is only how much should we be providing for relief. In both the amendment we have before us and the Committee Amendment "B", the total amount is the same. It is \$1,000. It is the matter of determining the level of family income that we think is appropriate. Under Committee Amendment "B" it is \$25,800 and under the bill we have before us its \$35,000 for a family. The difference is the Committee Amendment "B" is a cost of approximately 6 million dollars for the biennium and the bill we have before us almost 21 million dollars. I believe that the Committee Amendment "B" is the appropriate way and I would urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

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

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you Mr. Speaker. It seems to me two years ago the programs were woefully underfunded. Will the funding in either one of these Committee Amendments properly have enough funds there to answer everybody that does apply for them?

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Thank you Mr. Speaker. I am delighted to respond to that question. Many people are on roll calls for sales tax breaks, snack tax breaks and income tax breaks. This is a circuit breaker property tax relief break. If you have been on roll calls for all those other breaks, I suggest you send this one down to the table and they can all duke it out together and we can decide as a state whether our priority is going to property tax relief or one of the other tax relief programs that many people have felt perfectly free to vote for without any concept of where we are going to find the funding. Like everything else, we are going to duke it out for that funding downstairs.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Mr. Speaker, Men and Women of the House: I urge you to look at this on a municipal point of view also. Being a past Selectman in the Town of Topsham in the last 70's and early 80's we had very few lien processes that went out when it came tax time. This year we probably have a record number just in Topsham. I am sure if you talk to your own municipal officials you will find the same thing. These liens go to people who need this program. People who haven't had it for the past two years that could benefit by it. We are going to be pumping 20 million dollars back into our communities. This is a property tax relief bill. Please pass it.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I urge your support for the Majority "Ought to Pass" Report as amended and I am going to tell you why. I did run on this. I did

have this in my brochure and I did talk about it. Since then we have had meetings in Lewiston, most of them over education funding. At those meetings were senior citizens, people in middle class, lower middle class and people who were concerned about GPA funding, both helped property tax relief. They were extremely vocal in my community that they wanted to have property tax relief. They did not mention the snack tax. They did not mention income tax. They did not mention sales tax, but they sure as heck, loud and clear, said to not just me, but the local officials that they wanted help with GPA funding, which effects property tax and with this as amended. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLUKEY: To anyone who may care to answer. Is the circuit breaker based on adjusted gross income or taxable income?

The SPEAKER: The Representative from Houlton, Representative Clukey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Thank you Mr. Speaker. I believe I can answer that question. It is neither one. In fact, the computation to what the income is based upon is no simple matter. Before the Appropriations Committee the acting State Tax Assessor, I asked him specifically if he could tell me what the computation was and he could not. Nobody who was there with him could. They had to come back with a written response. This goes also to what Representative Dore mentioned on the Vermont tax.

The reason I gave you the Vermont tax is because the Vermont computation of income tax and taxable income is identical to the federal method, ours is not. To arrive at the income that the circuit breaker is based on you must make a number of adjustments. For example, if a person is drawing Social Security that is supposed to be added back onto the income that is on the tax return. If there are adjustments in their operating losses or passive losses that have been denied or allowed on the federal return, that has to be brought over to the main return and adjustments made. I won't say it is unenforceable, but it is darn near unauditible. This is not a simple thing. One of the reasons I, in the past, have opposed large increases in this is because I think it doesn't go to the people it should go to.

The questions I asked before, I know what the answers were two years ago. When we dropped \$3,000 maximum down to \$500, we were still in the top nine states in the country that gave \$500 dollars or more. I believe somewhere around 26 or 27 states keep \$15,000 as their cap. We are not shirking with the circuit breaker that we have. I agree with the good lady from Lewiston, probably this money should go into the GPA or revenue sharing. It is not a simple thing to compute and I will give you something to think about. Lets suppose you have an elderly couple with a small amount of passive income that had been earned and say they were earning in the vicinity of \$15,000 to \$18,000 in Social Security. They might qualify for this. How would the State Tax Assessor

know that they had Social Security, because they wouldn't be required to file a tax return?

Think about this, it is not a simple program and to measure it on an artificial income number that perhaps can't even be verified may be sending the money to the wrong people. Thank you.

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

Representative POVICH: Mr. Speaker, Men and Women of the House: I wish to convey a comment that I received from the Frost Family in Mariaville based on my questionnaire that I sent out. Bear with me as I read this heartfelt message from one of our working families. "I am a stay at home mom and I home school three of my four children. My husband makes \$9 an hour. We struggle to survive. We depend upon God and not the state to meet any of our needs. Please reduce taxes. Please drastically reduce property taxes. We could lose our home that was build by my husband's great great grandfather because of property taxes. Please Mr. Povich, we need help right away. We are not asking for a hand out. We are just asking for what is rightfully ours and tax reductions. Thank you and may God bless you and give you all wisdom and compassion." Please support the motion "Ought to Pass" as amended by Committee Amendment "A". Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: I would ask you today to support the Majority "Ought to Pass" Report. Having been a former municipal official in my hometown for close to 10 years, I feel that the best thing we ever did in providing property tax relief over the last 20 years has been in this circuit breaker program, particularly for those working class families.

The original bill in 1980 provided relief levels for property owners up to \$60,000 for those of us who remember. In 1989, the program began to be whittled down because of budget shortfalls as we all remember. Therefore, we find ourselves here today addressing an important issue. I would encourage you to support the Majority "Ought to Pass" Report and extend the property tax help for those households making \$35,000 for a working class family of two. I think it will be greatly appreciated by those people as well as other members of the state.

I received a letter before the Taxation Committee from a woman from Orono and I would like to share it with you. "Dear Representative Dore: I am writing to commend the effort being made to restore the funding to the property tax circuit breaker program. This program is the best hope for providing assistance to those of us who are faced with an ever increasing local property tax burden. I am a retiree living on modest fixed income. The present high valuation of my home town and tax rates on my residential property have forced me to sell my home. In 1992, I received a state refund of \$1,942. In 1994, the refund was reduced to \$500 and that is a \$1,400 difference. I hope your efforts this year on behalf of the citizens of Maine will be more successful. I realize the state faces many serious financial burdens in setting priorities, however, please remember those of us who may have to be or are taxed out of our homes."

I have also received a bulletin from Maine Municipal Association that had been distributed by Representative Richardson in support of the Majority

Report. In response to Representative Murphy, I also have some concerns about the cap, but it is my honest opinion that the Majority Report will best attempt to solve the problems with limited resources. In reference to Representative Lindahl's question, the answer is this program under the Majority Report will assist an additional 18,454 people in 1996 and will assist an additional 19,202 people in the year 1997. It is for that reason I would ask that you support the Majority "Ought to Pass" Report.

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

Representative DUNN: Mr. Speaker, Ladies and Gentlemen of the House: We have heard two examples where low-income people have needed the relief of the property tax programs and I agree with those concerns. I should point out to you that under Committee Amendment "A" and "B" those individuals would be receiving the same amount, \$1,000, assuming that the information as was apparently presented. The question is do we believe that we should be providing the benefits to the people with family incomes of \$25,800 or should we go to \$35,000? I think that is the question. The amount that any specific family will receive if the maximum and is the same in both cases. I would continue to urge you to defeat the motion before us.

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

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: During my campaign last fall, my primary focus was on property tax relief and, in fact, it was based on an economic philosophy that I have that hasn't been disproved yet and that is in order to get Maine on the move we have to infuse it with a lot of money. A lot of money so that people can spend, when they spend they create jobs and create a demand for goods and services. It just infuses the entire economy and we can get Maine back on the move again. That was basically what my philosophy was during the campaign.

Low and behold, I did get elected and I came with the same philosophy here to the state and my record out of the Taxation Committee will show you that I voted for the income tax relief, property tax relief, repeal of the snack tax and reduction in the sales tax. In fact, I had a bill in there for reduction of sales tax from 6 to 5 percent. It was mainly because of that belief that we have to get Maine on the move. It is the same thing that the Federal Reserve does. If your economy is slouching, you reduce your interest rates so you can get more money into the economy and fuse it. Get more people spending. The only way we are going to do it in Maine is if we get more people using tax money to go out and create a demand for goods and services.

I voted for all those things based on that economic philosophy and then I found the honeymoon was over. I had to start making a decision. You can't have all the candies. Maine is not in good financial shape. You will see that on the flyer I will be sending around, but the people still need a property tax relief and they need tax relief to get the economy moving again. You have to make a determination. What are your priorities? I thought very long and hard. With the sales tax, you are going to lose a lot of out-of-state money and people that come in here, the tourists, you are going to lose that money. The snack tax, you are going to do the same thing there. Where is the best place to get

the best bang for your buck? That is to put it right there in the hands of the people so they can spend it in this state.

That is why I chose the property tax as the vehicle to get that money to the people. The difference between Committee Amendment "A" and "B" is that Amendment "A" will infuse a lot of money. Amendment "B" is going to water it down. We are not going to get as much bang for our buck and I don't know if it will just fizzle or if it will get the economy moving again. Based on that philosophy I would urge you to vote for the property tax relief and specifically Committee Amendment "A". Thank you.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: For just a second I would like to make the connection again between education funding and the motion that is before us. I would like to just read for a second some information from the report, Keeping Promises and Honoring Our Commitment to Education Equity, commonly called Rosser Commission.

Maine property tax burden has been gradually increasing. In 1982, Maine ranked 15th out of 50 states in tax efforts. In a study completed by the Center for Study of States in 1991, Maine was listed as 10th among the states with the highest property taxes per \$100 of personal income. The Maine Municipal Association examined property taxes data subsequent to 1991 and they found that Maine's property tax position has clearly become even worse than when the Center for Study of States was published. Consistent increases have placed a severe burden on local property taxes. At the same time, local option spending for education has risen dramatically, especially since 1991 when the state began to fail to fully fund its obligations for education.

The report goes on, in fact, the second recommendation that it makes is an increase funding for the circuit breaker program, because those people that examined education on the Rosser Commission understood the importance of providing property tax relief and also providing quality education. The report makes one simple comment. It says no tax is perfect. I guess if you follow that logic, no tax relief program is perfect. This one is not perfect, in my opinion, only because it doesn't go far enough, but certainly the prevailing motion that is on the floor is the direction we should be going in and if we really care about quality education in this state we will vote for that motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: We have voted tax relief in this chamber. We have voted it for paper companies. We have voted it for power companies. This is basic tax relief for the working middle class of the State of Maine and the people that we tend to forget, except at tax time. Lets remember them. Lets vote for the pending motion. Thank you.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize. I had to get up a couple of times to answer questions and I hate getting up again, but I want to make a few last



points and make sure everybody understands that we are all on the same page here.

Representative Lemke was right. We do only remember them at tax time. The only other time we remember them is when it is time to go to their doors and ask them to vote for us. We all remember them then and we all want to help them. When you are knocking on their door and saying please elect me and I am going to help you out, we sure remember who we are then. We know those middle class people vote more reliably than anyone.

Let me tell you who will not be helped by the Minority Report. A family of four making \$30,000 paying \$2,000 in property taxes, not eligible under the Minority Report. Elderly couple, two people, with \$26,000 in income and paying \$1,500 in property tax, very common in Auburn and we consider them lucky if their property bill is only \$1,500 and they are not eligible for one dime. Family of six making \$34,000 now you have that couple he works at Sears and she is a bank teller. You know them, you have been to their doors and paying \$1,800 in property tax. They are not eligible for one dime. They all were eligible before this program got cut in half two years ago. If you want to make them eligible again, if you care about anybody who makes over \$25,000 a year and has a property tax problem, you will have to support the Majority "Ought to Pass" Report.

This is relief for middle class people, not low-income people. That is what it has always been and that is what we campaigned door to door and bring those circuit breaker property tax forms with us, because we believe middle class people have been overly burdened by property taxes. If you vote for a sales tax cut, a third of it is out-of-state. If you vote for an income tax cut, that is very nice for the upper end people, but I am going to tell you loud and clear this only goes to Maine people who have been paying the bills for this government. Thank you.

Representative JACQUES of Waterville requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of 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 Jonesboro, Representative Look.

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

The SPEAKER: The Representative may pose her question.

Representative LOOK: Thank you. I would ask the House Chair of the Appropriations Committee is there sufficient money within our finances, at this time, to cover the cost of Committee Amendment "A".

The SPEAKER: The Representative from Jonesboro, Representative Look has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr. The Chair recognizes that Representative.

Representative KERR: Mr. Speaker, Men and Women of the House: As we all know we do not have a budget yet. The revenues are about 3.5 billion dollars. We are just establishing our priorities. If this House

chooses to support Committee Amendment "A" you are sending us a message that this is a priority for the House and we should find the money for this program.

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

Representative MURPHY: Thank you Mr. Speaker. I would like to answer a couple of questions that were asked. It was asked how many states besides Maine have enacted a property tax circuit breaker, 22 states. It was also brought up that Vermont was much more generous. Vermont is, they have unlimited funds, but they have a formula they use that is not quite as generous as ours. There's goes by formula, not by a flat amount as we are doing here today. I would urge you to vote against Committee Amendment "A" so we can go on to accept Committee Amendment "B", which is one which we can afford. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 130

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Lovett, Luther, Madore, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Perkins, Pinkham, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Greenlaw, Jones, S.; Joy, Joyce, Joyner, Kneeland, Lane, Layton, Libby JL; Lindahl, Look, Lumbr, Marshall, Marvin, McElroy, Murphy, Nass, Nickerson, Peavey, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Bailey, Labrecque, Ott, Pendleton, Truman, Vigue, Yackobitz.

Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-333) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 6, 1995.

Senate Divided Report - Committee on Taxation - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (S-190) - (6) Members "Ought to Pass" as amended by Committee Amendment "B" (S-191) on Bill "An Act to Repeal Point-of-sale Fees for Future Disposal of Certain Items" (S.P.84) (L.D. 203) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

Representative DORE of Auburn moved that the House accept the Majority "Ought to Pass" as amended Report.

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

Representative DORE: Mr. Speaker, Men and Women of the House: If you will all look at page 2 of the



calendar, I want you to understand something basic about this report. Although this appears to be a partisan report, it is not. The reason is because both parties agree the fees ought to come off. Both parties agree that they ought to come off in as timely fashion as possible. How timely the fashion depends on, I guess, where you are sitting.

No one liked the Maine Waste Management Corporation. We all wanted to see a phase out of that organization and that has happened. Getting rid of the bureaucracy that manages solid waste doesn't do one important thing. It doesn't get rid of solid waste. This is one of those cases you can cut the bureaucracy, but that doesn't cut the problem. We still have solid waste problems in this state. They have done a pretty good job of getting us to market our solid waste that can be recycled making some things that can pay. This is all stuff that is difficult to do, but they have done that job successfully that it is time for them to be phased out. Now is the question comes when.

The Majority Report recognizes they need to be phased out and it phases out appliances and bathtubs on January 1, 1996. It is a little more than six months from now, all those white goods and bathtubs, January 1, 1996. Furniture and mattresses one more year, January 1, 1997. It eliminates 10 positions. We are all here to cut the bureaucracy and eliminate 10 positions. It deals with one of my personal favorites. Tire fees that haven't gone for tires in the last several years. This takes a significant portion of the tires and puts it on tires. One of the things it doesn't do is completely eliminate the fees as of January 1, 1996, but it takes six positions out of the Department of Environmental Protection and 10 positions out of the Maine Waste Management Agency.

It transfers the Municipal Assistance Programs to the State Planning Office and that is important to you because that effects your towns property taxes again. There is going to be assistance with recycling. It is going to be located in the State Planning Office. It doesn't completely eliminate these fees as fast as we would all like to see them go, but some of the positions that are preserved by these fees are necessary to manage the solid waste problems in this state. I would encourage you to know that before the next election comes around you can all say we got rid of these fees, but it is more prudent to do it slowly because we still have solid waste problems. Getting rid of fees doesn't get rid of problems.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This is probably the biggest gimmick of all gimmicks this legislature has ever done, this is the grandfather of all of them. This gets rid of an agency. We can all go home and say we voted to get rid of the Waste Management Agency, but we are keeping the tax on it. The tax or the disposal fee or whatever you want to call it, we are keeping it on.

Nobody minds keeping it on tires. It was on there long before Waste Management Agency was ever heard of. We charged \$1 a tire to dispose of it. I don't have a problem with that or the batteries. We have a problem with batteries in this state, but I think we can see the end of it. However, this doesn't see the end of the tires. The money is not going to tires.

In FY 97 there is \$180,000 gone into the clean up of tires. Remember they had 1 million dollars in this fund this year, which this legislature took and put into the budget. That million dollars would have gone a long ways of taking care of the tire problem.

Instead what we did, we charged people when they bought refrigerators, mattresses, bathtubs or furniture a disposal fee and used it to run State Government. That is not what we told them that was for. We told them it was for recycling and disposing of these things. Most towns, I know in mine has it, that when we do dispose we pay \$5 for the same items at the transfer station. No problem, but also we have down there a state called New Hampshire. Had a little furniture business in Lebanon, they couldn't compete. New Hampshire advertises no sales tax and no disposal fees. Had a little furniture store in Kittery who gave me a call one day and he said, "I'm just barely hanging on." I said, "Well I understand the Governor wants to get rid of the Waste Management Agency and that should take the disposal fees off."

Well that certainly would help because I am watching these trucks go by here everyday from New Hampshire. He has been in business for 30 some odd years and he wants to leave it to his daughter. He said there is not going to be anything left to leave. These are the people we are hurting by this. If this doesn't pass, I have to call and tell him, well we did away with Waste Management Agency, as the Governor said he would, but now they want to keep the disposal fees on. Ladies and gentlemen, what that disposal fee is going to be paying for is for six positions going into the State Planning Office. I am not going to stand here and judge whether they need them in State Planning Office or not, but I do have a personal opinion.

Anyhow, I haven't really had a chance to look into it. I say if they are needed they should go down before Appropriations Committee and give them their pitch and tell them their needs and demonstrate a need for these positions. Don't do it on the backs of the little businesses in the State of Maine and on the people buying these things. There was originally 21 positions and they cut out 16. The rest of them are going into the DEP. I don't know about everybody else, but every year since I have been here it seems the DEP always needs help. We always have to vote some positions for DEP and I don't know, but I am beginning to think that the only thing these positions are wanted for is so they can foul up business a little more in this state. Even if they are needed and they may be, they also should go down before the Appropriations Committee and demonstrate a need.

It should not be done and believe me these fees will not be off before your next election, because the furniture and mattress fees do not come off until January 1, 1997, not 1996. The appliance fees and bathtubs come off January 1, 1996, not furniture and mattresses. These are the things that they want to use this money for. It is dishonest. It is another gimmick that we are going home and tell people to feel good that we have done away with the Waste Management Agency, but we are keeping these fees on.

Ladies and gentlemen, I even tried to compromise. I agreed to keep them on until October 1, 1995, instead of doing away with them on July 1, 1995. They wouldn't even compromise one day with me. The other proposal is to keep them on until October 1, 1995. I did agree to that. I still feel it is

dishonest and those of us who do represent the border down there, it is hurting the little businesses. There is one left, the one in Lebanon, they went out of business and now there is no business there. It is just an empty little shopping mall. There is nothing there. If that is what you want to do, it is better to go home and tell the people, we did away with Waste Management, fine, but at least be honest and say, but we are keeping the fees on. We will take them off, but I am not to sure that this will ever take the fees off.

There will be another need come up for these fees. I do not have the faith that these fees will ever come off from these. I think it is dishonest to go home and tell the people that we will take the fees off and they will not come off before your next election. I hope you would vote not to accept the "Ought to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I hope you do support the Majority "Ought to Pass" Report as amended. This is one bill that I feel really strong about that we do need to pass and for many reasons.

It is true. The Waste Management Agency is being phased out or is going to go out and it is going to save the taxpayers of Maine 1.2 million dollars. We all agree that the fees should go with it, but it is a matter of when. The Minority Report recommends that they go out in October. The Majority Report recommends that they be phased out over a period of time. We are saying the appliances and bathtubs should go three months longer and be phased out in January and furniture and mattresses should go one year longer and be phased out January 1, 1997. Why do we need to have that be extended for that period of time?

It has been stated earlier that, it is true we are doing away with Waste Management Agency and we are saving 1.2 million dollars. We still have every ounce of trash to deal with that we have been dealing with in the past. We are doing away with a lot of positions in Waste Management. We are moving six over to the State Planning Office so that we can keep these recycling programs. We know that these recycling programs have been real beneficial in the past and they still are, as they are saving the towns a lot of tonnage and money from going to the incinerators.

It has been mentioned that they are maintaining some positions with the DEP. Yes, that is true, but the reason is we have a number of landfills out there still to close. We have many landfills that have illegal dumping right now that we have to take care of. There is new licensing of transfer stations and relicensing of transfer stations. I can give you a real good example of why we need these people to work, because there are so many violations out there. Tires have been mentioned. I can give you a first hand example of a tire pile within a quarter of a mile of my house with about 4 million tires that declared bankruptcy last Friday. DEP and the state have one heck of a lot of work to do to take care of it. It is their problem. They licensed it and it has gone beyond where they wanted it to.

That is just one example of the many problems across this state that we have got to face. I think by just voting for this bill and giving these fees time to phase out. We all agree they need to be

phased out, well lets do it over a period of time. I strongly urge you, if we are thinking about our town and our recycling programs, that you pass this bill. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: It looks to me like Committee Amendment "B" is a lot better. I have been a solid waste contractor for eight or nine years now. I won't say that the Waste Management Agency hasn't done anything. They have done some good things and they have set up some good programs. As Governor King said in his speech earlier, they have done a good thing and it is time they move on. It is time that the tax that supports them moves on too as soon as possible.

There is nothing that grates citizens more than to be taxed twice for something. When they have to pay for something up-front and then a lot of facilities charge them when they dispose of it. They pay twice. There is nothing that grates people more and nothing that discredits us more. If we keep this tax on after we get rid of that agency, it will discredit us even more. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask you to support the Majority "Ought to Pass" Report. I realize how difficult it is to talk about fees and taxes at a time like this. I also recognize that there are some things in this state that we really have to take seriously and as a Representative from Norridgewock I have had a lifetime of experiences with the solid waste issue.

I realize that there are six positions that have been eliminated from the DEP and the areas which are funded are critical to the solid waste management issues in Maine. Coming from Norridgewock, we have an extremely large commercial special waste facility, which is in the process of dealing with an expansion of the last four phases of that landfill. It is quite a technical undertaking. It requires a lot of oversight by the Department of Environmental Protection. Sawyer Facility is also at a point where they need to expand their facility. We have had a lot of input from municipality dealing with solid waste issue. With issues in their own communities and also from the paper industry.

They are all asking us to make sure we recognize the need for prompt response. Communities like Norridgewock, I know, because I have been involved there, need a prompt response when they need to understand whether there is a violation or a problem with a facility the size of Norridgewock. The paper industry and the people that are applying for expansion and permits need a prompt response. The DEP needs to get their personnel out in the field on these issues. It is extremely important. Timing is important. The whole problem with the solid waste plan that we have dealt with in this legislature before focuses on the need for oversight. We want to make sure that we have the capacity and the ability to maintain that program.

We have Carpenter Ridge which is something the state decided to fund to manage commercial waste, out-of-state waste. These are all issues which are something that we have been successful at. Although

we all realize that we need to curtail the fees, we also have to do it in a very managed way, because every community that is dealing with solid waste issues in their towns, the expense of that issue, the ongoing concerns. They need to understand that this legislature takes them seriously. The DEP needs to be able to plan in order to be able to get their personnel out in the field. I would encourage you to take that under consideration because it is an overwhelming responsibility of this legislature. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I was surprised and, I guess, a little bit disappointed to hear the Representative from North Berwick, Representative Murphy argue in opposition to the Majority Report in this case. I would ask her and you to think back to a few years ago, I believe it was 1985 and 1986, years before which I, in fact, was in the legislature, but Representative Murphy was here. She was working very hard on behalf of her constituents and that is how I met Representative Murphy, because we were both involved working a very important issue that was facing the southern and western parts of this state. There are a number of people who, with big bucks in their eyes, were looking to develop landfills along the border part of this state, basically to serve out-of-state interests, not to serve people in the State of Maine.

Those landfills that were proposed to be built, naturally would have an environmental impact, which is why we have been moving away from landfills towards other more appropriate and environmental forms of waste disposal, especially recycling and waste reduction. As a result of what was, in fact, a terrible crisis at that time, we ended up having a moratorium on all future landfill development imposed by the Governor of this state. A study was set up within this legislature which ultimately came out with legislation that was adopted and which included the Waste Management Agency and a number of other provisions of that law.

That law has had a lot of different pieces to it. Some of it has been technical assistance to towns. Some of it has been planning and the development by the state of an alternative facility to take care of our commercial and paper company waste needs, that is the Carpenter Ridge Facility. The issue of out-of-state waste is a very difficult one, legally, to take care of. There have been a number of supreme court decisions over the years which have been quite hostile to states taking action in this area. I have spent a lot of time working on this issue. In fact, since 1985 I have been involved in it as a lawyer, as part of my profession and as an advocate for people who have been basically facing situations where people from out-of-state were coming to develop landfills which were not intended primarily for people in this state, but for people from out-of-state.

What I can tell you and this is my legal judgment, but it is also shared, I believe, by the Attorney General of this state, that is what we have here in the State of Maine, the system that we put together is probably the best thing that we can do in terms of protecting people in this state from landfills or incinerators being built willy nilly around the state without regard to what the state's needs are. That

program depends very much on some level of planning to continue to take place and some technical assistance to go to the town. That is what the Majority Report retains. It retains a very, very slimmed town version of it.

Only six positions transferred over to the State Planning Office, but I have been assured by the Executive Department and the current head of the Waste Management Agency, which will disappear under either report, that it is sufficient to maintain that planning effort that we must have in order to protect the state from willy nilly development of out-of-state waste facilities. I hope that you will take that into consideration as you cast your vote, because if you do cast your vote against the Majority Report you will be casting a vote for a very uncertain future when it comes to our ability to have any say so over out-of-state waste. This is a tricky area of the law. There are no guarantees even with the system that we have in place that we can, in fact, protect Maine's interest.

I am convinced, I spent a whole two days in the law library over Saturday and Sunday, when this proposal originally came forward, researching the issue. I am quite convinced that if there is anything that we can do we are currently doing it. It is the best system that we could possibly have. I really strongly encourage you to vote for the Majority "Ought to Pass" Report. It does phase out most of the fees over a period of time. I don't think that the fees that are left are gimmicks. They were designed to fund a recycling and solid waste disposal program and that is, in fact, what is happening here. They are going to help towns. We just spent a whole bunch of time talking about property tax relief and circuit breaker.

One of the things that is the biggest item on municipal budgets right now is the solid waste budget. That is something that has been helped to be kept under control by the continuing technical assistance over the years. We are getting rid of the Waste Management Agency, but the Majority Report does allow some continued technical assistance to towns. I think you are voting against the interest of your constituents and municipalities if you don't vote for the Majority Report. I urge you to vote for the pending motion.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The issue in a nutshell of the Majority "Ought to Pass" is that it is getting rid of the fees, but it is doing it in a, I believe, responsible and cautious manner to insure that the important functions of insuring that these items don't once again end up in the woods or the back yards of Maine irresponsibly or managed over a period of years. There was strong wishes to get rid of the fees and this does it in a manner that will address the needs. Go at it in a step by step means and ultimately end up with a more sensible way of dealing with this continuing problem.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: I rise today in support of the Minority "Ought to Pass" Report. Having been one of those people who originally sponsored the moratorium along with Representative Murphy back in 1988. The impetus being because of out-of-state landfills

moving in here from Southern Maine. I believe it is time for repeal because there are some questions from people like myself and others of where the money was intended to go and where it is going and actually what this agency is doing.

In my humble opinion, that is why there is time for change in this policy and nothing should stay in stone forever. I do so with a heavy heart because I do remember the instances that did occur back then and I still have concerns that those problems exist, but in all good conscience I do have to support the Minority Report for those same concerns.

These fees have become particularly onerous to people of York County and Southern Maine businesses in competition with New Hampshire. I believe by passing the Minority Report we can solve these problems, essentially the difference is the time element. The Majority Report would have a two year phase out of the program, whereas the Minority Report, of which I am supporting, repeals the effective program by October 1, 1995. I hope you will support the Minority Report and hope you will understand my concerns of the solid waste as I have always had concerns as a legislator. I believe a particular mechanism, how we access fees, calling a gimmick or not, the time has come and should end once and for all. That is why I would ask that you support the Minority Report.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I will not go over everything that has been said. I don't think you need to have it all repeated again, but there are a few points that I would like to point out and reiterate to you so you will understand where we are coming from.

First of all, the services that had been committed and done by the Maine Waste Management Act are not going to be done away with. Those services are moving into other areas. They have to be paid for if we are going to continue to do so. The way to continue to pay for those is exactly how they have been paid for since the history of this bill. This law passed in 1989. I want to point out to you that the purpose that this law was passed and these fees were put on was to operate the Maine Waste Management Agency. That is what these fees were for then and that is what the fees are going to continue to do to operate these kinds of services that are being dispersed to the State Planning Office. It isn't as if we are using these for other purposes to which these fees were intended. We are using them for the exact same purposes for which they were intended.

The other point that I wish to make concerning the DEP. It seems to be that some people seem to think that we are putting new people in the DEP and this is not true. We are cutting six people out of the DEP. The remaining people are going to be funded just as they have always been funded since this act passed by these fees. Remember now, we are cutting six people out. It is nice if we could eliminate all these fees. There is nobody, whether you live in the south or the north that enjoys paying fees. I certainly don't enjoy paying fees, but you still have responsible ways of doing things.

The responsible way to do this is to phase these services out, so they will not have a major implication upon recycling. You do this by taking and keeping these fees for the purpose for which they

were instituted. The last thing that I will say is that we never should, at least I don't feel we should, ever make any decisions based upon when an election is coming up. I think I ought to base it upon what is good for the State of Maine. Thank you.

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

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: As you can see from the calendar, I was on the Majority "Ought to Pass" as amended Report, but I want to say one thing that the Minority Report came out with a very good observation. The conversation that came out that the very fee that we put on the disposal of white goods created the very problem that the Waste Management Agency was designed to eliminate. People did not pay that fee and take those white goods to the local landfill. Those people took those white goods, their mattresses and everything else and they went on the nearest woods road, if you ever have been out walking through the woods, and they dumped their material there, because they would not pay that fee.

The reason I rise is to say that when we are making rules and regulations, we ought to monitor those things and make sure that we are not creating a fee or a tax that defeats the very purpose for what we create the tax for. Thank you very much.

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

Representative MURPHY: Thank you Mr. Speaker. My name was mentioned a couple of times of what happened in the early 80s. I certainly was up here fighting landfills in my town, the Town of Lebanon. However, if I really and truthfully thought that the disposal fees on these things would solve our problems, I would be 100 percent of it. Here is a letter that the committee received from the Maine Auto Recyclers. It goes on to say that for six years the Maine Waste Management Agency collected millions of dollars in disposal fees and not one cent has gone to the direct disposal of these products, especially the tires. I already told you they took 1 million dollars this year, the Appropriations Committee, and put it into the supplemental budget out of this and that would have gone a long way.

Remember one other thing too, Maine does not prohibit stockpiling of tires. Most of our tires are brought in from other states because we are so lenient in letting them come in. Other states have laws, especially the other New England States, that they are required to get rid of their tires and they are forced to pay a price per tire. They cannot stock pile them in any of the other states, therefore, they are brought into this state and now it is a problem of ours and we are putting it on the backs of our constituents out there. According to the National Scrap Tire Management Council, Maine is the largest importer of scrap tires in the United States and the western hemisphere. That isn't just happening, ladies and gentlemen, that is our fault.

The sad thing is even now, we have stock piles in Maine and we have a chipper in Eliot and he is bringing tires across that border down there, because he can get them cheaper than he can get them out of this state, therefore, they don't have stock piles in those other states because they are illegal. We have made stock piling tires legal and you are asking the people to pay for it. If I really truthfully thought that this money was going to go to take care of the tires in this state, I would be 100 percent for it.

It is not going to take care of the tires. It will go into running state government again and I am not voting any money to run state government in putting my little businesses out of business or stopping anybody else wanting to start a business down there. This is just what we are doing.

Lets tell the truth here and vote against this so we can go on and accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct the statement that was just made by the good Representative from Berwick, Representative Murphy. She said the tire chipper in Eliot took in all these out-of-state tires because they could get them cheaper. Well that isn't the case. It is that they pay more money, we must remember when these tires come in they pay money when those tires are dropped. These people from out-of-state are willing to pay big money to bring tires into the state and drop them here. That is one of the reasons why we do have a problem and one more reason why we do need the DEP and have personnel that is going to be on top of this subject.

The other thing that I would like to say is through the past years, through Maine Waste Management Agency and their personnel, one of the reasons why our recycling programs have been so successful is that our markets, they have worked on markets. That has not been mentioned here today, but right now the cardboard market is over \$200 a ton. I remember when it was \$15 a ton. It is amazing the markets that they have secured for us to get out there and help offset some of our costs. These are all worthwhile programs and that is one of the reasons why, I think, we should vote for the Majority "Ought to Pass" Report and phase out these fees over a reasonable amount of time. Thank you.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I am sure while we have been discussing fees, it is very clear that the members of the Taxation Committee are not experts in the area of solid waste. We have had to take a crash course in solid waste and understand to the limited extent that we can, what the solid waste debate is about. I want to make clear to you here today as we have struggled with either side of that issue.

I want to commend Representative Murphy and Representative Tuttle they have done a very good job of representing their district and their interests. I believe it is true from that particular southern part of the state. It has hurt the furniture industry. We agree. What we disagree about is how fast can it come off. I think they have done an excellent job of making their point. Let me just read to you a letter from the Town of Gorham. Before I read to you I want to explain, this bill is a companion piece. L.D. 203 is a companion piece to L.D. 229. The only way to pay for L.D. 229, which is the bill before Natural Resources is with L.D. 203, there is no other money. You know we keep talking about tax cuts. We are broke, there is no other money. You want to pay for the environmental concerns in 229, 203 Majority "Ought to Pass" is the way to pay for it.

Let me just read you this letter. "Dear Representative Dore: I am writing to urge you and members of the Natural Resources Committee," [This is his mistake, I am the Taxation Committee, but we were dealing with fees,] "to support L.D. 229, "An Act to Abolish the Maine Waste Management Agency in the form that is proposed by Governor King. Handling of solid waste in the State of Maine is one of the most critical and costly functions that we perform." [I think by, we, he means the town.] "Governor King's proposal would provide a responsible and orderly transition to the elimination of the Maine Waste Management Agency. It would also continue the state's commitment to achieve a 50 percent recycling rate and continue the states partnership with municipalities in the recycling area. His proposal would also phase out recycling assistance over several years," [actually it is only two years]. "yet continue to provide essential solid waste services that are needed. My understanding is that his proposal would save Maine citizens approximately 1.5 million in 1996 and 2 million in 1997. Thank you for your consideration of this matter." Sincerely, David Cole, Town Manager.

We don't have enough time to have it distributed on the floor. We were going to. I apologize for that. I want you to understand the we have a relationship with the municipalities and we have made a financial commitment to assist them in dealing with solid waste. The only way to get out of this problem is to continue to fund that commitment while we phase down over the next couple of years. I would urge you to support the Majority "Ought to Pass". Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: The difference between these is apparently just the timing of when we are going to get rid of this tax. Committee Amendment "A" we are talking about a temporary tax. Does that sound familiar?

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Ever so briefly, because this has been debated at great length and with great professionalism. There is no question that there are two reports here that recommend "Ought to Pass", so there is not a philosophical difference. I am troubled that many of the comments seem to have left in your mind the thought that the agency or agencies charged with taking care of this waste would be reduced to a hollow shell if you pass Report B.

I will call your attention only to the Maine State Government report which we all got a copy of earlier in the year for 1993-94 and two numbers from that which you should keep in mind. In the Bureau of Hazardous Materials and Solid Waste Control there were 172.5 positions and in the State Planning Office there were 36.5 positions for a total of 214. I would submit to you that the elimination of five or six new positions a few months earlier will not leave us open to terrible consequences in a matter of controlling solid waste. I urge defeat of the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: Having served 16 years on the

Energy and Natural Committee which had the great pleasure and privilege of dealing with the moratorium from southern Maine because all these dumps were coming and they were going to start locating in the state. Under federal law they could bring anything and everything they wanted, they could dump it in the State of Maine and there was nothing Maine could do about it.

The solid waste law that is in the State of Maine was one of the first in the nation and it came about over many years of deliberations both by the committee and this legislature. Yes, it is a moving and evolving thing and changes should be made. I said that six years ago when I was sitting in seat 143 and people talked about fees and what direction we were going and what was going to happen. I want you to understand one thing that is very important, each and every one of you campaigned on economic development, business opportunity and expansion in this state. Understand this, that for any business to expand or locate in this state there has to be provisions for dealing with its waste.

You can say that only cutting four, five or six positions will not have a dramatic impact, that is not the case. As we met with CEOs and people who make the decision whether to invest or expand in Maine, they told us things over and over again. We want certainty in the environmental laws and we want quick turnarounds of our permits. If you do not give us those, we will go somewhere else. If anything occurs to slow down the licensing, relicensing, expansion or location of transfer stations or landfills in this state, business economic activity will cease to exist in this state. Make no bones about it and remember what was said here. My biggest concern is I don't think we can afford to gamble on the scenario that was just laid out by the good Representative from Falmouth. The simple fact of the matter is, if anything happens to slow that process down, you cannot expand or locate businesses in this state, because disposal of waste is the biggest problem they have to deal with as a business.

We have done a lot of things around that, but the simple fact of the matter is, if anything happens and someone is not there to process those permits, to give those expansions, to give those extensions, because, quite frankly, many of them are opening now as unlicensed landfills. The minute that stuff starts showing up in the neighbor's wells, you have some serious problems. If a business has been contributing to that, that business has some serious problems. These fees should be done away, absolutely. As everything that we charge everyone of our people, should be done away with. We should be able to live in this state for absolutely nothing. We should be able to live here for free.

I want to tell you, I went and bought a new mattress last summer and it cost me \$389. The guy said you have to pay this fee on top of that. I said, "Look if I have to fork over \$389 for one mattress the extra \$10 isn't going to bother me at all." He said, "You folks put it on. I don't know where it goes, but I am going to charge it you." I said, "I am not going to worry about paying it. I am paying \$389 for a mattress." It is \$85 bucks for a tire and \$89 for a battery. Just understand the impact of taking those fees off to the businesses that you all campaigned on. It is not going to happen folks. Talk to the people who make the decisions.

One of the quickest things, the Representative from Norridgewock pointed out, you have two facilities in Maine, Sawyer and C.W.S. The rest end up going to an incinerator some where. You need transfer stations and you need some dumps. We have just started down this road and yes it should be changing, but be careful you don't change it so quick that you go back to where we were 10 years ago. I tell you, the taxpayers in your towns aren't going to like that. You are going to be paying \$50 or \$60 a ton and the trash is going to go up, instead of down, but just tell them you did something for them, you saved them \$3 on the battery they bought. Thank you. I request the yeas and nays.

Representative JACQUES of Waterville requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of 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 Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It is amazing that so many members could endure a debate about waste and taxes through their lunch hour. I think I will add to that debate because it is fascinating. It is fascinating to watch the pleas for keeping an agency that half the people have stood up and said it isn't working well. It is fascinating to watch the arguments to keep these taxes and fees in place to do a job that isn't working or to not do a job at all.

A summary of the positions in the Maine Solid Waste Program, some of which are funded by these solid waste fees, many of which are to be continued. We currently fund nine positions out of the general fund. We fund 21 positions of the Maine Waste Management fund. We fund nine positions out of the Environmental Protection Fund. We get three more out of the federal fund of some type or another. All of which go to contribute to the number that the Representative from Falmouth just told you about of 214 positions. I realize probably that each one of us could argue with a certain amount of passion about keeping every one of these positions. Most of the arguments that I have heard today say that these folks haven't really done the job yet and that is kind of amazing that we still want to keep them going as they are. It seems that half the arguments are being made to keep the agency and neither report keeps the agency.

Both are proposing to do away with the agency in 25 days. The office that they used to have in the Key Bank building downtown paying the highest rent in Augusta, will be gone. I think they have moved from there now, I hope. The director, who is a very nice gentlemen, who has been working with me and my legislation that addressed this subject along with the administration's proposal will be officially gone. Folks will be put somewhere. The question is do we do away with an agency and keep the fees and as the Representative from Greenville said make sure that they disappear in time for the next election or do we do as Report B suggests and do away with the



fees on October 1. This is really the basic difference.

The rest is constructed later in another piece of legislation. Obviously we have to decide whether we need the services that the fees provide. We need more of the same or we need some additional services or we need some realignment. I was pleased to hear the Representative from Waterville condemn the transfer of waste between states is a major federal issue, because, I understand the new congress is addressing that subject and may, in fact, be various proposals to ban the transfer of waste or at least be able to control it between states. It sort of strikes me that even with current law which bans new commercial landfills, which has nothing to do with the argument today, that DEP is licensing these tire piles that are accumulating in some people's back yards under current law and with all these folks in place right now. They are here doing their job creating the mess that the money we are collecting now isn't going to solve.

There hasn't been a dime of the tire fee going to addressing the problem. I think both proposals are suggesting that we realign that process. There must be a reason why people are so intent to keep these fees in place. There are certainly those who argued that DEP may need even more people, in addition to the 214. There are various other people out around in the state bureaucracy that are supported by these fees. I am sure you all realize that. There is a position or two in the Treasurer's Office and there are more here and there. They are all supported by this continuation of the fees. We do want to make sure those fees keep coming in. Those folks clearly think they are needed. I have to admit that we have gone a long way from the original proposal, the executive, which was that we do away with the agency and keep the fees forever.

I think the legislature has made and the administration and Mr. Williams came in with a revision of that proposal when it began to look like we were going to change directions. This is an important decision about spending. These fees do have an impact and it is beyond the \$10 for a mattress. When the proposal was first submitted, I received a letter from a major furniture manufacturer in this state which detailed an argument he had with the tax folks in this state that required him to attach this fee to his products. This is having a major impact on the ability of a major manufacturer in this state to compete with other states. He begged us to remove those fees as soon as possible. Maybe phasing them out over a year and a half is going to make it all right for him, but we can do it sooner. We can do it by Report B.

I think we can live with the realignment of the consequences of that action. We can allocate more money for the tire problem. We can require DEP to realign their positions. The state planning office is going to gain positions and they can continue to work with communities. We have an opportunity before us to look at a structure that collects fees for a job we will no longer be doing. It just makes common sense and be honest with our constituents to eliminate those fees at the earliest possible date and Report B does that.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: Just to make sure that everybody did not misunderstand. I never said that the Waste Management Agency has done a terrible job, a poor job or hasn't done their job. You should talk to your local officials to find out and you will certainly hear from most of them that they have been able to achieve a great deal of success and lower the property taxes in communities a great deal by what was done by the Waste Management Agency.

One of the problems with tires in this state, ladies and gentlemen of the House, is because we keep changing the laws. Very few people are willing to make the investment to get into the process. Champion Paper did it three or four years ago. They are trying to take care of our tire problem, but we make it more and more difficult for other agencies to do that, because we keep moving the rules of the game. We keep changing the players. We have no one that has been in these agencies longer than two years. The minute they get some experience, they go out and work for private enterprise. I am not standing here defending a bureaucracy or keeping the numbers of that bureaucracy high. I am just telling you based on 16 years of observation that the minute that one of these businesses in your district applies for a permit to deal with landfills and they are told, we are sorry it may be a year or year and a half before we get to you, because those people aren't here anymore, you are going to hear about it.

We are giving them one more excuse to delay these things from happening, because contrary to what you may believe, when you start talking about licensing transfer stations and landfills, Carpenter Ridge has taken five years to get to the point where it is now. That is one that was owned by the state, licensed by the state and checked out by the state. Just think what chance your little business, Hartland Tannery, would have trying to do the same thing. Get rid of some more people there and you will see what happens. That is my only plan. I don't want to defend bureaucrats, expanding a bureaucracy or creating a bureaucracy.

The simple fact of the matter is, from what I saw if you do this and you completely phase it out now, you will all feel good and you can all go back and say you did something, but when those same businesses come back and say sorry, we can't let you locate here because you don't have an approved landfill. You don't have a landfill you can go to. You don't have a transfer station you can use, then you will see what the real economic impact of that is. We have changed the law for specific businesses. We have changed the law on solid waste for paper companies to try to work in there to allow expansions and licensing to occur. We have done it for companies like Keyes Fiber in the Waterville area. We have tried to keep moving to keep up with technology and the pace.

I don't care how you vote, just remember what I said when the time comes that you can't license and relicense these facilities. Many of them are not licensed now, the lawsuits will be coming because there won't be anybody out there monitoring those things and checking them. The neighbors are going to get involved. You are going to have neighbor against neighbor and neighbor against industry. If that is what you want for a years difference in this fee schedule, fine go ahead and vote for it, but that is what is going to happen. I can guarantee it.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: Just a few quick points, first of all, neither report continues the agency. Let me repeat that since you may be confused from previous debate, neither report continues the agency, both phase is out. The difference is that Report A, which is what we have before us in this motion, will continue a few positions over at the state planning office to continue a technical assistance to towns and there are hundreds of towns that have benefited from this previous agency. Don't let people get up here and say that it is just a whole big waste of money and bureaucracy. It is not. Hundreds of towns have gotten lots of money and technical assistance from the state in order to do recycling. They have benefited from it and your taxes have benefited from it.

Secondly, the function that will not happen if you do not vote for Report A is that the planning function that is essential if we are to control in anyway out-of-state waste from being used to build new landfills and incinerators, that function will not happen. Thirdly, as the Representative from Waterville said that is a function which is also very important for the businesses of this state. That is why in 1988 and 1989 when this law was first passed, it was strongly supported by the business community. They knew that they had to have adequate funding, support and planning for solid waste in this state or they would not get ahead as businesses.

Finally in terms of the positions that exist in other parts of state government concerning hazardous and solid waste. One of the things that has been so good about the program that we have had, which even I am supporting taking down to this skeletal level, is that it has been out there in front providing help to towns in advance, as opposed to going out and cleaning up the messes afterward. What you are doing here if you do not support the Majority Report is that you will be following an approach that we have had in previous years which we have been trying to get away from, which is that we should be pro-active. We should be helping towns and businesses do things right in the first instance.

This is, in fact, one of the few parts of state government which is not primarily a regulatory function. It is, in fact, a function going out there to help towns. I think that that was expressed when the hearing was first held on this bill, the companion piece that would have gotten rid of the entire function, no one showed up to support it from any of these towns. They all showed up to oppose it. For that reason a compromise was worked out and that compromise can only be funded if you continue some of the fees. I was the first person to get up and say I think it is a shame to keep all the fees and get rid of all the functions. I still agree with that.

Report A keeps a few of the fees phasing them out so that we can go into a transition period to continue to provide vital services to our communities and ensure that we do not become the dumping ground for the rest of the Northeast. I think if you go home and check with your constituents on this, they will slowly support your support here of Report A.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am going to support Report A today, but I guess maybe I am not going to support it based on some of the things that have been said in the previous statements. I will tell you this, I have been dealing with this issue as another part of my duties when I am not here, since 1989. I've got to tell you that when we were involved in DEP and we got involved with Maine Waste Management, it was a vast improvement. I want to make one statement clear that Maine Waste Management has not saved us any money. When you say to our towns that they have saved us money on our tax bills, that is not correct. Today the second largest bill that we have is taking care of our solid waste problems, next to education costs. Don't tell me Maine Waste Management has saved our town any money, because it hasn't.

The problem that I have dealing with Report B is that I do believe we need some people in there to help us through our final phases. Our transfer station opened a year ago this August after starting in 1989. With the help of Maine Waste Management, we were able to do that. The problem I have is that I want to keep them working with us I have had an application in for a demolition decree since a year ago last February and I hope to God if we keep it in place, we will get it approved before the summer is over. Thank you.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate your indulgence. I just thought it ought to be clear to the members of this body that even Report B does not leave us without any funding. It provides a funding stream of 2 million dollars or very near that amount for a year. Back where I come from you can hire a few folks for a couple million bucks. I think it is within the capabilities of a committee of this legislature to align their priorities to meet the greatest needs. Neither report is talking about eliminating all the fees.

Report B talks about eliminating some of the fees on appliances, mattresses and other things quicker. We are still leaving fees on special waste which is a major amount of their revenue stream. Everybody wants to leave fees on tires and batteries and most of us want those fees to go to solve the problem. I don't think we need to worry about eliminating all the money. There may be some folks who are currently there who will not be, if you don't support the motion before us. There is still quite a bit of money involved here and it can do whatever the wish of the legislature is in terms of addressing major issues. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 131

YEA - Adams, Ahearn, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Fitzpatrick, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemaire, Lemke, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nickerson, O'Gara, O'Neal, Paul, Poulin, Pouliot, Povich,



Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Stone, Strout, Thompson, Townsend, Treat, Tripp, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Cameron, Campbell, Carleton, Chick, Clukey, Donnelly, Dunn, Farnum, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Murphy, Nass, Peavey, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Simoneau, Stedman, Taylor, True, Tufts, Tuttle, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Bailey, Buck, Chizmar, Fisher, Gamache, Labrecque, Lemont, Luther, Nadeau, Ott, Pendleton, Truman, Vigue, Yackobitz.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-190) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 6, 1995.

On motion of Representative MITCHELL of Vassalboro the House recessed until 4:30 p.m.

(After Recess)

The House was called to Order by the Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

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

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96" (EMERGENCY) (H.P. 701) (L.D. 959) which was tabled by Representative MARTIN of Eagle Lake pending adoption of Committee Amendment "A" (H-336).

Representative MURPHY of Berwick presented House Amendment "A" (H-368) to Committee Amendment "A" (H-336) which was read by the Clerk and adopted.

Committee Amendment "A" (H-336) as amended by House Amendment "A" (H-368) thereto was adopted.

The Bill was assigned for second reading Tuesday, June 6, 1995.

An Act to Authorize Municipalities to Pay Employees Biweekly (S.P. 259) (L.D. 695) which was tabled by Representative CARLETON of Wells pending the motion to suspend the rules for reconsideration.

Subsequently, the rules were suspended.

On motion of Representative HATCH of Skowhegan the House reconsidered its action whereby L.D. 695 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-343) which was read by the Clerk.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: This particular amendment exempts from the biweekly pay schedule established in the bill, those municipal employees who are members of a collective bargaining unit, unless a less frequent pay schedule is agreed to by the collective bargaining unit. All this will do, the existing agreements that are already made will still be enforceable under this. That is about all it does.

House Amendment "A" (H-343) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-343) in non-concurrence and sent up for concurrence.

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

#### MATTER PENDING RULING

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-244) - Committee on Taxation on Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid" (H.P. 550) (L.D. 746)

TABLED - May 18, 1995 by Speaker GWADOSKY of Fairfield.

PENDING - Ruling of the Chair.

The SPEAKER: I have under consideration L.D. 746 with respect to a ruling requested by the Representative from Falmouth, Representative Reed. Representative Reed has requested a ruling as to the germaneness of Committee Amendment "A". The question as to germaneness of an amendment is more properly asked at the point of adoption. Since we have yet to accept the Minority "Ought to Pass" Report, the Chair is not in a position to rule on germaneness of Committee Amendment "A" at this time. The Representative from Falmouth, Representative Reed or any other member is, of course, free to request a ruling if Committee Amendment "A" is before the body at that time. The pending motion before the House is to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Briefly since it has been some time since this bill was before us, I am sure you will recall this is a 9 to 4 "Ought Not to Pass". The reason for that is not because the committee feels this is not an important issue, but because the nine members who voted in the "Ought Not to Pass" mode on this bill were aware and remain aware of the fact that by statute the Committee on Taxation is required to make this review and that cite, in case you are interested, is title 36, section 650, which says the Taxation Committee must do this review.

I think the question before you is simply whether or not you want to spend about \$8,000 to create a commission to do what the Taxation Committee is already required to do or not. It is as simple as that. You make the decision. The review will be done, it is required by statute to be done. You can get it done by the committee or you can pay \$8,000 to get another report in your folder, of which we all have many. You will decide how you want to do that.

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

Representative DORE: Thank you Mr. Speaker. I would like to commend Representative Reed for explaining why the majority voted the way they did. I think that is an accurate explanation.

The Taxation Committee does every four years review property tax exemptions. Let me tell you what is wrong with the Taxation Committee, which I think I have some pride in as chair, being the sole body responsible for reviewing property tax exemptions every four years. Who isn't involved in this review? Municipalities have no vote. They can simply come and plead their case. Organizations that are required to be tax exempt have no vote. Whether you are a church, a hospital, a public university, a technical college or a private college, you get tax exempt status. Whether you are the odd fellow hall or the home for the blind, you get tax exempt status. Whether you are effectively a social service club that is virtually running a bar that competes with private sector bars and not doing much of anything else, except say maybe putting out \$500 a year in scholarship, you get that same tax exempt status. Whether or not your town can afford it or not, you get that same tax exempt status. This isn't are you deserving of tax exempt status, but are you on the books for tax exempt status.

I am having distributed to your desk, I know I bore you with these distributions and I apologize because we all have enough to read, an editorial about the feelings of the public out there or at least of that editor on the tax exemptions. Are they a growing problem? The editorial concludes that these tax exemptions are a growing problem. Let me talk to you about Lewiston, I live in Auburn, but it is the town next door and it has Bates College in it. When I got married 20 years ago, Wood Street didn't have any tax exempt property. Nichols Street didn't have any tax exempt property. Bardwell Street didn't have any tax exempt property. There is one other street, I can't even remember the name of it, there are four streets in a row with no tax exempt property.

Today half of each of those streets is tax exempt because Bates College has been buying them up for dorms. Do I think Bates College is a good investment in terms of tax exempt status? Yes. Do I think that the dollars taken off the tax rolls from half those streets is reflected in increased pay from Lewiston and Auburn? I doubt that very much. Is Bates College going to roll up the carpet and move away to New Jersey if we don't give them tax exempt status on every new building that they buy up from the City of Lewiston? I don't think they are going to roll up the carpet and move away. I am not suggesting that we should take away the tax exempt status of Bates College. I am very fond of Bates College and did a semester there shortly after I was married. It is a nice institution and it does a great job of educating people, many of whom are from Maine. The question becomes where do you draw the line and should all the players have something to say about where you draw that line.

A few years ago there was an outrageous scandal in Bangor, a property moved from being a tax paying property owned by for profit to owned by a nonprofit and tax exempt and cost the City of Bangor over \$250,000 a year in taxes. What we did was put together all the players, not just the members of the Tax Committee, but the nonprofit housing corporations, the town, the Taxation Committee, the

Governor's office and a variety of different players and we spent a summer in a room haggling over what it ought to look like to move from taxable to tax exempt status. What we ended up doing is we changed the law and said you can't move to tax exempt anymore. If you have been taxable, you can only move if you are housing to 50 percent tax exempt.

That was a way of saying if towns aren't allowed to count on the revenues from subsidized housing they may stop putting up subsidized housing and that would hurt a public purpose. The good public purpose is affordable housing for everybody. All the players recognize we could lose affordable housing for everyone if you can sell your taxable property to a nontaxing entity and take them off the tax rolls. It is going to make towns a lot less likely to approve the building and development of these properties. It was a good compromise and only in one area do we now say you have to pay taxes and again it is 50 percent of the regular rate, but it plugged the loophole. I don't think we ought to solve these problems, crisis by crisis.

The town comes to us and says this used to be taxable and now it is tax exempt, help us out here. I think it would help to have a study where all of the players, the town, the tax exempt organizations, the State Legislature and the Governor's Office sit in a room and talk about how we define our tax exempt properties. Should the towns have any say or should we just dictate to them what they are going to have to exempt, because as the law reads currently we dictate to them what they are going to have to exempt. They have no vote, no voice and no say.

We just tell them that we in the legislature decided on parsonages that you can double the exemption. We in the legislature decided on hospitals that no matter how much property they buy up, it is all exempt. We in the legislature decided on veterans, double the exemption. We are in charge of their municipal budgets to the extent that we write who gets and doesn't get tax exemptions. All I am suggesting is that a study with of the players involved, not a decision or a binding vote, just a look where all the players have a vote and get to talk about what is happening in terms of tax exemptions in their communities and is there a growing problem particularly in the urban areas where the numbers of tax exempt properties are growing. It seems like a reasonable thing to study.

I think if you read the editorial that has just been distributed, you are going to conclude it is not a difficult or threatening or intimidating thing for us to look at. We are all the players, not just the Taxation Committee have a vote in the outcome. All of the effected players. Maybe all these exemptions are worth it, but don't we think we ought to give these organizations an opportunity to interact with the municipalities that they are effecting in a way that each side has a vote. Think about it ladies and gentlemen.

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

Representative DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with much of what has been said by the good Representative from Auburn. I, too, believe that we need to study the growing erosion of the tax base, especially in our cities. The question is not whether the study needs to be done, but who should do the study. I have here

a study that was given to me when I came to the legislature.

It was a Select Committee on Comprehensive Tax Reform in 1991. There is a lot of very good information. This was a very broad based study that was done. There are many recommendations that were made in that study that appear to me not to have been addressed adequately by the Taxation Committee. In addition to that we currently have a study which is going to be carried on by the Maine Alliance, which is a comprehensive study on the tax structure of the State of Maine. I think this is a very important thing that is happening. It is my view that the people who are setting the policy on the Taxation Committee are the individuals who should be spending the time and studying.

There is no lack of information for the Taxation Committee to study. I think that during this current session we have had several people that have come forth and we have made some additional exemptions. I believe that we need to take a comprehensive look at where we are at, but my belief is that the Taxation Committee is the proper body to do that. I did not believe that we need to spend \$8,000 to \$10,000 additional dollars to get the information which we currently have. Mr. Speaker, when we vote I would call for a roll call.

Representative DUNN of Gray requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of 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 Bangor, Representative Stone.

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: This item does need to be studied and I do not believe that it can be studied by the Taxation Committee. We need people involved in the study that are going to be effected by the results of the study so they will buy into the final results. No one will buy into any program willingly if they haven't had a say in the outcome. That will mean a say at the ballot box by voting for your particular representative or senator. I mean a say on the committee.

The State of Pennsylvania has recently passed some legislation that looks at tax exempt property. Iowa and Nebraska are also studying this. Some of the new rules that they have are they have to advance a charitable purpose. It has to perform services that would otherwise have to be provided by government. Provide services to people who are legitimate subjects of charity and operate with no intention of making a profit and offer a substantial portion of its service fees. Since that law has become active in Pennsylvania, the City of Philadelphia has recovered 60 percent of the service fees that normally would have been charged to tax exempt properties.

We do have a law in the State of Maine under Title 36, section L, which allows municipalities to charge service charges and the law goes on to say that the owners of certain institutional and organizational property which is otherwise exempt from state and

municipal taxation may be subject to service charges and they go on to list them, fire protection, police protection, water and sewer service, sanitation services and a few others. It then goes on to list the ones that can be charged. The only one that is listed is residential properties currently total exempt from property taxation that is only used to provide rental income. If an organization is going to be added to that list it seems to me they ought to have a vote on the committee and have a larger say in the process than just going to the hearing. Incidentally that law that I just read to you was enacted in 1977, that was 18 years ago and nothing has been done to amend it or certainly review it since then. I would urge your support for this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 132

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Campbell, Carleton, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Kilkelly, Kontos, LaFountain, Lemaire, Lemont, Luther, Madore, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Perkins, Pinkham, Pouliot, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Tyler, Volenik, Watson, Wheeler, Winglass, Winn, Winsor.

NAY - Aikman, Ault, Bailey, Barth, Birney, Buck, Cameron, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Marshall, Martin, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Plowman, Poirier, Poulin, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Stedman, Taylor, True, Tufts, Tuttle, Underwood, Waterhouse, Whitcomb.

ABSENT - Dexter, Kerr, Lemke, McAlevy, Rotondi, Spear, Strout, Truman, Vigue, Yackobitz, The Speaker. Yes, 79; No, 61; Absent, 11; Excused, 0.

79 having voted in the affirmative and 61 voted in the negative with 11 being absent, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-244) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 6, 1995.

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, June 1, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (H.P. 680) (L.D. 931) (C. "A" H-314)

TABLED - May 31, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Engrossed.

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

An Act to Change the Commissions Payable to the State from Off-track Betting (EMERGENCY) (S.P. 240) (L.D. 637) (S. "A" S-156 to C. "A" S-95)

TABLED - May 31, 1995 (Till Later Today) by Representative STROUT of Corinth.

PENDING - Passage to be Enacted. (Roll Call Ordered)

ROLL CALL NO. 133

YEA - Adams, Ahearne, Ault, Bailey, Barth, Benedikt, Bouffard, Bunker, Campbell, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Gamache, Gerry, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Luther, Marshall, Martin, Mitchell EH; Mitchell JE; Morrison, Murphy, O'Gara, O'Neal, Paul, Pendleton, Poirier, Poulin, Pouliot, Povich, Reed, W.; Ricker, Robichaud, Rosebush, Rowe, Saxl, J.; Sirois, Stevens, Treat, Tripp, Tuttle, Tyler, Underwood, Watson, Wheeler, Whitcomb, The Speaker.

NAY - Aikman, Berry, Bigl, Birney, Brennan, Buck, Cameron, Carleton, Chartrand, Cross, Dunn, Fitzpatrick, Gates, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, LaFountain, Lane, Layton, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marvin, Mayo, Meres, Nadeau, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham, Plowman, Reed, G.; Rice, Richardson, Samson, Savage, Saxl, M.; Shiah, Simoneau, Stedman, Stone, Taylor, Thompson, Townsend, True, Tufts, Volenik, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Dexter, Joseph, Lemke, McAlevy, McElroy, Rotondi, Spear, Strout, Truman, Vigue, Yackobitz.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, this being an emergency measure, a two-thirds vote of all members elected necessary, the Bill failed of passage to be enacted and sent up for concurrence.

An Act to Exclude Short-term Health Insurance Policies in the Continuity Laws (H.P. 321) (L.D. 442) (H. "A" H-161 to C. "A" H-124)

TABLED - May 31, 1995 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - Passage to be Enacted.

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

An Act to Exclude Certain Parks from the Definition of Mobile Home Parks (H.P. 372) (L.D. 507) (C. "A" H-142)

TABLED - May 31, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

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

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

TABLED - May 31, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

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

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

TABLED - May 31, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

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

On motion of Representative LIBBY of Buxton, the House adjourned at 5:45 p.m., until 9:00 a.m., Tuesday, June 6, 1995.