

# MAINE STATE LEGISLATURE

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**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume II**

**First Special Session**

May 16, 1997 - June 20, 1997

**Second Regular Session**

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
31st Legislative Day  
Thursday, March 12, 1998

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

Prayer by Reverend Theodore Poland, Washington Ave. United Methodist Church, Old Orchard Beach.

National Anthem by Wales Central School Handbell Choir.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 858)

**JOINT RESOLUTION HONORING FORMER  
PORTSMOUTH MAYOR AND NEW HAMPSHIRE  
STATE SENATOR EILEEN FOLEY**

WHEREAS, a mayor is the chief executive officer of a municipal corporation elected by the direct popular vote, having powers that vary from the merely advisory or legislative to the strongly executive; and

WHEREAS, Eileen Foley of Portsmouth, New Hampshire served as mayor of Kittery's sister city, Portsmouth, for a decade; and

WHEREAS, Eileen Foley, as a former senator of New Hampshire, broke through traditional barriers in that state's senate and proved that women can succeed in politics; and

WHEREAS, Eileen Foley was encouraged as a child to discover what she wanted to do in life and to pursue it; and

WHEREAS, the Members of the Senate and the Members of the House of Representatives of the State of Maine wish to join the State of New Hampshire in formally recognizing the accomplishments of the former mayor of Portsmouth, Eileen Foley, on the occasion of her retirement, and to express the high esteem and affection in which she is held; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, take this opportunity to honor former Mayor Eileen Foley, to recognize her distinguished service to the people of the State of New Hampshire over many years and to offer our congratulations and very best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Eileen Foley as a tangible token of our high esteem.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

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The following Joint Order: (S.P. 859)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services report out, to the Senate, legislation regarding training for law enforcement and emergency medical services personnel.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act to Establish a State Disaster Relief Trust Fund"

(H.P. 1097) (L.D. 1540)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846)** in the House on March 10, 1998.

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative KERR of Old Orchard Beach, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game"

(H.P. 1307) (L.D. 1855)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-810)** in the House on February 26, 1998.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent up for concurrence.

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**ORDERS**

On motion of Representative LEMONT of Kittery, the following Joint Resolution: (H.P. 1641) (Cosponsored by President LAWRENCE of York and Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, KONTOS of Windham, MITCHELL of Vassalboro, SAXL of Portland, Senators: AMERO of Cumberland, KIEFFER of Aroostook, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

**JOINT RESOLUTION MEMORIALIZING THE CITIZENS'  
STAMP ADVISORY COMMITTEE AND THE POSTMASTER  
GENERAL TO ISSUE A STAMP COMMEMORATING THE  
200TH ANNIVERSARY OF THE NAVAL SHIPYARDS**

WHEREAS, We, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Citizens' Stamp Advisory Committee and the Postmaster General as follows:

WHEREAS, the Portsmouth Naval Shipyard was established on June 12, 1800 on an island in the Piscataqua River, which separates the states of New Hampshire and Maine; and

WHEREAS, the Portsmouth Naval Shipyard was established as the first facility of what would become the largest industrial complex owned and operated by the United States Government; and

WHEREAS, in the 200 years since the establishment of the Portsmouth Naval Shipyard, the naval shipyard system has built hundreds of naval ships of all types and sizes, spanning the history of sea power from sails to nuclear power and from cannons to missiles and has grown to include 11 shipyards located on both the Atlantic and Pacific coasts and at Pearl Harbor, Hawaii; and

WHEREAS, the Naval Shipyard Bicentennial Support Group has submitted to the Citizens' Stamp Advisory Committee a proposal for the issuance of a commemorative stamp; and

WHEREAS, the issuance of the commemorative stamp during the 200th anniversary year of the naval shipyards would be an appropriate recognition of all the naval shipyards; and

WHEREAS, due to the Portsmouth Naval Shipyard's unique position as both the first naval shipyard and the yard that has been in continuous service the longest, it would be an excellent choice as the location for the first day of issue of the proposed commemorative stamp; now, therefore, be it

RESOLVED: That We, your Memorialists, endorse the proposed stamp submitted to the Citizens' Stamp Advisory Committee and respectfully urge the committee to act favorably on the request and further respectfully urge the Postmaster General to choose the Portsmouth Naval Shipyard as the location for the first day of issue of the proposed stamp; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Citizens' Stamp Advisory Committee; the Honorable Marvin Runyon, Postmaster General; and each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent up for concurrence.

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

Kevin Pulkkinen, of Minot, who scored the highest on the reading, writing and mathematics sections of the 1997 Maine Educational Assessment. Kevin, a student at Buckfield High School, is one of only 6 students who accomplished this achievement. We extend our congratulations and offer best wishes for continued educational success;

(HLS 1242)

Presented by Representative SNOWE-MELLO of Poland. Cosponsored by Senator NUTTING of Androscoggin.

On **OBJECTION** of Representative SNOWE-MELLO of Poland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. It is indeed a pleasure to have this opportunity to congratulate and praise Kevin who has done well in the 1997 Maine Education Assessment. Better yet, to know that Kevin lives in my district makes it all the better. I am sure that his mother Iris had a lot to do with Kevin's great grades. Kevin, we as a Legislature are very proud of your good work. Please keep it up. Thank you.

**PASSED** and sent up for concurrence.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-868)** on Bill "An Act to Grant the Treasurer of State Full Voting Rights on the Board of Trustees of the Maine State Retirement System" (H.P. 1359) (L.D. 1910)

Signed:  
Senators:

TREAT of Kennebec  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
SAMSON of Jay  
BOLDUC of Auburn  
CLARK of Millinocket  
STANLEY of Medway

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

Signed:

Representatives:

RINES of Wiscasset  
PENDLETON of Scarborough  
JOYCE of Biddeford  
TREADWELL of Carmel  
LAYTON of Cherryfield

**READ.**

On motion of Representative HATCH of Skowhegan the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

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

Representative HATCH: Madam Speaker, Men and Women of the House. Since joining the Legislature in 1993, this has been a perennial bill that has been in. The current treasurer has made every attempt to attend just about every board meeting that the retirement system has. Under the current law, the treasurer is not allowed to vote. They are a non-voting member. The only opposition to this bill is that it would make an even number on the board going from seven to eight. A member of the second largest school board in the United States during my tenure in Skowhegan on SAD 54's school board, we had 23 members. It made it much easier to form groups dealing with all the issues the schools had to deal with. Was it unwieldy? Not at all. I didn't find it to be. As a matter a fact, one of my seat mates up here also served on that same school board at the same time. We did this business very well. Yesterday in committee we had the retirement system approach us to change one of their committee structures. One of their members couldn't serve on a board and it was structured in such a way that they couldn't attend meetings on a regular basis because they lived too far away. I think the problem is the board is way too small. The subcommittees need to be not mandatory that all people have to serve on all committees. I think this would help the retirement system in the long run. The amendment to this bill, all it does is enlarge the quorum from four to five. The bill in itself was probably the shortest bill that you will ever see. All it did was take out the non-voting status for the treasurer. I ask for your support on this bill. I thank you very much.

The Bill was **READ ONCE. Committee Amendment "A" (H-868)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, March 13, 1998.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-869)** on Bill "An Act to Establish a Migrant Worker Assistance Office in Central Maine"

(H.P. 1430) (L.D. 1994)

Signed:  
Senators:

CATHCART of Penobscot  
TREAT of Kennebec  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
SAMSON of Jay  
BOLDUC of Auburn

CLARK of Millinocket  
 RINES of Wiscasset  
 STANLEY of Medway  
 PENDLETON of Scarborough

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

Signed:

Representatives:

JOYCE of Biddeford  
 TREADWELL of Carmel

**READ.**

On motion of Representative HATCH of Skowhegan the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-869) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 13, 1998.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-867)** on Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing (H.P. 1544) (L.D. 2171)

Signed:

Senators:

RUHLIN of Penobscot  
 DAGGETT of Kennebec  
 MILLS of Somerset

Representatives:

TRIPP of Topsham  
 GREEN of Monmouth  
 ROWE of Portland  
 GAGNON of Waterville  
 SPEAR of Nobleboro  
 LEMONT of Kittery  
 CIANCHETTE of South Portland  
 TUTTLE of Sanford  
 MORGAN of South Portland

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

Signed:

Representative:

BUCK of Yarmouth

**READ.**

Representative TRIPP of Topsham moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I know many of you think that this is a trivial issue and I won't take up a great deal of time this morning, but I stand in opposition to this proposal for a variety of reasons. Most of you who were here last year will hear the same thing over again. The problem I have with this bill is number one, it seems to me that this just points out the ineffectiveness of our bureaucracy if these people can't get together by themselves and simply design a form for taxpayers to fill out their taxes with. That is all this bill is about. To me, it shows us the failure of our bureaucratic system if these agencies can't get together and deal with it themselves. Furthermore, to add insult to injury, they had all last year to work on this project after we brought the politicians in to act as referees so that the bureaucrats could get the job done. Now what we are saying to you is that we have worked on this thing a whole year and we have involved state agencies, federal agencies and representatives of the

Legislature and we still can't solve the problem. Like everything else we do here in Augusta, if you give us a little more time and a little more money to work on this, we may be able to resolve it. I would ask that you not support this issue and let the bureaucrats involved fight it out amongst themselves. Thank you.

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

Representative COWGER: Madam Speaker, Men and Women of the House. Quite frankly, I couldn't agree with my colleague from Yarmouth any more than he has said. I introduced the legislation that created this task force in the first place and we actually addressed this issue in the first session of the Legislature. I am very excited because Maine does have a chance to be the first state in the nation to combine filings and payments of state and federal employment taxes. This task force met toward the end of 1997 and agreed on our goals to combine these tax forms in a payment system. Unfortunately, the federal IRS wasn't able to meet with us in person, but, indeed, committed to this in concept. While I said I agreed with my colleague from Yarmouth, we can hope that this combined tax system could be accomplished administratively, I strongly disagree in that we can be able to do this administratively. There is a substantial amount of coordination that must occur between Maine revenue services, formerly the Bureau of Taxation, and the Federal Internal Revenue Service. The task force needs additional time to accomplish this coordination. Additionally, we may need, in fact, action of the United States Congress to allow sharing of information between the state and federal governments to allow this landmark system to take place. I urge your strong support of this bill to allow the task force to continue. Maine is on the verge of a landmark change in reducing small business paperwork. I urge your support of this motion. Thank you.

Representative KONTOS of Windham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

**ROLL CALL NO. 441**

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Dutremble, Etner, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Madore, Mailhot, McAlevey, Meres, Mitchell JE, Morgan, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Bragdon, Buck, Clukey, Cross, Foster, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Bigl, Bodwell, Bumps, Chartrand, Donnelly, Honey, Mayo, McKee, Muse, Vigue.

Yes, 104; No, 37; Absent, 10; Excused, 0.

104 having voted in the affirmative and 37 voted in the negative, with 10 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-867)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 13, 1998.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-871)** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1999"

(H.P. 1522) (L.D. 2144)

Signed:

Senators:

O'GARA of Cumberland  
CASSIDY of Washington

Representatives:

WINGLASS of Auburn  
FISHER of Brewer  
CLUKEY of Houlton  
CHARTRAND of Rockland  
LINDAHL of Northport  
DRISCOLL of Calais  
BOUFFARD of Lewiston  
SAVAGE of Union  
WHEELER of Eliot

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

Signed:

Representative:

JOYCE of Biddeford

**READ.**

Representative DRISCOLL of Calais moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Madam Speaker, Men and Women of the House. Before I give the reasons why I cannot vote for this budget, I just want to make the following facts very clear. I think the Maine Turnpike is one of the best roads in the state. It is always open during the winter and it is very well maintained during the summer. In 1991, the people through the Sensible Transportation Policy said that we must approve the turnpike's budget. With that responsibility, I am not aware that rubber stamps were provided. The Maine Turnpike came before us last month and put on a very good presentation. As the committee started questioning parts of the budget, we were told over and over again how we should mind our own business and blindly follow what we were told. I don't necessarily think the budget is full of pork. I don't necessarily think there is a gross misuse of funds, but by current law, they are accountable to us, the Transportation Committee and the Legislature.

We had the executive director, members from the board of directors and bankers all come before us and tell us that if we made any changes to this budget, then the bond rating agencies would look at that as a negative thing and consequently lower their bond rating. Personally I would think it is irresponsible of us to rely solely on the word of these bankers because when you go through the budget line by line you notice that these bankers are going to be getting over \$214,000 from the turnpike budget in

fees. We are here to look out for the public's best interest. To my constituents a toll is just another tax.

I would like to bring to your attention some of the questions that made me reluctant to vote for this budget. It is not necessarily that I am scared of the answers, but it is the lack of answers to these questions that makes me worry. Number one, when are the tolls going to be increased, how much and in what areas? Are you going to reduce the commuter discounts thereby making residents of the state pay more? What are you going to do with commercial rates? How serious is the turnpike about putting a new toll barrier in Scarborough? Since Transpass has eliminated the need for toll attendants as vehicles exit the turnpike, why hasn't the fair collection budget decreased accordingly? In 1996, there were 344 toll collection employees. The 1999 budget calls for 323. Why hasn't this gone down a heck of a lot more? Why can't the turnpike and the DOT consolidate certain operations such as the maintenance facilities at exit 3, engineering services, consultant services and legal services? One of the final questions is in 1995, 96 and 97, in each year, actual spending has been roughly \$2 million lower than what they budgeted. Why are they budgeting more money than they need? Personally I am not going back to Biddeford and Kennebunkport and tell my constituents that I blindly approved a budget because some banker told me that bad things will happen if we don't.

We already know the turnpike can operate a first class road. I expect the same standard in the way that the budget is presented. The laws that we have to abide by says they do have to answer our questions. I find their arrogance very unacceptable. When we asked for a clear and concise outline on the use of toll revenue, we are not challenging their authority to operate the turnpike. We are merely asking for a businesslike perspective on the use of funds from this inevitable toll increase. My whole goal in dividing this report and bringing it up here is to prove to the House that we should send this budget back to the committee, make the turnpike answer all their questions and then the committee can present this body with a more responsible and more informed decision. Thank you Madam Speaker.

Representative JOYCE of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. I rise to support my good friend from York County and also to profess my support to the people that work on that turnpike. I think it was very clear to the members of this House my position on the widening of the turnpike earlier. Oversight is a very serious matter. It is very serious to every committee. I know it is very serious to the members of the Transportation Committee and through this process. I heard their frustration. Sometimes the agencies or the departments that we scrutinize just don't get the message or in some cases they don't want to comply. Basic Economics 101 tells us that whatever your costs are on the turnpike, they will be reflected in the level of tolls.

In York County, the latest surveys have shown us that 60 percent of our constituents work outside the county. We are heavy users of that turnpike. We are willing to pay for that use of the turnpike, but we are not willing to pay for a padded budget on top of padded budget that equates padded tolls. The statute is very clear on oversight. I support my good friend also because I feel there ought to be honesty in policy making. What are their

plans? Will there be more toll barriers? We have seen rumors or hints of that in the newspaper. Areas around Portland, Saco, Scarborough and north toward Lewiston/Auburn. How much higher would the tolls be? Will they target certain classes of users, tourists, commuters and industry? We have seen hints and rumors. As legislators we shouldn't have to read policy announcements in the newspapers along with our constituents when the statute is very clear in the roll of oversight, the need for those agencies to communicate with the oversight committee. Eleven to one reports are pretty hard to turn around, but I compliment my friend for his taking a stand to principle, supporting that statute. He is asking that this bill go back to committee, not that we stop the widening, not that we put a freeze on the budget, but that budget goes back and we begin to get honest answers to those budget questions.

Agencies shouldn't be allowed to stonewall legislative committees. Your constituents this fall, next winter, will ask you why? Where were you? Why did you let this happen? Whether it is the installation of a new barrier or it is dramatic toll increases and this is the time and place to help that Transportation Committee get the answers to their questions. Some of you from other parts of the state may be saying that this is a south of Augusta issue or a turnpike corridor issue. It involves us all. Tourists coming to the state, whether they are snowmobilers, skiers, antique hunters, campers or honeymooners who are willing to pay a fair honest toll. Maine natural resources and finished products move on that concrete highway. Our competitiveness is reflective in the honesty of that toll and toll increases. If you walk the aisles of your local store, whether it is Presque Isle or Kennebunk, Maine, 80 to 85 percent of the goods on those shelves came to us over that turnpike and those turnpike tolls are reflected in the cost of those items. We have responsibility by statute to make sure that we have the tightest most honest budget. I would hope that you would support the good Representative's effort to send a message to the authorities board of directors. Answer the committee's questions. Two, tell us now what your plans are for new barriers and toll increases and the targets of those new tolls. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. As you can see, this is an 11 to 1 report. There are 10 other members of the Transportation Committee that felt the same way I did. We took the turnpike budget and actually took it right apart. We asked a lot of serious questions and we had a lot of serious concerns in their budget. When the fact of the matter came up that anything we did to change the budget, would have a direct impact on the amount of bonding or any bonding they could do, this was from a member of the state bonding committee and a member from one of the bonding banks in Boston. Both of them agreed that if we did make changes, that it would show an inconsistent play in the budget. We were all very concerned about that budget, but we didn't feel like jeopardizing the widening of the turnpike by making minor changes to their budget. We didn't feel it was appropriate. We do have a subcommittee set up. We wrote a letter to the turnpike with our concerns. They are going to be addressed in the following budget. This is not a time to jeopardize the widening of the turnpike. Thank you.

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

Representative JOYCE: Madam Speaker, Men and Women of the House. I have heard that argument before that we may be jeopardizing the widening of the turnpike. If the turnpike has to stop right now and do more work on their budget, then this is the time to do it. If you don't do this thing properly now, then you are

going to further jeopardize the widening in the next couple of years when we need everybody's support. Thank you.

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

**ROLL CALL NO. 442**

YEA - Ahearne, Bagley, Baker, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Campbell, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kneeland, Kontos, Labrecque, LaVerdiere, Lemke, Lindahl, Lovett, Madore, Mailhot, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, O'Brien, O'Neal, Paul, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Tripp, True, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Bragdon, Bruno, Buck, Cameron, Carleton, Chick, Cianchette, Cross, Dexter, Donnelly, Fisk, Foster, Gagne, Gerry, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Lane, Layton, Lemaire, Lemont, MacDougall, Mack, Marvin, Murphy, Nass, Nickerson, O'Neil, Ott, Peavey, Pendleton, Perkins, Pinkham WD, Plowman, Snowe-Mello, Stedman, Taylor, Tobin, Townsend, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Bodwell, Bumps, Chartrand, Honey, Muse, Vigue. Yes, 95; No, 50; Absent, 6; Excused, 0.

95 having voted in the affirmative and 50 voted in the negative, with 6 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-871) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, March 13, 1998.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1584) (L.D. 2215) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 1998-99" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 1609) (L.D. 2236) Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(S.P. 476) (L.D. 1478) Bill "An Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-493)**

(H.P. 1256) (L.D. 1783) Bill "An Act to Clarify the Laws Concerning Claims Settlement Practices" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-873)**

(S.P. 701) (L.D. 1946) Bill "An Act to Simplify the Process of Transferring Ownership of a Business Licensed by the Board of

Barbering and Cosmetology under the Terms of a Divorce Settlement" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-491)**

(S.P. 722) (L.D. 1965) Bill "An Act to Appropriate Funds for the Interpreter Service for the Deaf and Hard of Hearing" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-490)**

(H.P. 1443) (L.D. 2007) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1999" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-870)**

(S.P. 788) (L.D. 2115) Bill "An Act to Allow the Department of Transportation to Provide Privately Contracted Ferry Services" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-496)**

(S.P. 791) (L.D. 2118) Bill "An Act to Increase Economic Security for the State's Low-income Children and Families and Prevent Additional Costs to Municipalities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-497)**

(H.P. 1546) (L.D. 2175) Bill "An Act to Remove the Debt Limit of the Limerick Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-872)**

(S.P. 809) (L.D. 2187) Resolve, Naming the New Bridge in Medway the Harold C. Beathem Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-495)**

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

**CONSENT CALENDAR  
Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 778) (L.D. 2105) Bill "An Act to Reduce Groundwater Contamination from Leaking Oil Storage Tanks" (EMERGENCY) (C. "A" S-488)

(S.P. 811) (L.D. 2190) Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine" (C. "A" S-489)

(H.P. 965) (L.D. 1328) Bill "An Act to Enact the Uniform Transfer on Death Security Registration Act" (C. "A" H-860)

(H.P. 992) (L.D. 1372) Bill "An Act to Unify the Court System" (C. "A" H-861)

(H.P. 1366) (L.D. 1916) Bill "An Act to Provide for the Termination of Spousal Support upon the Death of the Payor" (C. "A" H-862)

(H.P. 1424) (L.D. 1988) Bill "An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs" (C. "A" H-863)

(H.P. 1467) (L.D. 2058) Bill "An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations" (EMERGENCY) (C. "A" H-864)

(H.P. 1496) (L.D. 2095) Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Remediation and Waste Management" (C. "A" H-866)

(H.P. 1510) (L.D. 2132) Bill "An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies" (C. "A" H-865)

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 AS AMENDED** and sent up for concurrence.

(H.P. 1534) (L.D. 2161) Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY) (C. "A" H-857)

On motion of Representative CAMERON of Rumford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-857)** was **READ**.

The same Representative **PRESENTED House Amendment "A" (H-881)** to **Committee Amendment "A" (H-857)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-857)** as Amended by **House Amendment "A" (H-881)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-857)** as Amended by **House Amendment "A" (H-881)** thereto and sent up for concurrence.

**BILLS IN THE SECOND READING  
House**

Bill "An Act to Amend the Animal Welfare Laws" (H.P. 1640) (L.D. 2273)

**House As Amended**

Bill "An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police" (H.P. 1304) (L.D. 1847) (C. "A" H-858)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

**ENACTORS**

**Emergency Measure**

An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax (S.P. 189) (L.D. 607) (C. "B" S-476)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 17 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Mandate**

An Act to Ensure Collection of Essential Data by the Department of Public Safety

(S.P. 749) (L.D. 2027)  
(C. "A" S-478)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 9 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Ensure Fair Claims Settlement Practices  
(S.P. 281) (L.D. 889)  
(C. "A" S-482)

An Act to Establish the Maine Disaster Relief Laws  
(H.P. 887) (L.D. 1204)  
(S. "B" S-483 to C. "A" H-783)

An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees  
(S.P. 564) (L.D. 1721)  
(C. "A" S-481)

An Act Concerning the Coded Notation on OUI Offenders' Driver's Licenses  
(H.P. 1321) (L.D. 1870)  
(C. "A" H-831)

An Act to Increase the Cap on the Total Acreage of Aquaculture Leases That May Be Held by One Person  
(H.P. 1434) (L.D. 1998)  
(C. "A" H-802)

An Act to Restore Services to Maine's Elderly  
(S.P. 745) (L.D. 2023)  
(C. "A" S-479)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolve**

Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law

(H.P. 610) (L.D. 835)  
(C. "A" H-814)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage

(H.P. 418) (L.D. 568)  
(C. "A" H-829)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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. 443**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perry, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bumps, Chartrand, Honey, Muse, True, Underwood, Vigue.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the speaker and sent to the Senate.

An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants

(H.P. 882) (L.D. 1199)  
(C. "A" H-833)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. On motion of Representative KONTOS of Windham, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-494)** - Minority (6) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State

(S.P. 800) (L.D. 2157)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**TABLED** - March 11, 1998 (Till Later Today) by Representative TUTTLE of Sanford.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I am sure that most of us have read the many news reports of this incident. LD 2157 was a Resolve to compensate the estate of Barbara Maxfield. The amended

committee version, the Majority Report, provides for compensation of \$275,000 to the estate of which the son of Allan Leech is the only beneficiary. The opponents to this bill feel that the State Police are not responsible for the incident that Gary Sledzik's drinking and driving caused the accident. He pleaded guilty and is in prison, as many of us know, for his actions. Also under the Tort Claims Act it establishes the liability and procedures in cases such as this and according to the opponents, the Legislature should not go beyond that act. If there is to be an action, it should be in the courts, which are in the opponents opinions better equipped to perform the fact finding and apply the laws of fact. From the proponents side and I am on the proponents side, this case involves many unique facts. The failure to respond to three warning calls and it is my opinion and the opinion of many others that the state should have a moral obligation in the area of compensation in this issue.

The State Police admitted that a series of errors occurred resulting in failure of the State Police to respond to calls to dispatchers and one officer who was disciplined. There is no lawsuit that can proceed against the state, despite admitted negligence employees, can only be sued up to \$10,000. A drunk driver was clearly at fault, but citizens have the right to expect that the State Police and emergency personnel would respond and at least attempt to prevent the accident. As I mentioned before it would be for the exclusive benefit of Barbara Maxfield's surviving son who was also injured in the accident. Money would be in a conservator account with the father and bonding company as co-designees. In all these cases they are very difficult. Our committee listened to a number of them this year and years before. I would ask that you would listen to the debate today and I would ask that you vote your conscience on this issue. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Madam Speaker, Men and Women of the House. This is a bill that any of us could find ourselves presenting today. I just hope none of you have to go through this experience. If you look at the title of the bill, Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State. The estate of Barbara Maxfield is her three year old son Allan. That is what we are talking about today.

I want to briefly go through the events of March 23, 1997 just to remind you what happened that day. It was about 4:10 in the afternoon, Barbara and her daughter Brooke and Allan were driving down the Maine Turnpike and were stopped at the toll booth at exit 6A. Her Toyota was hit from behind by a pickup truck driven by Gary Sledzik who was then three times over the legal limit, intoxicated. Both Barbara and her daughter Brooke were killed instantly. Allan miraculously survived though he received serious head injuries and was required to be hospitalized. Mr. Sledzik sustained no injuries and subsequently pleaded guilty and is serving a seven year prison term. Between 3:40 and 4:10 that afternoon Maine State Police in Gray received three cellular calls from motorists describing Mr. Sledzik and his truck and alerting State Police to the near suicidal matter in which Sledzik was operating his vehicle and injuring others on the road. After receiving the first call, a police dispatcher contacted a trooper in charge of that area of 95 and notified him of the motorists report. That trooper acknowledged the call using police radio terms indicating that he was taking action and then because he was nearing the end of shift, he simply drove to his home without notifying the dispatcher or any other trooper that, in fact, no action was being taken to respond to the call. When the second and third cellular call came into the State Police at Gray, the dispatcher took the original call and the second dispatcher duly recorded the information but made no attempts to contact

the original trooper to see what action, if any, he was taking before contacting any of the other three troopers who were readily available and in a position to respond to the call and intercept Mr. Sledzik.

That day was a clear and sunny day with only light to moderate traffic on the turnpike at that time. Nothing about the conditions would have interfered with State Police attempts to intercept and stop Mr. Sledzik. Instead, despite the three calls to the State Police, Mr. Sledzik drove approximately 42 miles down I-95 and I-295 weaving all over the road and at times was traveling at a tremendous speed. While only three motorists made calls to the State Police in Gray, a large number of motorists had to take evasive action to avoid Sledzik's vehicle and after the accident reported these facts to State Police and I actually have the State Police Report here. It is quite lengthy. I am not going to read that. It is obvious this tragedy was the primary fault of Gary Sledzik. The fact is that certain omissions on the part of the State Police employees were critical to allowing the tragedy to occur.

Following the incident Colonial Skolfield and the Maine State Police conducted a thorough investigation of the police actions and procedures relating to this tragedy and concluded and publicly stated that there were a series of errors by a State Police trooper and two State Police dispatchers. As a result, serious disciplinary action was taken against the trooper and both dispatchers.

Regarding compensation, under Maine law the trooper and the dispatchers could probably be sued for up to a maximum of \$30,000, \$10,000 each for negligence. The state itself and these employees is probably immune from liability. That is the way our laws are set up now. If not for that immunity the estate of Barbara Maxfield could sue to recover wrongful death damages, but only up to a maximum of \$300,000. Unfortunately the damages caused to Allan Leech, the three year old boy and the sole beneficiary, total nearly a million dollars and that is what the family was talking about. They agreed to drop it down to \$500,000, which was the bill as printed. The committee has reduced that to \$275,000. That is what we are debating today, this amendment. Because the state is probably immune from the suit the basis for compensation of Allan and in this case it is essentially a moral one. The appropriate state authorities have acknowledged that the inappropriate action and inaction on the part of state employees did play a role in this tragedy. It is with the moral authority of the state under these very unique circumstances to fairly compensate Allan, a Maine resident and sole beneficiary of the estate of his mother despite that there may be no legal duty to do so.

Currently, Allan is living in Bowdoinham. Myself and Senator Small represent Bowdoinham. He is living with his father Rick. Rick has been appointed guardian and conservator for Allan by the Sagadahoc County Probate Court. As such, Rick would handle any monies received on behalf of Allan up to Allan reaching majority age of 18. To ensure that any money is handled properly, Allan has opened a conservator account as Representative Tuttle mentioned and has obtained a fiduciary bond through the Hanover Insurance protecting the account. Indeed a representative of Hanover is co-signatory on that account, thereby providing a safeguard that no funds are used inappropriately. Furthermore, under the rules laid down by the Sagadahoc County Probate Court, an annual accounting of the funds in the account will be required. In short, any funds received by Allan will be placed securely in that account monitored by the Probate Court and bonded against any inappropriate withdrawals. Allan will be the sole beneficiary of any funds that we approve here today.

At this point, no attempt has been made to negotiate this matter with the Attorney General's Office and no suit has been filed against the state or its employees through a tort claims notice, though a tort claims notice was served, which protects the right to file suit against the state and its employees in the future. If the estate of Barbara Maxfield, if Allan Leech, is not compensated and does file suit against the State and the individuals, the state will probably have to hire independent private law firms to defend each of the individuals and at the same time the Attorney General's Office will be defending the state. During the investigation phase of the lawsuit other state employees were also implicated as being negligent and in all likelihood they too would become named defendants in the lawsuit and for each of them the state would also have to hire private counsel. In other words, by forcing the state to file suit in this matter, the state is going to be paying a substantial amount of money in attorney's fees, win or lose.

Apart from the money that we spend on Allan's attorney's fees simply defending the case, filing suit will take a terrible human toll on everyone involved. The Maxfield family would obviously be distressed at living this entire event and certainly the families of the two dispatchers and trooper would be subject to some severe emotional distress. In my view, it is very unlikely that the trooper and the two dispatchers want this day in court. By simply compensating the estate of Barbara Maxfield we can avoid all this. The state really does not need a trial to determine the facts, in my opinion. Colonial Skolfield has already determined the facts and those facts led him to discipline the three employees. What else does the state want? Does anyone seriously suggest that three state police employees were not negligent? Is there any point in sending this matter to a jury of lay people in the hope that they will second guess Colonial Skolfield in his own determination of negligence?

For those who say the State Police could not have caught Mr. Sledzik, the evidence is very much to the contrary. While traveling over the 42 miles, it took about 30 minutes through a heavily populated area of our state. There were idle State Police and police officers from eight standing police departments along the route. All of whom could have responded if someone simply told them. Again, that is eight local police departments that could have responded, but they were not informed. Again, there is a long history behind that, but I don't want to get into it right now. Additionally, there is nothing to indicate that Sledzik would have done anything but to stop if a police car had come up beside him or behind him. He was drunk, but there was no indication that he was insane. He had no prior record and the witness reports attached to the police report clearly indicate that Sledzik was breaking and steering in response to getting too close to other cars or to the side of the road. In other words, Sledzik was responding to things in front of him and was not trying to hit anything.

Finally, if we assume that the newspapers would be reporting any high speed chases involving drunks on I-95 or I-295, the scenario seems extremely rare and I think we can safely assume that the vast majority of OUI stops would be tended to. That is a bit of a background. I passed out, you should have on your seat along with five other Representatives, three of the editorials that have been published in this matter. I hope you have a chance to look at those. Again, what Mr. Sledzik did was inexcusable, but it is not an excuse for the State Police not to be doing their job. This bill is not about Gary Sledzik and what he did. It is about our own Maine State Police and what they didn't do. The issue rests with us today. Again, this could happen to any of us in this chamber at any time. We all make mistakes. It is unfortunate a mistake was made in this case with very tragic consequences.

Again, the three year old little boy now, he has recovered from his injuries. He is living in Bowdoinham and is doing all right. He does, believe it or not, to this day, every day, still asks about his mother. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. This is one of those suits against the state that tug at your heart strings. Early on in my career in the 117th Legislature we had a training session to try to help us understand and how to proceed through the many different types of suits that may come before the committee that I serve on. In that training session I learned two things that I tried to apply when we deal with these suits. One is, is there anything else that the individual before us can do with regard to the situation? In this particular case the father of the little boy still has the ability to sue and he has not taken that. We also learned that when you come to the state it is a last resort. In my humble opinion, he hasn't reached that point. Further, in these situations we have to weigh whether or not the state was at fault. The state did not cause this accident. I personally believe that had there had been 16 policemen there, the accident would have occurred. Mr. Sledzik caused this accident. He is paying for that. The state troopers involved have also been disciplined because of a misunderstanding in their actions. I urge you to vote against the pending motion. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. With all due respect to the previous speaker, had 16 police troopers been there, this accident would not have happened. Had the State Police made the appropriate calls to other area police agencies, this accident could have been prevented. It is a terrible tragedy that has occurred. It is a tragedy that needs closure, not only for the family of the victims, but for the troopers involved, for the dispatchers involved and for the State of Maine. When a state trooper or any law enforcement officer is told something by a dispatcher and they respond ten-four. Ten-four doesn't mean thanks for the information, I am on my way home and I am going anyway. It means they acknowledge and they are going to respond. That did not occur. I think for us to have an opportunity to cut this check that will not go to this little boy's father, it will go into a trust account for the boy for when he turns 18. This pittance that we are offering him, I think we should extend that to him with our heads bowed and wish him all the best. Thank you Madam Speaker.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. When I first looked at this issue I looked upon it as an issue of responsibility. I have to admit that when I first looked at it, I had to say that the responsibility is Mr. Sledzik's. He is the one who imposed this terrible tragedy upon those innocent people. The more you look at this issue, the responsibility cannot be left simply with Mr. Sledzik. I take this issue about as seriously as any issue that I have addressed during this session. My father-in-law was in the State Police for 50 years and set a national record. As I always understood what the State Police would do in a situation like that, like the good Representative from South Portland said, there was no doubt that when you got a call and you said ten-four, you were not just kind of heading on home, okie doke. That is it. There is a failure of responsibility there as well. If I can put this sort of in terms of an analogy, if Mr. Sledzik had proceeded out of his house with a weapon in his hand, I am sure there would have been reports as he proceeded

through the community. I am sure there would have been a response. Instead of going out with a weapon in his hand, he got into a weapon and he sent that down the road. Instead of an ounce of lead, he was sending two tons of heavy metal down the road and that was a tragedy that was doing to happen somewhere along that road. There was a very high probability. It could have happened to anybody during those 42 miles that was on the road at that time. It might have been my wife, my daughter or yours. Unfortunately, it was some people who were at the toll booth who were doing what they were supposed to do under the law. They were innocently paying their toll and they paid the ultimate toll and that is not right.

The public does not necessarily have a right to expect that law enforcement will successfully deter every clear and present danger to the public safety. The public has a right to expect that law enforcement agencies will try. To me that is the bottom line. Again and again they didn't and there was a basic failure there of law enforcement. As a result, two people are dead. There is a little child in this world, it is not his responsibility for what happened. I think we bear a responsibility. Someone said that this is not the right venue. In cases like this and there is precedent for it, we are not simply the people's house, we are, in effect, the people's court. I hope when you consider these facts that you will vote on the side of simple justice in this case because we, the state, through the failure of our action to act, bear partial responsibility for this tragedy. I urge you to vote for the pending motion. Thank you.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. This was a very difficult thing for me to do. As you will see by the paper that has been distributed, that I certainly favor helping to preserve a future for this little boy. I based my vote on a simple fact and that is that the director of Public Safety and at that time the man in charge of the State Police saw fit to bring certain people under his jurisdiction to task for something that they did not do. I, in no way, feel that this is incrimination of the entire State Police. In fact, if anyone wants to check on my voting since I have been here, I have never voted directly whereby that it had anything to do with the entire State Police. If you think about it, any of us in various walks of life in the things that we do, that we are never going to be perfect. We are going to make mistakes. We are only human beings. Why so many mistakes were made in this situation is beyond my capacity to ferret those particular things out. I do believe that we do have a responsibility has said that certainly to ask these people who made these mistakes to go through a court session is not exactly what I feel is fair. I do feel that the boy involved here certainly should have an opportunity through the setup that has been arranged and which seems to be very fair. I know we ask questions relative to if it is going to the father. Where is the money going? How is it going to be handled? All of those things have been protected. I ask you to vote in favor of this LD 2157. Thank you.

Representative TUTTLE of Sanford **REQUESTED** a roll call on his motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. I don't mean to carry this issue on, but I have been an emergency medical technician for 20 years. I realize every day that I go to work that if I do not meet the responsibilities of my profession that my job will be in jeopardy.

Whether you are a policeman, fireman, dispatcher, emergency medical technician. You know that or you should know that. In all honesty, you must place yourself to a higher standard to preserve and protect life. Those are the primary rules and most important rules of the profession, whether you have done the job for one year or 20 or whether you are 20 years old or 50, whether you like it or not. In this case, those standards, in my opinion, were not met and somebody died. A young mother who has left behind a three year old son and as I said having been an emergency medical technician for over 20 years, I feel that in all honesty the proponents have proven their case and I would encourage you to support the Majority Ought to Pass Report.

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

#### ROLL CALL NO. 444

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Brooks, Bull, Bunker, Chick, Clark, Colwell, Cowler, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jones KW, Jones SL, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, Mack, Madore, Mayo, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Pieh, Plowman, Poulin, Powers, Quint, Richard, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Townsend, Tripp, True, Tuttle, Usher, Vedral, Volenik, Watson, Wheeler EM, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Bruno, Bryant, Buck, Cameron, Campbell, Carleton, Chizmar, Cianchette, Clukey, Dutremble, Fisher, Fisk, Foster, Gagnon, Gamache, Jabar, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Labrecque, Lane, Layton, Lindahl, MacDougall, Mailhot, Marvin, McAlevey, McElroy, Meres, Nass, Nickerson, Ott, Pendleton, Perry, Pinkham RG, Pinkham WD, Povich, Rines, Rowe, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Vigue, Waterhouse, Wheeler GJ, Winsor.

ABSENT - Bumps, Chartrand, Honey, Thompson.

Yes, 87; No, 60; Absent, 4; Excused, 0.

87 having voted in the affirmative and 60 voted in the negative, with 4 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-494) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

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

#### ORDERS

On motion of Representative MITCHELL of Portland, the following Joint Order: (H.P. 1644)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out, to the House, legislation to implement the recommendations of the Interagency Task Force on Homelessness.

**READ** and **PASSED**.

Sent up for concurrence. **ORDERED SENT FORTHWITH**.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

(S.P. 800) (L.D. 2157)  
(C. "A" S-494)

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants

(H.P. 882) (L.D. 1199)  
(C. "A" H-833)

Which was tabled by Representative KONTOS of Windham pending **PASSAGE TO BE ENACTED**.

Subsequently, was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1603) (L.D. 2229) Bill "An Act to Implement Recommendations of the Joint Standing Committee on Business and Economic Development Relating to the Review of the Maine Development Foundation under the State Government Evaluation Act" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 447) (L.D. 597) Bill "An Act to Amend the Statutes Pertaining to Emergency Medical Services" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-879)**

(H.P. 1411) (L.D. 1975) Resolve, to Provide Support and Assistance to Persons with Eating Disorders Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-878)**

(H.P. 1489) (L.D. 2088) Bill "An Act to Amend the Laws Concerning Access to Capital for Maine Businesses" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-880)**

(H.P. 1564) (L.D. 2197) Bill "An Act to Implement Recommendations of the Joint Standing Committee on Banking and Insurance Relating to the Review of the Bureau of Insurance, the Bureau of Banking and the Securities Division within the Department of Professional and Financial Regulation under the State Government Evaluation Act" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-884)**

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

#### BILLS IN THE SECOND READING Senate As Amended

Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State

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 non-concurrence and sent up for concurrence.

At this point, pursuant to House Rule 201, the Chair appointed the following members to serve on the Joint Select Committee on Research and Development pursuant to Joint Order Senate Paper 831:

Representative G. Steven Rowe of Portland  
Representative Kathleen A. Stevens of Orono  
Representative Sharon Libby Jones of Greenville  
Representative Thomas P. Shannon of Lewiston  
Representative Paul L. Tessier of Fairfield  
Representative Thomas J. Wright of Berwick  
Representative James O. Donnelly of Presque Isle  
Representative Kenneth F. Lemont of Kittery  
Representative Irvin G. Belanger of Caribou  
Representative Kenneth A. Honey of Boothbay

The Clerk was directed to notify the Senate of these appointments.

By unanimous consent, all reference matters requiring Senate concurrence having been acted upon were **ORDERED SENT FORTHWITH**.

#### Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-876)** on Bill "An Act to Reduce Income and Property Taxes" (H.P. 1589) (L.D. 2219)

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

TRIPP of Topsham  
TUTTLE of Sanford  
GREEN of Monmouth  
ROWE of Portland  
GAGNON of Waterville  
MORGAN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-877)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

SPEAR of Nobleboro  
CIANCHETTE of South Portland  
LEMONT of Kittery  
BUCK of Yarmouth

#### READ.

Representative TRIPP of Topsham moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative TRIPP: Madam Speaker, Men and Women of the House. Maine taxpayers will remember today, Thursday,

March 12, as the date when this House of Representatives took the first step toward providing significant direct property tax and income tax relief to Maine residents. As you recall, the budget bill passed in 1997 required the Joint Standing Committee on Taxation to make recommendations on the tax relief portion of any available surplus. Prior to this session, members of the Taxation Committee began a series of meetings leading to its recommendation under this law. Our final recommendations for the use of tax relief portion were paying our bills, increasing aid to education, direct affordable tax relief for Maine taxpayers. To be fiscally responsible, we asked the Office of Finance and Policy Review to separate from the surplus one time money and ongoing money so that we would know how much we would have to use for reduction of taxes or for the surplus should we have a downturn in the economy. This amount was identified as \$78 million. The tax package before you today stays within that ongoing amount. It provides a \$7,500 homestead exemption, which affects all Maine homeowners as direct tax relief. It includes income tax exemption changes in 1998, \$2,400, and in 1999, \$2,750, which will be at the federal level. It will save Maine taxpayers in both of these areas an average of between \$200 and \$250. Thank you Madam Speaker.

Representative SAXL of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

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

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Madam Speaker, Men and Women of the House. Is there a reason why we have both of these property tax relief and income tax relief in the same bill? It makes it a little difficult in the voting. I was just curious as to why they both came out in one bill. Thank you.

The SPEAKER: The Chair would advise the Representative this is the title and the legislation submitted by the Chief Executive of the State.

The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Madam Speaker, Men and Women of the House. On the homestead exemption, I heard one complaint about it. If this would cause a hardship for any municipality, then they would merely raise the mil rate to compensate it. Is that true? Could somebody speak to that, please?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. We did have long discussions about that. One of the things that we wanted to make sure we did with the property tax relief is make sure that it was direct to homeowners. And make sure as opposed to some other approach such as revenue sharing, which, of course, the municipality if they gave back the revenue sharing then the municipal officers would then have to take action to lower taxes in order to offset that amount. This would require, if they were to do it, for them to take action to actually raise taxes and as most of you know, particularly in the smaller communities that the local process is one of the most

difficult areas to get those types of motions approved. That is really why we look at the homestead and why we did not agree with the Governor on the rebate approach and why we want to be direct and as uncomplicated as possible. It is very similar to the veterans exemption.

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

Representative SPEAR: Is the House in possession of a House Amendment?

The SPEAKER: The Chair would advise that House Amendments are not in order at this time. I am advised by the Clerk that there is an amendment at the printers. I have no knowledge of what the amendment is to or what it does.

The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I think everybody in this House here is for tax relief. I know I am, but this amendment before you we do have a lot of problems. It fails to give money to those that really need it and it spends too much on those that might need it the least. The real problem, in my opinion, with this is the undue burden that it is putting on local municipalities, the local assessors and their towns. Especially towns that have the selectman/assessors form of government and towns that use an assessor that serves multiple towns.

This causes a real problem. The real problems, especially in the equity in town assessments, I use an example, the Town of Wiscasset. Here we are going to give a \$7,500 exemption and everybody feels that you are going to get a \$7,500 exemption, but it is going to be based on the 100 percent state ratio. Wiscasset homes are assessed at approximately 14 percent of the full value. Either you can put that up to many thousand dollars deduction or you put it down where it is supposed to be and they may only going to be get maybe \$1,000 deduction. A lot of people are going to be deceived. Each town is going to have to do their own figuring to where they are with the state ratio in order to make this work. That is one problem that is causing a lot of headaches for local assessors. Also, this is for a primary home owner. I mean primary home owner. A lot of people own two homes in a town. A lot of people have businesses. A lot of people own other pieces of property with another building on them. It is going to be the work of the assessors that make this happen. I have heard from a lot of small town assessors that say you had better not pass that. We don't want this kind of work. For all that work, the towns really don't gain anything out of it.

In fact, it is a mandate on these towns. Granted, this bill has approximately \$1 million for all the mandates. It is really an unknown figure. It is only a guess at this time, but it is going to be a lot of money. I believe that money would be a lot better left at home or in the people's pockets then to come up here to Augusta. We put a lot of administrative costs in it here and administrative costs back home and then send money back home that way. I think that is a very inefficient way of spending taxpayer relief money. Definitely I think this is a mandate. There is money in the bill this year, but it has an ongoing tail that will be out there for years and years to come. It is just another way of creating a greater bureaucracy, which is what I don't think that we want to do here. Once again, as I said, we are all for tax relief. I think there are better ways of doing it. Therefore, I would urge you to vote against the pending motion. Thank you.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I also have some concerns about the homestead exemption. One of the concerns that I have is all fall

on the Taxation Committee, we talked about tax fairness and when we go around to the point of doing some significant tax reduction. We wanted to make sure that all citizens of Maine benefited from this. The problem that I have with the homestead exemption is that it does not benefit you unless you are a homeowner. You are effectively leaving out all of the renters in the state. You are effectively leaving out all the small businesses in the state that contribute their fair share of taxes and yet get no relief at all from this particular proposal. In terms of equity, there is no equity there. I found it interesting that the Maine Center for Economic Policy, which is not something which I generally adhere to, has come out with some of the same concerns that those of us of a conservative bend have. That is the fact that it disproportionately benefits wealthy people as opposed to poor people. When you consider that in some of our coastal communities where you have effectively low mil rates and expensive properties, you are giving a great deal of benefit to people who actually don't need the tax relief. It seems to me that with the limited amount of money that the powers that be have designated as tax relief, it seems to me that we should be giving it to the people that need it most. We have, as you know, over \$300 million in excess taxes assessed to the people of Maine that have accumulated this year. Through bureaucratic accounting and this is the only place that this could happen, we have decided that we can only spend \$80 or \$90 million out of that \$310 million for tax relief. If we are going to do that, it seems to me that we should be giving it to the people who need it most. We should be giving it to the people who paid it in. By using this homestead exemption, all of those small businesses, all of the renters in the state that paid rent to a landlord, will be excluded from this tax relief program. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. I too rise in opposition to the piece in this bill that does homestead exemption. I think the personal exemption, as the good chair of the committee explained to you, is an excellent idea. That is direct tax relief to every citizen in the State of Maine that files a tax return. The homestead exemption is going to be nothing more than another program created by the State of Maine. As soon as we once again have tough times fiscally here in the state, we won't fund that program adequately and once again we will give the state the opportunity to be embarrassed. I will give you one example, that would be the tree growth that we sat up here for years to fully fund that program. I am sure if you think about it, there are several other programs. I feel the cost to do this program to deliver to the local municipalities is way out of line. There is a \$715,000 price tag just for administration.

I personally would prefer to do something that has direct tax impact at the local levels. I might also add this homestead exemption, unlike the circuit breaker program that provides property tax relief has no means testing whatsoever. Also, another consideration is there is a great deal of people in the State of Maine that when they federally file their tax return, they itemize their deductions so they get a direct tax break for itemizing their property taxes. This will affect them. Having said all that, I am sure you have heard a lot of good reasons why we should defeat this. I hope you would join me in defeating this so we can go on to create meaningful tax relief for the citizens of the State of Maine. Thank you.

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

Representative CIANCHETTE: Madam Speaker, Ladies and Gentlemen of the House. I too rise today to urge you to defeat the pending motion. As most of you know, the Taxation

Committee has met many days and long hours over the last year giving consideration to tax reform and tax relief. I truly respect the committee members and the principles that they each bring for having those foremost in their mind as we worked together on this effort. Like most of you, I regret that we were unable to bring a comprehensive reform package to this body in this session. I further regret that we were not able to report out this particular piece of legislation in a unanimous report. We do have many areas of agreement. Certainly the increase in the personal exemption is an area that we have, I believe, total agreement, certainly on our committee. It is very widespread within this building.

Where I have differences with the Majority Report lies squarely with the homestead exemption. I believe that the homestead exemption contained in this Majority Report is seriously flawed. There are two primary areas that I have a concern and reasons that I will not support it. How does this begin to reduce the overall and the total tax burden that all of our citizens have? I made this comment on the floor of the body recently on another matter and I will continue to say it. Actually I am echoing the thoughts of our Chief Executive. When he has clearly illuminated that Maine is a high tech state that our tax burden is almost 25 percent higher than the national average and this is something that we just cannot ask our citizens to shoulder the heavy weight of the taxation. I fail to see how, frankly, this particular package begins to relieve that burden. What it says we are going to do is we acknowledge that we are over-collecting taxes. We have brought in as the Representative from Yarmouth just stated we have \$300 million coming into the state treasury in excess of what we said, as a body, collectively last year in a majority fashion that it was the appropriate amount of money that we needed to fund state government.

What we are going to do now is say we are going to continue to bring that money into state government only so that we can turn it around and send it back to you. I will say it again, I don't understand how that can be tax relief. How have we reduced the overall tax burden. I submit that's where we really need to be looking at lowering a particular rate or series of rates, that is my primary concern. The secondary concern that I have is similar to Representative Lemont from Kittery. He stated that this is another government program. Specifically my concern is here today, gone tomorrow. I am highly suspect of the Legislature's ability to consistently meet its commitments as we create these new programs. We heard earlier about tree growth and that that has not always been fully funded. I think we should be proud that this Legislature did fund it fully for this year, but there have been many years when that has been inadequately funded. GPA, we know the history on GPA and there have been times when we have had shortcomings in our ability to be able to send dollars back to the communities. Circuit breaker, there was a time when circuit breaker had a maximum benefit of \$3,000. It was at \$700 when we all came in a year ago and we have moved that back up to \$1,000. Again, another program that has been significantly watered down. I will say that we should be proud that buoyed it some.

The Better Program, less than one year after we had the Better Program in place, we already began to tinker with it, to dismantle it, to take certain businesses out of the program and certain industries out of the program and even have the audacity to do it retroactively after we made a commitment to them. It is not something I feel good about ladies and gentlemen. The homestead is yet another program that will be subject to the same concerns from an appropriations process stand point. City officials in my municipality that have serious concern over this. One in particular made the comment that the first time our economy hiccups, there goes the appropriation or part of the

appropriation for this particular program. Concerns they have, if I follow through their logic is as we create this program and send it back to the state and yes, maybe for the first year or several years maybe, it is fully funded and they are able to reduce the tax bill of their people in the municipality. When the funds dry up for this program or for whatever reason, it doesn't rise as high on the priority list for the people in this Legislature and future Legislatures. It is going to be seriously underfunded and the municipalities are going to look like the ones that raised the taxes again. I don't think we want to do that to them. The taxpayers will be going back to city hall and complaining that their tax bills have gone up and maybe they should, frankly, have those criticisms directed at us.

Just to simply recap, I fail to see where the tax relief comes from this. I have concerns over the program aspect. Let's not forget some of the things we have done this Legislature, the 118th for property tax. We have and will be funding GPA at a much higher level than any of us expected a short time ago. We fully funded tree growth. We expanded the Circuit Breaker Program giving a bigger benefit and making more people eligible for it. By virtue of the fact that our economy is doing so well in the way the formula works for revenue sharing in that the communities get 5.1 percent of all the income and sales taxes collected, right off the top, those communities are receiving more money from that program and the others I mentioned. I urge you defeat the pending motion. Thank you.

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

Representative GAGNON: Madam Speaker, Men and Women of the House. We were coming into this session with the tax relief pool growing the way that it was that we were going to have a pleasant job this session and that is to be able to cut taxes. I know you have been in the House for many years and I don't think you have had that opportunity very often. As a freshman Representative, I am pretty lucky to have that opportunity. One of the comments that were made today having to do with renters and a few other issues, I just want to clarify because there are variations of the homestead exemption that came before us. The first one was a fairly cumbersome approach that the assessors certainly have problems with legitimately that require people to show up in person at city hall that required a lot of mailings back and forth. It was an approach that we didn't care for from the very beginning. Subsequently the executive submitted plan for a homestead rebate where people would actually end up paying their taxes up front and then be rebated the money back at some future time. Again, filling out forms. The bill that is before you today does a couple of things. It is a lot different from that. First of all, we have stripped that bureaucracy away from it. We made the process very simple. We tried to keep that fiscal note as low as possible and we do have the support of MMA and I believe we do have the support now of the various assessor associations around the State of Maine.

The second thing that we did that was mentioned earlier is that we did generate some savings in the Circuit Breaker Program that allowed us to expand the Circuit Breaker Program without any new monies for renters. That expansion adds about 7,500 people, renters, who were previously not eligible for the program and now will be able to get some tax relief also. Keeping in mind also that the homestead approach, exemption and circuit breaker approach, it is only half of the package. The other half, of course, is the income tax approach. The way that this provides property tax relief is it is the best way possible. People don't pay the tax the first time. It is not a rebate check. It is not money back through some process, but, in fact, they don't pay the money right up front. It is about as direct as you can get.

You get your bill and it will give you what the homestead is and what that means and then your mil rate applies to a lower assessed value, by \$7,500 direct. You don't pay it in the first place. It is not a check from all of us. It is direct, you don't pay it.

The second part of the program, the personal exemption on income tax, again, it is direct. You don't pay that tax to begin with. So, it is significant for people of my community. The average family of four is going to be generating somewhere between \$200 and \$300 in tax savings per year. That is significant. That is one they are going to be using within their local community. I would encourage you to support the pending motion and provide real direct property tax relief for Maine citizens. Thank you.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I wanted to respond to the good Representative from Waterville. He and I both serve on the Taxation Committee. The first thing I guess I would like to say is this is a delightful thing to be debating, how much money we are going to return to the taxpayers? I mean that sincerely. It is very pleasant when you can stand up here and argue about the method by which you are going to return taxes to the people. Even though we may debate the issue, ultimately, I think we all agree that it is a good idea that we are, in fact, doing that. We talked a lot about this homestead exemption. One of the things that bothers me about it, I guess, is that there are other ways that we can return the money directly to the people and they would get it all. With the homestead exemption, it is costing us about \$49 million and to administer it at the state level it is going to cost about \$863,000 a year. That includes adding staff on to the Maine Revenue Services and the amount of money that we have to send to the cities and towns so that we avoid the mandate problems that would exist if we didn't pay for it. To me, that \$863,000 should be going into the pockets of the taxpayers, not into some bureaucracy so that we can return it. As you know, there are other methods available out there that we could use for tax reduction. That I think is something you all should think about. Thank you.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. How quickly we forget. It has been, I believe, one year that we fully funded the tree growth tax. I remember those years, the early 90s, when we were searching for dollars and we kept reducing and reducing that reinvestment for the municipalities. I suffered through those times. I know what it was like. Please, keep that in mind when you vote. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would just like to bring to your attention a few more problems that I see with this homestead part of the amendment. It says in here that a recipient of this money has to be a resident for one year. Can you imagine the person who moves in here and has only been here 11 months and you got the situation that the assessors and town officials have got to keep track of. If they do get on the rolls and they have second home in Florida and they are going to move down to Florida and you really don't know they moved and you are going to keep giving them that exemption. It is things like this that does make it confusing and more difficult for the local officials to keep track of. Another thing is that I know with Maine State Housing loans and there are other bank loans, a lot of times your taxes and insurance are escrowed. In fact, the

taxpayer never even sees the bill. The bill sometimes goes to the people who are going to pay the bill. Therefore, they will never have a chance to even take advantage of this. Yes, it is their responsibility. Once again, you could be missing people that do not realize this program is out there.

Another thing, thinking about the towns as I talked before. A lot of towns make up their tax bills on these computers they buy in bulk. They buy their tax bills two or three years in advance and if these have to have different printing on them to take care of these deductions, it might be more costs to these towns. Once again, I know this is tax relief, of some sort, in good faith. Once again, it hits primary home owners. It doesn't hit the people that have got all kinds of other houses, investments, landlords, renters. Many people it doesn't hit. It only hits the homeowner. I just do not think that all the people in the State of Maine are fully benefiting from this tax relief. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I have enjoyed serving on the Taxation Committee this year. It has been a pleasure and we have worked on many bills and many we have agreed on. This one we, obviously, did not, but I did enjoy the policy debates. We are having more here today. I am not going to get into the technical aspects of the bill. I believe it is a very good bill. It is sound technically and it is sound from a policy perspective. I agree with the Representative from South Portland in that I have regrets that we were unable to agree on a consensus or a unanimous report. Again, I am very proud of this bill. It provides income tax relief, which it seems everyone agrees upon. It provides direct property tax relief, which based upon the articles I have been reading, I thought everyone agreed upon that. It does do another thing. It improves the balance among the big three taxes in this state, the property, income and sales. This is a real issue. The sales tax burden is tremendous in the State of Maine. The sales tax accounts for almost 45 percent of the big three taxes. This will help balance that. I have heard that municipalities don't support this. The Maine Municipal Association supports it and has supported this concept for over two years. The municipalities that have testified are in support of it. I believe there is greater concern if the concern is that we may not be reimbursed is a greater concern on our rebate program, then there is this program, as you have heard.

We have heard it only benefits homeowners. That is not true. The program does include a provision that also benefits renters. It does only benefit Maine residents. It doesn't benefit individuals who live in other states. It only benefits Maine residents. It does not benefit those individuals who have summer homes here. It only applies to your primary residence. It is direct. We have heard from everyone that they wanted direct tax relief. Well, this provides it. It provides direct tax relief, meaning you don't pay it in the first place. We have heard that it doesn't do things for certain businesses. Men and women of the House, we have programs that do that. They have proliferated. We have the Better Program. What this program does is it provides the same sort of tax benefit that we are giving to business to residential homeowners. For the life of me, I cannot see anything wrong with that. That is all I have heard. I have been here now for six years. I have heard nothing but tales of the property tax burden getting out of hand. We know there are individuals who have circulated petitions to try to get a citizen initiative referendum to put a statewide cap on the mill rate. That is dangerous. Municipalities do not want that. Eighty-five percent of municipal budgets are based on the property tax. Municipalities need relief. This provides it. I strongly encourage you to vote for the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. My question is what percent of the homestead exemption is taxed at the federal level?

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Ladies and Gentlemen of the House. I will try to answer as best I can. It obviously depends on what the income level is for the individual. The argument that that somehow attacks savings is going to be taxed at some other level of government. That is probably what I would call a good problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. What percent of the tax refund will actually stay in the taxpayers pocket?

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. Once again, this is not a refund program. This is an exemption program. There is no refund that will be coming from the state or municipalities. In fact, a person would not be paying it right up front. So, all of it would be.

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

#### ROLL CALL NO. 445

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Dunlap, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bruno, Chartrand, Dutremble, Fisk, Honey, Meres, O'Brien, Perry, Winglass, Winn.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-876) was READ** by the Clerk.

Representative DONNELLY of Presque Isle **PRESENTED House Amendment "A" (H-885) to Committee Amendment "A" (H-876)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. In contemplating the homestead exemption, which is now before us, I talked to some folks who are apparently more expert at tax issues than myself in different states and in our own state. They said anything under a \$10,000 homestead exemption is a will-o-the-wisp. It doesn't give significant tax relief. It gets eaten up in other types of taxes and you really need to break the \$10,000 threshold in order to make it have a real affect. The more I thought about that, the more I looked at it and the more I heard the arguments for the exemption and looked at how the dollars were going to be spent and how the dollars were going to be distributed. It seemed to me that that description had some merit. What this amendment proposes to do, if you are for property tax relief, this will give real property tax relief. It will give a substantial break. We have a tax relief fund with \$196 million in it. It was a fund that was set up with the promise to the people that as that money accumulated it was more than we needed to spend and we wanted to be responsible on a tax cut. We wanted to make sure the money was in the bank. We did that in two different accounts and that \$196 million is a combination of those two. The cigarette tax relief, which all except for the education piece and the piece which would help folks who are addicted to smoking, quit smoking and in a tax relief fund. Proper, I suppose. Those two funds have gathered a sum of about \$196 million. This amendment does not utilize all of those funds. Realizing that there is some ambiguity as we go forward, it is kind of like driving your car with a light mist out. We can see about a mile or two down the road pretty well. It gets a little less clear the further down the road you look. If you think you see a deer on the side of the road, you might slow down a little bit and apply the brake. As we start down this road of tax relief, what this amendment does is it looks down the road, it doesn't say we should do \$196 million because maybe we should be a little bit cautious. It does say if we are going to do this thing, believe me, it is not my favorite tax relief. If we are going to do it, let's really do it. Let's give property tax relief. If this is what this body is going to do, let's really do it. If we believe in that, then this amendment should be easy to pass. Thank you.

Representative KONTOS of Windham moved that **House Amendment "A" (H-885) to Committee Amendment "A" (H-876) be INDEFINITELY POSTPONED.**

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-885) to Committee Amendment "A" (H-876).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-885) to Committee Amendment "A" (H-876). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 446**

**YEA** - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger,

Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perkins, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

**NAY** - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winsor.

**ABSENT** - Bruno, Chartrand, Chizmar, Dutremble, Fisk, Goodwin, Honey, Kerr, Meres, Perry, Winglass, Winn.

Yes, 76; No, 63; Absent, 12; Excused, 0.

76 having voted in the affirmative and 63 voted in the negative, with 12 being absent, **House Amendment "A" (H-885) to Committee Amendment "A" (H-876) was INDEFINITELY POSTPONED.**

Representative **SPEAR** of Nobleboro **PRESENTED House Amendment "B" (H-887) to Committee Amendment "A" (H-876)**, which was **READ** by the Clerk.

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

Representative **SPEAR**: Madam Speaker, Men and Women of the House. I offer this amendment in that I think it does what a lot of us are thinking about and it also brings out what we agreed to as a whole. The part that we have agreed to in committee, we have discussed a lot of subjects, but one item that we do agree on is the personal exemption. This amendment leaves the personal exemption intact. It removes the money that was there for the homestead exemption. It puts it to the General Fund. As we know, there are a lot of other tax relief programs out there that are still under discussion that is very worthy of consideration. I fully believe that this amendment would allow us to come up with some real tax relief programs here for the people of this state. We are passing this, once again, it does intend to increase the personal exemption to the federal level as was originally proposed, but it removes approximately \$50 million and leaves it in the General Fund for other tax programs that we can agree to. I would urge the adoption of this and I would ask for a roll call when the vote is taken.

Representative **SPEAR** of Nobleboro **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-887) to Committee Amendment "A" (H-876).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative **KONTOS** of Windham moved that **House Amendment "B" (H-887) to Committee Amendment "A" (H-876) be INDEFINITELY POSTPONED.**

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

Representative **SAXL**: Madam Speaker, Men and Women of the House. Very briefly, this amendment leaves me a little bit confused. Representative Donnelly has just introduced an amendment, which doubled the homestead exemption. This amendment eliminates the homestead exemption and I am not

sure where my friends on the other side of the aisle are going with the homestead exemption. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. Perhaps I can explain a little bit. The amendment that I presented earlier was in the belief that the homestead exemption as it is currently presented is not much. Representative Spear is a member of the committee and is looking for places to continue to work together and stop doing public policy by press release and do it in a fashion that best serves all Maine people. The one thing that we know exactly how it works is the federal exemption. The federal exemption, the standard deduction at the federal level has crept up and Maine has not kept up. While the talks continue on what is best to do and in what fashion the tax package will actually have an impact on somebody's pocketbook. A member of the Taxation Committee is presenting an amendment to allow that committee to keep leadership out and move forward and work together as they tried to do for over a year. I know walking by that committee as they were working over the summer and as they worked throughout the last year and the charts and the graphs and the explanations, they were doing the things that you do when you are going to do good public policy. I think Representative Spear, to his credit, is trying to continue that discussion so other important tax relief functions, be it the snack tax or other ideas, can have their day in court.

Representative KONTOS of Windham REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "B" (H-887) to Committee Amendment "A" (H-876).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "B" (H-887) to Committee Amendment "A" (H-876). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 447**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Dunlap, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bruno, Chartrand, Chizmar, Dutremble, Fisk, Honey, Kerr, Labrecque, Marvin, Meres, Ott, Perry, Winglass, Winn.

Yes, 74; No, 63; Absent, 14; Excused, 0.

74 having voted in the affirmative and 63 voted in the negative, with 14 being absent, **House Amendment "B" (H-887)**

to **Committee Amendment "A" (H-876)** was **INDEFINITELY POSTPONED**.

On motion of Representative KONTOS of Windham, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-876)** and later today assigned.

**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the following item which was **TABLED** and today assigned:

An Act to Create the Consumer Health Care Division within the Bureau of Insurance

(H.P. 1305) (L.D. 1848)

(C. "A" H-820)

**TABLED** - March 11, 1998 by Representative KONTOS of Windham.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative SAXL of Bangor, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-820)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-886)** to **Committee Amendment "A" (H-820)** which was **READ** by the Clerk.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I would just like to explain quickly to the members of the House what this amendment does. The amendment requires that the President of the Senate and the Speaker of the House each appoint one member of the Joint Standing Committee of the Legislature having jurisdiction over insurance matters to the Consumer Health Care Division Advisory Council instead of requiring a joint appointment of one member of the joint standing committee of the legislature having jurisdiction over the insurance matters as was required in Committee Amendment "A." This amendment also gives these members of the council who are legislators legislative per diem to be paid by the Legislature. This would add a fiscal note of \$220.

**House Amendment "B" (H-886)** to **Committee Amendment "A" (H-820)** was **ADOPTED**.

**Committee Amendment "A" (H-820)** as Amended by **House Amendment "B" (H-886)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-820)** as Amended by **House Amendment "B" (H-886)** thereto in **NON-CONCURRENCE** and sent up for concurrence. **ORDERED SENT FORTHWITH**.

**HOUSE DIVIDED REPORT** - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-876)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-877)** - Committee on **TAXATION** on Bill "An Act to Reduce Income and Property Taxes"

(H.P. 1589) (L.D. 2219)

Which was **TABLED** by Representative KONTOS of Windham pending **ADOPTION** of **Committee Amendment "A" (H-876)**.

Representative LEMONT of Kittery **PRESENTED House Amendment "C" (H-888) to Committee Amendment "A" (H-876)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. This amendment is much unlike the homestead exemption. It is clean, direct and simple. It increases municipal revenue sharing from 5.1 percent to 7 percent and benefits all 495 towns, cities and townships throughout the State of Maine. This should reduce property taxes. The good Representative from Portland spoke very eloquently about the three big taxes in the State of Maine. This goes right to the root of one of them, property taxes. There will be no costs to administer these programs. When the vote is taken, Madam Speaker, I request the yeas and nays.

Representative LEMONT of Kittery **REQUESTED** a roll call on his motion to **ADOPT House Amendment "C" (H-888) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative SAXL of Portland moved that **House Amendment "C" (H-888) to Committee Amendment "A" (H-876)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "C" (H-888) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is indefinite postponement of House Amendment "C" (H-888) to Committee Amendment "A" (H-876). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 448**

**YEA** - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wright, Madam Speaker.

**NAY** - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Bigl, Bruno, Chartrand, Chizmar, Dutremble, Ethier, Fisk, Honey, Kerr, Labrecque, Marvin, Meres, Ott, Perry, Winglass, Winn.

Yes, 74; No, 61; Absent, 16; Excused, 0.

74 having voted in the affirmative and 61 voted in the negative, with 16 being absent, **House Amendment "C" (H-888)**

to **Committee Amendment "A" (H-876)** was **INDEFINITELY POSTPONED**.

Representative LEMONT of Kittery **PRESENTED House Amendment "D" (H-889) to Committee Amendment "A" (H-876)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. The amendment I have before you would give all individuals tax relief. The current proposal has no tax relief for renters or low or middle income filers. What this amendment attempts to do is to remove the homestead piece from Committee Amendment "A" and in its place put an earned income credit. For those of you who don't know what an earned income credit is, this is a program that the federal government has on their tax return that allows people a credit to help them. My amendment would allow Maine filers 25 percent of the federal credit and the federal government thinks this credit is a good idea. I think a quarter of this idea with the State of Maine would be a wonderful idea. It would only require a couple of lines on your State of Maine tax return. One on the 1040 and one on the Schedule A. I think this would benefit thousands and thousands of taxpayers in the State of Maine. This is my last idea of the evening. I hope you will think this one is better than my prior one. When the vote is taken, Madam Speaker, I request the yeas and nays.

Representative LEMONT of Kittery **REQUESTED** a roll call on his motion to **ADOPT House Amendment "D" (H-889) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative SAXL of Portland moved that **House Amendment "D" (H-889) to Committee Amendment "A" (H-876)** be **INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-889) to Committee Amendment "A" (H-876)**.

Representative GAGNON of Waterville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-889) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I am somewhat familiar with this, but not entirely. If Representative Lemont would explain what income bracket folks are that would benefit by this, exactly who would benefit by the earned income tax credit? Thank you.

The **SPEAKER**: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. I have before me the 1040 instruction book from the federal government. The benefit could be as much on the federal return and we are talking 25 percent to the state. Three hundred thirty-two dollars if you have a qualifying child. Two thousand two hundred and ten dollars if you have one qualifying child and as much as three thousand six hundred and fifty-six dollars if you have more than one qualifying child. I reiterate that. The credit would be 25 percent of the federal credit. The fiscal note on this bill would be approximately \$30 million.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-889) to Committee Amendment "A" (H-876). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 449**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Pendleton, Perkins, Pinkham RG, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bruno, Chartrand, Chizmar, Cross, Dutremble, Etnier, Fisk, Honey, Joyner, Kerr, Labrecque, Layton, Madore, Marvin, Mayo, Meres, Ott, Peavey, Perry, Pinkham WD, Spear, True, Underwood, Vigue, Winglass, Winn.

Yes, 72; No, 53; Absent, 26; Excused, 0.

72 having voted in the affirmative and 53 voted in the negative, with 26 being absent, **House Amendment "D" (H-889) to Committee Amendment "A" (H-876) was INDEFINITELY POSTPONED.**

Representative CIANCHETTE of South Portland **PRESENTED House Amendment "E" (H-890) to Committee Amendment "A" (H-876)**, which was **READ** by the Clerk.

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

Representative CIANCHETTE: Madam Speaker, Ladies and Gentlemen of the House. I have been reminded in the last few minutes that brevity is a virtue. I will do my best. This House Amendment simply amends the Committee Amendment by eliminating the proposed homestead exemption, increasing our personal exemption to \$2,750 effective January 1 of 1998 and reduces the top marginal income tax rate down from 8.5 percent to 8 percent. This amendment represents true middle class income tax relief. I believe it is middle income tax relief because a single filer only needs to earn \$16,200 before they break into the top marginal rate, currently at 8.5 and joint filers only need to be making over \$32,400. This puts Maine on a responsible glide path to a more affordable level of taxation and leaves more disposable income in the pockets of our taxpayers, perhaps so that they can pay their property taxes. I request when the vote is taken it be taken by the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-890) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative KONTOS of Windham moved that **House Amendment "E" (H-890) to Committee Amendment "A" (H-876) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-890) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-890) to Committee Amendment "A" (H-876). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 450**

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Lemont, Lindahl, Lovett, MacDougall, Mack, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Pendleton, Perkins, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bruno, Chartrand, Chizmar, Cross, Dutremble, Etnier, Fisk, Honey, Joyner, Kerr, Labrecque, Layton, Madore, Marvin, Mayo, Meres, Ott, Peavey, Perry, Pinkham RG, Pinkham WD, Poulin, Spear, True, Underwood, Vigue, Winglass, Winn.

Yes, 72; No, 51; Absent, 28; Excused, 0.

72 having voted in the affirmative and 51 voted in the negative, with 28 being absent, **House Amendment "E" (H-890) to Committee Amendment "A" (H-876) was INDEFINITELY POSTPONED.**

Representative BUCK of Yarmouth **PRESENTED House Amendment "F" (H-891) to Committee Amendment "A" (H-876)**, which was **READ** by the Clerk.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. This amendment of four pages is really very simple. Number one, it eliminates on the income tax anyone making under \$20,000 a year. Number two, it reduces the 8.5 percent tax rate to 8 percent. In effect, what this does is it eliminates 180,000 filers from even filing an income tax, the low-income filers. It provides income tax relief for all Maine citizens by decreasing the top marginal rate from 8.5 percent to 8 percent. I uses the same amount of money in the original bill that came before us hours ago, but the difference is it provides real tax relief to all the citizens of Maine. At the same time, it eliminates anyone earning less than \$20,000 from even having to file income tax. To me, that is what income tax relief is all about. It uses the same amount of money in the original bill, but it provides tax relief for all of the citizens. Thank you.

Representative KONTOS of Windham moved that **House Amendment "F" (H-891) to Committee Amendment "A" (H-876) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-891) to Committee Amendment "A" (H-876)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-891) to Committee Amendment "A" (H-876). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 451**

**YEA** - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wright, Madam Speaker.

**NAY** - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Donnelly, Foster, Gerry, Gieringer, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Perkins, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Barth, Bigl, Bruno, Chartrand, Chizmar, Clukey, Cross, Dexter, Dutremble, Etnier, Fisk, Gooley, Honey, Joyner, Kerr, Labrecque, Layton, Marvin, Mayo, Meres, Ott, Peavey, Pendleton, Perry, Pinkham RG, Pinkham WD, Poulin, Skoglund, Spear, True, Underwood, Vigue, Winglass, Winn.

Yes, 70; No, 47; Absent, 34; Excused, 0.

70 having voted in the affirmative and 47 voted in the negative, with 34 being absent, **House Amendment "F" (H-891) to Committee Amendment "A" (H-876) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-876) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Representative **MACK** of Standish **PRESENTED House Amendment "A" (H-892)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. All of us here in this chamber and the many dedicated state employees are diligent public servants. We serve the public diligently, but we face no severe danger do so. Another group of public servants put their life on the line in serving you and me. Members of our armed forces have defended our country and our state at the risk of life and limb. This amendment would exempt military pension from the income tax. Many other states do it. We are one of the few that don't. Of all the groups that we give tax breaks to, the veterans have earned it. Thank you.

Representative **SAXL** of Portland moved that **House Amendment "A" (H-892) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-892)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Madam Speaker, Men and Women of the House. I am a veteran and I am voting against this. I kind of resent it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. I would ask if any veteran, in the chamber or out of the chamber, does not feel they are currently paying enough taxes that they could voluntarily add a little bit to their tax bill and send it in. It would help the General Fund out quite a bit.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is House Amendment "A" (H- 892). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 452**

**YEA** - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Clark, Colwell, Cowger, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Paul, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Treadwell, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

**NAY** - Belanger DJ, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Davidson, Donnelly, Foster, Gerry, Gieringer, Joy, Joyce, Kasprzak, Kneeland, Lane, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, McAlevey, Nass, Nickerson, O'Brien, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Vedral, Waterhouse, Winsor.

**ABSENT** - Barth, Belanger IG, Bigl, Bruno, Chartrand, Chizmar, Clukey, Cross, Dexter, Dutremble, Etnier, Fisk, Fuller, Goodwin, Gooley, Honey, Jones SA, Joyner, Kerr, Labrecque, Layton, Marvin, Mayo, McElroy, Meres, Ott, Peavey, Pendleton, Perry, Pinkham RG, Pinkham WD, Poulin, Skoglund, Spear, True, Underwood, Vigue, Wheeler EM, Winglass, Winn.

Yes, 71; No, 39; Absent, 41; Excused, 0.

71 having voted in the affirmative and 39 voted in the negative, with 41 being absent, **House Amendment "A" (H-892) was INDEFINITELY POSTPONED.**

Representative **MACK** of Standish **PRESENTED House Amendment "B" (H-893)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. This last and final amendment would index the income tax brackets for inflation. Currently, the income tax brackets in Maine are indexed to inflation only if we have 3.5 percent inflation or higher. Mine would make it so every year whatever the inflation is, the income tax brackets would be adjusted. Maine's working families should not be penalized because of inflation. They should only have to pay taxes on what they really earn on the increase of their buying power. If inflation goes up and they had a cost of living increase, they really haven't earned any additional money. Their buying power stays the same. Currently we are lucky to have low inflation, but if the federal reserve goes haywire or something happens in Washington, we can't always trust that we will have low inflation. If things get worse or as it is now, we definitely should not penalize Maine's families for what they haven't earned. Thank you.

Representative RINES of Wiscasset moved that **House Amendment "A" (H-893)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-893)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-892). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 453**

YEA - Ahearn, Bagley, Baker, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Cameron, Chick, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kasprzak, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Mailhot, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Paul, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Belanger DJ, Bragdon, Buck, Bumps, Campbell, Carleton, Cianchette, Donnelly, Foster, Gerry, Gieringer, Joy, Joyce, Kneeland, Lane, Lovett, MacDougall, Mack, Madore, McAlevey, Nass, Nickerson, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Winsor.

ABSENT - Barth, Belanger IG, Bigl, Bruno, Chartrand, Chizmar, Clukey, Cross, Dexter, Dutremble, Etnier, Fisk, Goodwin, Gooley, Honey, Jones SA, Joyner, Kerr, Labrecque, Layton, Marvin, Mayo, McElroy, Meres, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Poulin, Skoglund, Spear, True, Underwood, Vigue, Wheeler EM, Winglass, Winn.

Yes, 79; No, 32; Absent, 40; Excused, 0.

79 having voted in the affirmative and 32 voted in the negative, with 40 being absent, **House Amendment "A" (H-893)** was **INDEFINITELY POSTPONED**.

Under suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-876)** and sent up for concurrence. **ORDERED SENT FORTHWITH**.

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On motion of Representative MADORE of Augusta, the House adjourned at 9:20 p.m., until 9:00 a.m., Friday, March 13, 1998.