

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Wednesday, December 9, 1981

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Tenth Legislature in extra session, the members of the House of Representatives assembled in their hall at ten o'clock in the morning and were called to order by the Speaker.

Prayer by Father Thomas Joyce of St. Mary's Catholic Church, Augusta.

The members stood at attention during the playing of the National Anthem by the Gardiner Area High School Band.

A roll call was taken. 146 members answered to their names and accordingly a quorum was found to be present.

Those absent were: Representatives Holloway of Edgecomb, McKean of Limestone, O'Rourke of Camden, Reeves of Pittston, and one seat vacant.

On motion of Mrs. Mitchell of Vassalboro, it was

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is present assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members: Representatives:

POST of Owl's Head
TWITCHELL of Norway
KANE of South Portland
KILCOYNE of South Portland
HAYDEN of Durham
HIGGINS of Portland
BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton

Subsequently, Mrs. Post, for the Committee, reported that it had attended to the duty to which it was assigned.

On motion of Mr. Diamond of Windham, it was

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, Mrs. Mitchell of Vassalboro was appointed to convey the message, and subsequently reported that she had delivered the message with which she was charged.

The SPEAKER: The Chair is pleased to recognize in the back of the hall Representative-elect Jackson of Harrison. The Chair would ask the gentleman from Scarborough, Mr. Higgins, to escort Representative-elect Jackson to the Office of the Governor, where the Governor will enable him to take and subscribe the oath necessary to qualify him to enter upon his official duties.

At this point, a message came from the Senate, borne by Senator Pray of Penobscot, announcing a quorum present and that the Senate was ready to transact any business that might come before it.

Messages and Documents

The following Proclamation:

WHEREAS, Congress has enacted the Economic Recovery Tax Act of 1981 which contains many changes to the Federal Internal Revenue Code, and;

WHEREAS, this legislation becomes effective with the 1981 tax year, and;

WHEREAS, the Maine income tax law is presently based upon the federal code and legislation is necessary to adopt federal law changes, and;

WHEREAS, the Legislature must consider

and resolve these matters before the Maine 1981 income tax instructions and forms are printed and distributed, and;

WHEREAS, these forms are normally mailed to Maine taxpayers early in the new year in order that these taxpayers may file their returns in a timely manner;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Wednesday, the ninth day of December, 1981 at ten o'clock in the morning in order to receive communications, enact a bill to conform Maine's tax law to the Internal Revenue code, and conduct such other legislative business as may be appropriate.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this thirtieth day of November in the Year of Our Lord Nineteen Hundred and Eighty-One.

S/JOSEPH E. BRENNAN

Governor

S/RODNEY S. QUINN

Secretary of State

A true copy. S/ELSIE I. BOWEN

Attest: Deputy Secretary of State

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE

Office of the Secretary of State

November 23, 1981

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative District 24 at the Special Election held on November 3, 1981, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district, as follows:

Myron Friedman, Bridgton	842
Philip C. Jackson, Harrison	1,954
James R. Ruhlin, Jr., Naples	422
Others	1

S/RODNEY S. QUINN

Secretary of State

Was read and ordered placed on file.

At this point, a message came from the Senate, borne by Senator Collins of Knox of that body, proposing a convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the convention and to make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 a.m., and the Speaker appointed Mrs. Mitchell of Vassalboro to convey this message to the Senate.

Mrs. Mitchell subsequently reported that she had delivered the message with which she was charged.

The following Communication:

STATE OF MAINE

Office of the Secretary of State

November 23, 1981

To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on November 3, 1981, in Representative District 24 for the purpose of electing a Representative to the One Hundred and Tenth Legislature; that Philip C. Jackson of Harrison having received a plurality of all

votes cast in District 24, as contained in a report to the Governor on November 23, 1981, appears to have been elected a Representative to the One Hundred and Tenth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this twenty-third day of November in the year of our Lord, One thousand Nine Hundred and Eighty-One.

S/RODNEY S. QUINN

Secretary of State

Was read and ordered placed on file.

The following Communication:

November 30, 1981

To Honorable Edwin H. Pert, Clerk House of Representatives

One Hundred and Tenth Legislature

Dear Clerk Pert:

In compliance with 3 MRSA § 1, please be advised that Representative Romeo T. Boisvert, District 6(3) died on November 26, 1981.

You are hereby notified that a vacancy now exists in House of Representative District 6(3). According to Article IV, Part First, Section 6 of the Constitution of Maine, this vacancy may be filled by a new election. No date had yet been set to conduct such an election.

Respectfully,

S/RODNEY S. QUINN

Was read and ordered placed on file and District 6-3 was declared vacant. (The members stood in silence in memory of Representative Romeo T. Boisvert of Lewiston)

The following Communication:

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine 04333

December 9, 1981

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to Chapter 439 of the Public Laws of 1981, I am pleased to inform you that I have appointed Representative Judy C. Kany of Waterville and Representative Richard S. Davies of Orono to serve on the Low-level Waste Siting Commission.

Pursuant to Chapter 493 of the Public Laws of 1981, I am pleased to inform you that I have appointed Representative Sandra K. Prescott of Hampden to serve on the Transition Committee to Create a Department of Corrections.

Pursuant to my authority under Chapter 498 of the Public Laws of Maine, 1981, I have appointed Mr. Wallace Haselton of Augusta and Mr. Robert Smith of Bath as members of the State Compensation Commission.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication:

November 30, 1981

Hon. Joseph Sewall

President of the Senate

Hon. John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Senator Sewall and Representative Martin:

Pursuant to 1981 Public Law, Chapter 492, Chapter C, Section 21, this is to certify that \$6.7 Million would need to be allocated to match all State Aid Funds raised by municipalities prior to January 1, 1981, to complete all State Aid projects under agreement with the Department of Transportation prior to January 1, 1981, and to continue administration of the State Aid Program to its completion. However, to meet estimated expenditures for work scheduled during the current budget period

would require an allocation of \$3.0 million for fiscal year 1983.

The Administration will be considering these needs in preparing budget adjustments for consideration at the next regular session of the Legislature.

Sincerely,
S/GEORGE N. CAMPBELL, Jr.
Commissioner

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
Department of
Educational and Cultural Services
State House Station 23
Augusta, Maine 04333

December 1, 1981

To: Members of the 110th Legislature

Bureau of the Budget

From: Harold Raynolds, Jr., Commissioner
Subject: Actual Education Costs for Base Year 1980-81

Pursuant to the provisions of 20 MRSA 4744, I forward herewith notification of the "actual education costs" as defined in subsection 1 of 20 MRSA 4743 for the base year 1980-81.

A. Elementary operating costs \$186,661,596
B. Secondary operating costs 114,275,908
C. Special education costs for programs operated

by administrative units 16,272,002

D. Special education tuition and board, excluding

medical costs 6,740,626

(1) Tuition and board for pupils placed

by administrative units \$5,364,127

(2) Tuition and board for State

Wards 1,076,499

(3) Adjustments under section 4749,

subsection 6 300,000

E. Vocational education costs 10,427,661

F. Transportation costs

(1) Operating costs 26,671,214

(2) Purchase of buses 3,692,281

G. Debt service costs

(1) Principal and Interest 26,092,691

(2) Insured Value Factor 326,217

(3) Leases 519,269

Other Major Capital Costs 2,378,079

H. Cost of unusual enrollment adjustments

301,385

I. Cost of geographic isolation adjustments

289,230

J. Cost of adjustments for small administrative units 55,423

K. Cost of reimbursement for private school transportation 223,784

M. Audit adjustments (248,991)

N. Optional local appropriations with state participation 27,028,112

(1) Local Share 16,869,689

(2) State Share 8,468,450

O. Optional local funds without state participation 27,028,112

P. Cost of state expenditures for teacher retirement benefits 29,229,753

The above figures include all adjustments in expenditure reports through December 1, 1981 and include state and local monies only except that Federal P. L. 874 are included.

NOTE: The sum of items A to G represent the total expenditures for the base year while items H. to P are duplicative.

Was read and ordered placed on file.

At this point, Representative Higgins of Scarborough reported that Representative Jackson of Harrison had subscribed the necessary oath to qualify him for the discharge of his official duties.

The SPEAKER: The Chair is pleased to recognize Representative Jackson of Harrison and assigns him to Seat 117 and would welcome him to this body. (Applause, the members rising)

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Collins of Knox, it was ORDERED, that a Committee be appointed to wait upon The Honorable Joseph E. Brennan, Governor of the State of Maine, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman appointed:

Senators:

TEAGUE of Somerset
EMERSON of Pensobcoto
WOOD of York

Representatives:

POST of Owl's Head
TWITCHELL of Norway
KANE of South Portland
KILCOYNE of Gardiner
HAYDEN of Durham
HIGGINS of Portland
BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton

Senator Teague, for the Committee, subsequently reported that the Committee had attended to the duty assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the House and Senate of the 110th Maine Legislature:

Twice before this year, I asked you to convene in special session.

In August, I asked for your help in getting the historic Bath Iron Works development in Portland onto the November ballot. Your response was bipartisan and virtually unanimous.

In September, I asked for your support for the many in your towns and neighborhoods who depend on human service programs for the elderly, the poor, the disadvantaged. You honored my request with compassion and strong bipartisan support for the neediest among us.

Today, I again ask for your strong bipartisan support for an issue of great importance to the people of our state.

The bill comes to you today proposing to adjust Maine's tax laws to conform to changes in federal tax laws enacted earlier this year by the Congress.

This matter could have been delayed until the next regular session which, as you know, begins less than 30 days from now. But it would create needless complications for our people and for our business community.

A failure to adopt the federal changes would mean that some citizens would be denied modest tax savings for this year.

More taxpayers would have to do more work to fill out their forms, and businesses would have to keep two sets of records to keep track of their state and federal depreciation allowance.

If we do not enact this legislation, it would be seen as a signal that we do not want to un-complicate our tax laws. It would be a signal that we don't mean what we say when we talk about a strong partnership between government and the business community.

My Administration has acted to simplify where possible the all-too-complicated relationship between the business sector and government.

For example, I signed an Executive Order earlier this year which requires state agencies

to take into account the financial impact of compliance as government considers new rules and regulations.

But for the vast majority, taxation law is the most complicated of all dealings business and individuals have with their government. State government's traditional policy has been to avoid adding to the immense burden of interpreting the federal government's incomprehensible tax code. State government has tried to keep its tax law as simple as possible.

The legislation before you today is in the spirit of that tradition and of our more recent efforts. I believe that it is a straightforward proposal. Let's keep Maine's tax law as simple as possible, and let's not add complications to state government's administration of those tax laws.

By now, each of you has had ample opportunity to review the material that has been sent to you.

The Taxation Committee has put in some hard work reviewing the bill, and I want to thank them for the care that they have shown. At their hearing on Monday, they heard strong support—and no opposition—from the general public. In fact, one former member of this House of Representatives warned that a failure to act would create "utter chaos" and more state bureaucracy.

None of us wants to bring those twin burdens down on the people of Maine.

There has been a strong expression from some members of the committee in favor of adding a provision to provide additional assistance for many of Maine's needy and deserving elderly. I appreciate their concerns and I support their objectives. The relief they want will be part of a package I present this coming January. But I told some members of the committee yesterday that I thought it would be more appropriately submitted at the regular session. It was not part of the special session call. It has not had the benefit of the usual careful review and it is not of an emergency nature.

The bill before you does include a sunset clause applying only to the 1981 tax year. That provision will afford this Legislature the opportunity to review these matters again next year—after the Administration and the Legislature have a better sense of the long-range financial implications for state government of the new federal tax laws.

I will look forward to the results of your work today, but before I leave you, I want to take a moment to express a few thoughts that are appropriate for this season.

In your regular session earlier this year, and at the two special sessions, you repeatedly acted in a constructive manner on behalf of the people of our state.

Your work has resulted in many accomplishments: an economic development bond issue of truly historic meaning to the people of this state, a serious attempt to crack down on drunk drivers, a series of humane and sensitive statutes in many areas of human need, and many other accomplishments.

In 1981, you have served the people of our state honorably and well. So I know the public would join me in thanking you and in wishing all of you and your families a happy and rewarding holiday season.

At the conclusion of the Governor's address, the Governor withdrew amid prolonged applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Strout of Corinth,
Recessed until the sound of the gong.

After Recess
1:45 p.m.

The House was called to order by the Speaker.

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

On motion of Representative Hayden of Durham, the following Joint Order: (H. P. 1717) (Cosponsors: Representatives Higgins of Portland, Day of Westbrook and Masterman of Milo)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House to provide additional relief under the Elderly Householders Tax and Rent Refund Act and Low cost Drug Program which will increase by \$1,000 the income limitation levels for eligibility under each program and cost the state \$1,085,000.

The Order was read.

Mr. Higgins of Scarborough requested a vote. Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on passage of the Joint Order. All those in favor of H. P. 1717 receiving passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowle, Gavett, Gillis, Gowen, Gwadnosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.; Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salisbury Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY — None.

ABSENT — Connors, Cox, Crowley, Hollo-way, Kilcoyne, Lund, Mahany, Masterton, McKean, O'Rourke, Reeves, P.

Yes, 139; No, 0; Absent, 11; Vacant, 1.

The SPEAKER: One hundred thirty-nine having voted in the affirmative and none in the negative, with eleven being absent, the Order receives passage.

By unanimous consent, ordered sent forthwith to the Senate.

Petitions, Bills and Resolves

Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Taxation

Bill "An Act Providing for Conformity with the United States Internal Revenue Code as of December 1, 1981" (Emergency) (H. P. 1716) (L. D. 1703) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Senator Conley of Cumberland, Representative Higgins of Scarborough and Senator Sewall of Penobscot) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Masterman of Milo,

Recessed until two o'clock in the afternoon.

After Recess
2:00 p.m.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Clark of Millinocket,
Recessed until the sound of the gong.

After Recess
4:45 p.m.

The House was called to order by the Speaker.

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

House Reports of Committees
Divided Report

Nine members of the Committee on Taxation on Bill "An Act Providing for Conformity with the United States Internal Revenue Code as of December 1, 1981" (H. P. 1716) (L. D. 1703) (Emergency) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot

— of the Senate.

Representatives:

MASTERMAN of Milo
DAY of Westbrook
TWITCHELL of Norway
BROWN of Bethel
INGRAHAM of Houlton
KANE of South Portland
KILCOYNE of Gardiner

— of the House.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-576)

Report was signed by the following members:

Representatives:

POST of Owl's Head
HAYDEN of Durham
HIGGINS of Portland

— of the House.

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

Report was signed by the following member:
Senator:

WOOD of York

— of the Senate.

Reports were read.

On motion of Mr. Kilcoyne of Gardiner, the "Ought to Pass" Report A was accepted and the Bill read once.

Under suspension of the rules, the Bill was read the second time.

Mr. Kelleher of Bangor offered House

Amendment "A" and moved its adoption.

House Amendment "A" (H-577) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is a very simple amendment; it simply removes the one-year sunset on the adoption of the provision of the economic recovery tax act that came from Washington and that we have before us here today.

Some of the arguments of the people who are in opposition to this amendment state that in fact it may possibly jeopardize the passage of this bill, and if in fact it does, the State of Maine would be in a dilemma, the people of Maine would be in a dilemma, the Taxation Department would be in a dilemma, because it would take additional staff and approximately \$2 million to operate the state tax office. Well, that is not my intention at all for putting this amendment in, to create a dilemma, because if you accept the sunset provision that is in this particular bill, when we come back into session in 1982, that smokescreen of a dilemma is still going to be there, the inconsistencies in our tax code on our income tax based with the feds.

Since we adopted the income tax in 1969, we have repeatedly changed our tax law with one sentence to bring us in line with the feds.

Some people think this is a bad bill—I don't think it is a bad bill; I don't believe the bill would ever have gotten to this position in this House today. The Governor wouldn't have put it in, leadership wouldn't have supported it, and the Taxation Committee would never ever let it out.

This bill, they say, has some far-reaching implications down the road. Well, I might suggest that this August body is going to be here in 1982, and for those of us who are not going to be here in 1983, there will be other people to represent the wisdom of the people of the State of Maine sitting in these halls.

There is nothing wrong with this amendment. I think it makes us a little more honest with the people we want to represent, the forgotten man out there, the average man, the small businessman, the big businessman. You all know who they are, particularly all of us who will be running for public office because we are going to be rapping on their doors and saying that we did something in 1981 in terms of tax reform but we weren't sure of ourselves so we sunsetted it and we are going to have to look at it again in 1982. And guess what? What was there in 1981 may not be there in 1983.

Ladies and gentlemen, I really don't subscribe to that type of theory or thinking as an individual member of this House. I think this is a good amendment, I think it ought to be passed and I request the yeas and nays and hope there are sufficient votes on the tally to accept this amendment.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: As I understand it, there is a fiscal impact for FY1983 of anywhere from five to nine million dollars loss of revenue on this particular amendment, and I would ask if it is properly before us since it does not have a fiscal note.

The SPEAKER: The Chair would rule that the amendment is in violation of Joint Rule 20.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 727)

ORDERED, the House concurring, that AN ACT to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act, H. P. 626, L. D. 709, be recalled from the legislative files to the Senate.

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on passage in concurrence. Pursuant to Joint Rule 4, this requires a two-thirds vote of the House. All those in favor of L. D. 709 being recalled from the legislative files will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Baker, Beaulieu, Berube, Boyce, Brannigan, Brown, A.; Brown, K.L.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Jackson, P.C.; Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Lewis, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Matthews, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Mr. Speaker.

NAY — Aloupis, Austin, Bell, Bordeaux, Brown, D.; Cahill, Conary, Connors, Cunningham, Dillenback, Hutchings, Jackson, P.T.; Jordan, Lancaster, Livesay, Lund, MacBride, Masterton, McPherson, Murphy, Nelson, A.; Randall, Small, Smith, C.W.; Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Benoit, Brennerman, Brodeur, Dudley, Fowlie, Hall, Holloway, Hunter, Laverrerie, Martin, A.; McCollister, McKean, O'Rourke, Reeves, P.; Rolde.

Yes, 106; No, 29; Absent, 15; Vacant, 1.

The SPEAKER: One hundred six having voted in the affirmative and twenty-nine in the negative, with fifteen being absent, the Order receives passage in concurrence.

House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Recalled from the Legislative Files

(Pursuant to Joint Order — Senate Paper 727) AN Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act (H. P. 626) (L. D. 709)

Came from the Senate passed to be enacted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, before we take a vote on this, assuming that we are, I think it is important, at least in my mind, that perhaps someone could explain exactly how this is going to take place. It is my understanding that some of the people who have already filed will have to refile for what's taken place in 1981. I

wonder if some member, just for the record and as far as legislative intent goes, would explain to members of the House exactly how this will happen so that there won't be any mixup and we will have a concise understanding of how this will take place.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I was just on the phone with some Bureau of Taxation people to try to get an idea of how this might work. This was not our choice, but this seems to be the only mechanism before us to insure that this money is available through the elderly tax and rent refund program.

Essentially what happens is, we won't be talking about people who are presently receiving income getting more; this increases the eligibility limits so that the people within the increased income levels, which are relatively minor, will then be able to file claims which will be processed by the Bureau of Taxation and they will receive their checks.

The bill itself does not become effective until 90 days after the session. So that means that those refunds will be made in March, or around that time, within the next few months.

I think there may be some technical adjustments that need to be made in terms of making sure that they have the ability to file, but I believe they do accept late requisitions for refunds anyway.

So while I certainly can't say, because we didn't get that far along in the conversation before the question was asked, but it seems as though it is something that we will be able to work out, at least as far as the rent program goes. It is going to have to be looked at, but it will simply be a matter of those people who fall within the increased income guidelines range making applications. They won't have to go back and deal with people who have already received any monies under that program.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentleman of the House: As a cosponsor of the measure to pull this matter from the legislative files, the legislative intent of the legislative body is to clearly indicate that this is a biennium bill, that not only will the elderly citizens who qualify under the program for next year, both the low cost drug program and the householders tax and rent refund program for next year, 1982, but also will go back and pick up this past year for some people to give them increased benefits for this past year. So it becomes, in essence, a two-year bill, and that is our intention with the appropriations.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I do agree with the gentleman that the intention is that this is a biennium bill. However, people will not get increased refunds because the way the program works, you are either eligible for the program or you are not eligible for the program. The Bureau of Taxation will not have to go back and review everybody who has already received refunds.

What we are talking about is expanding the eligibility limits, so all the department will have to look at is those people who newly become eligible and have not previously been able to receive assistance.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLERHER: Mr. Speaker, I would like to pose a further question to Mrs. Post or anyone else in the House. Just how many people are we talking about with this measure? How many people are going to benefit?

The SPEAKER: The gentleman from

Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: That happened to be the very question that I had posed to the Bureau when the explanation was asked on how this is going to work. My recollection of the answer, and this is certainly not exact and I can make another call back to get the information if you wish, but for one classification it was about a thousand. If you are interested in that information, I can make a call back and get it.

I think you can probably figure out from the fiscal note if you wish, because the maximum everyone can receive is about \$400 I believe, under the program. You can't receive anymore than what your taxes were. So if you want to get a ballpark figure, you can divide 440 into the fiscal note itself. I don't know how much further they went in making adjustments assuming that not everybody would receive the full amount, but certainly dividing 400 into the fiscal note will give you the minimum figure of people they anticipate will be eligible.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The good lady from Owl's Head needn't have gotten up the last time; the first time she got up to explain it, she did an excellent job.

Those who are entitled to refunds will get refunds and it will be done properly. I happen to know that we have in this state probably the best tax division there is in this country. About four years ago, I was a witness when the State of New Hampshire wanted to pull out everybody that was with our taxation division at almost double the salaries they are making now, and after several conversations here and there, they changed their thinking. I have got full confidence that they will be doing the thing properly, and they are the experts and they will do it. We can sit here and talk about it until doomsday, but they are the ones that are going to do it and I am confident that they will be doing it right.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, we have talked around my question, but I would like to ask it of anyone who cares to answer. That is, would someone please give me the difference between the current qualifying level and the proposed qualifying level, and also the fiscal note on the bill.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding from looking at the bill, to answer the gentlelady's question, for this year that we are presently in, including the elderly low-cost drug program, is \$660,000. The next fiscal year it will be about \$1.3 million.

The reason for the difference between this year and next year is because the bill that we dealt with in the first session called for an increase from \$4,000 to \$5,600 for 1981, and then from \$5,600 to \$6,200 in 1982 for those elderly who were filing singly. For those who are filing jointly, it goes from \$6,000 to \$6,700 this year to \$7,400 next year. So the bill that we unanimously passed here graduated the increase in over a two-year period. That is why the cost of the program is less in this year than in next year, and we are, as I understand it, dealing simply with those people that are in the increment from \$5,000 to \$5,600 this year, and from \$6,000 to \$6,700 this year. So it is those incremental people that we are dealing with on the basis of

the \$600 or \$700.

If they were eligible at \$5,000, they are still eligible and they are not going to get any additional benefit. It is those people that simply earned over \$5,000 but less than \$5,600 that we are talking about, and \$6,000 and \$6,700. We don't have to go back and touch any of the people who have already got it, they are in. It is just simply expanding the program to a few thousand people who were excluded from earning that.

Thereupon, Mr. Tarbell of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion to recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterston, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, A.; Nelson, M.; Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, Weymouth, The Speaker.

NAY—Conners, Cunningham, Murphy, Smith, C.W.; Treadwell, Wentworth.

ABSENT—Dudley, Fowlie, Holloway, Hunter, Laverriere, Martin, A.; McKean, O'Rourke, Pouliot, Reeves, P.; Rolde.

Yes, 133; No, 6; Absent, 11; Vacant, 1.

The SPEAKER: One hundred thirty-three having voted in the affirmative and six in the negative, with eleven being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Governor.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Providing for Conformity with the United States Internal Revenue Code as of December 1, 1981 (H. P. 1716) (L. D. 1703)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of same and two against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Special Sentiment Calendar

In Memory of:

The Honorable Romeo T. Boisvert, of Lewiston, Member of the 110th, 101st, 102nd, 103rd, 104th and 110th Maine Legislatures; (H. P. 1718) (Presented by Representative Jalbert of Lewiston) (Cosponsors: Representatives Berube of Lewiston, Brodeur of Auburn, LaPlante of Sabattus, Lewis of Auburn, Brown of Livermore Falls, Callahan of Mechanic Falls, Hayden of Durham, Michael of Auburn, Nadeau of Lewiston, Pouliot of Lewiston, Boyce of Auburn and Senators Minkowsky of Androscoggin, Charette of Androscoggin and Trafton of Androscoggin)

The Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Order relative to the Joint Standing Committee on Taxation reporting out a Bill to the House (H. P. 1717) which was passed in the House on December 9, 1981.

Came from the Senate, Failing of Passage in non-concurrence.

In the House: The House voted to recede and concur.

At this point, the Speaker appointed Representative Mitchell of Vassalboro on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Mrs. Mitchell reported that she had delivered the message with which she was charged.

At this point, a message came from the Senate, borne by Senator Pierce of Kennebec, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and was ready to adjourn without day:

Representatives:

POST of Owl's Head
TWITCHELL of Norway
KANE of South Portland
KILCOYNE of Gardiner
HIGGINS of Portland
BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton
HAYDEN of Durham

Subsequently, Mrs. Post for the Committee reported that they had delivered the message with which they were charged.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House stand adjourned without day.

The motion prevailed and at 6:40 p.m., Eastern Standard Time, Wednesday, December 9, 1981, the Speaker declared the House adjourned.

without day in memory of Representative Romeo T. Boisvert of Lewiston.