

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Thursday, April 29, 1982

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

Prayer by the Reverend Bruce Hudson of the United Methodist Church, Gardiner.

The journal of yesterday was read and approved.

Orders

On motion of Representative Kany of Waterville, the following Joint Resolution: (H. P. 2405) (Cosponsors: Senators Ault of Kennebec, Hichens of York and Representative Mahany of Easton)

IN MEMORIAM
WHEREAS, THE LEGISLATURE
HAS LEARNED WITH DEEP
REGRET OF THE DEATH OF

Susan N. Brown, our Legislative Assistant Bill Brown's beloved wife.

Be it Resolved that we, the Members of the Senate and House of Representatives pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased.

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

Mr. Callahan of Mechanic Falls was granted unanimous consent to address the House.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak on the passing of Paul Merrill of Cumberland. He was a great industrialist.

Paul Merrill, in 1929, bought a truck, an old Libby truck with hard rubber tires for \$150, and in 1931, his total sales were \$1836. In 1981, his total sales were in excess of \$16 million.

Mr. Merrill was also very active in many civic affairs. He was National director of Boy Scouts and of the Salvation Army, besides many others. When he died, he was constructing a cargo port dock in Portland Harbor with his own money, no state or federal funds.

He used his help very well, and in 50 years in business, 11 times the unions voted, they voted 10 times negatively, once they did, they voted at the union, the Teamsters, at the end of one year the same group voted not to accept the union.

I have known Mr. Merrill for many years. I have done business with him. One needed not to have a contract, a handshake was just as good with him.

He was a self-made man, one in a lifetime. They came no better, and the area and the State of Maine will certainly have a loss with his passing.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Mohamed Eastman, of Springvale, who has been granted United States citizenship; (S. P. 1005)

Sharon Clark, and her committee colleagues for their remarkable volunteer efforts in raising funds to bring David Toma, a anti-drug crusader, to the Lewiston-Auburn area to talk about drug problems with area students and parents. (H. P. 2399) by Representative Lewis of Auburn.

Edward Adams, of Presque Isle High School, highest ranking member of the Class of 1982; (H. P. 2401) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque Isle and Senator McBreairsty of Aroostook)

Tim Charette, of Presque Isle High School, second highest ranking member of the class of 1982; (H. P. 2402) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque Isle and Senator McBreairsty of Aroostook)

Brian Sipe, who won the Brother John Award for the outstanding actor at the North East Drama Festival; (H. P. 2403) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque Isle and Senator McBreairsty of Aroostook)

The Presque Isle Shipmate Playhouse, which has won the top award in the State Drama Festival and the New England Drama Festival; (H. P. 2404) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque Isle and Senator McBreairsty of Aroostook)

There being no objections, these items were considered passed in concurrence or sent up for concurrence.

Ought to Pass

Pursuant to Joint Order (H. P. 2398)

Representative Post from the Committee on Taxation pursuant to Joint Order (H. P. 2398) reporting a Bill "An Act Providing for Administrative Changes in the Maine Tax Laws" (H. P. 2406) (L. D. 2149) asking leave to report that the same "Ought to Pass"

Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Passed to Be Enacted
Emergency Measures

An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1982 and June 30, 1983 (H. P. 2382) (L. D. 2144) (H. "D" H-780)

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

The SPEAKER: The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Last fall, we all went to the polls to vote on a bond issue in which there was a great deal of pork barreling. I am talking about that bond issue that included Bath Iron Works. At that time, the voters expressed a great deal of dissatisfaction about the pork barreling that had gone on.

This morning we are faced with a similar situation, a situation in which we have again some good things and some bad things in the same bill, and we are left with the question—how should we vote?

Among the good things in this bill are local leeway funding for education, an emergency need for funding for the State prison and a cost-of-living increase for retirees, and of course there are other good things in the bill as well. But there are also some very significant bad things in this bill. For example, when I went house-to-house campaigning a couple of years ago, my constituents told me that they could not continue to pay the cost of welfare for people who really could be supporting themselves, and one of the things we are doing today is raising the eligibility requirements for AFDC.

Another thing that my constituents told me is that government cannot solve every single problem that we have, and yet we are being asked to increase Maine's role in the private sector by working on a housing program.

Another thing that some of us find absolutely deplorable is giving ourselves a pay raise in a bill which is a pork barrel. In other words, we are trying to almost sneak in a pay raise for ourselves by disguising this with a lot of good things that are in the bill.

So the question is, how should we vote? Does the good outweigh the bad or does the bad outweigh the good? Could we possibly amend this

bill so that we could deal with each item individually and if any of them could get the 101 votes on their own merits, great. And if they couldn't get the 101 votes, fine, they were dead. I guess the answer to that question is that it is probably a little bit too late to do that.

When we go back to the Bath Iron Works, for example, we see that the voters did approve that bond issue in the end. However, when I went to the polls, I voted against that measure, and I am afraid that I might have to do the same thing this morning.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes those opposed will vote no.

A vote of the House was taken.

124 voted in favor of same and 10 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.

An Act Making Certain Municipalities and Allocations for Expenditures and Changing Certain Provisions of the Law Necessary to Carry Out Certain New, Expanded or Revised Programs of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983 (H. P. 2383) (L. D. 2145) (H. "C" H-776 and S. "A" S-478)

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to speak on the other bill but I didn't have a chance. It probably won't make much difference, but I just want to make you aware, in case you don't know, my question on the other one would have been, with the amendment on there, just what did the six hundred and some odd thousand dollars for the judicial department include. I think it would have been a fair question. I just don't believe that many people know exactly what is happening here.

I do want to discuss today this particular L. D. 2145, and how this relates to 2144, I don't know, because there is an appropriation on this one too. Actually, you are probably giving the judicial department a million bucks.

One of the things is, ladies and gentlemen, those of you who were not at our caucus yesterday, something that bothers me very much as an interested and concerned legislator is the fact that we have before us, presented to us by the Governor of this State, who is apparently the only one who can do this and I think it is a very bad move, to include in the budget bills an unlimited number of bills, that have been killed by the legislature before, killed one way or the other, either here in the House or Senate or killed on the Appropriations Table. I think this is extremely unfair, putting us in a situation where they are not only challenging your ability or challenging your decision or challenging your talent to decide what is right and what is wrong when you have done that, then come back and throw it at us in such a form here that you can't pull it out. They say you can but I don't believe you can, it is impossible. It is impossible when the Legislative Council, our leaders, turn around and nine to one agree that we should not allow any amendments to the bill.

I feel very strongly that your vote is as important, the vote of 148 people collectively here, is more important than four or five votes on the Legislative Council. I don't think they should have that kind of power. I don't think they have the power. We let them get away with it, that is the whole trouble. I don't think this should have happened. It should not have happened because they should give each one of us as legislators the right to come down here and cast our vote, and cast it without any

hammer over the head that they are not going to let your amendments in. I think it is a poor procedure. I have been subjected to it as much as you have. I am very aware of how it was done, and I don't like it. I think that something should be done about the way it was done. Things should not be decided by four or five people, and this is what has happened here.

The thing is, ladies and gentlemen, in this bill, some of the things that bother me, I might choose in all other kinds of areas, but let me tell you, whatever it is, everyone here is here to put in their talent, their ability to make this a better place to live, and you are not going to be able to do this.

I want to call your attention to one specific section of 2145, it is on Page 9, where actually the law, if you pass this right here, and this is the only way they can pass it because they have thrown everything, all the junk and everything else, in one package. The thing is, if you pass this law, you are allowing criminals, former felons, to be on jury duty. Do you want this? You ask yourself if you want this and if your constituents want this. My constituents don't want it I will tell you that. The thing is, these felons are going to go out there, and what kind of attitude and what kind of system are we going to have? And this is what it says right here, and this is the sneaky way to do things.

They don't take these bills and put them up in front of the legislature, go through hearings and everything else. But the bills that have gone through the legislature, had hearings and everything else, spent all that money and time and effort in order to come to a good conclusion in order to have to have better government, those have been thrown out and then brought in through this procedure. I think it is very unfair, and for many many reasons, that along with others, I am not going to vote for the bill. I don't think that this bill is good for the people of Maine.

We were promised, or at least it was said before that these bills would come to us individually. Well, they don't come to us individually, they come to us as a package, and it is almost impossible to take out any particular section of it. I don't like the procedure, I don't like the way it was done, and I don't care if I win or lose, it doesn't make any difference to me. I am interested in good government. My people don't like this and I am sure your people wouldn't like it either if they knew what you are voting for today. But you're the one that is accountable, and as long as you know what you are voting for, that is your privilege.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

113 voted in favor of same and 18 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 papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Passed to be Engrossed Emergency Measures

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 2384) (L. D. 2146) (H. "A" H-779)

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

By unanimous consent, ordered sent forthwith.

An Act Providing for Conformity with the Internal Revenue Code for Taxable Years Ending in 1982 (H. P. 2385) (L. D. 2147)

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Because I am going to vote against this bill, I want to say why and state it on the record.

I have supported conformity with the federal income tax to about the point of \$6.2 million at the present time, which is, as I am convinced, what we have for money, which would have included all of the individual income tax cuts and those proposals for individuals as far as accelerated cost recovery is concerned, for subchapter S corporations and for partnerships, and supported the compromise which was reached last week and which is embodied in this bill to some extent if there is not enough money available in December which would have allowed alternatives to non-subchapter S corporations on how they treated their capital investments for accelerated cost recovery. That is, they either had the choice of continuing under the old program and taking full depreciation, or they could go under the new program of accelerated cost recovery, adding back in 18 percent of their full depreciation for the 1982 tax year and then recouping that over the next three-year period. That is what will happen under this proposal if it is found that there is not enough money in December in order to pay for the bill, the total accelerated cost recovery for corporations.

If there is enough money, of course it will be for the tax year 1982, full conformity with the federal income tax as it stands presently.

My concern with this particular bill, and I fully understand it will pass today and perhaps is the only compromise that is possible, and if that is true, I think we have a sad state of affairs, is in the delegation of powers to the executive branch. I think the Constitution of Maine is very clear as far as the rights and the responsibilities of the legislature as far as taxation is concerned, and I think that we abrogate that responsibility when we adopt a mechanism such as is embodied in this bill of allowing an employee of state government, who has never faced the voters of the state of Maine, to make a decision on whether or not there is enough money, that the state has enough money as of a particular date, after taking into consideration outstanding contingencies, that he has the right to make that decision on whether or not some tax benefits will be accorded to a specific segment of the population of the State of Maine.

I think we start down a dangerous path when we delegate that kind of responsibility, and it is an issue that will come back to haunt the legislature as far as tax policy is concerned.

While I think I may be back again—of course none of us are sure of that—and if I am, I am likely to be sworn to continue to be involved in taxation, I can't give my support to a procedure which I think is wrong in terms of how the legislature deals with tax policy and is the exact opposite of everything the Taxation Committee has tried to do in the years that I have been involved in it.

Mr. Speaker, I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I rise in opposition to this piece of legislation, although I have no illusions about its eventual acceptance by this body and eventually by the other body.

The issue, it seems to me, that is represented in this particular bill is an acceptance of the Reagan Administration's tax plan and tax policy for this year and the next three years, and how much of that tax plan and tax policy we in the State of Maine should be willing to

accept in an effort to achieve a compromise to get other things through the legislature that are important to all of us.

This bill, as it is now written, represents a substantial acceptance or buying into the Reagan tax policy, even though probably the biggest rip-off, the so-called safe harbor, is not now before us.

This legislation represents an acceptance of the philosophy that should we have a very rapid and immediate tax shift in this country, that the burden should not fall upon the wealthy and corporations, the large corporations, but should be shifted from them back to middle and lower income people. And although two weeks ago I was willing to accept part of that, I am not now willing to accept everything that is before us in this legislation.

It is my understanding from people on the Taxation Committee that the primary beneficiaries of this legislation are going to be the utility companies and are going to be the large corporations in this state, Pratt-Whitney, Bath Iron Works and the paper companies. There are going to be some individuals who will benefit, but in order to realize any substantial benefit, your income has to be thirty, thirty five or forty thousand dollars or larger, to realize a substantial benefit. And that Reagan tax policy, that philosophical question for me as it is represented in this legislation is something that I am not willing to buy.

Yesterday in a Democratic caucus, Representative Kelleher made the point that 80 to 85 percent of the people of Maine benefit in no substantial way from this legislation. I think that this legislation, in an effort to achieve a compromise, benefits a very few, and those very few are wealthy individuals and the larger corporations.

I understand the whole political process and the attempts to achieve a compromise that went on two weeks ago and in the intervening time, I understand that and I accept that, and that is part of the process, but it seems to me there comes a point, and for each one of us that point is different, when the compromise is no longer acceptable and for some it becomes a matter of expediency. For me, at this point, I am not willing to accept this legislation. I would vote against it, I would urge others who feel similar to vote against it and, Mr. Speaker, I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I do feel compelled to stand and briefly address some of the remarks that have been made by the two previous speakers.

I think the policies that have been attacked this morning have been attacked perhaps unfairly. I think that the Reagan program which has begun in Washington is one of tax reform, I think it is one of fiscal responsibility. In short, I think the President is doing something which many presidents in most recent years have not done. He is carrying out what he promised the voters he would do.

May 5 of this year is going to be a very significant day. May 5 is Tax Freedom Day. What that simply means is, if you are an average American, May 5 represents the day that you will no longer be working to pay the cost of government, and the reason that May 5 is such a significant day this year is that it represents a departure from most recent years. In 1930, Tax Freedom Day was February 14; in 1960, Tax Freedom Day was April 18; 1970, Tax Freedom Day was April 28. Last year, 1981, Tax Freedom Day was May 8, but this year, ladies and gentlemen, it is May 5. The trend has started to reverse itself. I think the President and his administration is speaking very clearly that this nation and, indeed, this state is long overdue for some form of tax reform. This bill presented today, while done in the spirit of compromise, I think is a step in that direction.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe I have really abused my speaking privileges this session. I think I can count on one hand the number of times that I have risen before you, but I am going to speak today because if I am going to support this bill, if I am going to go along with this tax bill, the Speaker can have my resignation because I am not going to be in this body.

We talked a little bit about tax reform this morning. Well, I will tell you something. I am a great fan, one of my greatest heroes is the Earl of Locksley. Those of you might know him by his common name, Robin Hood. This proposal is Robin Hood stood on his head with the change falling out of his pockets.

The good gentleman from Livermore Falls today talked about freedom from taxes. I would like to ask this question—what about the rising cost of the university education? What about the rising cost of medical care? Who pays for that? Who pays for those necessities?

Certain editorial writers are very fond of touting tax conformity in the newspapers. They don't have to worry about funding social services, they don't have to worry about funding human needs, that is our responsibility. What do you say to your constituents when your tax dollars dry up but they are demanding services, and believe me, they are demanding services, I know this. We sit before our committee, Audit and Program Review and you would be surprised how many people come in and say no, continue the funding for this, continue this program, it is necessary, and they are not just liberals that are asking for the continuation of this funding.

I couldn't go along with this bill, not in good conscience, and I am going to vote against it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: After the first speaker, I was not going to rise, but after the second speaker got up, I was halfway out of my seat and the last speaker pushed me here. I hope I am not muddy and I hope I am not blustery, but one thing I am going to do, I am going to lay it right on the line. My major reason for standing here is to keep my word.

Yesterday afternoon, after we had been here for six hours, I was in the Finance Office and I started to look around for the House Chairman of the Appropriations Committee and the Senate Chairman for us to meet, and I guess they both had the same thoughts. I met some members of the committee, Representative Lancaster, Representative Carl Smith and Edward Kelleher, Don Carter and others and I said—meeting in 228. We went down in 228 and we took sections of the Governor's bill and readjusted it. There was no politics involved at that meeting. It lasted 21 minutes and the vote was 13 to 0 to agree. We then moved, at my suggestion, and asked the leadership to meet with us and we had representing us Senator Huber in the Senate, Representative Pearson in the House. We were allowed to sit in the room next to Senator Sewall's Office and we were allowed to speak if we wanted to.

Now, the young gentleman from Portland, and he knows I am a friend of his, he proved it to me the other day, because when I got so emotional when I spoke, he fell out of his chair, so that bailed me out on last Sunday's article at least on one point. But over my real objections, I voted for his programs, all of them. I have voted for George Carroll's program. With maybe one, two or three votes on 2144, the leaders and members of both parties, voted beforehand on this bill before we voted on the other, which I thought ought to be together to begin with.

The gentleman from Portland says that before he votes for this he is going to resign or

withdraw as a member of this body, and I want to tell you something right now—when the day comes that I give my word and break it, I am not going to resign from this body, I am just going to disappear from this body. I have been here for many, many many semesters, and I am proud of two things, I haven't lied to a single member of this body ever, I have never broken my word. I would be ashamed of myself if I voted against this thing after the leadership of the parties—and I spoke to Representative Higgins at length over the weekend on this very program that we accepted which he suggested back along.

The feuding and fighting was over. After we met yesterday afternoon in 228, after we met next to the Senate President's office, I know you people saw it, Republicans started to smile with Democrats; Democrats started to smile with Republicans. It is the 11th hour, we are going home. There are a lot of things in this that I don't like but I gave my word and my vote in committee, and I knew when the report was out, I knew we were all done and we were all done. We might just as well have gone home then. The word had been kept on this thing here by members of my party and by the minority party, outside of one or two, and I assure you of one thing, I am going to keep my word on this, because if I don't keep my word on this, my integrity means nothing, and my integrity means a great deal to me.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think we have come a long way, and we all realize that, since the 13th of April when we left here in kind of a discouraging situation.

I think perhaps the gentleman from Lewiston, Mr. Jalbert, has expressed some of the concerns and issues that I wished to, and I think we have come a long way and I think in part and parcel that obviously is that you have to give up something in order to get something, and the true test of a compromise is that nobody likes it. I think that may well be the situation we are in here today and it has been the situation I have been in on the last day of the session every single year that I have been here, so I don't think this is any different than any other session.

A couple of points that I would like to make in response to the gentleman from Portland, Mr. Connolly, I believe he indicated comments were floating around about how 85 percent of the benefits were going to those people, to a very small, select group. I don't think that is necessarily true. If you look at the situation, in black and white you will see that the Keough Plan, the IRA Plan, the marriage penalty and the All-Saver Certificates affect nearly everyone, perhaps not in the great proportions that some people would like to see, but, nevertheless, they are affected and it is a tax benefit to them.

I think the tax policy that Washington has put upon us, whether you agree with it or not, says something to the effect that if you are paying taxes, you are the ones that ought to receive some of the benefits. I don't want to get involved in debating tax policy from Washington because we will be here until a week from Thursday, but I do think that we want to try to keep our tax laws in conformity, and that is what we as Republicans have been saying since day one, and I think that is what we are trying to deal with here today.

The idea of the depreciation, the ACRS for big businesses, is not tremendously appalling to me that we have to go along with that. I don't think that businesses or 'incorporated' after your name is necessarily a four-letter word and that we ought to just say they are the bad guys and we are the good guys. I don't think you can portray them that way.

Someone said that corporations don't pay taxes; individuals do. I think for those big utili-

ty companies, I am sure that when they come up for a rate review, the Public Utilities Commission will somehow take into account that they are getting tax benefits not only from the federal level but from the state level under the new depreciation and that the tax rates and the rates that individual people in the state of Maine have to pay will reflect that somewhere down the road if the members of the Public Utilities Commission are doing their job.

I was surprised to see that we would talk about Bath Iron Works and Pratt-Whitney, that they are going to get some tremendous benefit out of this. I guess I say "so what." We have, in the past, in this body, seen fit to help them expand and provide jobs. If you are going to ask them to expand and pass bond issues and go on record as being in favor of providing jobs for the people of the State of Maine and giving them the opportunity to expand in the state, whether it be through a bond issue or a tax break, both of those companies this legislature took a positive stance on. They voted in favor of bond issues for them, they voted in favor of tax breaks for them, and I say, why not continue, now that they are here, to make them feel welcome. You just can't bring them into the State of Maine and drop them, or ask them to expand their operations in the State of Maine and drop them.

I think it is consistent policy. I know perhaps the gentleman from Portland, Mr. Connolly, doesn't believe that, but I do believe that it is consistent policy for this legislature to continue on the road of making the business community of the state feel welcome, or else perhaps they will go somewhere differently.

As far as the initial remarks by the gentleman from Owl's Head, Mrs. Post, goes, I don't think we are asking the bureaucrats to set the policy that this legislature is required to do. We have a certain responsibility, there is no question about that, but at the same time we are not asking them to set the policy, we have done that. We are just asking them to make sure that the policy is carried out in the manner set forth in law. We have done it before, we did it with the rebate, the income tax rebate when Governor Longley was here, so there is nothing very new and exciting about that, it has happened before. If the money is not there, it won't be triggered. If there is a question about whether the money is there, I am sure that the Governor and the Commissioner of Finance and others who are involved with determining budgets and surpluses and the auditing procedures of the state will make this legislature well aware of it in adequate time so that we can come in and adjust whatever we have done here today if it is that far off from the mark.

I guess I don't have any particular problem with the compromise that has been struck. I think it is long overdue but, nevertheless, we are here. I hadn't intended to speak quite that long on the issue, I am not trying to make it a partisan issue, I am not trying to stir or muddy any of the waters, but at the same time I think it is important that we all here realize how far we have to come since we came into session in January, and especially how far we have come in the last two weeks.

With that, Mr. Speaker, I would hope we would vote in the affirmative.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I did not stand as the Democratic Majority Floor Leader as a defender or a proponent of big business or small business, of AFDC or groundfish, of harness racing or potato packing, of gypsy moth or spruce budworm or jet fuel for Bangor International Airport or data systems for workers' compensation. But, ladies and gentlemen, there are 184 of us who run this place, we have come, we have debated, we have put together as reasonable a compromise as ten men and women with help from the Taxation Committee

chairs and Appropriations Committee chair could come up with.

I think the time for the rhetoric is over. Obviously, it is a compromise and there are things in it—every one of you could have offered several amendments to take out those parts that were objectionable to you, but that is not the way the process works. We all have to represent our constituencies, we all have to take, we all have to give. I think that is the point that you should keep in mind when you vote for this bill.

The only part left of the compromise, and all of us have happily those things we thought were so great for the people back home, the only part left is the tax issue. I would like to remind you, at least the members of my party, we have excluded the most objectionable part of the tax issue, which is safe harbor leasing, and I think many of you have come to understand that very well. You understand that it means that a company can buy and sell back equipment and take the tax losses of a not so profitable company.

We have also said this bill is sunsetted. We will live again to fight another day on what the tax policy of the State of Maine should be, and we certainly don't have to adopt triggering mechanisms or anything else in the future.

We will discuss whether or not accelerated depreciation is a good thing for Maine business or not. We will discuss IRA's and Keough plans, and I am sure Mr. Connolly doesn't have an IRA or Keough plan, so we can't say that this goes to the poor people. We can discuss all of those things, because fortunately the Maine Constitution, in its wisdom, forbids us from automatically piggy-backing the feds, so we don't have to worry about that happening, but we have to make some conscious decisions, affirmative decisions here in Maine.

Knowing all of those things, it seems to me that it is time to move forward.

The other thing that is important to me, and maybe it is not important to many members of my party or to the other party, but the triggering mechanism, though it may not be the best policy in the world, takes place in December. In December, the federal tax budget should be done. I don't think they can operate or continue on resolution past their fiscal year, maybe they can, and the other issue that is out there that Maine voters will be deciding is whether or not we can afford to give up \$37 million for indexing the income tax. I would suggest to you that that is clearly an outstanding contingency, and if that is what the Maine voters want to do, then the business that has been excluded in the original compromise, those big businesses which are not subchapter S corporations, if the money is there, then they can get the full benefit of accelerated cost recovery; if the money is not there, they will go under the plan which we originally adopted and we talked about before we went home two weeks ago which says they can have accelerated cost recovery, except 18 percent of it has to be recouped over the next three years.

I think if we get everything in perspective, even though you may not like the entire program, and I don't think there is anybody in this whole chamber who likes the entire program, we can vote on a reasonable compromise and go home holding our heads up high, saying that we have done our job as State Representatives.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think Mrs. Mitchell is right, that the time for rhetoric is over, but there are a couple of points of information that I would like to share with you. One is that in '67, when we enacted income tax in the State of Maine, the ratio of individual income tax to corporate income tax was about two to one. That is, corporations paid about a third; individuals paid about two-thirds. After this bill is passed, and I don't think we really have any

other responsible option but to pass it, it will be about six to one, so you can really hardly blame people for being upset about their individual income taxes going up and about Tax Freedom Day, as Mr. Brown likes to remind us, because on the federal level the disparity is even greater. In about the same amount of time it has gone from two to one to nine to one. So as I said, I don't think we have any option but to pass this bill, but those of us who intend to come back probably ought to keep in mind that this may be our last shot at conformity if things keep going. We all ought to really think that we may have to set up our own enforcement unit, our own audit divisions and everything, unless we are going to have the individual income taxpayer pay everything.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would just like to respond to something that Representative Higgins said, that this was not a departure from established policy. I think he was referring to the remarks that I made earlier, and I would just suggest to the good Representative that he take a very close look at the legislation that was passed during the Longley years and you will find that the trigger mechanism then was quite different from the trigger mechanism in this particular bill.

I understand that we have voted for the other bills that have gone before us, and I can only say that I feel sure enough about this that had this particular bill been included with all the other three and it needed two-thirds vote, I still would have voted against it. I am willing to compromise, but I can say honestly right here, I would feel better today, if I thought the money was available, in voting for total federal conformity than I would with the kind of trigger mechanism and the delegation of power that is embodied in this particular bill.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: Several weeks ago, I contacted several businessmen in the local Bangor area and asked them to do a survey for me in regards to tax conformity. By chance this morning I received a letter and I would like to read this letter to you. It is dated April 28 and it says:

"Dear Bob: The small businesses in Bangor are asking your support in voting for local tax conformity, specifically the full range of tax changes adopted by Congress last year, including the complete accelerated depreciation schedule for businesses. It is essential that this meaningful tax legislation be adopted if small businesses such as ours are to be competitive in the marketplace.

"While I recognize that Congress could make additional changes this year, the tax adjustments already made will go a long way to strengthen our local economy. Furthermore, without full conformity, our bookkeeping and accounting procedures will become much more complicated and time consuming. Your support will be most appreciated." Signed by John Quirk, President of Village Subaru, a small automobile business.

I will be supporting this package today.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I know politics is supposed to be an art of compromise, but, you know, if we wouldn't compromise so much, I think our taxpayers would save a heck of a bundle of money and they would have a clear choice when we are up for election.

The SPEAKER: A roll call has been requested. 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 chair would make note of the presence of Representative Fowlie of Rockland and Representative Hunter of Benton, who were absent on the organizational roll call for the 4th Special Session of the 110th Legislature.

The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Cox, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadnosky, Hanson, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jacques, Jalbert, Jordan, Joyce, Kane, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, McSweeney, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Pouliot, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Baker, Brodeur, Brown, A.; Carrier, Connolly, Davies, Fitzgerald, Hayden, Higgins, H.C.; Kelleher, Martin, A.; McHenry, Michael, Post.

ABSENT—Brenerman, Connors, Cunningham, Dudley, Hall, Jackson, P.C.; Kany, Laverriere, McPherson, Michaud, Perry, Pines, Racine, Reeves, P.; Tuttle.

Yes, 122; No, 14; Absent, 15.

The SPEAKER: One hundred twenty-two having voted in the affirmative and fourteen in the negative, with fifteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

On motion of Mr. Paradis of Augusta, Recessed until the sound of the gong.

After Recess

11:50 a.m.

The House was called to order by the Speaker.

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

Passed to be Enacted

An Act to Provide for Improved Energy Policy Development and Electricity Demand Forecasts" (H. P. 2273) (L. D. 2120) (H. "A" H-773)

An Act Providing for Administrative Changes in the Maine Tax Laws (H. P. 2406) (L. D. 2149)

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

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

Order Out of Order

On motion of Representative Carter of Winslow, the following Joint Order: (H. P. 2400) (Cosponsors: Representative Martin of Eagle Lake and Senator Sewall of Penobscot)

WHEREAS, the joint utilization of water resource facilities for fisheries and boating and for energy production is a desirable and possible goal; and

WHEREAS, 6 major rivers in the State contain natural runs of anadromous fisheries; and

WHEREAS, there are many more miles of undeveloped, free-flowing river corridors in the State; and

WHEREAS, there exists an axial flow bulb-type turbine that can produce required energy without the construction of a conventional-type dam; and

WHEREAS, the downstream survival rate for salmon and trout through these turbines has been recorded as high as 97%, now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee be appointed to study the feasibility of using this new type of turbine in Maine and its possible applications; and be it further

ORDERED, that the joint select committee shall consist of 3 members of the House of Representatives appointed by the Speaker of the House, one of whom to be designated as co-chairman, and 3 members of the Senate appointed by the President of the Senate, one of whom to be designated cochairman; and be it further

ORDERED, that \$25,000 be allocated from the Legislative Account to carry out this study; and be it further

ORDERED, that the joint select committee report its findings and recommendations together with all necessary implementing legislation to the Legislative Council for introduction at the First Regular Session of the 11th Legislature.

The Order was received out of order by unanimous consent and read.

Mr. Carter of Winslow presented House Amendment "A" and moved its adoption.

House Amendment "A" (H-781) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The order that we have before us, I think it is pretty explicit and I think it shows great promise for the State of Maine and its people. I believe that it could go a long way in solving an age-old conflict that exists over the uses of our resources, more specifically, water resources and our natural rivers.

There has always been a conflict between the sports people and industry vying for the use of the rivers. Elimination of this conflict is possible because of the versatility of the horizontal axial flow bulb-type turbine. It is so versatile that it can be built on a drydock with a power house on top of it, floated into position and dropped. It doesn't require dams; therefore, it is naturally more economical to utilize than a normal conventional structure, and as stated in the order, it can function without a required conventional dam.

This would be a first in this country if the application is determined to be technically and economically feasible. I believe there is one area that utilizes this type of turbine, and it is on the Rock Island Dam on the Columbia River, but that is the only place that I am aware of in this country, and it is not being utilized in the way that we propose that it be utilized.

There is a project on the drawing boards in Canada and we were not able to determine just how they were going to operate their system. They haven't published the technical details, but I think we gathered enough information to determine that the way they were going to do it is what we propose should be done.

All you need to operate this type of a turbine is sufficient flowage, known in the trade as CFS, and head. This type of turbine can function with as little as four feet of head and as much as sixty feet of head. Obviously, the optimum area range lies between 10 and 20 feet.

A typical turbine of this type is 19 feet in diameter and rotates at 72 rpm's, and this is where the thing that really gets me excited comes into play. With this type of a turbine, salmon and trout can swim through it, and the survival rate is 97 percent. This was documented in a study in 1980 conducted at the Rock Island Dam in Columbia; I have a copy of the report.

Since I started working on this project last year, it has been quite a long road, but as you can see, if you work at something you come up with the fruits of your labor.

I must add that I had to call on the help of the good Speaker and the director of the Canadian Advisory Legislative Office to help me on this thing, and we had our doubts at the beginning, but following a session with two nationally known engineering firms dealing specifically with what we had in mind, both firms confirmed that what we were seeking is viable and possible. All that is needed, really, are the proper sites where you have adequate flowage and the head.

The amendment that we put on deleted setting up a joint select committee and referred this to the Joint Standing Committee on Energy and Natural Resources, as there are some that believe that the information that we are seeking is already available. I do not fully agree with that; however, I am not the type that wishes to lose a battle over a technicality, so I am willing to allow the Energy and Natural Resources Committee to work until the next session to come up with the adequate information that we are looking for.

Of course, the other major point is that it deletes \$25,000, and we all know that the general fund is not that plentiful at this time of the year.

I would hope that you would join me in supporting the passage of this order as amended so that we might embark on a new and exciting way of joint utilization of one of our major resources in the state, which is water resources.

Thereupon, House Amendment "A" was adopted.

The Order received passage as amended and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement A-1 were taken up out of order by unanimous consent:

Special Sentiment Calendar

The following items:

Recognizing:

Ed Gentner, of Clare's Thirsty Dolphin in Brunswick, who has been named the "Ugliest Bartender in Maine" by the Maine Chapter of the National Multiple Sclerosis Society for 1982. (S. P. 1009)

Dana Kregling, of Cumberland, for attaining the high rank and distinction of Eagle Scout in Troop #58 of Cumberland. (S. P. 1008)

William Kurtz, of Cumberland, for attaining the high rank and distinction of Eagle Scout in Troop #58 of Cumberland. (S. P. 1007)

Linda Lorenzen, of Rockport, salutatorian of School Administrative District #28, Camden-Rockport; (H. P. 2407) by Representative O'Rourke of Camden. (Cosponsors: Senator Shute of Waldo and Representative Fowlie of Rockland)

Maria Libby, of Camden, valedictorian of School Administrative District #28, Camden-Rockport; (H. P. 2408) by Representative O'Rourke of Camden. (Cosponsors: Senator Shute of Waldo and Representative Fowlie of Rockland)

There being no objections, the above items

were passed in concurrence or sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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 read to adjourn without day.

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

The Chair appointed the following member 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:

DIAMOND of Windham
PEARSON of Old Town
DAVIES of Orono
BOYCE of Auburn
TWITCHELL of Norway
LaPLANTE of Sabattus
TREADWELL of Veazie
LUND of Augusta
SOULAS of Bangor
TARBELL of Bangor

Subsequently, Mr. Diamond, for the Committee, reported that they had delivered the message with which they were charged, and the Governor was pleased to say that he would forthwith address the House.

At this point, the Speaker announced the presence of Representative Brenerman of Portland who was absent on the organizational roll call.

(Off Record Remarks)

At this point, Governor Brennan entered the Hall amid prolonged applause and addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this occasion to commend you for rising above personal differences to truly meet your public responsibilities. I think you have enhanced the image of this body by your actions; I believe that you have done yourselves proud.

But even more important than that, by the actions that you have taken, you have made it possible for \$60 million in housing activity. You have made it possible for some young couples to purchase their first home. You have made it possible to help some of the poorest children in this state; you have made it possible for us in the state government to strengthen our capacity to provide protection against abuse and neglect. You have assisted in a modest way some of our state retirees.

And also very importantly, you have reduced taxes for individuals and business. I believe that will contribute in some way to bettering the economic climate in this state and improve our opportunities to increase jobs.

You have done, really, in two days what you couldn't do in 52 days, and I must say that I am so impressed that I want to invite you back in two weeks for some additional business. Thank you very much.

At the conclusion of the Governor's address, he withdrew amid applause, the members rising.

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

The SPEAKER: On behalf of the staff and myself, I want to thank all of the members of the legislature for being cooperative in this

special session, for your attendance and certainly for your cooperation in getting out of here so quickly today. Some said it couldn't be done before late this afternoon, but it has. We will see you in two weeks.

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 sine die. Is this the pleasure of the House?

The motion prevailed and at 12:26 P.M., Eastern Daylight Savings Time, Thursday, April 29, 1982, the Speaker declared the House adjourned without day.