

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, April 24, 1984

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

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

The members stood for the Pledge of Allegiance.

The Journal of Friday, April 13, 1984, was read and approved.

House at Ease

The House was called to order by the Speaker.

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

**Reports of Committees
Divided Report**

Majority Report of the Committee on Taxation pursuant to Joint Order (H. P. 1863) reporting a Bill "An Act to Provide for Greater Equity in Maine's Tax Structure" (Emergency) (H. P. 1872) (L. D. 2474) and asking leave to report that the same "Ought to Pass"

Signed:

Senators:

WOOD of York

TEAGUE of Somerset

Representatives:

HIGGINS of Portland

ANDREWS of Portland

CASHMAN of Old Town

DAY of Westbrook

INGRAHAM of Houlton

KANE of South Portland

KILCOYNE of Gardiner

MASTERMAN of Milo

McCOLLISTER of Canton

Minority Report of the same Committee reporting that the same "Ought Not to Pass"

Signed:

Senator:

TWITCHELL of Oxford

Representative:

JACKSON of Harrison

Reports were read.

By unanimous consent, Joint Rule 37 was suspended.

Mr. Higgins of Portland moved the acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moved that the House accept the Majority "Ought to Pass" Report.

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: This is omnibus tax package that we have been working on for some time now, most recently over the past week. What we have is, first of all, the funding mechanism, the deallocation of the \$5 million that we set aside for property tax relief in the budget last year.

The second funding mechanism is the repeal of the cigarette sales tax exemption. The effective date of the bill would place the cigarettes subject to the 5 percent sales tax. It also sets various appropriations in effect. For this fiscal year, we would raise revenue sharing from its current level of 4 percent to 4.75 percent and it would raise it for the next fiscal year to 5.1 percent of the general revenues.

The second part is a funding mechanism for the tax conformity bill which we passed approximately two weeks ago. It would also provide for forest fire funding. In the past, we have been funding out of the General Fund Forest Fire Suppression at 33 percent; under this bill, it would be funded at 50 percent.

The threshold in the past has been 100 acres in one parcel; under this proposal it would be 500 acres in one parcel with the first 500 acres being exempt. The tax level would remain the same as it was last year, 26 cents per acre.

It also provides for a sales tax exemption for community action agencies. These are agencies that operate on federal funds for the weatheri-

zation program. For the purchase of all their weatherization materials, they have been subjected to the 5 percent sales tax in the past; they would be exempt under this proposal.

Lastly, it provides for a sales tax exemption for emergency feeding organization such as the soup kitchens you will find in many municipalities.

These are the basics of this proposal and I would hope you would support the Majority "Ought to Pass" Report.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to echo the remarks of the gentleman from Portland, Mr. Higgins, that this bill would be passed. We did a lot of work on it. There are problems with it but they aren't insurmountable and it is, I think and many of us think, the thing we should do and I urge its passage.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you realize and as has been indicated by the Clerk, I am the lone House member signing the Minority "Ought Not to Pass" Report on this bill and I think it is proper to explain why I signed "Ought Not to Pass" on this piece of legislation.

I don't disagree with any part of the legislation with the exception of the way that we are generating the revenues to provide for the funding of it and for the exception of putting them all together in one package in hopes that very item in this L. D. will be passed. I think that the appropriate committee for selecting the final funding was the Appropriations Committee and not the Taxation Committee, but my ideas didn't prevail in the committee.

I guess the biggest problem I have, as the House Chairman of the Taxation Committee indicated, there is some confusion I guess in the L. D. as to whether we are talking about a 500 acre parcel of land or we are talking about an aggregate total of 500 acres of land. As I read the Statement of Fact in the L. D., it does mention the aggregate. Now if it mentions the aggregate, I am a little concerned because of the municipalities.

Last year in identifying the 100 acre parcels of land in the communities, the legislature saw fit to reimburse those communities for that expense. Well, in this L. D., if it is the aggregate, we are not reimbursing those communities for identifying those parcels of land or those owners of those parcels of land who reach that 500 acre threshold before they are taxed. Therefore, I think we are taking L. D. in that an additional cost at the municipal level for identifying those local parcels and that could be a substantial amount of money. There are some communities, if you have had the opportunity to look at the sheet on reimbursement, getting back as little as \$100, some \$400, some \$600 and some in excess of \$200,000. Those that are getting back \$200,000 I don't think have many parcels of land that would qualify for taxation in this group so I wouldn't think they would have to search too hard to find 500 acres if they have got it that is taxable or a group of owners that have 500 acres that would be taxable, particularly forest land.

Another problem I have with the L. D. is with tax conformity. I don't feel that we should be taxing one group, a social class of people who happen to be smokers, to fund tax conformity for full corporations.

I also don't believe that we should be taking a portion of conformity which is already extended to individuals, partnerships and Sub-S corporations and having them add back a portion of those assets which qualify for the deduction and then in the next three years be able to recapture that. That is an additional cost to those businesses, something they already enjoy and I don't think it should be taken away. I don't think these funds, I understand it

is about \$1.2, \$1.3 million, should be used to provide for the tax equity of the tax conformity of the corporations.

I think another problem with the L. D. is, when we look at it we are talking about raising a tax or creating a new tax, removing the exemption cigarettes have enjoyed since they have been taxed in this state. Last year we saw fit to pass a 4 cent excise tax, bringing them from 16 cents a package to 20 cents a package. The federal government saw fit to raise them from 8 cents a package to 16 cents a package.

Currently, a package of cigarettes in this state costs 36 cents in taxes, federal and state. We are talking about creating an additional 5 cents a package tax, which I would say is creating a burden on a certain social class which smoke. At the same time, we see in the last year, after the passage of the 4 cent excise tax, a reduction in revenues of cigarettes, estimated revenues, by \$1.27 million with 70 percent of the funds collected currently. If you look at the figures, it could run up to about \$2.1, \$2.2, \$2.3 million, all depending on what happens in the last 30 percent of the sales if it follows through. If we add the additional 5 cents a package on that and say that that was the restriction that occurred with the 4 cents, we could be looking at the possibility of a shortfall of another \$2.3 or \$2.1 million or whatever the case may be in the next year. If this occurs, there certainly will not be funds available to provide for the funding that this package calls for.

If you take that and figure out what the reduction is in sales of cigarettes over the last year with a loss of revenue, we are talking 600,000 packs of cigarettes, folks, 60,000 cartons and I don't believe that many people in the State of Maine that have quit that smoked all those 60,000 cartons of cigarettes—it would seem to me that those cigarettes are coming from somewhere else. They are picking those cigarettes up elsewhere and bringing them into the state either to sell or to smoke themselves. If we add another 5 cent tax on these, we could be talking as high as 120,000 cartons of cigarettes coming into this state through some other purpose, some other means, and no revenues being collected on those cigarettes.

We talk about establishing a sound tax policy, something that is fair and equitable to everybody in the state. I don't feel that this is sound, fair and equitable to anybody. I think if we continue to enact taxation like this, we won't have to worry what our neighboring states are going to do because we are enacting taxation policies for them. Why I say that is because I feel that representing an area of the state that I represent and again, to back to an earlier debate, 60 percent of the population of this state live within an hour and a half to two hours of any border that they will be able to buy their cigarettes a little more cheaply than they will buy them here; thus, avoiding any taxes, the possibility of taking more of our spending dollars across the borders to other areas and depriving our coffers of needed sales tax revenues and our businesses of needed sales.

I just feel to adopt something like this is not certainly in the best interests of this state and it is certainly not a policy that I concur with, and I would hope that when you vote you would see your way to vote my way and, Mr. Speaker, when the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I would just like to address a few of the concerns raised by my good friend, Representative Jackson. I understand his position on this bill but I think the concerns he has raised here on the floor are nothing more than red herrings.

First of all, he talks about packaging this bill and it would be more appropriate to package it in the Appropriations Committee because they

are spending items that we are talking about, but I think that it is worthy to note that the spending items in this bill are all matters of tax policy. Tax conformity, forest fire control, property tax relief are all matters of taxation. They are spending bills and they do have a fiscal note only in that they change tax policy.

Secondly, he has stated that we don't have any money in here for municipalities as we did last year and that is true for administering the forest fire suppression tax but there is a reason for that. We have raised the threshold to 500 acres in the aggregate but still we are assured by people in the Taxation Department that that can be handled in Augusta without undue paperwork being passed on to the municipalities.

As far as the good gentleman's objections to the tax conformity package, I would only point out to the members of this House that the tax conformity package included in this whole bill is the same tax conformity bill proposal that this House passed on favorably a couple of weeks ago and that proposal was passed out of Taxation unanimously, including the good gentleman from Harrison.

Finally, as far as the sales tax exclusion on cigarettes, whether we use the removal of that exclusion to fund this package or not, I am totally convinced there is no justification for a sales tax exclusion on cigarettes. If this state is going to grant sales tax exclusions on anything, it should be on matters of necessity such as children's clothing. We certainly shouldn't have sales tax exemptions on cigarettes and other items that aren't necessities. So I would urge that you vote favorably on this bill and that we send it on its way.

THE SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

MR. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Last year I stood in this very position when we were discussing forest fire protection and urged you to go along with the bill we had before us; today, I am doing the same thing. Last year we weren't completely happy with what we had; this year I don't believe any of us on the committee got anywhere near 100 percent of what we wanted, but in my estimation we came out with a good bill, it is a sound bill.

I didn't intend to get up but I wanted to clear up one issue and that is the acreage size. We had discussed many different areas of size and how to address it. At certain acreages it made problems for the Bureau of Taxation; it also made severe problems for the assessors back home, and at 300 acres we determined it should be parcels but what is written in this bill is aggregate acreage of 500 acres—I want to repeat that, 500 acres—and that acreage is in a municipality. Therefore, if a landowner had 485 acres in one municipality and he had 499 acres in another, he would not be paying a tax and so we feel that this is reasonable and I don't think there is any problem with that 500 acres in the aggregate.

Once again, I urge you to join me in the passage of this bill.

THE SPEAKER: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

MRS. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect, I think Representative Jackson from Harrison is laying a smoke screen.

I would like to add my voice in support to this bill. It is a compromise with items of major importance to the state. No tax is popular but why should cigarettes be exempt from state sales tax, it is an optional purchase. If you don't like it, you can quit smoking and avoid the tax.

THE SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

MR. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments the good gentlelady from Houlton—I don't know whether everyone in the House appreciated the beginning of her remarks, I know

that the gentleman from Harrison did, about the smoke screen.

I think that the gentleman from Harrison's remarks have a lot of validity. His argument is sound when he says that we are creating more of a disparity between New Hampshire and this state when it comes to cigarette sales. In the long run, I think it will hurt revenues in this state because people will go elsewhere to buy their cigarettes.

A more important point also ought to be addressed and that is, when looking at the fiscal note, it seems that the only revenue producer is coming from the repeal of the sales tax exemption on cigarettes and that is going to fund all these other things. I don't know as a policy we really ought to put that type of a burden on one commodity, be it a luxury, a necessity or whatever it is, in this case here, we might say that it is a luxury, cigarette smoking, not a good one either, I don't endorse it, but we are putting an awful burden and I think we are going to hurt ourselves a few years down the road when some of these revenues start falling off and we want to continue some of these programs.

I would just like to briefly share with you a letter I got from one of my constituents who runs a business here in Augusta. "Dear Representative Paradis: I am writing to express my opposition to the current proposal of the Committee on Taxation which removes cigarettes from sales tax exemption. Our industry is already heavily taxed as a result of legislation enacted last year by the Maine Legislature which increased the excise tax on cigarettes from 16 cents to 20 cents per package in addition to a 16 cent per package increase in the federal excise tax imposed by Congress. This totals 36 cents per package, representing more than one-third of the cost of a package of cigarettes in taxes.

"Prior to the state tax increase, competition between Maine and New Hampshire with respect to cigarette price was a difference of 30 cents per carton in New Hampshire's favor. Should the sales tax exemption be lifted, this would shift the difference from 30 cents to 80 to 90 cents per carton in New Hampshire's favor. This would cause Maine's sales to decline severely. If the five percent sales tax is applied to cigarette sales in the State of Maine, there will be a projected decline in package sales of \$1.55 million in fiscal '85 with a corresponding \$250,000 loss in gross sales revenue for Maine's retailers. Furthermore, Maine will be forced into a never ending downwards spiral, vis-a-vis New Hampshire, in that every increase in the price of cigarettes by manufacturers will mean a further increase in the price differential between Maine and New Hampshire since the latter has no sales tax on cigarettes. It is important to remember that every consumer who crosses the border to New Hampshire, not only does the State of Maine lose the five percent sales tax but it foregoes the 20 cent per package excise tax as well.

"One segment of the retail tobacco industry which was particularly hurt by past tax increases is the vendors. The additional tax has virtually priced cigarettes sold by vending machines out of the market. Moreover the current average price of a \$1.25 per package is the maximum physical capacity of the coin mechanism used in most machines. The economic burden of changing to coin mechanism is too great for most of these small businessmen to bear.

"Finally, the added tax on smokers is regressive. It impacts most strongly on those individuals least able to afford it. Smoking is to a great extent a recreation for many working class people and one which they may be forced to forego. The proposed tax would only exacerbate an already unfair situation for both consumers and retailers, we urge your opposition. Sincerely, Charles Canning, President, Pine State Tobacco and Candy Company." Now I do not endorse everything in the letter but I did want to bring it to your attention.

I did plan to vote against removing the sales tax exemption before I received this letter because of the arguments that were raised last year. I hope you will listen to the debate this afternoon and I hope that you will support the gentleman from Harrison.

THE SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

MR. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. In the last session of the legislature, we passed a tax increase on a pack of cigarettes which amounted to each individual storeowner in this state, myself being one of them, and I can see the two minority signers of this report each owning a store, had to stick individual stickers on every pack of cigarettes that they had in their business. I guess the question that I want to ask, because when I asked the gentleman from the Sales Tax Department when he came into my store and I had all these cigarettes sprawled all over the floor stamping them, why we had to do this at this time, he said the legislature said to do it.

Well, presently my business is set up on a percentage of taxable and nontaxable items; I pay a certain percentage taxable and a certain percentage nontaxable. What I would like a member of the Taxation Committee to explain to me is, is how this will be implemented? Will I receive a change in my percentage from the State Department of Taxation, will I have someone come in and audit me again like they have four times in the six years that I have been in business or exactly how will this be implemented? Because I would like it on the record and before the members of this legislature before we vote on it.

THE SPEAKER: The gentleman from Pittsfield, Mr. McGowan, has posed a question through the Chair to anyone who may respond if they so desire.

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

MR. HIGGINS: Mr. Speaker, Men and Women of the House: I would like to respond to the question briefly. It is my understanding that the percentage of sales varies from one store to another depending upon what they actually sell for contents and it would vary according to what they understand that this particular store or any particular store sells in cigarettes and it would be based on that to the best of my knowledge.

THE SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

MR. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have just heard the remark that if we impose this tax on cigarettes there would be a loss in sales. One of the committees that I serve on is Alcoholic Services and I guess we have done such a good job that the sales are down on hard liquor; however, I would submit to you that there is a tax on beer and wine and the reports that I have seen in the last year say that this is where the sales are up; the sales are up on the sale of beer and wine.

THE SPEAKER: The chair recognizes the gentleman from Harrison, Mr. Jackson.

MR. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the question of the gentleman from Pittsfield, Mr. McGowan.

I would assume that you will be audited again, Mr. McGowan, and I would assume that your percentage will be increased. Statewide cigarette sales for supermarkets will amount to about three to four, maybe four and a half or five percent; Mom and Pop stores will go anywhere from 15, 16 percent to 25 percent of their sales will be cigarettes.

I would like to get back to some remarks that were made earlier. I don't want anybody to misunderstand that I am opposed to any of the items in this package, I want to make that perfectly clear; I am opposed to the way that we are providing funds for them, I am opposed to

the way they are packaged. I don't want that misunderstood.

I think in response to the gentleman from Milo and his remarks, that if you take the percentage of excise tax on beer or malt beverages, certainly that is nowhere near the percentage that the excise tax is on cigarettes. So I think you know those are apples and bananas there.

I would just like to make one more statement. I think in response to the possibility of a decline in cigarette sales, all you have to have, because we figured that every pack of cigarettes you lose a sale on, you are not only losing that five cents, you are losing that 20 cent excise tax too. So, I guess when you look at it and I have just been doing some rough drafting here, if we have a decline in cigarette sales, take over last year and this year of 15 percent, you have wiped out any gain that you ever had. I think that is something you must seriously consider.

I see Mrs. Murphy sitting over in the other row and she had a business that was not in this state and I think she could, if she would like to, pass some stories along to us of what happens with the prices in New Hampshire versus of what they are in Maine and she probably could reflect on that quite well.

I am really concerned about this. I really think that it is a step in the wrong direction. I don't think that the policy is accurate.

THE SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am quite concerned about increasing the tax on cigarettes and especially coming from the southern part of the state. We will find that the majority of the smokers in the southern part of the state will travel to New Hampshire to purchase their cigarettes so you will have a loss in revenue. We have a lot of people that work at the Portsmouth Naval Station that live in the State of Maine that will be driving right to stores close to New Hampshire border and I am sure that those individuals will buy their cigarettes in New Hampshire rather than buying them in Maine.

What we did last year, we increased the excise tax by four cents; this year we are slapping them with five percent increase based on the sales tax. I think what we are doing is we are penalizing a certain segment of our society to raise taxes to fund some of the programs that have been approved.

I would like to read to you a short letter here from a cash and carry cigarette and tobacco store in the city of Biddeford. It is addressed to: "Maine Senators and Representatives: Do not kill the goose that lays the golden egg. This is what you will be doing if you remove cigarettes from the sales tax exempt items. Cigarettes are taxed too much already. You will also cause many Mom and Pop stores to close shop as many people will give up smoking. Others will buy their smokes in New Hampshire where, incidentally, they are buying their liquor. This is especially true for smokers residing in the southern part of the state. It will also mean a loss of jobs—we have four employees in our store, think of that."

"The figures that you are using to project anticipated revenues are most probably inflated and incorrect. Many of our sales are exempt because we do some wholesaling, so if you use exempt sales to list it on our sales stocks return, at least 25 percent of these are wholesale sales which will remain exempt. So, in essence, the revenue from cigarette taxes the state is presently enjoying will be reduced by one, sales driven to New Hampshire; two, no more sales to former smokers; three, sales to smokers who will start growing their own, and don't forget the loss of jobs."

"I have a new concept for you, why not reduce spending instead of finding more ways to tax higher and higher."

This is a letter from a constituent, someone who lives in Biddeford, they are quite concerned and I think it has a lot of merit. I think before you vote on this bill you should consider all aspects.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: The first thing I want to say is, how much I have enjoyed hearing mass mailings read into the record today and I would like to suggest maybe we might want to post them somewhere. I received two copies of the letter that Representative Paradis read and I only received one copy of the letter read by Representative Racine so I was glad to hear that again.

As far as the argument about New Hampshire, that this is going to cause a decrease in revenue by forcing everyone to go to New Hampshire because the tax is going up, by that same convoluted logic, the first thing I want to say is that when cigarette taxes in Maine have gone up before, experience shows that that is not the case. There is a historic immediate decline in cigarette consumption and then it goes back up. I really don't think when you are dealing with New Hampshire we ought to predicate what we do in this House on the likely actions of smugglers and thieves and criminals, I don't think that is a very wise policy for us.

As far as whether we are going to lose sales, if you follow that argument to its absurd conclusion, I think if we are going to lose revenue by increasing this tax and if we cut the tax, the excise tax as it currently exists and kept the sales tax exemption, then we would likely have a revenue windfall. I don't think anybody is going to believe and I think the rest of the argument follows that.

There ought to be an excise tax on cigarettes. It is a dangerous, addictive substance. I use it, a lot of friends of mine use it and members of my family—I notice most of the people who are opposed here are looking out for people like me and I appreciate it, Representative Jackson, Representative Paradis, but there ought to be an excise tax on it and there is. It is a very expensive item for state government to support. I don't have the immediate figures before me, I did two years ago, and what the state pays out through the Department of Human Services and through Medicaid and Catastrophic illness for people who have killed themselves or nearly killed themselves through cigarette smoking is a very, very big ticket item for us.

The excise tax is not a money maker, so if we just assumed that, then what is the rationale of having a sales tax exemption? You pay sales tax—a person, a young man and woman with small children, they have to have a car to get back and forth to work in this society, they pay a sales tax on the car, they pay a sales tax on the tires as well as the excise tax on the tires and they pay sales tax on clothes for their children. Now for us to require those sorts of sales taxes and then to exempt cigarettes is just beyond reason.

A roll call has been requested.

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

THE SPEAKER: The Chair recognizes the gentlewoman from Berwick, Mrs. Murphy.

Mrs. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly do have to agree with Mr. Jackson as far as coming across the border and buying because the people in my town, we don't even have a business there because of the sales tax not only on cigarettes but on any such items. All there is between us and the city of Somersworth is the Salmon Falls River. I owned a store 40 feet across that Salmon Falls River and believe me, the higher the taxes in Maine, the more money I made.

THE SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Higgins, that the House ac-

cept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 492

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Masterman, Masteron, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soule, Sproul, Stevens, Stevenson, Stover, Tammaro, Telow, Theriault, Thompson, Vose, Walker, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Brown, D. N.; Callahan, Carrier, Conary, Connors, Dudley, Greenlaw, Jackson, Jacques, Jalbert, Kiesman, Lehoux, Martin, H. C., McPherson, Michael, Michaud, Murphy, E. M.; Norton, Paradis, P. E.; Racine, Robinson, Roderick, Rotondi, Smith, C. B.; Strout, Tuttle, Webster.

ABSENT — Armstrong, Clark, Gwadosky, Hall, Nelson, Paul, Reeves, P.; Rolde, Soucy, Swazey.

114 having voted in the affirmative and 27 in the negative, with 10 being absent, the motion did prevail.

The Bill was read once.

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

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

An Act to Increase the Minimum Wage over a 3-year period to \$3.65 (S. P. 835 (L. D. 2236)) (H. "C" H-734) on which the Bill and accompanying papers were Indefinitely Postponed in the House on April 13, 1984.

Came from the Senate Passed to be Enacted in non-concurrence.

THE SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move that the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: It is not my intention to initiate any sort of extended debate. We have been through the arguments and the counter-arguments in a rather extensive fashion on this bill in the past three weeks and probably anything that is said today is not going to be new and it is not probably going to change anybody's mind.

However, the issue is of such significance to many of us here in the legislature and a lot of people outside these walls that I think it does deserve one last appeal.

Almost all of the arguments that have been made on this bill in the last three weeks had been economic arguments that really center onto one question—if we increased the minimum wage, is it ultimately going to help or hurt the minimum wage worker for whom minimum wage legislation was designed to protect? We have trotted out our facts, we have trotted out the appropriate studies and we have laid out our theories. On the one hand, we say that this is a woman's issue because two-thirds of the people who work for minimum wage are women and that it is an issue, con-

trary to popular belief, that does not affect teenagers because more than 60 percent of the people who work for minimum wage are not teenagers, and even if we do increase the minimum wage in the meager level that this bill now calls for, most of the families who rely on minimum wage for their sole source of income will still be at or below poverty level and there hasn't been an increase in the minimum wage since 1981 and the cost of living has gone up 16 percent.

Conversely on the other side, the opponents of this legislation have trotted out their arguments. They have said that if we pass this bill that it is going to hurt the tourism industry, that it is going to hurt business, that jobs will be lost, that people will be laid off and that new positions that would have been created will not be created because of the effect of this legislation. But in my opinion, to debate this issue solely on economic grounds misses the point and begs the question because for me the issue with this bill is really the moral argument that tests our ability as lawmakers to, number one, reason logically and, two, to govern compassionately.

As Representative Beaulieu has said on several occasions in the past three weeks in debating this legislation that what is represented in this bill is really a matter of fairness and a matter of equity. As the sponsor of this legislation saw fit to write into the Statement of Fact on this bill, the purpose of the legislation is to increase the economic standards of living for Maine's working poor.

For many workers in this state, the estimated 100,000 workers give or take a few thousand, who work for minimum wage, that wage determines how they clothe their family, how they feed their family, how they house their family and what type of medical care they receive. A 30 cent increase in the minimum wage that is called for in this bill over three years, not even beginning initially until January 1, 1984 is certainly not going to hurt any individual or any business and I think everybody in this room, if they had the courage, would admit that that is true.

During the evening of high drama that occurred here a week or a week and a half ago when we had our last debate on this bill, the opposition floor leader recited in opposing this legislation the Republican Bible and what he said was, the only thing that really matters to us and to our party is business, that is the thing that matters primarily. That argument, that is okay for me because I understand where the Republican Party is coming from and understand the Republican individuals, their positions and their philosophies. I think since 1938 when the minimum wage legislation was first enacted, you could accurately portray the Republican Party's position as being in support of the minimum wage—the lower the minimum, the better it would be as far as they were concerned. But that night when members of my own party got up and espoused the same philosophy that the Republican floor leader gave in arguing against the bill, I just couldn't understand it and I can't accept it. I don't think regardless of how the vote turns out today, that I will ever fully comprehend Democratic opposition for this legislation.

Today I happened to come across this postcard. It seems from discussions that I have had with individual members of the legislature that this card was sent to most if not all the Republican members of this legislature and to some selected Democrats and the message that is on the back of the card reads as follows: "Thank you for your strong support, for your strong voice of support, for Maine business and tourism community." It is signed by one of the chief lobbyists for the tourism industry in the state, a woman who has been up here lobbying on behalf of small businesses and tourism for the last couple of years.

The temptation for me and I think for many

people here in this legislature has been strong to demagogue this issue and I think for the most part most of us have stayed away from that temptation but I would like to say now, here at the last hour of the final vote of this legislation, to say publicly what I think of the tourism and business community as I see them represented in the halls of the legislature, and in my opinion, I think they are an extremely selfish and greedy bunch of people.

In the last several years in this legislature, we have given tax breaks to Bath Iron Works, we have given subsidies to Bath Iron Works and taxbreaks to companies like Pratt-Whitney and Spencer Press. In this session of this legislature, we are going to give full conformity to a majority of businesses and individuals across this state. We are giving tax breaks to the ethanol people, Bar Harbor Airlines and a variety of other airlines. Last session of the legislature in the budget we gave \$500,000 to the tourism industry and this year in the budget that we passed two weeks ago, we gave them another \$175,000. In the words of the gentleman from Lewiston, "that ain't potato chips, folks." That is a substantial contribution that this legislature has given in one form or another to the tourism and business community. Now, with them having received all of that, they are not even willing to share some of the crumbs from the table with their workers and that is really what this legislation represents.

As far as this legislature is concerned, in the eyes of the tourism and business community, it is like a line from the song "Alice's Restaurant"—they can get anything they want.

Mr. Speaker and Members of the House, if you view this issue as I do, as ultimately a moral issue and you put aside all the economic arguments on both sides that have been made, I don't think that you can, in your heart of hearts, escape the conclusion that the increase of 30 cents over three years, 10 cents at a time, not beginning until January 1, 1985, an increase of that nature to be done now in this state is the right thing to do.

I would hope that today we would vote our conscience.

Mrs. Beaulieu of Portland requested a roll call.

A roll call has been requested.

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

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: May I respectfully remind you that this minimum wage is not a fixed wage but merely the lowest salary that may be paid to an entry level position.

The SPEAKER: The Chair recognizes the gentlewoman from Athens, Ms. Rontondi.

Ms. RONTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this debate and all the other debates for the last few days. I had not intended to speak on this issue but now I feel I must.

As you have heard before, this issue is one of simple justice and fairness, a raise to the lowest paid workers in the state, workers who have not had a raise since 1981. As you already know, those who have the most to lose are adult women, many of whom are single heads of households and very poor.

If you read the Portland Press Herald last week you also know that there are no simple answers. No one can be absolutely sure what the economic impact will be for the workers or the industries but we have also taken a lot of risks towards the end of the session, most notably a risk on an ethanol plant to the tune of \$5 million. That vote is completed but I say that we owe it to the workers of this state to make an investment on their behalf. If we are willing to go along with a \$5 million risk on ethanol, we should be even more willing to take the responsibility to give 100,000 of the hardest workers

in this state a 30 cent raise.

I hope you will join me in making an investment on our Maine workers and their future.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House recede and concur.

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I request permission to pair my vote with the gentleman from Millinocket, Mr. Clark. If Mr. Clark were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Telow, and the Chair would welcome him back.

Mr. TELOW: Mr. Speaker, I wish to pair my vote with the gentleman from Sangerville, Mr. Hall. If Mr. Hall were present and voting, he would be voting yes; I would be voting no.

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

Mr. MACOMBER: Mr. Speaker, I request permission to pair my vote with the gentleman from Bucksport, Mr. Swazey. If Mr. Swazey were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Gorham, Mrs. Brown.

Mrs. BROWN: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Pittston, Mrs. Reeves. If Mrs. Reeves were present and voting, she would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Tammaro.

Mr. TAMMARO: Mr. Speaker, I wish to pair my vote with the gentleman from Kittery, Mr. Soucy. If Mr. Soucy were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, I request permission to pair my vote with the gentleman from Wilton, Mr. Armstrong. If Mr. Armstrong were present and voting he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: I request permission to pair my vote with the gentlewoman from Portland, Mrs. Nelson. If Mrs. Nelson were present and voting, she would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, I request permission to pair my vote with the gentleman from Fairfield, Mr. Gwadosky. If Mr. Gwadosky were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Buxton, Mrs. Roberts.

Mrs. ROBERTS: Mr. Speaker, I request permission to pair my vote with the gentleman from York, Mr. Rolde. If Mr. Rolde were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 493

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cote, Cox, Crowley, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Mahany, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Richard, Rotondi, Stevens, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Carrier, Conary, Connors, Cooper, Crouse, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, Livesay, MacBride, Manning, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Randall, Reeves, J.W.; Ridley, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

PAIRED—Armstrong, Bost, Brown, A. K.; Clark, Gwadosky, Hall, Macomber, Nelson, Perkins, Racine, Reeves, P., Roberts, Rolde, Soucy, Soule, Swazey, Tammaro, Telow.

ABSENT—MacEachern, Paul.

66 having voted in the affirmative and 65 in the negative, with 2 absent and 18 paired, the motion did prevail.

ORDERS

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Richard W. Armstrong of Wilton be excused April 24th and 25th for personal reasons.

Was read and passed.

Passed to Be Enacted

An Act Providing for Administrative Changes in Maine Tax Laws (H. P. 1871) (L. D. 2473)

Was 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.

Enactor Reconsidered

An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems (H. P. 1831) (L. D. 2432) (C. "A" H-732)

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

On motion of Representative Higgins of Portland, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-736) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to restore the limit on the income tax credit to what it originally was, which is \$100.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 13, 1984, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093)

—In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Taxation read and accepted and the New Draft (H. P. 1782) (L. D. 2347) Passed to be Engrossed in non-concurrence.

—In House, House Reconsidered Insisting on recommitting Bill and Accompanying Papers to the Committee on Taxation on April 10, 1984.

Tabled—April 12, 1984 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Motion of Representative Jackson of Harrison to Recede and Concur.

Thereupon the House voted to adhere.

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

Unanimous Leave to Withdraw

Representative Higgins from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism" (H. P. 1737) (L. D. 2303) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

The following Communication: COMMITTEE ON TAXATION

April 24, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Taxation during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	45
Unanimous reports	38
Leave to Withdraw	15
Ought to Pass	5
Ought Not to Pass	0
Ought to Pass as Amended	12
Ought to Pass in New Draft	6
Divided reports	7

Respectfully submitted,

S/FRANK P. WOOD

Senate Chair

S/H. CRAIG HIGGINS

House Chair

Was read and ordered placed on file.

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

Bill "An Act Relating to the Use of Implements and Devices in Washington County Waters" (H. P. 1873) (L. D. 2475) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives Connors of Franklin, Crowley of Stockton Springs and Senator Brown of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Marine Resources suggested and ordered printed.

Under suspension of the rules, the bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

The following Communication: STATE OF MAINE House of Representatives Speaker's Office Augusta, Maine 04333

April 24, 1984

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

I am pleased to authorize and direct you to

serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 42 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine 04333

April 24, 1984

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

I am pleased to authorize and direct Deborah Bedard Wood to serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 42 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,

John L. Martin

Speaker of the House

Was read and ordered placed on file

Non-Concurrent Matter

An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity (S. P. 652) (L. D. 1842) which was Passed to be Enacted in the House on April 10, 1984. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-383))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-383) as amended by Senate Amendment "A" (S-422) thereto in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter (H. P. 1501) (L. D. 1975) which was Passed to be Enacted in the House on March 27, 1984. (Having previously been Passed to be Engrossed as amended by House Amendment "E" (H-537))

Came from the Senate, Passed to be Engrossed as amended by House Amendment "E" (H-537) as amended by Senate Amendment "A" (S-423) thereto in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law (H. P. 1589) (L. D. 2099) which was Passed to be Enacted in the House on April 6, 1984. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-565) and House Amendments "A" (H-576) and "B" (H-629))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-565) and House Amendments "A" (H-576) and "B" (H-629) and Senate Amendment "A" (S-424) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (H. P. 1720) (L. D. 2260) which was Finally Passed in the House on March 27, 1984.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-425) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

RESOLVE, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (Emergency) (H. P. 1739) (L. D. 2304) which was Finally Passed in the House on April 3, 1984. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-613))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-613) as amended by Senate Amendment "A" (S-427) thereto in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission on the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1743) (L. D. 2297) which was Passed to be Enacted in the House on April 13, 1984. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-716))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-716) as amended by Senate Amendment "A" (S-434) thereto in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Potato Price Stabilization Program (H. P. 1774) (L. D. 2352) which was Passed to be Enacted in the House on April 3, 1984. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-347))

Came from the Senate, Passed to be Engrossed as amended by Senate Amendments "A" (S-347) and "B" (S-433) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies (H. P. 1815) (L. D. 2400) which was Passed to be Enacted in the House on April 6, 1984.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-428) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants (H. P. 1854) (L. D. 2455) which was Passed to be Enacted in the House on April 11, 1984.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-431) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Establish the Maine Job-start Program (H. P. 1855) (L. D. 2456) which was Passed to be Enacted in the House on April 12, 1984.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-437) in non-concurrence.

House voted to Recede and Concur.

Ought to Pass in New Draft

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content" (Emergency) (H. P. 1838) (L. D. 2431) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1874) (L. D. 2476)

Report was read and accepted and the New Draft given its first reading. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters acted upon were ordered sent forthwith to engrossing.

Non-Concurrent Matter

An Act to Increase the Number of Superior Court Justices and District Court Judges (S. P. 842) (L. D. 2262) which was Passed to be Enacted in the House on April 3, 1984. (Having previously been Passed to be Engrossed as amended by House Amendment "B" (H-544) as amended by Senate Amendment "A" (S-338) thereto)

Came from the Senate, Passed to be Engrossed as amended by House Amendment "B" (H-544) as amended by Senate Amendments "A" (S-338) and "B" (S-426) thereto in non-concurrence.

House voted to Recede and Concur.

The following Communication:
The Senate of Maine

April 24, 1984

The Honorable Edwin H. Pert
Clerk of the House
111th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Senate Paper 880, Legislative Document 2384, "An Act Relating to Alcohol-Related Birth Defects," having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor."

Fifteen voted in favor and seventeen against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Respectfully,

Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

ORDERS

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Sharon B. Benoit of South Portland be excused April 11, 12, and 13 for personal reasons.

Was read and passed.

The following Communication:
Committee on Judiciary

April 24, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Judiciary during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	56
Unanimous reports	43
Leave to Withdraw	13
Ought to Pass	11
Ought Not to Pass	0
Ought to Pass as Amended	11
Ought to Pass in New Draft	8
Divided reports	13

Respectfully submitted,

S/RICHARD L. TRAFTON

Senate Chair

S/BARRY J. HOBBS

House Chair

Was read and ordered placed on file.

**Passed to Be Enacted
Emergency Measure**

An Act to Provide for Greater Equity in Maine's Tax Structure (H. P. 1872) (L. D. 2474)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 19 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems (H. P. 1831) (L. D. 2432) (H. "A" H-736 to C. "A" H-732)

Was 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.

**Enactor
Reconsidered**

An Act Relating to the Use of Implements and Devices in Washington County Waters (H. P. 1873) (L. D. 2475)

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

On motion of Representative Vose of Eastport, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-737) was read by the Clerk and adopted.

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

Non-concurrent Matter

An Act to Require Maintenance of Financial Responsibility by All Motorists (H. P. 1843) (L. D. 2447) (S. "A" S-392) which was passed to be enacted in the House on April 11, 1984.

Came from the Senate failing of passage to be enacted in non-concurrence.

Representative Brannigan of Portland moved that the House adhere.

Representative Smith of Island Falls moved that the House recede and concur and requested a roll call vote.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I hope that you will not go along with the recede and concur motion. This LD that we are about to debate deals with whether or not the State of Maine should say that everyone in the state should carry minimal automobile liability insurance. It is an issue that has been before this body many times before, it is an issue that has been before the Business legislation Committee many, many times before. It is an issue that the Business Legislation Committee decided to tackle in a study over the past year after receiving bills and knowing that there were two or three others that would have come in had there not already been three the last session.

It is an issue that is a very difficult issue because of the cost. It is our belief, my belief and I believe that of 12 out of 13 members of our committee, that the people of the State of Maine want the law to say that everyone should have insurance.

One of the detriments about this measure over the years has been the cost of trying to police it, trying to make people carry insurance. And we have heard over the years the reasons why everyone has been against it from the Insurance Bureau to the insurance companies, the insurance agents, Secretary of State's Office. When some of you have put in bill, you have known what kinds of fiscal notes they

have incurred, a million or a million and a half dollars to police just from the side of the state.

We also know that in other states where they have had a full-blown compulsory automobile insurance law that automobile insurance rates have gone up because insurance companies claim, at least, and with some justification that their administrative costs would go up and other costs would go up. So we tried to steer a course, we tried to find a way in which we could carry out what we believe was the will of the people of Maine, and that is, we should carry insurance.

Right now we say you must carry insurance if you have been irresponsible or if you have had a situation in which you have caused an accident. In that case, the Secretary of State's Office takes the financial responsibility laws of this state and after many hearings or judgments and they take everything into account, they may require you to carry proof of insurance for three years. We worked with the Secretary of State's Office, we worked with the insurance companies and our agents, members of this House, former members of this House, through a study, and then through the whole committee and we heard all of the reasons why it couldn't be done. It was very discouraging, depressing, for those members of the committee who felt that people of the state wanted it, the people we represented wanted it. If they wanted it, why couldn't we do it?

Finally, we came up with a bill that we believe does it and does it by steering that course between the costs and the difficulties that I just presented. We presented that bill to the legislature, it had a 12 to 1 report. We have been able to garner the support of all the people that have been against it in the past from the Maine independent insurance agents, from all the Maine domestic insurance companies, from the Secretary of State's Office, they have been behind the bill that is being presented to you. We have not had debate on it because it was passed in the House and enacted in the House, but it has failed in this last enactment in the other body; therefore, we must debate it tonight.

This law would say yes, all Maine cars must have insurance, and what we have done is patterned it after our present financial responsibility law. Instead of saying that after you have had an accident which you have caused you have to carry insurance, we are saying everyone must carry insurance, the minimum limits, twenty, forty and ten. We have done everything possible to give the insurance companies no reason to go up on their rates and all of the people that I have just told you that back it feel that they will be willing to fight an increase if one were to be in with the Superintendent of Insurance.

The second area I mentioned was the Secretary of State's Office. We are not having an enforcement mechanism that is oppressive and that is expensive. We are not going to chase everyone every time they don't pay their insurance. It is not the same as a compulsory insurance mechanism that they have in some other states.

We are going to say you must have insurance and we are going to say that the Secretary of State's Office may use the individual discretion and the rule-making powers that they have used so well in the present financial responsibility law, and we have outlined certain parameters, we have had lengthy discussions with the people in Motor Vehicle as to how they will handle it, suggestions have been made as to how it can be policed without excessive costs that will be able to be offset by certain penalties.

So we are presenting to you a bill today which we believe is innovative, has no other duplication in the United States exactly, we believe it will do the things that we need to do, the people want us to do. We believe it will do it without causing undue hardship to the tax-

payer and to the insurance payers. I hope you will support us in defeating the motion to recede and concur and staying with our previous position.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Besides hearing from a raft of attorneys in my area and agents who sell insurance on this bill, I agree with some of the remarks made by the honorable gentleman from Portland, but there was one statement he made that just puzzled me, and it is this—his argument in support of it is that it isn't going to cost anybody any money. It is not going to cost the people that have insurance now, their premiums are not going to go up, and he prefaced his remarks by saying, should they go up, we would fight it. My question, Mr. Brannigan, is, is it possible that the insurance rates will go up on all of us and all of our constituents that now hold insurance? If it is possible, how are you personally going to fight it, or how are we in the legislature going to fight it, and how are we not going to allow increases? If you would answer that question, please, I would appreciate it.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Portland, Mr. Brannigan, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. BRANNIGAN: Mr. Speaker, if it wasn't so pointedly given to me, Mr. Perkins, who has more information on insurance and insurance regulations, should answer that question.

I said that "were such a request made to the superintendent of insurance, who controls the rates." As you know, many people in this body work very hard to defeat certain requests for increases in rates and we would, along with all of those who are supporting it, and I hope you let Mr. Perkins speak to this before you let it go, if you don't want to, fine, Mr. Perkins will speak eventually.

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

Mr. KELLEHER: Mr. Speaker, I thank the honorable member from Portland for giving his answer, and I would assume that the gentleman from Brooksville will elaborate on it, but I go right back to the old basic argument, Mr. Brannigan, how are you going to fight city hall?

The rate increases that have been requested year in and year out by the utilities seem to get passed because of laws and regulations, and I would equate this kind of a situation to them. So I really don't think your pail holds much water in that argument that you are going to be able to fight the regulatory agency that deals with the insurance companies. I will tell you, outside of the agents and the lawyers, which would be a field day for both of them, and the possibility of putting a lot of motorists off the road because they are incapable of buying insurance, and this backdoor approach to mandatory insurance, as I see it to be, I think like the gentledady on the business Legislation Committee that won a battle in here 12 to 1, that the single member on that committee that voted it "ought not to pass" probably was looking further down the road than the majority of you. I suspect your intentions are good, but in the long run, how is it going to be enforced if it is going to be enforced.

Now what are they telling us on the Business Leg Committee, that the Secretary of State Quinn selectively, with his office, will pick out certain people off his computer to find out if in fact they have got insurance? Is that really the way that this House wants to do business in passing some kind of a mandatory insurance law? Is that really the way that we want to do business in here, or do we just want to satisfy some people who want to pass a mandatory insurance program? I think it is a very poor way for this House to be doing business, and I would hope you would support the motion to recede

and concur.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Over the years, I have reviewed all or practically all, I think, of the compulsory auto insurance bills in the various states, and I think that this committee and our own study has come up with the best bill in any state that I have ever seen. There are three basic reasons for saying so.

Number one, one of the basic problems with straight compulsory insurance has been the administrative costs; we have taken care of that. The administrative cost is at a minimum here and no other state would have an administrative cost anywhere near as low as this bill has.

Number two, if you don't have insurance and you are stopped for, let's say your tail light is out, you are not going to have your license revoked, you have probably 72 hours to get insurance, otherwise it probably would be.

Third, when it comes to rates, this type of rating is regulated by the Insurance Bureau. The only way that you can raise rates is because there is a policy change or your experience warrants it. Obviously, there is no policy change here, so tomorrow, if this bill is passed, the insurance companies can't come in and say because of this bill we are going to have rate increases because they will be turned down flat, they have nothing to go on.

You have at least two years before you would find out whether there was a need for a rate increase or not and, frankly, I don't believe them when they say they will need one anyway. I don't understand the idea as to why they should have it, but I can assure you that at least for two years there will be no rate increase because of this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hold in the highest regard my good friend from Brooksville, Representative Perkins. I have had a reasonably good driving record for the past 16 years and I just got my insurance bill the other day it has gone up. Because I have a good driving record, it didn't go up 15 percent higher than it could have, whatever that means.

I suggest the arguments the gentleman made are valid up to a point. He is talking about now. He didn't give any guarantee, or is he capable of giving any guarantee, or anyone else on that committee, that rates will not increase because of this backdoor approach for mandatory insurance.

I would like to see everyone on the road insured just like I am and I would like to see it enforced competently by the Secretary of State's Office, if that is who Mr. Brannigan and company wants to do it, but it is like selective cutting in the forest practices. They are going to take selectively, supposedly, certain licenses to see if they are insured or not insured, and I suggest that is not a good way for us to do business.

I would urge this House to reject this bill. I am surprised we didn't have more debate on it earlier. However, thank the good Lord that the other body, in its wisdom, has sent it back so we could at least discuss it here this evening.

The SPEAKER: The Chair recognizes the gentledady from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a good bill and I hope you will support it today. At least I hope you will give it a chance.

A mandatory insurance bill has come before the legislature for many years now, and the reason it has is because people have been hit by uninsured motorists and they have been left with increased insurance rates for that accident, so people have really felt that something should be done. But always before has been the problem of the administrative costs, as the

gentleman recently told you, Mr. Perkins, and so year after year that bill has been turned down.

This was my bill, one of the bills was mine in the 110th Legislature and eventually it went out for a study because we did have so many calls and my bill was the result of many phone calls, and we had so many people contacting us about accidents that they had had.

The uninsured motorist on the road is increasing and there are so many of them that are now going without insurance that it does seem as if the time has come to try to do something. So in working hard and long, we did develop this passive form of insurance. It isn't selective at all. It works like a verification card that you receive now if you have a tail light out or something like that. If you are stopped for something else, the officer will ask you if you have insurance. If you do not, then you will have time to get your insurance.

There is no reason in this world why insurance rates should go up because the insurance companies will have nothing to do with it. The program will be run from the Secretary of State's Office and administered through the Motor Vehicle Division.

The bill has a sunset on it, a three-year sunset and if it is not working at that time, it can be reviewed.

The insurance companies in Maine have all supported it and this is the first time they have ever supported a bill for insurance for motorists. It does seem as if it is really worth a good try this year. I hope you will vote for it.

THE SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

MR. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have many concerns about this. Many of my constituents have called concerned about this bill, and I would like to know, when a person applies for their license, have they got to show that they have insurance? I would like to ask Mr. Perkins if he would answer that.

THE SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from Brooksville, Mr. Perkins, who may answer if he so desires, and the Chair recognizes that gentleman.

MR. PERKINS: Mr. Speaker, no, they would not. You don't have to show it at the time of your license at all. It is different than the regular compulsory insurance. With the compulsory in Massachusetts, you have to show it; you would not have to here.

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

MR. MURRAY: Mr. Speaker, Men and Women of the House: There are several reasons, I believe, for supporting this particular bill and I would like to share some of them with you.

First of all, the popular demand for this type of an issue is overwhelming. There was a Harris Poll conducted not too long ago where 91 percent of all the people polled favored having the government require that all drivers carry some sort of mandatory insurance—91 percent.

Perhaps what is more interesting than that particular statistic is that 62 percent of those uninsured motorists asked the same question favored mandatory insurance. Sixty-two percent of the people who presently don't carry liability insurance felt that it was proper that the government require that this type of insurance be implemented.

Secondly, I believe it is time that we as a government take a stand to protect the responsible driver. The overwhelming support I have cited to you, but it is the person, the responsible driver, who is involved in an accident with an uninsured motorist that truly suffers the most and to whom we should be considering in the utmost.

Another reason to support this type of measure the way it has been drafted, as has been pointed out, is that the costs are all self-

supporting. As a matter of fact, the figures that were provided to us by the Secretary of State presented a surplus from his estimates of how the program would run because of the costs involved in reinstating licenses to those who do not have insurance. All of the administrative costs would be covered within the program itself.

Another reason, I believe that we in this legislature should take a stand, a preventative stand, to address the problem of the uninsured motorist. Right now on the law we have the mandatory financial responsibility for those who have been involved in either an accident or a traffic violation. It makes much greater sense to me to say before that person becomes involved in an accident and may threaten a responsible insured driver, that we say as a state that it is your responsibility, if we are going to give you the privilege to operate on our roads, to carry a limited amount of financial responsibility.

Finally, there has been some confusion, I think, about the enforcement. The way the present bill is drafted, we were told that it will become standard operating procedure for the law enforcement people in this state to pass out these verification cards at a normal stop. If you or I are stopped, or anyone on the highway, the officer automatically now asks for your license, your registration, and we were told that if this law goes into effect, the verification card for insurance would simply become another standard operating procedure for our law enforcement people. It is not a situation where the Secretary of State will selectively pick out licenses from his computer to check to see if there is insurance. Anyone who is stopped on the roads will be given this verification card or asked to provide some proof of financial responsibility, the minimum limits that we are asking for in this law.

I think the law as drafted will be the best one in the country because of its nonintrusive, nonbureaucratic establishment, and I would think that you would agree with me, that the time has come for us to protect the vast majority of responsible drivers from the uninsured motorists.

THE SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

MR. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I can agree with the gentleman from Bangor in many respects, but mandatory to me means that you have to have the insurance. I don't want to be on the road with my car and have somebody run into me and damage my car, damage my family, and later they are forced to go get an insurance policy. That doesn't do me any good.

I think the important fact you have to remember, if you are going to have mandatory insurance, they should have to show that they have the insurance before they are allowed to register the car. I am not familiar with all the aspects of this law, but it doesn't even make sense to me to do it on this basis.

I wish someone would answer me, why is it they have so many problems in Massachusetts? Massachusetts has mandatory insurance and insurance in Massachusetts is one of the highest in the country—why?

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

MR. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I know that when a motorist is stopped for one reason or another, as the gentleman from Bangor pointed out, he is asked to show proof of license, proof of registration, and if he lacks one of those two documents, he or the car stays where it is. What happens in the case of the driver who is pulled over and he can't produce the verification card? What happens at that point? Can someone respond to that question?

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

MR. MURRAY: Mr. Speaker and Members of

the House: The way the verification card system is supposed to work, if a person is stopped while operating a vehicle, he will be asked to provide some sort of proof of financial responsibility. If that person wishes to carry his insurance policy in the car, that would probably be adequate. Many of us don't do that. The person would then be issued a verification card by the police officer. That card would be given to the driver and he will then have to either mail that card to his insurance agent or bring it to his insurance agent and the insurance agent will then verify the fact that yes, indeed, this person has insurance and that will be sent in to the Secretary of State, where the other half of that verification card that the policy officer kept will be sent. The police officer will send part of that card to the Secretary of State, the other part will go to the passenger or driver. If that person has insurance, it will be proven by the insurance agent, will be sent to the Secretary of State, and that will satisfy the law. If that person does not have insurance, he will have to either obtain insurance within a specified amount of time or his license will be suspended.

THE SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

MR. SMITH: Mr. Speaker and Members of the House: It seems to me this is going to be almost like a game. You stop someone, if he doesn't have insurance, if he has got a tail light out, he gets a notice. How long is it going to take to reach everyone that doesn't have insurance? It could be forever. I see no rhyme nor reason to how this is going to work.

If a police officer should be a part-time man selling insurance on the side, this would be a great field day for him, I am sure.

THE SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

MR. MCCOLLISTER: Mr. Speaker, I would like to ask a question to whomever will answer. Will this increase the number of roadblocks that we will experience?

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

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

MR. BRANNIGAN: Mr. Speaker, Men and Women of the House: No, I don't believe it will. This, as was stated, will be just a routine part of a stop, and it is wonderful that Representative Brown hasn't been stopped for a long time. Because if you are without your license you don't lose possession of your car, not immediately anyway. I'm sorry, I didn't do that to invoke a response, I am just commending you on your driving record.

This is certainly not a backdoor approach, Representative Kelleher. We have been very straightforward in what we have tried to do. And as has been explained to you, it is not selective. I would like to pose a question but first give some advice.

If your insurance has gone up—Mr. Kelleher doesn't seem to be interested in my advice—I would encourage you to look around if you really do, and I am sure you do, have a good driving record, because automobile insurance is very competitive now. I know some of our Maine companies would like very much to have your business and I am sure you could reduce your rates if you were to do some comparative shopping and I would encourage you to do that.

I would like to ask, in light of some of the things you said in a very shotgun fashion about the way this is going to be enforced, if you are unhappy with the present financial responsibility law enforcement? I would like to know whether you are unhappy with that because that is what we have patterned it under and that is the way we would see it being carried out?

THE SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: There is one point that I haven't heard raised tonight and that is something that we may forget, and that is that each of us who has the sense and responsibility enough to have liability insurance is mandatorily required by Maine law to carry extra coverage against uninsured motorists. So in effect, at the present time each of us is paying for this lack of responsibility on the uninsured motorist.

A question I would ask is, has there been any indication that passage of this law might result in a lower rate with this required insurance that each of us has?

The SPEAKER: The gentleman from Brewer, Mr. Cox, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Under the present law, if you are hit by an uninsured motorist, you report to your insurance company and based on the amount of deductible that you have, this is what you would be paid. In addition to that, as soon as you report an accident to your insurance company, your rates will automatically go up, so you are paying for those people that are on the highways. If you have not been hit by an uninsured motorist and have paid for it, you will soon find out that your insurance will go up.

You still will have to carry uninsured motorist insurance because in the states where they have mandatory insurance, you still have people that are driving without carrying the mandatory insurance. In Massachusetts, they estimate, based on the studies that we conducted, that approximately 6 to 8 percent of their drivers are driving without carrying proper insurance. There are a lot of devious ways by which people can operate their motor vehicles without carrying the proper insurance. So yes, you will still have to carry the uninsured motorist.

Right now in the State of Maine they estimate that roughly 15 percent of our drivers do not carry any type of insurance. By passing this bill, we estimate that we should be able to include anywhere from 7 to 8 percent more, thereby reducing the number of people that are driving on our highways that are not carrying proper insurance. This is what this bill will do.

What we are basically saying is that if we are going to give you the privilege of driving an automobile within the State of Maine, then you should be financially responsible for any damage that you may cause. Right now we don't have that.

I hope that you will vote against the pending motion to recede and concur so that we may adhere.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker and Members of the House: From listening to this debate, I don't seem to feel that we are improving on the present law at all because there is no penalty for this man not getting this insurance. All they say is, if we pick you up and you haven't got it, you have 72 hours to get it. Well say that he runs into me instead of being picked up for running a stop light, causes me damage, apparently the only penalty he is going to have is within 72 hours he has got to get insurance. I can't see where it is any improvement over what we already have.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On four different occasions, four different speakers who all spoke well made the mention that if we had this bill we would have the best bill in the country. Can anybody in this House show me any proof whatever that if we pass this bill we would have the best bill in the country? Can anybody at all prove to me that if we had this bill we would have—I don't mean

by word of mouth, I mean proof that we absolutely and positively, by passing this bill, would have the best bill in the country?

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

The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Jalbert, I don't believe that we certainly can prove that we have the best bill in the country, and I don't think that any of us could prove that in any way. I think that we have taken a problem and we feel that this is the best solution that we have been able to come up with, and we feel it is really worth a try. We think we have a problem out there and that something needs to be done with it and we do think that this would be effective. I think it does improve on the law which we have right now because if a person does have an accident and does not have insurance and does have a problem, the Secretary of State can revoke his license and his registration.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: My question was not answered because it can't be answered. You make a statement that we would have the best bill in the country, that statement has been made four times on the floor of the House this afternoon. Now on that level, I am not going to make a motion because I have been here long enough to know one thing, when it is the last waning hours of the session, don't talk on winners or losers, most of the time keep quiet, and I have kept my mouth shut all day long, but I can't understand the statements that have been made this afternoon. I will make this statement, I have a right to make a statement—I will tell you one thing right now, this is a very dangerous bill and it should be given a thorough, complete study by outsiders. It should be done right if we are going to have it.

Massachusetts is going crazy with their law. Several states are going crazy with their laws. I haven't been to all the states and I can't make a statement that this would be the best bill in the country because I don't know A from Z about the bill. I know it would take some power from the Attorney General and give it to the Secretary of State now. He is a friend, he is an honest man and he does things right and I don't think he has done a dishonest thing since he has been in the office that he holds. But I am just telling you, vote any way that you want to but I have listened to the arguments from the experts in next to the last night of the session and I consider this bill a very, very dangerous bill. I am not going to make the motion that I would like to make because I don't want to do it, I will just vote and keep my mouth shut.

A roll call has been requested.

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

The SPEAKER: The pending question is on the motion of the gentleman from Island Falls, Mr. Smith, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 494

YEA—Anderson, Andrews, Bell, Bonney, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connolly, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Hobbins, Holloway, Jacques, Jalbert, Joseph, Kelleher, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Livesay, MacEachern, Macomber, Martin, A.C.; Masterman, Matthews, K.L.; McCollister, McHenry, McSweeney, Michaud, Moholland, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Randall, Reeves, J.W.; Ridley, Roberts, Rotondi, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Tamaro, Tuttle, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Cashman, Chonko, Conary, Conners, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Drinkwater, Foster, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Ingraham, Jackson, Joyce, Kane, Ketover, LaPlante, Lisnik, Locke, MacBride, Mahany, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, Mayo, McGowan, McPherson, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Perkins, Perry, Pines, Pouliot, Racine, Richard, Robinson, Roderick, Scarpino, Seavey, Sproul, Stevens, Telow, Theriault, Vose, Walker, Webster, Zirkilton.

ABSENT—Armstrong, Benoit, Carrier, Carroll, G.A.; Carter, Clark, Gwadosky, Hall, Nelson, Paul, Reeves, P.; Rolde, Soucy, Swazey, Thompson, The Speaker.

63 having voted in the affirmative and 72 in the negative, with 16 being absent, the motion did not prevail.

Thereupon, the House voted to adhere. Sent up for concurrence.

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

The following Joint Order: (S. P. 919)

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the Second Regular Session of the 111th Legislature shall be extended by one additional legislative day.

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: The Chair will order a vote. The pending question before the House is on passage of the Joint Order in concurrence. This requires a two-thirds vote of all the members present and voting. Those in favor of passage will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 26 in the negative, the motion did prevail.

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

Finally Passed Emergency Measures

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (H. P. 1720) (L. D. 2260) (S. "A" S-425)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs. (H. P. 1739) (L. D. 2304) (S. "A" S-427 to C. "A" H-613)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 10 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, ordered sent forthwith to the Senate.

The Chair laid before the House the second matter of Unfinished Business:

Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1802) (L. D. 2394) (C. "A" H-733)

Pending—Second Reading.

Thereupon, the Bill was read a second time. On motion of Mr. Andrews of Portland, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-735) to Committee Amendment "A" (H-733) was read by the Clerk.

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

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: This is an amendment to a Committee Amendment to a bill that has received no attention from the entire House and I thought I would briefly describe what this amendment is going to do and just briefly describe what this bill does.

We received this bill in the very waning days of the legislative session. It deals with the state taxation on the Maine Bank Franchise Tax. The bill that we have before us is a bill that will replace the old bank franchise tax by establishing a new taxing mechanism which will tax a bank on its assets as well as its income. This bill is necessary because the bill that we have now has been found to be unconstitutional and it was found to be unconstitutional in a case down in Tennessee where the State of Tennessee, which has a very similar bank franchise tax to the State of Maine, the court ruled that in fact that particular tax was unconstitutional; therefore, our tax is unconstitutional and we have to replace it.

Now the Governor's Office has sat down with the banking community and has worked out a way in which we can replace this bank franchise tax that would replace the tax in a fairly straightforward manner, it would be a replacement that would be fairly technically sound and easy to administer, it would produce a stable and predictable source of state revenue consistent with what is now brought in by the current unconstitutional tax. It would address the issue of refunds that are due to the banks because they have been paying for the last three years a tax which is unconstitutional, which is illegal.

Without going into the details of this bill, I would like to say very simply that I think the Governor's Office did a very good job in drafting this replacement bill. The mechanism in which this tax is going to be administered I think is an excellent one in that it will now require all banks to pay a tax.

The current system is set up in such a way that not all banks are paying the franchise tax. This bill, because it is charging a tax on the assets as well as the income of all banks, will make certain that all banks will be paying into this system and I commend them for that. The problem that I have with this particular bill has to do with the refunds and this amendment addresses that particular problem.

The banks, because they have been paying this illegal tax, are due by law a refund, there is no question about that, they have been paying this tax, it is not legal, it is unconstitutional, and so they are owed a refund. In fact, several banks have already come forward and asked for their refund, and if you look at the original bill on Page 4, Section 5206, you will see a section that addresses refunds and it says a claim for a refund for this tax can be filed and shall be filed on or before May 15, 1984. So we are saying in this bill, in this law, that in fact the banks can come forward, they can in fact take the refund that is legally due them as long as they do it on May 15th.

What this section of the law doesn't tell you and this is my problem with the bill, is, this is an implicit arrangement that was made between the banking community and the Executive Branch in the passage of this law. Because of the price tag in the refunds that the state would have to pay out if the banks took that refund, the Governor's Office negotiated with the

banks so as to not have the banks come in and ask for that refund. In other words, the arrangement was and the negotiations went this way—if we were able to pass this bill, things would be okay as long as the banks did not ask for the refund that was legally due them and the refund that the bill specifically says they are entitled to. Now the reason there is a deadline of May 15th is that if in fact the banks come in and ask for that refund, which is legally due them and which this bill specifically says they can take, then the deal is off and we may be facing a new bank franchise tax law or a piece of legislation when we come back in special session in June.

My problem with this is not the effect of what this does but the way in which it doesn't I simply do not believe that it makes good tax law to pass a bill in which there is sort of an implicit arrangement and a certain action implied that is not in the statutes but what is implied coming in to the legislature.

What this particular amendment does to this bill is say okay, if you are due your refund, if that is due to you, then yes you can come in and you can take that refund. What we will do to pay for that refund is generate the funds using the mechanism of this particular bill, and specifically we will add a one-time surcharge on the bill that will generate a portion of the funds that would be needed to pay for this refund for tax year '84. Secondly, we would make this bill retroactive to 1983. In other words, we will generate the money that is needed to pay for those refunds using the mechanism of this bill. We would just add this one-time surcharge and one time only and make the bill retroactive to 1983 in order to pay the price. It meets the same end, it pays, it takes responsibility for this obligation that the state has but it does it in a straightforward way and I would hope that you would support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask if the interstate banks are also subjected to the unitary tax in addition to this franchise tax?

The SPEAKER: The gentleman from Monmouth, Mr. Davis, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is yes.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I would like to urge you not to support this amendment that has been offered by my good friend from Portland for a couple of reasons. His problem with the original bill, as he puts it, there is an implicit agreement made between the Executive Branch and the banking industry and we have provided for that agreement within the bill by stating that all claims have to be filed by May 15th. Somehow Representative Andrews feels that it is holier to tax the banking industry one day and refund it the next than to have an implicit arrangement. I really don't agree with that logic. I do think that the Governor's Office has negotiated and dealt with the problem with one of the industries of this state and I think an excellent job has been done. I think that concessions have been made on each side and I think for the legislature now to back away from an agreement that has already been made is bargaining in poor faith.

A lot is said on the floor of this House this session, last session, and I am sure every session, about the business climate, I don't think it reflects well on the business climate to lead an industry down the primrose path and then pull the rug out from under them when we get them up on the third floor.

Secondly, I think it is important to note that there is no correlation between the system that is being presented here of raising revenue through the bank franchise tax, the new system that we are enacting with this law, there is no correlation with that and the amount of money that is due in refunds to the particular banks that have refunds coming. So in effect what you would be doing if you accepted this amendment is, you are asking individual banks to pay a higher tax in order to fund a refund program that they may not even be participating in. I don't think that that is fair to the banks that aren't eligible for refunds and I think the implicit arrangement, as Representative Andrews put it, is a much better arrangement in terms of equity and who is going to collect the refund and who is going to pay for it than is this bill, this amendment. So I would urge you not to support this amendment and allow the bill to go on its way.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I think the Representative from Old Town has stated the case very clearly and I rise to back up what he has said in that this has taken weeks and months in negotiations between the administration and the industry and it had to be done that way because we, as the legislature, certainly could not get into those negotiations. It has been agreed by the parties. We heard all the evidence and to us it seems very fair and I urge that you reject the amendment.

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

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: It is true and I mentioned it in my opening comments that I certainly commend the Governor's Office for the hard work that it has done in working out these negotiations and coming up with an otherwise excellent package. I certainly don't take that away from them but, ladies and gentlemen, for better or worse, we have a system of checks and balances in this state and when the executive branch makes negotiations on behalf of the state, it is our responsibility as a legislature to review those negotiations and make whatever changes that we feel are necessary. Certainly if the banking institutions of this state did not know that, then they should know it.

As far as backing away from this agreement, I think it is that relationship to the Governor's Office that this legislature has that should be kept in mind, and that primrose path that my good friend from Old Town, Representative Cashman, talks about is a path that includes the Maine Legislature and I think we should be taking our responsibility to be on that path.

Secondly, this was a point that was made, I think a very significant point, by Representative Cashman. Yes, indeed, it is true that there are banks that are going to be paying into this new franchise tax and that franchise tax is going to be paying for the refund that other banks are due because they paid an illegal tax. I thought about that when it came in committee and it did seem to bother me for awhile until I realized that the banks that are going to have to be paying an additional cost are banks that have not been paying in the past. In other words, if you were a bank and you have been paying this illegal tax and you were asking for a refund and that refund is legally yours, you have a right to that refund, and now we have a new franchise tax that will suddenly require banks who have never paid before or perhaps have not been paying to the degree that you have been paying, suddenly they are going to be paying their franchise tax because of this new mechanism. If you as a bank, who have been paying this illegal tax in the past, were to pay for that refund, then of course it would be a straight wash as is being proposed in this legislation but, in fact, if I was a bank officer of a bank and that bank could be receiving a refund

and that refund was legally due that bank, then I would have a real problem if my bank decided not to take a refund that was legally theirs.

What I am proposing is that that bank simply be allowed to take that refund and the way we pay for that is based on this mechanism that the Governor's Office has worked out with the banking institutions. Yes, in fact some banks will be paying for a refund and be paying on a tax that they have never paid before perhaps, but I think, why not? If they are going to be paying for the first time on their assets and income on this new fair tax and it means that they are paying a tax that perhaps they have never paid before, then why not?

Mr. Higgins of Portland requested a roll call. A roll call has been requested.

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

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I would like to offer some comments to you here at this point. This bill did not have a complete committee report. As you may recall, there were two members who did not have an opportunity to vote on this particular bill, the reason being that it was ordered from the committee by leadership before we had a chance to sit down and consider two alternatives of the bill. People didn't have a chance to review the alternative bill and I would like to bring some comments forth.

What we have here is an implicit deal between the administration and an industry whereby the tax rate is clearly contingent upon the actions of the banking industry at a future date. This industry is entitled to \$900,000 in refunds based on an unconstitutional tax. This tax rate is established based on the assumption that these legally entitled refunds will not be sought by the banking industry of this state. If the refunds are sought, the Governor's Office has stated that they will propose an increase in the bank franchise tax later in the June session or in the next session.

Two prime questions I would like to offer you here today. Do we really want to delegate our tax rates to outside parties? Secondly, do we really want the banking industry to subvert their fiduciary responsibility for their shareholders to seek these refunds? I would contend we do not.

I hope you will support the amendment here which deals with the state's responsibility in an upfront manner.

Additionally, if we do not do this here today, we open up the possibility of having an unbalanced budget. We have a \$900,000 liability which as not been taken into account in this budget document. If we do not take care of it in an upfront manner here, we have a liability. If these refunds are sought prior to May 13, we will have up to a \$900,000 deficit. I hope you will take a responsible action here this evening to eliminate this potential liability and support the amendment of the gentleman from Portland.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. There are a couple points that I don't think have been touched. There are probably some really serious legal questions about whether or not a year after the tax liability for all these banks that we are talking about as if they were one, a year after the tax liability was fixed, I think it is really questionable whether or not we can enact a tax radically different from the tax that they were working with during that year ending in 1983 and apply it retroactively. I think there are really limits to what we can do with that. We are talking about a brand new tax applied in 1983. I think it is an interesting idea and a novel idea but I don't think it will fly, really.

There are a few more things I would like to very quickly cover. When we are talking about some of the banks that didn't pay taxes in the last three or four years, there are members in this House, members of both parties, who are acquainted with banks, many of them small banks, and a lot of them know that during the last several years that we are talking about, a lot of banks didn't make very much money. There were a lot of banks that had a lot of low interest loans and these banks were paying out a lot of money on CD's and other instruments. A lot of banks were just breaking even during those years.

I think the gentleman from Old Town, Mr. Cashman, the gentleman from Westbrook, Mr. Day, have covered this admirably. I would just like to make one more remark with regard to the incredible red herring of an unbalanced budget. If there is one thing I resent, it is being propagandized by my own side. If anything does go wrong with this, there is a possibility, we will all come back here in June—see you then.

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 495

YEA—Ainsworth, Allen, Andrews, Baker, Connolly, Handy, Hayden, Higgins, H.C.; Jacques, LaPlante, Matthews, Z.E.; McGowan, McHenry, Mitchell, J.; Moholland, Norton, Rotondi, Soule, Tammaro, Vose.

NAY—Anderson, Beaulieu, Bell, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McCollister, McPherson, Melendy, Michaud, Mills, Mitchell, E.H.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Telow, Theriault, Tuttle, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Benoit, Carrier, Carter, Clark, Dexter, Gwadosky, Hall, Hobbins, McSweeney, Michael, Nelson, Paul, Reeves, P.; Rolde, Soucy, Swazey, Thompson, Webster, The Speaker.

20 having voted in the affirmative and 111 in the negative, with 20 being absent, the motion did not prevail.

Thereupon, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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

Passed to Be Enacted Emergency Measure

An Act Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission on the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985. (H. P. 1743) (L. D. 2297) (S. "A" S-434 to C. "A" H-716)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House

being necessary, a total was taken. 103 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Amend the Potato Price Stabilization Program. (H. P. 1774) (L. D. 2352) (S. "A" S-347; S. "B" S-433)

An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies. (H. P. 1815) (L. D. 2400) (S. "A" S-428)

An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry. (H. P. 1816) (L. D. 2406) (S. "A" S-368; S. "C" S-429)

An Act to Provide Funds for an Increase in the Aid to Families with Dependent Children's Standard of Need. (H. P. 1851) (L. D. 2450) (S. "A" S-430)

An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants. (H. P. 1854) (L. D. 2455) (S. "A" S-431)

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, ordered sent forthwith.

An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity. (S. P. 652) (L. D. 1842) (S. "A" S-422 to C. "A" S-383)

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

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: If I remember correctly, this is the bill that if an individual within the family is working, the family would be entitled to receive AFDC payments, and I would request that we take a roll call on this one.

A roll call has been requested.

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: The gentleman from Biddeford, Mr. Racine, is mistaken. The bill doesn't concern households where someone is working and then being eligible for AFDC. As I explained the other day, right now a household is only eligible for AFDC where there is one parent. This bill would allow two-parent households to be eligible for the AFDC program provided the parents are not working.

The SPEAKER: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 496

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Cashman, Chonko, Connolly, Cote, Cox, Crouse, Crowley, Davis, Diamond, Drinkwater, Erwin, Foster, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, P.E.; Parent, Perry, Pines, Pouliot, Randall, Richard, Rotondi, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Soule, Sproul, Stevens, Stover, Tammaro, Telow, Theriault, Tuttle, Vose, Wentworth, The Speaker.

NAY—Anderson, Bonney, Brown, D.N.; Ca-

hill, Callahan, Carroll, G.A.; Conary, Conners, Curtis, Daggett, Day, Dudley, Greenlaw, Holloway, Jackson, Kiesman, Livesay, Masterman, McPherson, Michaud, Norton, Paradis, E.J.; Perkins, Racine, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Sherburne, Stevenson, Strout, Walker, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Benoit, Carrier, Carter, Clark, Cooper, Dexter, Dillenback, Gwadosky, Hall, McGowan, Nelson, Paul, Reeves, P.; Rolde, Soucy, Swazey, Thompson, Webster.

95 having voted in the affirmative and 37 in the negative, with 19 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter. (H. P. 1501) (L. D. 1975) (S. "A" S-423 to H. "E" H-537)

An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law. (H. P. 1589) (L. D. 2099) (C. "A" H-565; H. "A" H-576; H. "B" H-629; S. "A" S-424)

An Act to Establish the Maine Job-start Program. (H. P. 1855) (L. D. 2456) (S. "A" S-437)

An Act to Increase the Number of Superior Court Justices and District Court Judges. (S. P. 842) (L. D. 2262) (S. "A" S-338 and S. "B" S-426 to H. "B" H-544)

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, ordered sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

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

Passed to Be Enacted Emergency Measure

An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content. (H. P. 1874) (L. D. 2476)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 25 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Non-Concurrent Matter

An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools (Emergency) (H. P. 1770) (L. D. 2337) which was Passed to be Enacted in the House on April 3, 1984.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-438) in non-concurrence.

House voted to Recede and Concur.

Passed to Be Enacted Emergency Measure

An Act Relating to the Use of Implements and Devices in Washington County Waters. (H. P. 1873) (L. D. 2475) (H. "A" H-737)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Non-Concurrent Matter

RESOLVE, to Inventory all State Real Prop-

erty and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property (S. P. 865) (L. D. 2349) which was Finally Passed in the House on April 3, 1984. Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-608).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House Receded and Concurred.

Non-Concurrent Matter Later Today Assigned

An Act to Amend the Law Related to Tax Increment Financing (H. P. 1039) (L. D. 1364) which was Passed to be Enacted in the House on April 6, 1984. Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-643).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

On motion of Representative Murray of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

An Act to Increase Mileage Payments to Jurors (H. P. 1434) (L. D. 1879) which was Passed to be Enacted in the House on March 9, 1984. Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-493).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients (Emergency) (H. P. 1559) (L. D. 2061) which was Passed to be Enacted in the House on March 29, 1984. Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-559).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act Concerning Local Leeway Under The School Finance Law (H. P. 1565) (L. D. 2074) which was Passed to be Enacted in the House on March 9, 1984. Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-492).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide for Tuberculin Testing of Cattle to Insure Out-of-State Markets for Maine (S. P. 854) (L. D. 2312) which was Passed to be Enacted in the House on March 27, 1984.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Revise the School Finance Act (H. P. 1765) (L. D. 2327) which was Passed to be Enacted in the House on April 3, 1984. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-586).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide Voter Information on Bal-

lot Questions (H. P. 1588) (L. D. 2095) which was Passed to be Enacted in the House on April 11, 1984. Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-568) and House Amendment "A" (H-678).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act Relating to Funding of Stoneham Schools for 1984-85 (Emergency) (S. P. 826) (L. D. 2212) which was Passed to be Enacted in the House on March 19, 1984.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide a Sales Tax Exemption for Community Action Agencies (S. P. 698) (L. D. 1938) which was Passed to be Enacted in the House on March 22, 1984. Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-316).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Representative Nadeau of Lewiston moved that this be tabled until later in today's session and subsequently withdrew his motion.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax (H. P. 1591) (L. D. 2101) which was Passed to be Enacted in the House on March 20, 1984. Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-314).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Establish a Commission to Assess the Loss of Farmland in Maine (H. P. 1842) (L. D. 2438) which was Passed to be Enacted in the House on April 11, 1984. Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-389).

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Provide for Conformity with the United States Internal Revenue Code (H. P. 1853) (L. D. 2454) which was Passed to be Enacted in the House on April 10, 1984.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

An Act Relating to School Funding for Washburn for 1984-85 (Emergency) (H. P. 1835) (L. D. 2429) which was Passed to be Enacted in the House on April 9, 1984.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

RESOLVE, Establishing a Task Force on Head Injuries (H. P. 1777) (L. D. 2355) which was Finally Passed in the House on April 6, 1984. Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-635).

Came from the Senate, Passed to be En-

grossed as amended by Committee Amendment "A" (H-635) and Senate Amendment "A" (S-439) in non-concurrence.

House voted to Recede and Concur.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,

Adjourned until ten o'clock tomorrow morning.
