

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

**HOUSE**

Thursday, May 2, 1985

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

Prayer by Reverend Robert Cumler, Vassalboro United Methodist Church.

Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
Senate of Maine  
Augusta

May 1, 1985

The Honorable John L. Martin  
Speaker of the House  
112th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Labor, the Governor's nomination of Marvin W. Ewing of South Windham for appointment to the Maine Unemployment Insurance Commission.

Mr. Ewing is replacing Harold Loring.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Establish a Job Development Training Fund for Maine's Shoe Industry" (S.P. 537) (L.D. 1438)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

**Unanimous Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Increase the Classification for the Crime of Incest" (S.P. 69) (L.D. 120)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Strengthen the Provision of Technical Forestry Assistance to Forest Landowners" (S.P. 371) (L.D. 1005)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units" (S.P. 474) (L.D. 1277)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Establish the Boundary between Machias and Machiasport" (S.P. 115) (L.D. 330)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Add Real Property or Rent to the Definition of Theft of Services" (S.P. 204) (L.D. 535)

Report of the Committee on Business and Commerce reporting "Leave to Withdraw" on Bill "An Act to Provide Optional Coverage for Speech-language Pathology and Audiology in Group Health Insurance" (S.P. 92) (L.D. 290)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on Human Resources on Bill "An Act to Encourage Early Identification and Treatment of Impaired Physicians" (S.P. 295) (L.D. 784) reporting "Ought to Pass" in New Draft (S.P. 534) (L.D. 1435).

Came from the Senate, with the report read

and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for Second Reading tomorrow.

**Ought to Pass in New Draft/New Title**

Report of the Committee on State Government on Bill "An Act to Grant Certain Political Rights to State Employees" (S.P. 167) (L.D. 435) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for Second Reading tomorrow.

**Divided Report**

Majority Report of the Committee on Business and Commerce on Bill "An Act to Provide Free Choice Under Hospital Service, Medical Service and Health Care Plans and Group and Blanket Insurance Policies by Including within the Coverage of Such Plans and Policies Coverage for Chiropractic Services" (S.P. 200) (L.D. 534) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies" (S.P. 518) (L.D. 1392)

Signed:

Senators:

DANTON of York

BUSTIN of Kennebec

Representatives:

HILLOCK of Gorham

ALIBERTI of Lewiston

ARMSTRONG of Wilton

BAKER of Orrington

MURRAY OF Bangor

RYDELL of Brunswick

MARTIN of Van Buren

TELOW of Lewiston

BRANNIGAN of Portland

STEVENS of Bangor

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

Signed:

Senator: SEWALL of Lincoln

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-67)

Reports were read.

On motion of Representative Brannigan of Portland, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Senate Amendment "A" (S-67) was read by the Clerk and adopted and the New Draft assigned for Second Reading tomorrow.

**Non-Concurrent Matter**

Joint Resolution expressing concern of the Legislature over the proposed furnishing of salmon smolts for commercial use (H.P. 991) which was read and adopted in the House on April 30, 1985.

Came from the Senate Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

**Orders**

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

ORDERED, that Representative Harlan Baker of Portland be excused May 2 and 3 for personal reasons.

Was read and passed.

**Reports of Committees****Unanimous Ought Not to Pass**

Representative TAMMARO from the Commit-

tee on Labor on Bill "An Act Providing for a Maine Labor Relations Law" (H.P. 728) (L.D. 1037) reporting "Ought Not to Pass"

Representative PRIEST from the Committee on Judiciary on Bill "An Act to Make Incest a Class C Crime When the Victim is Under 18 Years of Age" (H.P. 92) (L.D. 112) reporting "Ought Not to Pass"

Representative CARRIER from the Committee on Judiciary on Bill "An Act to Require Criminal History Record Information 7 Days a Week, 24 Hours a Day" (H.P. 441) (L.D. 623) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act to Correct Oversight in the Teacher Recognition Grants" (H.P. 352) (L.D. 473) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Define Farm Laborers" (H.P. 470) (L.D. 673) reporting "Leave to Withdraw"

Representative LAW from the Committee on Energy and Natural Resources on Bill "An Act to Provide More Direct Field Service Through the Division of Forest Management in the Department of Conservation" (H.P. 354) (L.D. 475) reporting "Leave to Withdraw"

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers" (H.P. 530) (L.D. 750) reporting "Leave to Withdraw"

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

**Refer to the Committee on Appropriations and Financial Affairs**

Representative NELSON from the Committee on Human Resources on Bill "An Act to Prevent Developmental Disabilities in Maine" (H.P. 964) (L.D. 1385) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

**Consent Calendar****First Day**

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

(S.P. 269) (L.D. 727) Bill "An Act to Appropriate Funds to the State Library for Support of the Information Exchange" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 395) (L.D. 1105) Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-63)

(S.P. 270) (L.D. 728) Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-65)

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

**Consent Calendar****Second Day**

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

(H.P. 512) (L.D. 717) Bill "An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings" (C. "A" H-103)

On motion of Representative Stetson of

Damariscotta, was removed from the Consent Calendar, Second Day.

On motion of the same Representative, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H.P. 722) (L.D. 1031) Bill "An Act Concerning Revision or Amendment of Approved Subdivision Plans" (C. "A" H-104)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

#### Passed to be Engrossed

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 532) (L.D. 1427)

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

Representative Carroll of Gray offered House Amendment "A" (H-101) and moved its adoption.

House Amendment "A" (H-101) was read by the Clerk.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" addresses L.D. 1427, part G and what it would do would be striking out the sunset provision in the budget bill. This amendment addresses a state program and a state policy, a commitment by the state to a number of towns who have and own state buildings, state buildings that their local property tax gets nothing for. It is a state reimbursement, if you will, for those taxes that aren't paid, or more importantly, state payment for services provided by those local communities for fire protection, ambulance protection and police protection and the like.

The program began two years ago, initiated and introduced by my fine and outstanding colleagues from Bangor and from Augusta, program which affects nearly 230 communities in this state, not just the big communities but the small communities. It ranges from reimbursements of \$7.40 a year to \$160,272 a year. It is a program, when it was introduced, was seen as an example of the state paying its share establishing a principle of fairness to all the communities and I would submit to you that, in 1983, it was fair; in 1985, it is fair and it will be just as fair in 1987 and beyond.

In fairness to all, I would like to say on the record that I thank the members of the Appropriations and Financial Affairs Committee for reinstating this amount of money that is in the budget at this point. At one time in the negotiating process, it was all gone and a few of us objected so they reconsidered and I am deeply grateful for that action. However, I know that cuts have to be made and I am willing to take a cut in this program as everybody else has. I am willing to do my fair share and do my fair sacrifice. However, to sunset a bill, to vaporize it as Winston Smith had to do in Orwell's 1984 program, or to kill it by de-authorization or de-appropriation seems to me to be establishing a public policy that is not really in the best interest of us all. I know of no other program in state government which has, through the budget process, been lapsed by a sunset provision. You are going to hear a great deal of discussion about this and a great deal of people who are going to say that a deal was struck, that this was a one time appropriation, a one time deal -- I don't know who that deal was made with but I am not sure if it included the affected parties, your town and my town. You will also hear opponents say that we have increased revenue sharing to the towns

and that is right. We should have done that. We have done that to all the towns. You will hear them state that they have increased local road assistance and that is right and that is fair and that is all the towns. On the same note, we have also turned back a number of roads that were state roads that are now local roads.

You will hear overwhelmingly from the opponents of this amendment the increase of the economic impact that state buildings, that state property, have on local communities. Let's take a little closer look at this -- let's look at the three major losers up close and personal, if you will, if this thing gets sunset -- first, the city of Augusta; population, 20,000 plus; their loss, \$160,000 plus dollars. You may be able to argue that they have jobs for people who come to work in Augusta, that people shop in Augusta, that people eat in Augusta and it has been a good economic impact. Other people in this House will probably address the city of Augusta.

City #2, Bangor; population, 30,000 plus; their loss \$46,910; same arguments can be made for Bangor, no problem at all, and I am sure that somebody from Bangor will address that issue.

Now city #3, New Gloucester, Maine; population, 3,000 plus; their loss, \$38,904, \$8,000 less than the city of Bangor. Now the sister river cities of Augusta and Bangor, you can argue about economic impact, but I defy anybody in this House to tell me the economic impact at Pineland Center has had on the community in New Gloucester, there is no shopping mall in the town of New Gloucester, there is no restaurant in the town of New Gloucester. Those people who are employed and work in the town of New Gloucester don't work at Pineland Center, they travel to Lewiston and Auburn, they travel to Bath and Brunswick, they travel to Portland -- if I am going to eat in New Gloucester, Maine, I have to go to the lower village store, Wing's Variety for an Italian sandwich or go to Mario's for a pizza, surely those things would be there without Pineland Center. The impact is negligible there. If we want to sunset a program, a program in this case that is four percent of the town's budget, a budget of \$1.2 million, I am asking you, what happened to our concerns and our beliefs that we should do something for property tax relief for the small communities in this state?

Ladies and gentlemen of the House, this amendment does not open up the budget. I have no desire to do that and I don't think the proponents of this amendment do either. It leaves the budget intact. The budget was developed in long hours of negotiation and much work and a lot of give and take. The amendment does not undermine the integrity of the committee system; if anything, I think it is going to enhance it. If we are going to sunset a program, we should do that through the appropriate committee and not have it sunsetted by de-authorization.

The Maine Legislature, in the past, has done much to be proud of. It has helped other entities. It has helped Bath Iron Works establish a program in Portland, Maine. It has helped the Bangor International Airport, it has helped airlines, it has established an ethanol plant that can be built in Auburn, Maine and we are pending helping Keyes Fibre up in Waterville. This being the case, I think we ought to take a look at helping some other entities, the local governing bodies. I know that it is tradition in the Maine Legislature that we do not amend the budget bill. I ask you as the elected Representative of those municipalities, all 230 of them, the large and the small, to break with that tradition and I ask you to have the courage to vote today to support this amendment, a vital program for your town and for mine.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies

and Gentlemen of the House: As residents of Augusta, we are proud to be Maine's Capitol City. We appreciate its influence and are grateful for the beauty the state buildings add to our community. Over the years, we have participated in the commitment our forefathers made to the state in 1828 when Augusta was selected as the State Capitol.

The original commitment was to provide 15 acres of land for the Capitol Buildings, to participate in the costs of building the Augusta House and to contribute to the development of the railroad from Portland to Augusta. Throughout the years, each generation of taxpayers has contributed to the growth and development of the state facilities. In the 1950's, when the State Office Complex was built, six streets in Augusta were eliminated and 78 houses were taken by eminent domain. While we regretted the property tax loss, we commended the Capitol Planning Commission for the orderly and attractive manner in which the board created the complex. Annually, our tax base has been added to fulfill the states needs for expansion.

Since 1957, the state has acquired 183 parcels of taxable properties in our city. This does not include the previously purchased land for the State Capitol, for AMHI, for the Veterans Cemetery, for the Augusta Airport, for UMA and the latest acquisition, the retirement building, make the state a very substantial landowner in our community.

No doubt our city is the envy of many people for the employment benefits are shared throughout the state and surrounding communities. The total number of people working in Augusta is 19,281. Of this number, 7,780 are Augusta residents but 11,501 are commuters to our city.

I regret imposing upon your time in justifying our contention for support, to continue our portion of the state grants for the various communities.

I would like to express a final point concerning the services our city has provided the state each year at the expense of the Augusta taxpayers. During the calendar year of 1984, the city responded to 187 police calls, 27 fire calls, 47 ambulance calls for assistance to various state properties. A box alarm call from any state property will cause a response of all Augusta's available man power. These services were provided by the Augusta taxpayers at a cost of \$745,707. We would appreciate your support for this amendment.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief this morning. I hope that this body goes along with accepting the amendment of Representative Carroll, because that amendment keeps faith with the people of Maine, keeps faith with the Governor of the State of Maine.

Let me quote to you if I might from the Governor's budget message of a little over two years ago to the 111th Legislature, a legislature which began this program. I quote: "Further this administration will not seek to balance its own budget on the backs of Maine's cities and towns as the federal government has tried to do with the states. On the contrary, we seek a new era of partnership with our cities and towns."

"Last Spring, I convened the first Blaine House Conference on State and Local Relations. The report of that conference is the basis of my recommendations to you tonight. Through our commitment to the cost of local education, the highest in the northeast, Maine already makes a major contribution to our cities and towns. Tonight, I urge that we do more to reduce pressure on the local property tax. First, I propose to increase the state and local revenue sharing formula from four to five

percent of sales and income tax revenues. This will add more than \$6 million a year to the revenues of our cities and towns.

"Second, in the past, I have supported legislation to allow cities and towns to collect fees from certain tax exempt organizations for the government services they receive. As one of those organizations, state government should set an example. So, I recommend that the state begin making service payments in lieu of taxes to cities and towns that have state owned buildings."

The Governor didn't say one shot, the Governor didn't say, let's recognize it for once. The Governor said, begin making." And to keep his commitment, to keep his word, he included in his budget that was delivered to the Appropriations Committee, \$1 million for revenue in lieu of taxes, service fees in lieu of taxes to cities and towns.

The Appropriations Committee did not seek to keep its commitment as the Governor's Office has kept its commitment.

When this debate ensued two years ago, the Chairman then of the Appropriations Committee in the other body, if I might say that because I am quoting from the Record, made this comment for this type of program. "The rationale, there are 37 states currently that have some kind of payments to municipalities for state owned buildings and there are different formulas among these states for doing that, 16 have payments based on property evaluation, 8 states share service costs. Some have flat rate payments, but Maine, and Maine has chosen to distribute this money on a formula based on square footage of state owned buildings and that is because, I believe, the State of Maine owns 10 percent of all the total state evaluation of both tax and tax exempted property. The formula is devised so that it would be pro-rated based on 10 percent of the floor space of municipal buildings in that town. Over 200 towns would receive some payment from this \$500,000 per year. Contrary to popular belief, not all the state owned buildings are in Augusta. For example, Thomaston has a State Prison. Presque Isle has a Regional Human Services Office. There are facilities all across the state, buildings of the Department of Transportation, etc. These require fire, police protection, snow removal, road maintenance, water and sewer lines, refuse disposal and so forth. The local citizens of those towns pay for those services through their property tax.

Sometimes the state population, sometimes the whole region, however, only the people who live in those particular towns are paying for those services and, for that reason, it is an equitable thing to do.

Thank you Mr. Speaker, I won't belabor the point anymore.

Representative Carter of Winslow moved the indefinite postponement of House Amendment "A".

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult to stand up and argue with your friends of long standing and tell them that you are going to cut a program. We that sit on the Appropriations Committee don't find it easy to say no. It is much easier to say yes, you gain many more friends that way. But unfortunately, there comes a time when you have to say no. We, on the Appropriations Committee, try to be very fair when we do those decisions.

Briefly, let me explain to you what we faced when we sat down at our final meeting, the first public hearing on Part 1. What we had left in the surplus or in coffers of this state was a total of \$19,874. After we passed the emergency act, we technically had a deficit of \$1.9 million. Now, at the time, as some of you may recall, we thought we were going to have suf-

ficient surplus at the end of this year to cover what we were doing. But the revenues took a sharp dip in January. We lost \$10 million. We, on the Appropriations Committee, cannot deal with "ifs." We have to make sure that what we recommend to this body and the other body and to the people of this state we can adequately fund. The revenue picture is still unclear. So, we had to make some cuts. We also had to realign Part 1, there were items due to target budgeting that were included in the Part 2 that rightfully belonged in Part 1, and in accordance with the way that the committee operates, Part 1 is reserved for on-going programs only, to keep the store open items, nothing new or expanded.

After we got done realigning, and cutting in the Part 1, we found that we had about \$7 million worth of items into the Part 1 that were not there previously. We added for example, the VTI's, \$1.9 million in the second year of the biennium. We added purchase social services, about \$3 million for both years of the biennium. We added capital improvements for the BPI Department, eight priority projects and statewide repair projects, \$3 million.

It has been a very difficult session but let me say that this is the first time, since I have been sitting on the Appropriations Committee, that we have worked so harmoniously that we have come out with a product that not all of us agree with but that is, in essence, the sign of a good compromise, both sides give and take and that is what this document is made up of.

Now my good friends from Augusta and Gray have given you all the arguments why we should indefinitely postpone this amendment. The payment for service fees in lieu of taxes to those communities was an experiment and, from where I sit, it was a good attempt but it is lacking in many aspects. In the past year, the State Treasurer has sent checks to communities for \$3.75 and it is not really...the formula that was devised at the time was devised because we were dealing with an unknown and it is obvious from these figures that this is not the way to parcel out state funds. It is much more appropriate to do so under the revenue sharing formula. Under the revenue sharing formula, every community benefits, and benefits fairly and equitably. When we started the revenue sharing program in 1980, the state reimbursed the communities at the total of \$15 million...well not reimbursed, but shared with the communities a total of \$15 million. This current year, the state shared \$35.4 million with the communities. The city of Augusta gets its share. For example, in FY, '84, the city of Augusta received a total of \$575,000 and \$101,000 in local road assistance and in FY, '85, this biennium, the city will receive \$752,000 and \$120,000 for local road assistance. That is almost equal to the amount that we are cutting out.

I think that it is only fair we try to deal with programs that are beneficial to everybody and not just some communities. Now, it has been stated that it is not quite as was stated that communities with state facilities don't benefit. Well, I would like to ask you, why is it when a state facility is going to be located in a particular community that the competition is so fierce between communities to get that facility within their own community? Is it because they want to take advantage of the \$3.75 as some communities are getting? I submit to you that it is not. The economic ripple effect, although unseen in many cases, are there. That is the prime reason for communities competing to get state facilities.

I would urge you to go along with my motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Mars Hill, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to prolong the debate here this morning but

I would hope that you would go along with Representative Carter's motion for indefinite postponement. He has covered just about everything that I was going to say and I would hope that we would work, like he said, we had a very harmonious committee working this out. Some of us had to give and take along the way and we had to add some things that weren't in the Part 1 and we tried to do the best we could and that is why we came out the way we did.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise today as a Representative from Thomaston and it is not an easy task for me. I respect the process that we operate here in the Legislature. I have always considered it a great honor to serve in this body. It is very difficult for me to rise after working so hard with members of the Appropriations Committee to see that this program is continued. Representative Smith and Representative Carter were very gracious and they restored the program that they had originally cut. The problem that I see and the fact that Representative Carroll's amendment is not a money amendment, it doesn't spend any more money, it simply allows the program to remain in effect and allow the 113th Legislature, which may be decidedly different than this body, to make a decision whether or not to appropriate funds under this program.

It has been said that many municipalities have benefited from the state owned buildings and that municipalities would compete to have these facilities locate in their districts, in their areas. I submit to you, ladies and gentlemen of this House, that the town of Thomaston is probably unique in this state in that we are probably the only community in this state that wouldn't put up a great fight if someone tried to move a prison into your community. We have lived in the shadow of that facility all of our lives, many of us in that community. We have become accustomed to it. I submit to you that if we tried to move the State Prison to a different community, a great hue and cry might go out. Many people that work in that facility do live in Thomaston but many do not and I can understand that, that they would not like to live near an overcrowded facility with the possibility of having great problems.

It is true that revenue sharing has been increased but we are talking about an unequal treatment to these municipalities that have this tax exempt property. My little town of Thomaston with a population of less than 3,000 people received over \$19,000 under this program. That represents a third of a mil in my town. Just recently, my town has actively gone after a federal grant to help with our sewer plant. We are very proud of the fact that our sewer plant was put in in the early 60's, the first one of its kind, the first sewer plant in our entire area, one of the first sewer plants in the State of Maine, I believe. One of the biggest problems with our sewer plant is the State Prison and that problem results because the prison inmates flush everything they can think of down their respective lavatories in their cells and that causes a great problem in our sewer plant. There is a clogging problem so our town has gone after a grant to try to help solve that problem, partially by removing the storm water from our sewer system.

Thomaston is a self-help community and we are only asking the State of Maine to give us a little help, to pay their fair share of this large tax exempt property.

I would point out that many of you are familiar with the term "up the river" -- well, the State Prison sits on a river in Thomaston and it is very prime real estate. We would love to be able to turn that real estate into house lots and I would love to own one myself because it is a beautiful majestic view down

the George's River.

I would simply ask you today to go along with my good friend, Representative Carroll's amendment. It simply allows the 113th Legislature to decide whether or not to fund this program. Again, I respect the process and I respect each and every member of the Appropriations Committee and I am not standing today because I enjoy this, I am standing today because I feel that it is my duty to fight for my constituents who live in Thomaston and who, incidentally, live in Warren. I have two correctional facilities in my district. The town of Warren received \$8,200 under this program for the State Prison farm.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: I rise today to speak in opposition to Representative Carter's motion to indefinitely postpone this amendment. Those of you know me well know that I don't often stand up to speak in favor of increased state spending. I am pleased to say I am not doing that today. The point that the Representative from Thomaston made was a good point, it was a valid point and, in my mind, it is the only point that really needs to be considered now.

This amendment, as proposed, only removes the sunset provision. All that means is that, come two years from now in 1987, we will leave it up to the next Governor of the State and the 113th Legislature whether or not they deem that appropriate to continue payment to the municipalities with state owned property.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: As much as I support the efforts of the gentlemen from New Gloucester, Mr. Carroll, Mr. Mayo, Mr. Paradis, Mr. Hickey and the other proponents of this amendment, I must rise in support of the motion to indefinitely postpone, knowing full well that my community of Bangor is the second largest beneficiary of this particular program.

In 1983, I was the sponsor of the legislation that proposed the payment in lieu of taxes bill. I sponsored it on behalf of Governor Brennan, as Representative Paradis mentioned, included it in his legislative package. Representative Paradis was the cosponsor with me of that legislation. We took that legislation before the Appropriations Committee to establish a public policy to implement this particular program and the bill was unanimously rejected by that committee. They rejected the policy that we were proposing. It was not until the next to the last day of the session, actually the Sunday before the end of the session, that leadership and members of the Appropriations Committee met and agreed to include into the budget a half million dollars for this program on the condition that it be a one shot program only. Now, that was not the original intent of the legislation I sponsored but it was something to which I agreed, and the other members of the Appropriations Committee agreed, and it was made clear at that time and made clear in the discussion of the bill as it was presented as part of the budget, that this would indeed be a one shot effort.

I was very pleased that the Governor included funding for the program again in this budget although I was a little skeptical as to the chances of it being passed. When the Appropriations Committee came out a few weeks ago and said it would not include that recommendation in the budget, I understood as much as I disagreed. Remember the Governor proposes, the Legislature disposes, and the committee took it upon itself to dispose of that recommendation. However, many of us lobbied the committee to include some sort of funding and I think the Appropriations Committee was

very generous in light of the very tight situation that it faces right now to include partial funding of that program, \$300,000 in the first year, \$200,000 in the second year. Even though I believe the committee did not have an obligation to continue funding, it did so because it was aware that some communities had counted on that money in spite of the fact that no public policy was established to guarantee it.

The conditions that the committee set, at that time, was that it wanted to include the language that it be clear to all that this would not be an ongoing program and, for that reason, they included the sunset provision. Now there is a lot of fear that we are doing something that is going to be of very detrimental value to the communities in this state. I just want to point out that the sunset provision takes place at the end of fiscal year 1987, plenty of time for members of this body, including myself, to submit legislation that would instate this as public policy and provide the funding that we would like to see given to our communities that have a substantial amount of state owned property. There is no reason to adopt this amendment now before us. There is plenty of time to come in with legislation that can adequately address the concerns that we all have and share. I guarantee you that I plan to do so and hope to work with the proponents of this amendment. However, I fear that tampering with the Part 1 budget document, a very delicate fabric was woven, and I would hate to see anything take place that is going to jeopardize our ability to pass that legislation today.

I would ask you to support the motion of the gentlemen from Winslow and move for indefinite postponement.

Representative Paradis of Augusta requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of the Representative from Winslow, Representative Carter, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 51

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Cashman, Chonko, Coles, Connors, Connolly, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hayden, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Matthews, McCollister, McGowan, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, G.G.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Paul, Pines, Pouliot, Priest, Racine, Randall, Richard, Ridley, Rioux, Roberts, Ruhlman, Rydell, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevenson, Swazey, Tardy, Taylor, Telow, Theriault, Walker, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

NAYS:—Aliberti, Allen, Beaulieu, Bost, Brannigan, Brodeur, Carroll, Clark, Cooper, Cote, Duffy, Erwin, Handy, Hickey, Higgins, H.C.; Hoglund, Jalbert, Joseph, Kane, Lacroix, Lander, Macomber, Manning, Martin, H.C.; Masterman, Mayo, McHenry, McSweeney, Michael, Mills, Mitchell, Murray, Nadeau, G.R.; Nelson, Paradis, P.E.; Perry, Reeves, Rice, Rolde, Rotondi, Scarpino, Simpson, Smith, C.B.;

Sproul, Stevens, P.; Strout, Tammaro.

ABSENT:—Baker, H.R.; Boutillier, Jacques, Melendy, Vose, Warren, Willey, The Speaker.

96 having voted in the affirmative and 47 in the negative with 8 being absent, the motion did prevail.

Whereupon, the bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to Be Enacted Emergency Measure

An Act Concerning the Removal of Child Abusers from the Household (H.P. 954) (L.D. 1373) (H. "A" H-98)

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. 122 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Municipal Development District Law (H.P. 370) (L.D. 525) (H. "A" H-94; H. "B" H-97)

An Act to Clarify the Use of the Hand Fishing Scallop License (H.P. 411) (L.D. 564)

An Act to Investigate the Importation and Disposal of Solid Waste and Hazardous Waste in Maine (H.P. 775) (L.D. 1096) (C. "A" H-93)

An Act to Require Notice of the Smoking Policy in Restaurants (H.P. 970) (L.D. 1379)

An Act to Study the Location of the Supreme Judicial Court in the City of Augusta (H.P. 973) (L.D. 1395)

An Act Validating the Vote to Convert Wallagrass Plantation into the Town of Wallagrass (H.P. 974) (L.D. 1396) (H. "A" H-95)

An Act to Recodify the Election Laws (S.P. 205) (L.D. 576) (C. "A" S-52)

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.

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature (Emergency) (H.P. 928) (L.D. 1333)

TABLED - May 1, 1985 by Representative Diamond of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

The same Representative offered House Amendment "B" (H-105) and moved its adoption.

House Amendment "B" (H-105) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is consistent with the intent of our committee recommending a change from the use of legislative days to a fixed adjournment date. We believe the concept of legislative days to be an artificial and inflexible way to utilize our time constraints. We believe that a fixed adjournment date would be more appropriate. The fixed adjournment dates as recommended in this amendment would be the third Wednesday in June for the First Regular Session and the third Wednesday in April for the Second Regular Session.

This amendment, if adopted, would apply to this session, the third Wednesday in June of this year would fall on June 19th, which coincidentally would have also been the 100th

legislative day. We believe this change would allow for greater flexibility and, hopefully, for

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, I would like to pose three questions through the Chair, one at a time.

If this bill passes, will it save the taxpayers of Maine any money?

The SPEAKER: The Representative from Island Falls, Representative Smith, has posed a question through the Chair to anyone who may respond if they so desire.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Members of the House: In response to the Representative from Island Falls question, in my opinion, this will save the taxpayers of the State of Maine no money. I do believe that it will allow for greater flexibility in the process at this time. We have somewhat over 800 bills currently in committee. There are 250 bills being heard this week, which means that by the end of the week, there will still be a 1,000 bills in committee. The opinion of our committee is that we need to have a more flexible format where we can spend two to four days a week in work sessions and hearings to get these bills kicked out of committee and then kicking the bills back upstairs and having legislative debate.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, I would like to pose another question, if I may.

If this L.D. passes, will it not be possible that the Second Session of this Legislature could be more than 50 days, up to a possible 72 days?

The SPEAKER: The Representative from Island Falls, Representative Smith, has posed another question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Members of the House: If this amendment does pass and the bill is enacted into law, we will no longer be using legislative days so the concept of days will no longer be under consideration.

The SPEAKER: The Chair recognizes the Representatives from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, I believe that answer wasn't what I would have liked to hear. It could have been possible that it would be more days. It would not be limited to 50.

Now, if this L.D. passes, would it give to leadership more power to do anything that they cannot now do?

The SPEAKER: The Representative from Island Falls, Representative Smith, has posed an additional question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Members of the House: As a Freshman legislator, I would probably be one of those individuals who would say leadership has too much control over the rank and file. However, I have been convinced that our committees, the rank and file if you will, would have more ultimate control over what is going on and the bottom line would be that the citizens of Maine would receive more efficient government.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: This bill and the number of total days we are here -- if you look, historically, at the last several legislatures, it probably won't make a great deal of difference

one way or another as to actually when we get out. It does allow, certainly, more flexibility for the use of the time we are here, whether we are in session or in committee hearings or whatever.

However, the reason that I support this bill and I might add that I support it strongly is that it does one thing and that is, there are several members here who do not have their own business, they are not retired, they are, in fact, the primary providers for their families and they work for other people. Now for the first time since I have been here, this is only my second term, those people who are in that situation can now tell an employer when they will be back to work. The employer will then have a much sounder basis for setting his times and his schedules of his employees and I just think financially that would be better for everyone involved and I would hope that it might eventually lead more people to seek office.

Whereupon, House Amendment "B" was adopted.

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

(Off Record Remarks)

At this point, Speaker Martin appointed Representative Michaud of Medway to act as Speaker pro tem for May 3, 1985.

On motion of Representative Vose of Eastport.

Adjourned until twelve o'clock noon tomorrow.