

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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HOUSE

Thursday, June 6, 1985

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

Prayer by Reverend Peter Mars, United Church of Monmouth.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

June 5, 1985

The Honorable Edwin H. Pert
Clerk of the House
112th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised the Senate Adhered to its previous action whereby it indefinitely Postponed (S.P. 471) (L.D. 1274) Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws."

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

On motion of Representative Nelson of Portland.

Recessed until the sound of the gong.

(After Recess)
10:27 a.m.

The House was called to order by the Speaker.

Divided Report**Pursuant to Joint Order S.P. 622**

Majority Report of the Committee on Education reporting "Ought to Pass" — pursuant to Joint Order (S.P. 622) on Bill "An Act Relating to the Administration of Vocational Education" (S.P. 628) (L.D. 1645)

Signed:

Senators:

GAUVREAU of Androscoggin
BROWN of Washington

Representatives:

BROWN of Gorham
LAWRENCE of Parsonsfield
CROUSE of Caribou
BOST of Orono
HANDY of Lewiston
O'GARA of Westbrook
ROBERTS of Farmington
MATTHEWS of Caribou
SMALL of Bath
FOSS of Yarmouth

Minority Report of the same Committee reporting "Ought Not to Pass" — pursuant to Joint Order (S.P. 622) on same Bill.

Signed:

Senator:

HICHENS of York

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

Reports were read.

On motion of Representative Brown of Gorham, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132) (L.D. 1639) which was passed to be engrossed in the House on June 3, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-206) and "B" (S-220) in non-concurrence.

The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Reports of Committees**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax" (Emergency) (H.P. 736) (L.D. 1045)

Signed:

Senators:

TWITCHELL of Oxford
DIAMOND of Cumberland

Representatives:

HIGGINS of Portland
McCOLLISTER of Canton
NELSON of Portland
MAYO of Thomaston
SWAZEY of Bucksport
CASHMAN of Old Town

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

Signed:

Senator:

EMERSON of Penobscot

Representatives:

JACKSON of Harrison
WEBSTER of Cape Elizabeth
ZIRNKILTON of Mount Desert
INGRAHAM of Houlton

Reports were read.

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

Representative Higgins.

Representative HIGGINS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: L.D. 1045, An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax ensures the continuation of one of state governments most popular programs.

The Housing Opportunities of Maine, known as H.O.M.E., provides low down payment, low interest mortgages for Maine's middle income citizens. This bill provides the State Housing Authority with operating capital to underwrite the cost of issuing the tax exempt funds to the financing mechanisms for many of Maine's first time home purchasers.

We have before us, on today's printed calendar, a partisan divided report from the Taxation Committee. Both parties agree on the merits of the H.O.M.E. policy program. Where we differ is on financing of the program. The report before you calls for the real estate transfer tax of \$2.20 per thousand dollars of payment price to be extended to the purchaser of property. The underlying principal in direct relationship between the tax and the policy will certainly be discussed later in today's debate.

In light of some of the discussions with those on the minority report, I would like to address questions of funding. Some Taxation Committee members have proposed sending the policy portion of this bill without the funding mechanism to the Appropriations Committee to be funded there. Discussions with members of that committee indicate rather clearly that the funds do not exist to continue the funding of this program. I anticipate that there may be members of the minority party who will say that this program should have been funded in the Part I Budget that we enacted on May 6th, just one short month ago. I would only point out to them that this H.O.M.E. bill, with the transfer tax funding provision, was referred to committee in this House on March 13th, nearly two months before the Part I Budget was passed. In effect, every reasonable opportunity was available for the minority party to amend

this into the Part I Budget either in committee or on the floor of the House. Unfortunately, since no effort was made to do so at the appropriate time, I can only assume that this is nothing more than a convoluted, self-serving debate tactic for the focus of the media. The more that I think about this, the more that it bothers me. Is there not an inherent responsibility in each legislator, that if you are going to support a policy for the state, that you would also support a funding mechanism? Since the minority has failed in its responsibility to propose any budget cuts or reauthorization in a timely fashion, or for that matter, any alternative funding programs, it reminds of the speech given by the Representative from Bangor of a prior legislature. "There is something going on here, I can't put my finger on it but there is something going on." I think many of you will recall that speech and it reminds me today, that there are undercurrents that something is going on here and I think I can put my finger on it today. The minority has finally fully recognized the responsibility of the Democratic Party. This H.O.M.E. program is so important to the people of Maine that the majority party, as reflected in the Majority Report, will guarantee that this program will be funded. Apparently, the minority party recognizes this commitment to funding and decided if the majority party will lend its support to this funding package, political hay can be made.

Ladies and gentlemen, that is where we stand today.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, I would appreciate it if we could keep partisan politics from this.

The SPEAKER: The Chair would advise the Representative that partisan politics is what makes this legislature operate. We are elected on the basis of political parties and it is entirely a proper issue to be discussed in this process.

The Representative from Portland, Representative Higgins, may continue

Representative HIGGINS: Ladies and Gentlemen, that is where we stand today, absent any structured, viable alternative funding source. It reminds me of actress Lily Tomlin, when she portrayed that telephone operator responding to the complaint of a customer by saying: "we don't care, we don't have to" and that is what the minority is playing here for a role today. I contend that if the H.O.M.E. policy is good enough to support it, it is good enough to fund.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good Chairmen of the Taxation Committee that the H.O.M.E. program of the Maine State Housing Authority has proved successful in helping thousands of first time Maine home buyers and I will try not to be convoluted or self-serving in my remarks that I am going to make.

The program offers a lower interest rate at a long 30 year term, which is designed to reduce the monthly mortgage costs. The fixed rate assures payments will not increase in future years, unlike many conventional mortgage loans now available. The loans also require smaller down payments than conventional loans. These features make the H.O.M.E. program ideal in assisting Maine families buying their first home.

This proposal would allow an important ongoing program to continue by appropriating \$2.3 million in fiscal 1985 and 1986 and \$2.1 million in fiscal 1986 and 1987. I have no argument with the assertion that these funds are necessary if the H.O.M.E. program is to continue. I do object, however, to Section One of

the bill. This section provides for a tax increase and a dedication of the revenues from the tax increase. This tax is proposed to be placed on the buyer of real property by levying a real estate transfer tax on that buyer. Members of the 111th Legislature passed a similar real estate transfer tax on the seller of real property at their Special Session in September of 1984 although revenues from that tax increase were not dedicated to any specific program.

First, this is a tax increase that will increase closing costs for people purchasing new homes. The tax will directly tax those very people we are attempting to help by the H.O.M.E. program, people who are trying to be able to afford a new home.

Second, this is a tax increase coming at a time when general fund revenues have increased from \$756 million in fiscal 1984 to an estimate \$832 million in fiscal 1985 and it recommended \$923 million in fiscal 1986. With such enormous increases in revenues, I cannot justify a tax increase and dedicated revenues in order to continue operations of this program.

Third, this is a tax increase that is not needed. There are surplus revenues anticipated for the general fund available right now. Here are some examples of new monies as a result of current or prior legislative action. There is \$2 million that will lapse to the general fund on June 30th that is available when the decision not to build a university campus in Lewiston-Auburn. There is three-quarters of a million dollars available this year and a projected \$1 million available next year through changes in securities registration. There is approximately \$1.8 million that will be available this year and \$2.1 million that may be available next year through the new Tri-State Lottery.

Please vote against this tax increase and please vote no on acceptance of the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Higgins, I would like to fully agree with him that this is one of the most popular programs we have but since the inception of this program, it has always been in the Governor's Part I Budget or funded through general funds. In September, as the Representative from Cape Elizabeth said, we raised the real estate tax and that is why I am on the Minority Report. I don't approve of coming back within a year and hammering the same people.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I was interested in the remarks of the good gentlemen from Portland. I was at the other end of the hall and I took great exception to what I heard coming from him and decided that I ought to come down and defend what I consider to be an unfair position from him.

I would like to remind the House that, at least from my standpoint as a member of the minority party and also as a member of the Appropriations Committee, that we were not informed that this money was not in the Part I Budget. To my knowledge, the majority party members of the committee were not informed, or if they were, they made no attempt at all, that I am aware of, to put the money in the Part I Budget themselves. I think that that pretty well describes where we all were on the Appropriations Committee. Now, he indicated that the bill had been referred to committee in March and that we had all this time. I would remind the gentlemen from Portland that, as I recall, it was less than two or three weeks ago, when he came down to meet with us and explain to us at that time that the money wasn't in the Part I Budget. So, I guess I would say

to him, why weren't we made aware of it earlier than two or three weeks ago? The Governor chose not to include it in his Part I Budget, that sort of reminds me of what happens at the local level because it is a popular program, when cuts have to be made in the school budget and they cut out the football team or the band. That is the sort of an idea that I see coming across here today.

I would like to try and focus and take the high road on this issue if I might. I resent the implications that this, somehow, is methods of madness by the minority party. I would suggest to you that the tactic that has been taken by the gentleman from Portland, Mr. Higgins, is one of instilling a partisanship nature in this particular issue in attempt to try to pass it. If you want to do that, that is fine, you certainly have the votes to do it but I would like to regress from that partisanship and suggest to you that we focus on the issue today and the issue is, does the program continue by increasing a tax or out of current revenues? I would suggest to you that if it is such a great program, that it should have been in the Part I Budget, but being the fact that that is not accomplished, that we ought to consider putting it in the Part II Budget, which we haven't begun to work on yet or we can pass this bill, as the minority members have suggested, and let it sit on the table and be funded with everything else. I see no real reason for doing anything but that. The Governor chose to leave it out of his budget — I am not willing to go on the line and say, we ought to raise taxes, a particular tax which we have already doubled, in this year again to fund that program. If it is not fair, we could rectify it and I hope the gentlemen will refine his remarks and refrain his remarks to the issue at hand.

I would ask for the yeas and nays, Mr. Speaker.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I am sure that the gentleman from Scarborough is correct, when you watch the board on the yeas and nays on this issue, there will be a number of members in the minority party that will vote for the Majority Report. Far be it from me to bring any partisan overtones into this discussion but I think it is an amazing thing to have a member of the Appropriations Committee stand up here and say, we would have put this in the Part I Budget but we didn't know that it wasn't there and we had to be informed by a member of the Taxation Committee that it wasn't. That is an amazing confession. I would hate to have to stand here and tell this House that I knew that little about what was going on in my committee. I think that the Democratic members of the Appropriations Committee are ready to make a commitment to this program as it is presented in the Majority Report. The Appropriations Committee is a very powerful, prestigious and very responsible committee. We rely on them for a lot here in this House. We look to them for a lot of things but I think, every once in awhile, the Taxation Committee or the Business and Commerce Committee or this House in general, has to stand on its own two feet and say whether we are committed to a program. Members of my party who serve on Appropriations Committee are ready to make a commitment here today on a roll call vote for the H.O.M.E.

I guess I would direct a question to the members of the minority party on Appropriations and ask you if you are willing to stand up here today and guarantee to me, guarantee to this House and a guarantee to the people of the State of Maine, that you will fund the H.O.M.E. program Part II, guarantee it, not that it is a priority, not that you like the idea, not that it is nice, guarantee it to me that you will fund it, that is what I want to know

because I think that the Representative from Portland, is exactly right. If this Majority Report fails here today, the H.O.M.E. program will die. That is the situation that bothers the majority members of the report in a situation that is of apparently no concern to the people on the Minority Report.

We all know what this program does. I will stand here today and press my button to make a commitment. How committed is the minority party of the Appropriations Committee?

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the strong proponents of the H.O.M.E. program. I voted for it, I have supported it and I think it is a wonderful program for the people of the State of Maine. Not only is it a good program for the people who buy the homes, it is an excellent program for the people who are working in the state, the carpenters, the plumbers, the people who are selling the land, it is a great program and it should continue. But I would like to ask the question, what about the \$40 million bonds that just came in yesterday for the H.O.M.E. program? Why isn't that sufficient to take it along? I don't think you need this tax at all. I am opposed to the tax.

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

Representative HIGGINS: In response to the question raised by the gentleman from Cumberland, \$40 million will last us less than half a year. We are looking to the future for the next two years in setting our budget.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: As much and as good as the program is, when you take \$40 million and you leverage that through your banks, you are talking about a grand sum of money.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to speak on this issue but I keep hearing references to the fact that this item should have been included in the Part I Budget, that we should have been informed, that it was not in Part I. Part I was submitted to us by the Governor and, according to the Constitution of the State of Maine, the Governor is charged to present a balanced budget. When he chose to present the budget the way he did, contrary to common knowledge none of us were aware of it, it is true that it was never formally discussed in committee but we were aware of the fact that it was not in the Part I Budget, like many other items that were not in the Part I. The change in the format of the unified budget system and the priorities of the Governor presented us a budget that had many things that were not in it. I think the Taxation Committee has come up with an excellent proposal to fund this program and I think we ought to support it.

The issue here, I believe, is quite clear, it is in my mind, not a question of whether it should be in Part I, the issue is, do you want to vote for a tax to support this program? I think that is the clear issue. When I press my button, I will be pressing my button for the H.O.M.E. program.

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 Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the majority of the members of this House would go against the Majority Report, reject it and go on to accept the Minority Report. We have listened to the debate quite intently this morning and we have seen some language come from the other side of the aisle condemning the position of the minority party of this House as to their position in regards to this program. I am not going to stand here and defend my position because I don't think I have to defend my position.

A month ago, we passed a budget in this House, a budget which had a substantial increase from the previous budget. I believe it is somewhere in the vicinity in one year of about \$141 million and I don't recall what the excess was in the other year. We have listened to the testimony this morning that there are funds available to fund this program, funds that have been freed up, that were previously committed and, due to voter rejection of a bond issue in the Lewiston—Auburn area, there is \$2 million freed up in this year of the biennium. It reverts back to the general fund on June 30th.

We have also learned in the last month that the State of Vermont and the State of New Hampshire and the State of Maine have agreed to combine themselves to a regional lottery, which will bring into the state somewhere in the vicinity of about \$1.8 million in the first year and \$2.1 million in the second year. We also have been informed that there is a bill in Business Legislation which deals with reframing the registration fees and laws to securities. So, ladies and gentlemen, before you push that button this morning, I want you to ask yourself, do we really need a tax increase, a new tax, a tax on those people that you are trying to assist and a tax, not only on those people, but a tax on the people with the least ability to buy a house in this state, the people below \$16,000 — you are going to subsidize attorneys, young professionals, everyone to the tune of an adjusted gross income of \$28,000 a year. You are going to tax those people that are \$7,000, \$8,000 and \$10,000 equally to fund that program. I ask you this morning, the majority members of the Taxation Committee, for those people who can't qualify for those programs, is that fair? I ask the rest of the members of this body, is that fair, when you have better than \$4 million setting in this year of the biennium and approximately that same amount in the second year of the biennium to pass a tax increase onto the citizens of this state? If that is fair, you people vote yes but this is one gentleman who is going to vote no because the funds are there to fund the program. I just hope that has been indicated this morning by the gentleman from Portland, Representative Higgins, that the majority party is the party who represents the people. Well, Mr. Higgins, I represent a constituency and I represent the rest of the people of this state, I represent all economic and geographic and social classes. I think this is unfair when you have got the money there to fund the program.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: The gentlemen from Harrison asks if this is fair. I guess I would like to address that. I think it is very fair that this government, the federal government, has, over the years, offered programs to provide affordable housing to low and middle income Americans and low and middle income Mainers. Is it fair to charge a tax to pro-

vide those programs? I would answer yes. How do you think FMHA programs are funded if they aren't funded through a tax. How do you think the Maine State Housing program, the H.O.M.E. program, was funded when it was in the Part I Budget? Where does the money come from for the Part I Budget? It is not manna from heaven, it is a tax. We charge a tax in order to provide these programs. This government, over the past 50 years, has stood for providing decent affordable housing to the people we represent. I think that is more than fair.

The gentlemen says that because of the recent vote in Lewiston and because of the Tri-State Lottery and because of securities and because of a whole lot of other things, money is there, we can afford this, we can fund it, but I stood here not ten minutes ago and asked for a commitment. I never got an answer and I don't suspect I will. The fact of the matter is, as the gentlemen from Harrison well knows, even with this additional money he cites, the Appropriations Committee still faces a situation where they have far in excess an amount of revenues requested than they have available to them.

Like some of the other people who have spoken against this Majority Report, the gentlemen has made references to the fact that he feels this should have been in the Part I Budget. I think that when we vote on this, we should have a clear head in a clear chamber. I think we ought to clear that smoke out of here.

For somebody to stand up here, a month after the Part I Budget is passed, and suggest that this should have been in there, is ridiculous. Where was the bill from Representative Jackson to put this in the Part I Budget? Where was the bill from the Republican members of the Appropriations Committee, where was their amendment in committee, their amendment on the floor, where was Republican leadership, if you felt this should have been in Part I, then you should have put it there. To stand here today and say you didn't know it wasn't there is just equally ridiculous.

I can't believe some of the arguments I am hearing on this. The fact is that you are either committed to this program or you are not. You can fill this chamber with all the smoke you want about it should have been here and it should have been there but no attempt has been made by the minority party to put it there until now, today. We are standing here June 6th, and we are going to slide this into Part II, but no member of the minority, who is on Appropriations, has stood up and committed that they would definitely fund this program if it is sent down that way. I think you have to regard those arguments as somewhat suspect to say the least. I think it brings up the issue of what we represent in this House, what we stand for. I stand for support of the programs that provide affordable housing to low and middle income Americans and low and middle income Mainers. No, I don't mind passing a tax to fund them because they say we have ever funded them otherwise is ludicrous.

Like the Representative from Winslow, when I press my button, I will be firmly behind this program and the people that it helps.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I have been here since the inception of the H.O.M.E. program. From the beginning, this program was always going to cost us money. We have sort of ignored that. So, I didn't see it there. I knew there was a bill out to increase the tax to fund it. I am not in favor of either one of these things. I don't want to take it out of the general fund and I don't want a tax increase. I would like to see the H.O.M.E. program fend for itself. Has the Taxation Committee looked at — I just happened to get this little blurb — the seller

is charged three points at the time of closing. The buyer isn't charged points. Have you ever looked at charging people that use the H.O.M.E. program points at closing to finance the program? Is that something that has been kicked around? I don't know, but I really would like to see the people that are getting this wonderful deal, 9.8 financing, I don't think the people that can't use should have to pay for it. Now, it is as simple as that. I mean, look at the whole program and see if you can't make it pay its own way. I am not being partisan, nonpartisan, apartisan or anything.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: Much of the debate this morning has focused on the Appropriations process in the Part I Budget. I knew the H.O.M.E. piece of legislation was out early this year. I am also aware of an alcoholism service program that is out this year. Both happen to be proposed being funded by a tax.

One thing that has irritated me for some time, sitting in Appropriations, is that we do not have all of the state's funding requests before us all the time so that we can make priorities. There are, in my opinion, in the Part I Budget, some lower priority programs. If you ask each member of Appropriations, I am sure that there are areas of the Part I Budget that they could live without. My approach to that process has always been listening to the debate, the need that is before us, and establishing what should be funded and what should not be funded. It is true that in the past the H.O.M.E. program has been funded in Part I. To me, that signifies by the Governor of this state that that is a priority program that should be funded.

Something smells a little fishy to me all of a sudden. This morning in our caucus we started talking about an education plan which we passed in September. At that time, there was much debate about — was that properly funded? The Part I Budget saw significant increases this time, 5.6 percent of that 18 percent increase was due to the actions of both bodies in September. Was it properly funded? The jury is still out on that but what we saw was a number of very popular programs we sent to taxation that depend on a tax. We never had the opportunity to look at those requests in regards to the other things that we funded in Part I.

Representative Cashman asked a question to the members of the minority of Appropriations. Fortunately to this point, Appropriations has been unanimous in its deliberations and I hope we continue to be that way because there are some very important needs before our state that requires money.

Representative Cashman has heard from Representative Foster and Representative Higgins from that Committee. My answer to his question is, I don't know whether I would support funding that at this point, and I see a grin on his face, and why I say that, I believe in the Part I Budget that we can go in and deapropriate. I am not sure that is the most important thing to fund in this state. It is a basic skeleton by which state government operates and the important needs of this state are placed.

I would be willing to go back in and make a judgment of whether the H.O.M.E. program is more important than some other items in that budget. I am willing to take a look at the requests in the Part II Budget and the money that is before us to make deliberations on and say, is the H.O.M.E. program more important than some of the bills that are on the table, that legislators in this body care that are funded? It is only fair that we do that. We are here to represent the people of this state. They sent us here to represent the people of this state. They send us here to make those kinds of decisions. The question before us in my mind to-

day is whether, at this point, we are willing to support a tax increase, a tax that we doubled in September to fund an education package, a tax that we are not only doubling again on the part of the buyer but on the part of the seller. Before I am ready to make a commitment to raise that tax, I want to see where the H.O.M.E. program fits with the rest of the spending priorities that we have.

I am not trying to evade the issue. I think it is only fair. An 18 percent increase in the Part I Budget, we have a Part II Budget before us and you people know how many important funding items we have on that table. Well, let's be honest, what are the important things to fund in this state and what aren't and how are we going to pay for them?

Today, I will be voting against the Majority Report out of Taxation because I don't think that we have taken the formal opportunity to discuss and debate that in our committee.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am going to speak as one member of the Appropriations Committee. I don't know whether the other people knew or didn't know whether it was in the Part I Budget. I knew it wasn't in the Part I Budget and I didn't fight for it because it wasn't a high priority in my thinking of what should have gone in the Part I Budget. As far as the Part II Budget, it is still not a priority to me.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I have certainly done a lot of soul searching with this L.D. and I am not sure that it should be rightfully in the Part I Budget. I bought my old rundown farm house in 1969 and goodness knows, I never intend to buy another one. I feel that the H.O.M.E. program certainly benefits everybody that buys a home except perhaps those of you who are fortunate enough to be considered a cash buyer. I prefer to think of this bill as perhaps a truth in banking bill. Anytime there is a large block of capital out there at competitive interest rates, I think it tends to keep the banking industry competitive. If any buyer can save one-half percent on a \$50,000, twenty year mortgage, he has saved himself \$2,552.07 in interest.

I urge you to support the Majority Report.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Harrison, Representative Jackson, indicated that there was all types of money available to fund this program rather than use the transfer tax increase as a means of funding it. Now, the minority proposal, as I see it, calls for \$2.3 million the first year and \$2.1 million the second year. I presume this is going to be an ongoing cost.

As I looked at the figures, the latest figures that we have, it indicates what we have for money to deal with is currently \$7,579,000 at the end of the fiscal year 1986 and \$401,710 and the end of fiscal year 1987. If you combined them, that is a total of \$8 million. Assuming that we fund everything that is in the Part II, and we have received an additional request from the Governor's Office to incorporate into the Part II an additional request for \$4 million. That doesn't leave many dollars left for the other programs that everybody wants to fund. I have to agree with many members of this body when they vote on this issue, they are going to have to be voting their priorities. I have already indicated where my priorities lie. I am going to push my button to fund this program. I hope all of you do likewise.

I think it is unfair to stand here and indicate that there is all kinds of money available. The fact that one of the conditions for the University of Maine, Lewiston allocation has been abrogated, only releases \$2 million. That is a one shot deal, that is all it is. It is not an ongoing thing. It cannot fund all the requirements that we have in appropriations and on the Appropriations table. We are not going to have adequate funds to meet all the priorities that everyone has in these hallowed chambers. We are going to have to make a decision. I suggest to you that here is an opportunity to fund the program by a tax that is part of the program. It is not too unsimilar to other programs that are funded by the users. I would urge you to vote to fund this program as recommended by the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I would like to pose question through the Chair please.

I would like to pose a question to the Chairman of Appropriations. If this goes down to Appropriations and has to abide with bills on appropriations and it is not passed, what will happen to the program as we know it today?

The SPEAKER: Representative Clark of Millinocket has posed a question through the Chair to Representative Carter of Winslow who may respond if he so desires.

The Chair recognizes that Representative.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that I can say to answer my good friend's question is that, if the program is not funded, it will terminate.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I had a little bit of a problem with this bill when it first arrived in my midst this morning but I think all has been taken care of with the debate on the floor. We have a program in existence right now that is beneficial to everybody in the State of Maine, particularly from the area I come from. I take home that brochure when it is given to us. I can't bring home enough of them. There are people out there who want to buy houses at this interest rate. I hope you really give it some thought today what we are going to be voating on and go with the Majority Report. There are people out there that need our help and I think we can do it with passing this bill. Don't kill the bill, keep this program going.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I will try to bring up some new issues this morning. I look at this Majority Report as starting or providing for the stability of a funding sources for this very, very worthwhile program. I stand here as a Representative of those little towns of Thomaston, Warren and Friendship where the future is starting to unfold. We are speaking about what I consider the great american dream with this program, the dream that we all have that someday when we grow up we will have a home in which to raise our family and which to live out our lives. I ask you, I urge you to support the Majority Report so that I and all the people of the State of Maine can have a piece of that American dream.

Representative Dillenback of Cumberland was granted permission to address the House a third time.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to delay this any longer. There are a great many programs coming before State Government and I made an error this morning when I said you could use this money for leverage.

They do not leverage the \$40 million that comes in. The money goes out directly. However, if you want to continue this program for a mere \$400,000, you could put out another bond issue and raise another \$40 million. If the people out there are willing to invest their money in tax free bonds to support the programs, why not put the program on its own basis and let it raise its own money?

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Many legislators have stood here today and talked about the economic benefits to the H.O.M.E. program and what it means to the many people in the state who otherwise would not be able to afford ownership of housing on their own. I will now take the opportunity to say that I, too, think the program is excellent. I also want to say that I think it is unfortunate that if, in fact, the program is as important to the economy and to the not so privileged of this state, then why is it being insinuated that is not a high enough priority item to receive funding on its own merit?

If you increase the real estate transfer tax or impose it on a buyer, as is now proposed, you would need an increase of this particular tax of 300 percent in less than one year. Last year, we went from \$1.10 to \$2.20 per thousand dollars of transaction imposed on the seller and now we propose that same tax on the buyer. I find it extremely difficult to go home and tell my constituents that I favored a 300 percent tax increase in less than one calendar year.

I also find it extremely difficult to go home and say that I didn't think the program was strong enough to stand on its own two feet on the Appropriations table. If it is not, then perhaps we should draw the line.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the Representative from Mt. Desert.

The Representative just spoke of a 300 percent tax increase. I wonder if he could give us the breakdown in dollars of what that 300 percent tax increase would be?

The SPEAKER: Representative Gwadosky of Fairfield has posed a question through the Chair to Representative Zirkilton of Mt. Desert who may respond if he so desires.

The chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than happy to give the breakdown. Under the former real estate transfer tax that was imposed upon the seller, it was \$1.10 per thousand dollars of transaction. We then changed that to \$2.20 per thousand dollars of transactions. Under this proposal, we would have an additional \$2.20 per thousand dollars worth of transaction, which if I am not mistaken, is four times the original \$1.10 figure, otherwise known as a 300 percent increase.

Representative Higgins of Portland was granted permission to address the House a third time.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I would like to address some points that have been brought up by various speakers. The gentelady from Ellsworth asked why points or some type of assessment couldn't be levied against the buyers since they no longer pay points. I would merely point out that what we are dealing with are federally authorized tax exempt bonds and, according to the Director of the Maine State Housing Authority, every passed on cost that is allowable under federal regulations has been used and therefore, these costs cannot be passed on.

Secondly, Mr. Dillenback asked, why don't we go through another bond issue of \$40 million. We can, if we fund it, we can. There are administrative costs — these are not the cost of personnel in the Housing Authority, these are the costs of bond counsel, underwriters, and the administration of sending these bonds out.

Lastly, to Mr. Zirkilton, I think it is clear why there is a real hesitancy to send this issue to Appropriations Committee because two of your house members on appropriations, I think, have made it very clear to us in the House today that it is not a priority, that you have no intention of funding it if it goes down there, that is why we are facing this today.

THE SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: To be quite frank about it, this isn't really an area of expertise for me. In listening to the debate, I have had a couple of facts come across real strong. It has been the concerns I have had ever since I have been here with the mathematics used in the Taxation Committee.

We hear my good friend from Old Town, Mr. Cashman, ask a minority member if he could guarantee that this would be dealt with in Appropriations. We just heard the gentleman from Portland say that two members of the minority party had just said that they wouldn't support it if it came back down to Appropriations. Gentlemen, I ask you one simple question, do you know the difference between a minority report and a majority in a system where majority rules? If you wanted to ask that question, you should have asked it to the gentleman from Winslow, Mr. Carter, who is the majority chairman of that committee, though at this point, there doesn't appear to be any need to ask Mr. Carter the question because he has already made it quite clear that he won't support it in Appropriations. So, if we are talking about being afraid to send it down to Appropriations, let's put it where it belongs, on the majority. The majority can do what they want to down there and what they said, quite clearly, is that they want this program, which is for the general good of the people, and I support the general good of the people, is to be funded by a select minority of the people.

Now, you come down to my district and you won't find many people who utilize this program. You know why? Because they can't afford it. They go to FMHA, the interest rate is lower. They don't make up to \$28,000, they make up to \$10,000 or \$12,000. What this tax is going to do is take those people who can't afford, who don't meet the guidelines to get into the H.O.M.E. program, and tax them so somebody making \$28,000 can go out and buy a four unit income property. That is not fair, that is not equitable, that discriminates. It discriminates against the people who can afford it the least.

If this program is that important put it down on Appropriations, raise a general broad base tax, I will support a broad base tax, but don't, don't tax the people who can afford it the least. To those who are using the program solely for financial benefit in order to in the long term increase their own equity and their own income, I urge you to support the Minority Report.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The points just raised by the Representative from St. George, I think underscore the concerns that have been raised by the members of my party as to the attempt by the minority to undermine a very worthwhile program. The gentleman said, and I quote as best as possible, "that the majority rules." It doesn't matter, in his opinion, as he

implied, that some members of the minority on the Appropriations Committee are not all that enthusiastic about providing funding for the program because the majority rules. It just points to the concerns we have had today over this legislation and legislation that we dealt with yesterday about the fact that some people in this body want to have things both ways. They want to have their cake and they want to eat it too.

Yesterday we talked about an issue where some people wanted increased marine patrol but they didn't want to provide the mechanism to fund it. Today, we are talking about the H.O.M.E. program, speaker after speaker has gotten up and said, the program is great, I love it, it is the best thing since soap but they don't want to provide a reasonable mechanism for funding it. They want to be able to go back to their districts and say, there is a program in place folks that will allow you to get home mortgages at a substantially reduced interest rate, yes, the legislature passed it. If you look at the fine print on the voting record, they don't want to be responsible for providing the mechanism to fund that program but they certainly want to take credit for it.

We have a program in place, as many speakers have said, benefits a substantial number of Maine people. For political reasons, we are jeopardizing the continuation of this program simply because some people want to put the burden, the responsibility, of adequately providing funding mechanisms for this program on the majority party. Take it? Sure they will take it, they want to take it back home and run on it. But when they are criticized for raising taxes, they want to point the finger in the other direction. I think if we want to act responsibly as legislators, if we truly believe that this program is a good one, one of the few programs we provide for the people of Maine, the middle income citizens of this state then you will do both things, you will continue the program as should be and you will provide the mechanism that funds it.

What we have before us is a very reasonable, very well thought out proposal to do that. To suggest that it goes to the Appropriations table is ludicrous, every member knows that we have demands that are ten times greater than what the state is going to be able to deal with. We have something that is a very relatively painless way of funding a program. It is not as the gentleman from Mt. Desert suggested, a 300 percent increase in the real estate transfer. If you look at it in very broad terms, maybe you could make that justification but in fact, what this is doing is establishing an entirely new category distinct from the areas that we addressed last time. For that reason, the burden is not going to be 300 percent greater on those people, whom he referred to, we are talking apples and oranges.

We have a bill before us now that has been discussed, both in committee, in the press, and at great length today on the floor. I doubt that there is anybody here whose vote is going to be swayed by any further argument on this issue. All I am asking you to do as Representatives of the people of your district, is to look at your responsibilities — if you feel the program is important to maintain, then you support the bill; if you don't, then don't support the bill, that is the question, that is the bottom line.

THE SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I think the Representative from Bangor, Representative Diamond, has hit the nail right on the head, only I think he hit his own head instead of ours.

The idea of the program and its merits now versus a few years ago, I think, are quite clear — the program originally was funded by the general fund and now is not or is proposed not

to be. You talk about having your cake and eating it too — isn't that exactly what you are trying to do? You want the money that is down on the Appropriations Committee to be used for other things and you want to impose this transfer tax on the people who are buying real estate — isn't that having your cake and eating it too? Having a program funded by others is a form of tax increase which, by my calculations, works out to be 300 percent. Perhaps we could discuss the mathematics later on. Yet, having the money that is in the Appropriations Committee and the Part I Budget, 18 percent of \$141 million that the gentleman from Harrison referred to and yet not being able to find the money for the H.O.M.E. program and that absolutely astronomical increase in the Part I Budget. If the program is not strong enough to stand on its own merits, then we really shouldn't be talking about it right now.

THE SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think it is unfortunate that members have attempted to make this House believe that the program is going to die and that, I and members of the minority party, and I don't know how anybody on the Majority side feels, but at any rate, don't vote for the Majority Report, then the bill is going to die and the H.O.M.E. program is no longer going to be funded. That is not the position that I am taking as a member of the minority party and I will speak for myself.

The gentleman from Bangor, Representative Diamond, spoke about responsibilities and I concur with the gentleman about responsibilities. We were elected to come down here, to exercise our responsibility for the people of the districts that we represent. Part of that responsibility is prioritizing requests for the good of the people and what I am saying is as a member of the minority party is that I believe strongly in the H.O.M.E. program, that it ought to stand on its own two feet and it ought to go through the process as everything else has, other than what has been in the budget. Now, if the Governor is not committed enough to put the program into the budget, then I don't feel totally blameless for the action that I am taking today. I am simply saying that, what ought to take place is, that particular program ought to go to the Appropriations Table and it ought to be looked at with the other bills that are down there. At that point in time, if there is enough support for the program and there is not enough money to fund it and there are not funds available in the budget or somewhere else to deappropriate, then we ought to bring it back up here and ask members then — are you willing to pay for it with a tax increase? In the next fiscal year, we are going to have about \$90 million increase in general fund revenues. I find it somewhat hard to believe that there isn't \$2 million there to pay for it. If there is not, fine. This House and the legislature needs to prioritize its spending. We heard a lot about that during campaigns but when we got up here, we take the easy road out. What I am saying as a member of the minority party is, send it to the Table; if there is not enough money there to fund it, then talk about a tax increase as a last resort, not as a first resort, and that is what you are doing here today.

THE SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Higgins, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 153

YEAS:—Aliberti, Allen, Beaulieu, Bost, Boutillier, Brannigan, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin,

Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Roberts, Rolde, Rotondi, Rydell, Simpson, Soucy, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Salsbury, Scarpino, Sherburne, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Baker, H.R.; Brodeur, Kane, Michael, Racine, Rice, Rioux, Ruhlin, Seavey 77 having voted in the affirmative and 65 in the negative with 9 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once and assigned for second reading later in today's session.

Consent Calendar

First Day

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

(H.P. 1008) (L.D. 1456) Bill "An Act to Amend the Laws Concerning Immunity so as to Address Juvenile Crime" Committee on Judiciary reporting "Ought to Pass"

(H.P. 552) (L.D. 824) Bill "An Act Concerning Access to Medical Care for Persons without Adequate Health Insurance" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341)

(H.P. 212) (L.D. 246) Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-342)

(H.P. 1020) (L.D. 1473) Bill "An Act to Allow the New Spouse of a Remarried Retirement System Member to be Covered After the Member's Death" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-343)

(H.P. 74) (L.D. 95) RESOLVE, Creating a Joint Select Committee on Economic Development (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-344)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

On motion of Representative Paradis of Augusta, the House moved to reconsider its action whereby Bill "An Act to Allow the New Spouse of a Remarried System Member to be covered After the Member's Death" (H.P. 1020) (L.D. 1473) was passed to be engrossed.

Whereupon, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (H-343) was read by the Clerk.

Representative Paradis of Augusta offered House Amendment "A" (H-347) to Committee Amendment "A" (H-343) and moved its adoption.

House Amendment "A" (347) to Committee

Amendment "A" (H-343) was read by the Clerk.

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

Representative PARADIS: Mr. Speaker, Members of the House: Very briefly, the reason I proposed House Amendment "A" to Committee Amendment "A" is that the gentleman from Augusta, Representative Hickey and I, sponsored the original legislation. It came about from a problem of a former constituent from Augusta whose spouse had died. He had been a retired police officer and, in passing the original bill, the gentleman in question is 71 years old and I just confirmed that by phone earlier today and I would like to give him an opportunity to consider the legislation.

If you read House Amendment "A", it is very brief and gives a 30-day window for anyone who is 71. He may not decide to use it as the cost would be prohibitive but, in all fairness, I think it only fair to offer him an opportunity to consider the legislation. I am operating under the unanimous agreement. I have contacted, I believe, eight out of the ten members of the Aging, Retirement and Veterans Committee. There are two members in this row that I have had not a chance to talk to. If they have any objections, I will have this matter tabled but I urge its adoption.

House Amendment "A" (H-347) to Committee Amendment (H-343) was adopted.

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

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

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

Passed to Be Enacted Emergency Measure

An Act to Encourage the Development of Solid Waste Energy Recovery Facilities in the State of Maine (S.P. 498) (L.D. 1359) (C. "A" S-207)

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 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Safety and Sanitary Conditions on Railroad Property (H.P. 112) (L.D. 137) (C. "A" H-320)

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 3 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning the Provision of Certain Reports for Court-Ordered Examinations (H.P. 947) (L.D. 1356) (H. "A" H-315)

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. 109 voted in favor of the same and 1 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities (H.P. 952) (L.D. 1371) (S. "B" S-205)

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. 109 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 Relating to Night Court Sessions for Small Claims Court (S.P. 324) (L.D. 813) (H. "A" H-299 to C. "A" S-163)

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

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I won't take up too much time debating this but I just want to point out two things about this bill. One, there is no emergency enactor on it; therefore, the nightcourts will end as of June 30th, I believe, and they will not resume until 30 days after the session ends.

Second, the majority of the Judiciary has found that the nightcourt system is just not all that important to the public. It is not all that helpful and, therefore, they have not been in favor of it.

Lastly, I think this is not a people's bill in the sense that it is going to help the poor people who are dependent upon the use of a off hours court, namely a court that meets outside of business hours. This is a collection agency court and it would benefit the people who are out to collect bills rather than those who are up against it.

For those reasons, I would ask that you defeat this legislation and I would ask for the yeas and nays.

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 Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: We overwhelmingly passed this bill a couple of days ago and I hope you will continue to do so today.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 154

YEAS:—Aliberti, Baker, A.L.; Beaulieu, Bott, Boutilier, Brannigan, Brown, A.K.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Coles, Connolly, Cooper, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Drinkwater, Duffy, Erwin, Farnum, Foss, Greenlaw, Gwadosky, Hale, Handy, Hayden, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Manning, Martin, H.C.; Matthews, McCollister, McGowan, McHenry, McPherson, Michaud, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Randall, Reeves, Richard, Roberts, Rolde, Rydell, Sherburne, Simpson, Smith, C.B.; Smith, C.W.; Stevens, A.G.; Stevens, P.; Stevenson, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Willey, The Speaker

NAYS:—Allen, Armstrong, Begley, Bonney, Bost, Bragg, Brown, D.N.; Connors, Cote, Crouse, Foster, Harper, Hepburn, Lord, Master-

man, Mayo, McSweeney, Melendy, Mills, Moholland, Nickerson, Paradis, E.J.; Parent, Pines, Priest, Ridley, Rotondi, Salsbury, Small, Soucy, Sproul, Stetson, Weymouth, Zirkilton
 ABSENT:—Baker, H.R.; Bell, Brodeur, Cashman, Dillenback, Kane, Kimball, Michael, Racine, Rice, Rioux, Ruhlin, Scarpino, Seavey, Strout

102 having voted in the affirmative and 34 in the negative with 15 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Courthouse Addition, Capital Improvements to the Existing Structure and a Relating Parking Facility (S.P. 547) (L.D. 1460) H. "B" H-251 to C. "A" S-160)

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

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

Representative CARTER: Mr. Speaker, I would like to pose a question to the Chair.

Mr. Speaker, according to the information that I have, the Statement of Fact on this bill indicated that it is the legislative intent that the judicial department will lease this court space for 20 years and, if that is the case, the lease requires \$607,000 annually. My question is, I fail to find that anywhere on the current document is this bill in violation of Joint Rule 21 that requires a fiscal statement?

The SPEAKER: The Chair would inquire from the Representative from Winslow, Representative Carter, or any other member, whether or not it is the intent of this legislation to require the lease payment to be paid by the state or to be paid by the county?

The Chair recognizes the Representative from Bar Harbor, Representative Salsbury.

Representative SALSBUURY: Mr. Speaker, at the hearing on the Cumberland County Courthouse bill, the court administrator as well as Judge Clifford, testified that the court would be paying the expenses of the bond. At that time, they said approximately \$600,000 a year.

The SPEAKER: The Chair would then interpret that to mean that the state would be responsible for the lease. The Chair will rule that the bill is in violation of the rules.

The matter will be returned to the Engrossing Department so that an amendment can be prepared to put the fiscal note on the bill.

The matter is ruled improperly before the body pursuant to the rules.

An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings (S.P. 568) (L.D. 1496) H. "A" H-326 to C. "B" S-175)

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.

An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance (S.P. 555) (L.D. 1501) C. "A" S-192)

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

On motion of Representative Diamond of Bangor, tabled unassigned.

An Act Defining the Authority of the Bureau of Insurance in Testing, Licensing and Continuing Education (S.P. 583) (L.D. 1532) S. "A" S-201 to C. "A" S-183)

An Act Relating to the Maine Self-Insurance Guarantee Association (H.P. 215) (L.D. 249) C. "A" H-319)

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.

An Act to Control Acid Rain (H.P. 263) (L.D.

317) H. "A" H-300 to C. "A" H-273)

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

On motion of Representative Coles of Harpswell, under suspension of the rules, the House reconsidered its action whereby L.D. 317 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-273) as amended by House Amendment "A" (H-300) thereto was adopted.

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

On motion of the same Representative House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-350) to Committee Amendment "A" (H-273) and moved its adoption.

House Amendment "B" (H-350) to Committee Amendment "A" (H-273) was read by the Clerk and adopted.

Committee Amendment "A" (H-273) as amended by House Amendment "B" (H-350) was adopted.

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

An Act to Establish a Kennebec County Budget Advisory Committee (H.P. 300) (L.D. 389) H. "B" H-293 to C. "A" H-155)

An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife (H.P. 408) (L.D. 561) H. "A" H-330 to C. "A" H-262)

An Act Amending Certain Provisions of the Maine Health Care Finance Law (H.P. 577) (L.D. 848) C. "A" H-323)

An Act to Protect Persons with Children from Discrimination in Mobile Home Rentals and Leases (H.P. 816) (L.D. 1157) C. "A" H-321)

An Act Relating to Disposition of State-owned Real Estate (H.P. 884) (L.D. 1241) H. "A" H-328 to C. "A" H-243)

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.

An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers (H.P. 1120) (L.D. 1616) S. "B" S-202)

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

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: Please remember that the purpose of registering home babysitters was to encourage location and numbers of children being cared for in homes. This bill will discourage these people from coming forward to register.

I would request the yeas and nays.

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 Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Members of the House: I think one of the most confusing parts of this whole issue is inform-

ing parents about what they are buying. I think up to this point parents have been confused as to what they are buying for day care situation. I think we owe that, as a state, in a state situation to give them that kind of information. So, I would urge you to reread the flyer that was distributed by Representative Pines, at the time this came up earlier, and to see the kind of information that we indeed do share with parents. I think it is the parent's responsibility to pick what they would like to have their children have. As long as they know the differences, I think we are doing what we should be doing for them and let them choose.

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

Representative NELSON: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, the motion before us would kill the bill. Is that correct?

The SPEAKER: The Chair would advise the Representative that the motion before us would enact the bill. The pending motion is enactment.

The Representative may continue.

Representative NELSON: Mr. Speaker, Men and Women of the House: I would urge the members of the House to vote for the enactment of this bill because it is very important that the consumer understand the difference between registering and licensing day care and that is very confusing. It is certainly confusing for the members of the committee and by changing the name to simply home babysitting, I think you establish the two different kinds of facility that would be made available. Therefore, you may not agree with all the parts of the bill but it is extremely important that this piece of legislation pass.

There was only one section of the bill that the Minority Report differed with the Majority Report. We have a Senate Amendment. I think, that clarifies that difference even more. It simply states the complaints, upon receipt of a complaint the department may, if it has reasonable cause to suspect that a violation of the certification requirements has occurred, investigating complaints against the provider shall have the right of entry at any reasonable time for the purposes of investigation. It modifies that concern, it makes it fair. Again, it is very important that the consumer know what they are about to purchase. So, I hope you will indeed enact this bill.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, A question of parliamentary procedure?

May I make a motion to indefinitely postpone this bill at the time?

The SPEAKER: The Representative may if she so desires.

The Chair recognizes the same Representative.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to vote against this motion.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As stated yesterday when we debated this bill, many people out there have a real dilemma when they are going looking at babysitting in the home. Babysitting in the home has two tiers, one is registered day care, one is licensing day care. I think what we have found is that licensing day care hasn't been told to the people who are going to the registered day care and that is one of the reasons why Representative Brodeur wanted to put on the home babysitting service simply because, when this bill was debated five years ago, he felt that we shouldn't have put on registered day care, we should have put on there home babysitting

service because the home babysitting service gives it a different name instead of registered. Registered gives it a connotation that it is licensed and it is not licensed. There are many different things between registered day care and a licensed day care. I think one of the main things that we tried to stress in our committee was to separate the two tier system to make sure that people out there really knew the difference between what they were getting in registered day care, which is now home babysitting service, and what they are getting in licensing.

Part of the bill stipulates that the person running the day care will have to spell out in writing just exactly the differences. If you want your people out there to know the differences, you would be voting for this bill. This bill spells it out and lets the people out there know the difference whether they want to be in a licensed day care or whether they want to be in a registered day care, whether they want to have rules and regulations or whether they don't want to have rules and regulations. This spells it out.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I urge you to vote against this. Remember, if we do vote it down, there is indeed a system here in place that is two tiered. The two tier system would simply have different names. One would be a registered day care and one would be a licensed day care. Truly, if there is a document that parents received as there is available now in DHS, we would urge that to be more fully distributed so that people will indeed know the differences. I think the difference, the major difference, however, that we are speaking of is giving the Department of Human Services an added in into our day care facilities.

Again, I would state that as long as they have it with the complaint, I think that is a safety which we all need and which we have now.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that people really care whether it is licensing or registration — what they really care about it that their child is going to be cared for in a way that is safe and secure. They are going to feel confident that the person taking care of their child is doing so in a manner that they approve of.

Oddly enough, most people have the ability to decide for themselves whether or not the person that they are entrusting the care of their child with meets their qualifications. I guess I have to admit that I am a bit confused at this point. We start talking about licensing, registrations and all of the rest and I would like to just address a very basic question to one of the proponents of this legislation, who would care to answer. If a parent of a child wishes to have the babysitter across the road, who has been babysitting for years, who might take in three or four children, that parent wished that person to continue to care for his or her child, what kinds of restrictions are going to be placed upon that individual by the state? Could somebody please address that question as simply as possible?

The SPEAKER: Representative Brown of Livermore Falls has posed a question through the House to any member who may answer if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The answer is quite simple, there will be a very little, if any, restriction placed on that nice lady across the street in Livermore Falls, to take care of those children.

The state has some basic parameters that apply to licensed homes now and to what we now call registered homes, we are changing those to home babysitting services. As a parent who has two children in a registered home now, it will now become a home babysitting service, I think this bill just gives us that much more clarification between those two types of services so the restrictions would be none.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure my question was answered. Did Representative Carroll tell me that there will be no restrictions on that person?

The SPEAKER: Representative Brown of Livermore Falls has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: In reference to Representative Brown's question, the lady who lives across the street in Livermore Falls, who would be available to babysit your child, would have no restrictions on her.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 155

YEAS:—Aliberti, Allen, Beaulieu, Bost, Boutillier, Brannigan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crowley, Daggett, Descoteaux, Diamond, Erwin, Gwadnosky, Hale, Handy, Hayden, Higgins, H.C.; Hillock, Hoglund, Jacques, Joseph, Kimball, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Roberts, Rolde, Rotondi, Rydell, Simpson, Soucy, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Paradis, P.E.; Parent, Pines, Randall, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Baker, H.R.; Brodeur, Crouse, Duffy, Jalbert, Kane, Michael, Racine, Rice, Rioux, Ruhlin, Seavey

73 having voted in the affirmative and 66 in the negative with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

RESOLVE, Authorizing the Sale of Certain Public Reserved Lands (S.P. 588) (L.D. 1545) (C. "A" S-193)

RESOLVE, Creating a Special Commission to Study Teacher Training in the University of Maine System (H.P. 644) (L.D. 914) (H. "A" H-306 to C. "A" H-302)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Both the Unorganized Territory and the Municipalities of the State (H.P. 1099) (L.D. 1607) (C. "A" H-313)

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.

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

Consent Calendar

First Day

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

(H.P. 1084) (L.D. 1575) Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-348)

(H.P. 692) (L.D. 987) Bill "An Act to Appropriate Funds for Emergency Medical Services in Maine" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-349)

Under suspension of the rules, Second Day Consent Calendar notification was given the House Papers passed to be engrossed as amended and sent up for concurrence.

The following item appearing in Supplement No. 6 was taken up out of order by unanimous consent.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801) have had the same under consideration and ask leave to report:

That the House Recede from Failing of Passage to be Engrossed; Recede from Adoption of Committee Amendment "A" (S-93) and Indefinitely Postpone same; Read and Adopt Committee of Conference Amendment "A" (H-351) and Pass the Bill to be Engrossed as Amended by Committee Amendment "A" (H-351) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-351) in non-concurrence;

The Senate Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (S-93); Recede from Adoption of Committee of Conference Amendment "A" (H-351) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-351) in concurrence.

(Signed) Representative BOST of Orono, Representative CLARK of Millinocket, and Representative SMALL of Bath — of the House.

Senator TUTTLE of York, Senator BALDACCI of Penobscot, and Senator STOVER of Sagadahoc — of the Senate.

Report was read.

On motion of Representative Clark of Millinocket, the Committee of Conference Report was accepted.

House receded from failing passage to be engrossed.

The House receded from Adoption of Committee Amendment "A" (S-93)

Committee Amendment "A" was indefinitely postponed.

Committee of Conference Amendment "A" (H-351) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee of Conference Amendment "A" (H-351) 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 yesterday, have preference in the Order 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 Reapportionment

Law" (S.P. 619) (L.D. 1630)

—In Senate, Passed to be Engrossed, without reference to a Committee.

(Committee on Reference of Bills had suggested reference to the Committee on State Government)

TABLED—June 5, 1985 (Till later today) by Representative HAYDEN of Durham.

PENDING—Reference.

On motion of Representative Nadeau of Saco, retabled pending reference and tomorrow assigned.

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

Bill "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" (H.P. 785) (L.D. 1118) (S. "A" S-179 to C. "A" H-231)

TABLED—June 5, 1985 (Till later today) by Representative DIAMOND of Bangor.

PENDING—Passage to be Enacted.

Whereupon, the Bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent.

Communications

The following Communication:

Finance Authority of Maine
P.O. Box 949
83 Western Avenue
Augusta, Maine 04330

June 6, 1985

The Honorable John L. Martin
Speaker of the House
State House, Station 2
Augusta, ME 04333
Dear Speaker Martin:

It is my pleasure to convey to you herewith the First Annual Report of the Maine Job Start Program. As required by P.L. 1984, Chapter 856, an annual report is to be presented to the first regular session of the 112th Legislature addressing both the experience of the program in its first year and a recommendation for future program funding. Based on current trends, an estimated 20 businesses will be started or expanded in the three Job Start Regions, representing employment for approximately 50 people when all pilot program funds (\$180,000) have been fully committed. It is expected that all funds appropriated in FY '85 will have been disbursed by June 30, 1985.

Sincerely,
S. STANLEY O. PROVUS
Chief Executive Officer

Was read and ordered placed on file.

The following Communication:
State of Maine

One Hundred and Twelfth Legislature
Committee on Fisheries and Wildlife

June 6, 1985

The Honorable John L. Martin
Speaker of the House
112th Legislature
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	56
Unanimous reports	49
Leave to Withdraw	13
Ought to Pass	6
Ought Not to Pass	14
Ought to Pass as Amended	13
Ought to Pass in New Draft	3
Divided Reports	5
Carry Over Bills (Approved by the Legislative Council)	2

Respectfully submitted,

S/ZACHARY E. MATTHEWS S/PAUL F. JACQUES
Senate Chair House Chair
Was read and ordered placed on file.

Tabled and Today Assigned

The Chair laid before the House the first Tabled and Today Assigned matter:

An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (C. "A" S-98)

TABLED—June 5, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the second Tabled and Today Assigned matter:

Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings (S.P. 218) (L.S. 577) (C. "A" S-176)

TABLED—June 5, 1985 by Representative ALLEN of Washington

PENDING—Motion of Representative STETSON of Damariscotta to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Representative Allen of Washington, retabled pending the motion of Representative Stetson of Damariscotta to indefinitely postpone and tomorrow assigned.

The Chair laid before the House the third Tabled and Today Assigned matter:

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013)

TABLED—June 5, 1985 by Representative HAYDEN of Durham.

PENDING—Adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto.

On motion of Representative Hayden of Durham, retabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and tomorrow assigned.

Bills Held

The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, is the House in possession of: Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (L.D. 1081) (H. "B" H-294 to C. "A" H-237) (In House, Failed of Passage to be Enacted)

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Representative Crowley of Stockton Springs, having voted on the prevailing side moved the House reconsider its action whereby the Bill failed passage to be enacted.

On motion of Representative Hayden of Durham, tabled unassigned.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, is the House in possession of: Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542) (H. "B" H-310)? (In House, Adhered to Passage to be Engrossed as amended by House Amendment "B" (H-310) in non-concurrence.)

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Representative Handy of Lewiston moved the House reconsider its action whereby the House voted to adhere from passage to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: Yesterday, we voted

to adhere to our former position of this bill and I hope that you will vote against reconsideration. As I told you yesterday, this bill came out of committee with several serious problems. The amendment that Representative Handy hopes to introduce still contains a major technical problem in terms of petitions for presidential electors. The bill came out of committee, I believe, in a form that the committee members did not understand and I hope that the House will vote against reconsideration so that we can adhere to our position of yesterday.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: I would hope that you would go along with the motion to recede and concur so that we can address this problem with this piece of legislation in a responsible and appropriate fashion. What we have to do is recede so that we can bring this bill to enactment and back it up and appropriately amend it.

This bill, as I understand it, originally came out of committee with a unanimous report. Then it was amended on the floor of this House and that amendment was rejected by the other body because it complicated some serious problems with it. What I seek to do is amend this bill so that we can address the needs of our two party system here in the State of Maine.

I think it is time that we do just that. I would hope that you would give me the courtesy of receding and concurring. I can present my amendment at a later time and you can vote up or down on that.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for reconsideration.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Handy of Lewiston that the House reconsider its action whereby it voted to adhere. Those in favor will vote yes, those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 14 in the negative, the motion to reconsider did prevail.

On motion of Representative Handy of Lewiston, the House voted to insist and ask for a committee of conference.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, is the House in possession of: RESOLVE, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802)? (In House, Receded and Concurred to Passage to be Engrossed as amended by Committee Amendment "A" (S-186) and Senate Amendment "A" (S-190).)

The Chair would answer in the affirmative having been held at the Representative's request.

On motion of Representative Bost of Orono, the House voted to reconsider its action whereby the House voted to recede and concur.

On further motion of the same Representative, the House voted to recede.

The same Representative offered House Amendment "A" (H-346) to Committee Amendment "A" (S-186) and moved its adoption.

House Amendment "A" (H-346) to Committee Amendment "A" (S-186) was read by the Clerk and adopted.

On motion of Representative Bost of Orono,

Senate Amendment "A" (S-190) was indefinitely postponed.

Committee Amendment "A" (S-186) as amended by House Amendment "A" (H-346) thereto was adopted.

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

Matters Pending Ruling

Bill "An Act to Clarify Taxpayers Information on Local Property Tax Bills" (H.P. 1070) (L.D. 1551)

TABLED—May 29, 1985 by Speaker MARTIN of Eagle Lake.

PENDING—Ruling of the Chair on Germaness of House Amendment "A" (H-183) under Joint Rule 37.

Representative Tardy of Palmyra withdrew House Amendment "A."

The same Representative offered House Amendment "B" (H-270) and moved its adoption.

House Amendment "B" (H-270) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-270) and sent up for concurrence.

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

Reports of Committees Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been Relieved of Their Duties (H.P. 899) (L.D. 1294)

Signed

Senators:

SEWALL of Lincoln
CARPENTER of Aroostook
CHALMERS of Knox

Representatives:

ALLEN of Washington
KANE of South Portland
MacBRIDE of Presque Isle
LEBOWITZ of Bangor
STETSON of Damariscotta
COOPER of Windham
PRIEST of Brunswick
DRINKWATER of Belfast
PARADIS of Augusta

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representative:

CARRIER of Westbrook

Reports were read.

Representative Paradis of Augusta moved acceptance of the Majority "Ought Not to Pass" Report.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: The reason I am asking you to accept the Majority "Ought Not to Pass" Report is that, if this Resolution to the constitution were adopted by this body and by the voters, I feel that a serious miscarriage of justice would probably occur. It would presume that a person is guilty before he is found guilty. I think one of the sacred tenets of our constitution is that you are innocent until proven guilty.

In our executive branch of government, a person is suspended from his work and then the case is brought forward and adjudicated. The person is not suspended from pay. The person would be fined afterwards. The person isn't suspended from pay immediately.

We presume that a person is innocent until he is found guilty. That is right for everyone and judges notwithstanding. They are citizens

too.

The judiciary branch of government is handling this problem and there are a few problems out there. I think they are handling the problem extremely well. There are cases that you have read of in the press and other areas, you know what is going on, and everything for this lay person is being done according to what we feel is the right and correct way. The Chief Justices and others are concerned about the problem and they are handling it judiciously and correctly.

The intent of this legislation is fine but I think the legislation goes too far. I think it would damage rather than solve the problem, it would create a problem. I don't think anyone wants to bend over backwards and create a problem, not for judges, not for legislators, not for executive branch employees, not for anyone. So, I urge you this afternoon to be very careful in considering this legislation and to adopt the Majority "Ought Not to Pass" Report.

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

Representative CARRIER: Mr. Speaker and Members of the House: I can see the writing on the wall when you get such a report. I can tell you that I am not going to deal on presumptions and presumption has nothing to do whatsoever with this bill. There is no presumption that the fellow is guilty. This bill is to correct some situations that have happened within the last two years, right up until recently. They make accusations against the judge for non-performance and all this stuff and actually they give them a paid vacation for two or three weeks or four weeks or more and I don't think this is right. The bill clearly states that, if he is found not guilty, that he will get paid at that time. It is a common thing today and everyday that people that are on salary actually can be suspended from salary even before they are found guilty, not only when the allegations are made but when the complaints are filed.

I submit to you that within the judiciary, there are a lot of correction to be made there. We have bills in there that have been there for two or three months but yet that bill was not held for me for a day or two or a week or two. I think I was entitled to that. I think there are people in this House and people within the Judiciary Committee that have the good judgment to realize that there is something wrong when you pay somebody. You are condoning something that they probably have done wrong. They have done wrong, the two cases that have come up were wrong. Somebody has collected up to three months vacation on it at one time or other but he was smart enough not to be corrected by this phony committee that they have, the overseers of responsibility of something there. He was smart enough to retire. He really played it right and I commend him on it. On the other hand, it is the taxpayers money. The way it is now, they are going to be up to \$50,000 a year, which means roughly anywhere from \$800 to \$1,000 a week. If they are suspended for a month or two, they are making good money. It is too bad it has to work that way. The committee is not functioning well, the committee that is supposed to correct these errors and pass judgment on whether the lawyer has done a good job or not or whether the judge has. I think that this is a very big problem. I don't want any part in approving what is being done in the Judiciary on that angle and you can go whichever way you want because, whatever it is, it isn't going to hurt me any. Just remember, all kinds of editorials have been in Cumberland County for weeks and months. I just received them this morning, that is why they weren't distributed to you. They make some sense. I have reservations about what the editorials say but they make some sense and, if you want to correct this system or any other system, but pay real close notice as to how the judiciary

operates. They do well in certain areas but, in other areas, it is all undercover. If you want some day to find out what it is all about, give me some good reason to get up here and tell you about it. So, you vote the way you want, I really don't care one way or the other.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Paradis of Augusta that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes, those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 25 in the negative, the motion to accept the Majority "Ought Not to Pass" Report did prevail.

Sent up for concurrence.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent.

Passed to be Engrossed

Bill "An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax" (Emergency) (H.P. 736) (L.D. 1045)

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

Representative Higgins of Portland offered House Amendment "A" (H-345) and moved its adoption.

House Amendment "A" (H-345) was read by the Clerk.

Representative Jackson of Harrison requested a roll call vote

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 Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to inquire about the need for this amendment. We have just heard a lot of testimony about the importance of the H.O.M.E. program and I agree that it is a very important program; therefore, I wonder why this amendment is proposing to strip off the emergency provisions?

The SPEAKER: Representative Webster of Cape Elizabeth has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative from Portland, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: As the good gentleness has put before the House, this House Amendment "A" repeals the emergency preamble. As the House is well aware, there is a need for 101 votes to pass the vote by emergency. If the earlier vote is any indication, this bill will fall short of 101 votes. Therefore, I have prepared this amendment.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. Does anyone know whether or not stripping off the emergency preamble in passing this bill by a simple majority will, in any way, cause a cash flow shortage for the H.O.M.E. program between now and when this bill becomes law?

The SPEAKER: Representative Zirkilton of Mt. Desert has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative

from Portland, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: As the good gentlelady has put before the House, this House Amendment "A" repeals the emergency preamble. As the House is well aware, there is a need for 101 votes to pass the vote by emergency. If the earlier vote is any indication, this bill will fall short of 101 votes. Therefore, I have prepared this amendment.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. Does anyone know whether or not stripping off the emergency preamble in passing this bill by a simple majority will, in any way, cause a cash flow shortage for the H.O.M.E. program between now and when this bill becomes law?

The SPEAKER: Representative Zirkilton of Mt. Desert has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative from Portland, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: In anticipation of the problems that might have been created by stripping off the emergency preamble, I have talked to the director of the Maine State Housing Authority. As I said earlier this morning, this is not a way of underwriting any of the administrative costs of the Maine State Housing Authority. It is the cost of sending bond issues out, the cost of bond council, underwriting and associated costs there. It is my understanding that a bond issue has just been sent out for \$40 million and there will not be a need to send out another bond within the 90 days under which this becomes law.

The SPEAKER: The pending question before the House is adoption of House Amendment "A" (H-345). Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 156

YEAS:—Aliberti, Allen, Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Roberts, Rotondi, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Salsbury, Scarpino, Sherburne, Small, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Baker, H.R.; Carrier, Chonko, Daggett, Duffy, Kane, Michael, Racine, Reeves, Rice, Rioux, Rolde, Ruhlin, Seavey, Smith, C.W. 73 having voted in the affirmative and 63 in the negative with 15 being absent, the motion did prevail.

Representative Zirkilton of Mt. Desert requested a roll call vote on passage to be engrossed.

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 passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 157

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Roberts, Rotondi, Rydell, Simpson, Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Carrier, Chonko, Daggett, Duffy, Kane, Melendy, Michael, Racine, Rice, Rioux, Rolde, Ruhlin, Seavey, Smith, C.W.

73 having voted in the affirmative and 64 in the negative with 14 being absent, the bill was passed to be engrossed as amended by House Amendment "A" (H-345) and sent up for concurrence.

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

On motion of Representative Handy of Lewiston, the House reconsidered its action on Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542) (H. "B" H-310) whereby the House insisted and asked for a committee of conference.

The same Representative moved the House reconsider its action whereby the House failed to recede and concur.

On motion of the same Representative, tabled pending his motion to reconsider and tomorrow assigned.

(Off Record Remarks)

Representative Davis of Monmouth was granted unanimous consent to address the House.

Representative DAVIS: Mr. Speaker: On Roll Call No. 152, I would like to be recorded as yes.

On motion of Representative Tammaro of Baileyville,

Adjourned to eleven o'clock tomorrow morning.