

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

Wednesday, November 13, 1985

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Twelfth Legislature in extra session, the members of the House of Representatives assembled in their hall at 9:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Father Clement D. Thibodeau, Notre Dame Catholic Church, Waterville.

National Anthem by the Cony High School Band, Augusta.

Calling of the Roll

For the purpose of ascertaining the presence of a quorum, a certified roll of the Representatives was called by the Clerk of the One Hundred and Twelfth Legislature.

The elected membership of the House being 150, 141 members having answered to their names, a quorum was found to be present.

ABSENT:—Representative Baker of Portland; Representative Brodeur of Auburn; Representative Cote of Lewiston; Representative Hickey of Augusta; Representative MacBride of Presque Isle; Representative Paul of Sanford; Representative Perry of Mexico; Representative Rydell of Brunswick and Representative Taylor of Camden.

The Following Proclamation:

WHEREAS, there exists in the State of Maine an extraordinary occasion arising from the decision of the Maine Supreme Judicial court that certain provisions of the forest fire suppression laws are unconstitutional; and

WHEREAS, it is essential to the proper protection of the people and resources of the State of Maine that these unconstitutional provisions of the forest fire suppression laws be corrected in a timely fashion in order to assure that sufficient funds are available during the current fiscal year to meet the fiscal obligations of the State; and

WHEREAS, the Legislature unintentionally repealed certain provisions of law which allowed certain businesses to be open on Sundays between Thanksgiving Day and Christmas Day; and

WHEREAS, failure to correct this inadvertent mistake will bar these commercial establishments from conducting business as intended by the Legislature during the Christmas shopping season;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Wednesday, the thirteenth day of November, 1985, at nine o'clock in the morning in order to receive communications, enact revisions in the forest fire suppression laws, re-enact the law allowing for certain businesses to operate on Sundays between Thanksgiving Day and Christmas Day, and conduct such other legislative business as may be necessary and appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this 28th day of October in the Year of our Lord One Thousand Nine Hundred and Eighty-Five.

S/ JOSEPH E. BRENNAN
Governor

S/ RODNEY S. QUINN
Secretary of State

A true copy.
Attest: S/ JAMES S. HENDERSON
Deputy Secretary of State

Was read and ordered placed on file.

On motion of Representative DIAMOND of Bangor, the following Order:

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

Was read and passed and the Chair appointed the following Members:

Representative BRANNIGAN of Portland
Representative MARTIN of Van Buren
Representative MURRAY of Bangor
Representative STEVENS of Bangor
Representative ALIBERTI of Lewiston
Representative RYDELL of Brunswick
Representative TELOW of Lewiston
Representative ARMSTRONG of Wilton
Representative BAKER of Orrington
Representative HILLOCK of Gorham

Subsequently, Representative Brannigan of Portland reported that the committee has discharged the duty assigned it.

On motion of Representative HAYDEN of Brunswick, the following Order:

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

Was read and passed and Representative DIAMOND of Bangor was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

The following Communication:

State of Maine
Department of State
State House Station 101
Augusta, Maine 04333

DIVISION OF PUBLIC ADMINISTRATION

October 8, 1985

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

In compliance with 3 MRSA Section 2, as amended, notification is hereby given of the following vacancy in the House of Representatives.

Steven E. Crouse, Caribou — District 147.

The Governor has set the date of November 5, 1985, in which to hold the special election to fill the vacancy.

Respectfully,
S/ JAMES S. HENDERSON
Deputy Secretary of State

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
Office of the Secretary of State
November 12, 1985

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

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 147 at the Special Election held on November 5, 1985, according to a review of returns made by the Governor, to fill the vacancy that existed in that district, as follows:

Forest E. Ayer, Caribou 741
Robert E. Bishop, Caribou 498

S/ RODNEY S. QUINN
Secretary of State

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
Office of the Secretary of State
To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Twelfth

Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on November 5, 1985, in Representative District 147 for the purpose of electing a Representative to the One Hundred and Twelfth Legislature; that Forest E. Ayer of Caribou having received a plurality of all votes cast in District 147, as contained in a report to the Governor on November 12, 1985, appears to have been elected a Representative to the One Hundred and Twelfth Legislature.

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

S/ RODNEY S. QUINN
Secretary of State

Was read and ordered placed on file.

ADMINISTRATIVE SUPPLEMENT

At this point, the Speaker announced the presence in the Hall of Representative-elect FOREST E. AYER from Caribou. The Speaker asked the Representative from Presque Isle, Representative LISNIK to escort the Representative-elect to the Office of the Governor where the Governor will enable him to receive and subscribe the oath necessary to qualify him to enter upon his official duties.

Subsequently, Representative LISNIK reported that the necessary oath had been taken by the Representative to qualify him to enter upon his official duties.

At this point, the Speaker announced that Representative AYER of Caribou will be assigned seat 103 and assigned to the Committee on Agriculture.

Papers from the Senate

The Following Communication:
THE SENATE OF MAINE
Augusta

November 12, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate confirmed the following nominations on August 29, 1985:

Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nominations of Sharon Lunner of Hallowell, Donald M. Hall of Sangerville, Gregory N. Brown of Orono, Horace A. Hildreth, Jr. of Falmouth, Michael Robinson of Sherman Station, and E.B. (Bart) Harvey of Millinocket for appointments to the Citizens' Forestry Advisory Council.

Upon the recommendation of the Joint Standing Committee on Education, the Governor's nominations of Jane deFrees of Rumford Center, Joyce Roach of Smyrna Mills, Shirley Richard of Madison, Geneva Kirk of Lewiston, Fred Kahrl of Arrowsic, Ed Gorham of Randolph, W. Thomas Clements of Cape Elizabeth and Steve Wright of Springvale for appointments to the Board of Trustees, Maine Vocational Technical Institutes.

Upon the recommendation of the Joint Standing Committee on Marine Resources, the Governor's nomination of Alvah M. Ames of Matinicus Island for appointment to the Marine Resources Advisory Council. Mr. Ames is replacing Spencer Fuller.

Upon the recommendation of the Joint Standing Committee on Labor, the Governor's nomination of George Lambertson of Readfield for appointment to the Maine Labor Relations Board. Mr. Lambertson is replacing Harold Nodding.

Upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Agnes E. Flaherty of Saco for reappointment to the Maine Health Care Finance Commission.

Upon the recommendation of the Joint Standing Committee on Legal Affairs, the Governor's nomination of Paul R. Bonneau of Lewiston for reappointment to the Maine State Liquor Commission.

Upon the recommendation of the Joint Standing Committee on State Government, the Governor's nominations of Samuel G. Davidson of South Portland for reappointment and William J. Ginn of Pownal for appointment to the Natural Resources Financing and Marketing Committee.

Upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Samuel G. Davidson of South Portland for reappointment to the Finance Authority of Maine.

In accordance with Joint Rule 38, please be advised that the Senate confirmed the following nominations on October 11, 1985:

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Ralph L. Tucker of Brunswick for appointment as Chairman of the Workers' Compensation Commission. Mr. Tucker is replacing Charles Devoe.

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Roland Beaudoin of Falmouth for appointment as Commissioner of the Workers' Compensation Commission. Mr. Beaudoin is replacing Ralph Tucker.

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of the Honorable Alan C. Pease of Tenants Harbor for reappointment as District Court Judge of District VI.

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of The Honorable Dana A. Cleaves of South Portland for reappointment as Associate Judge of the Administrative Court.

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Stanley Kirk Studstrup of Winthrop for appointment as a Judge-at-Large of the District Court.

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of the Honorable Edward W. Rogers for reappointment as Judge of the Administrative Court.

Upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of the Honorable Jack O. Smith of Ellsworth for reappointment as District Court Judge of District V.

Upon the recommendation of the Joint Standing Committee on Education, the Governor's nominations of Patricia W. Schroth of Sedgwick and David T. Flanagan of Freeport for appointments to the University of Maine Board of Trustees. Ms. Schroth is replacing Patricia Dimatteo and Mr. Flanagan is replacing Alan Elkins.

Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Lawrence M. Carr of Millinocket for appointment to the Board of Environmental Protection. Mr. Carr is replacing James H. Tweedie.

Upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Daniel G. Willett for appointment as Chair of the State Health Coordinating Council. Mr. Willett is replacing Sandra Prescott.

Upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of William Manheimer of Monmouth for reappointment as a member of the Finance Authority of Maine.

Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate
Was read and ordered placed on file.

Messages and Documents

The following Communication: (H.P. 1164)
State of Maine
HOUSE OF REPRESENTATIVES
Augusta

October 30, 1985

John L. Martin
Speaker of the House
112th Legislature
Charles P. Pray
President of the Senate
112th Legislature
Dear Mr. Speaker and Mr. President:

On October 30, 1985, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on October 30, 1985, as follows:

Taxation

Bill "An Act Establishing a Commercial Forestry Excise Tax and Providing an Appropriation for Refunding Maine Forest Fire Suppression Taxes Paid" (Emergency) (H.P. 1163) (L.D. 1661) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Senator TWITCHELL of Oxford and Representative MASTERMAN of Milo)

S/ EDWIN H. PERT
Clerk of the House
S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and placed on file and sent up for concurrence.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333
August 30, 1985

The Honorable Joseph E. Brennan
State House
Augusta, Maine 04333

Dear Governor Brennan:

It is with regret that I inform you that I must resign my seat in the Maine House of Representatives effective this date.

Serving in the Legislature has been one of the most rewarding experiences of my life, and is something I hate to relinquish. However, family responsibilities and a career opportunity of great interest to me necessitated such action on my part.

While it would be possible to continue as a member of the House of Representatives until January, two factors force me to make my resignation effective this day. First, my family and I recently moved from my home in Caribou to Presque Isle. As you know, the Maine Constitution requires all members (as well as candidates for the Legislature) to reside in the districts they represent, or hope to represent. Because my new residence is outside the parameters of my existing legislative district, it would be improper for me to continue as a representative of District 147. Secondly, the upcoming November elections, in which several referendum questions will be put to the voters, would enable you to call a special election in District 147 to fill the vacancy in my seat without requiring a special election at a later date and at additional cost to the people of my four towns. Because of these two factors, it seemed in the best interest of all that my resignation take effect immediately.

I have enjoyed working with you, and enjoyed serving the people of my communities as well for the past three years. I ask that you formally accept this resignation immediately so that the process of choosing the nominees for the November election may begin as soon as possible.

Sincerely,
S/ STEVEN E. CROUSE

Was read and ordered placed on file.

The following Communication:
OFFICE OF THE GOVERNOR AND COUNCIL
RESOLUTION

NUMBER 8-13-85-1

OF THE PENOBSCOT NATION

WHEREAS, The Penobscot Nation is a federally recognized Indian Tribe; and

WHEREAS, The Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation.

WHEREAS, The Penobscot Nation held a General Meeting on the 13th day of August, 1985, for the purpose of approving or disapproving legislation that has been submitted to the 112th Legislature for the State of Maine;

THEREFORE BE IT RESOLVED, That the Penobscot Nation approve Chapter 69 of the Public Laws of 1985, entitled "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition," which was approved by the Governor of the State of Maine on April 5, 1985.

Certification

I, the undersigned Governor of the Penobscot Nation, do hereby certify that the Penobscot Nation held a General Meeting on August 13, 1985, and that the foregoing resolution was duly adopted by an affirmative vote.

S/ TIMOTHY LOVE
Governor

IN WITNESS WHEREOF, I hereunto set my hand as Tribal Clerk of the Penobscot Indian Nation and affixed its Tribal Seal this 15th Day of August, 1985.

S/ LORRAINE DANA
Tribal Clerk

Was read and ordered placed on file

The following Communication:
STATE OF MAINE
DEPARTMENT OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333
DIVISION OF PUBLIC ADMINISTRATION
August 22, 1985

Governor Timothy Love
Community Building
Indian Island
Old Town, Maine 04468
Dear Governor Love:

I regret to inform you that the Resolution Number 8-13-85-1 of the Penobscot Nation approving Chapter 69 of the Public Laws of 1985 was delivered to the office of the Secretary of State more than 60 days after the adjournment of the Legislature. Since it was delivered to us on August 21, 1985, it does not meet the filing deadline established by section 2 of that public law.

As a consequence of this failure to file the approval on time, in the words of the Act itself, "This Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and council of the Penobscot Nation that the nation has agreed to the provisions of this Act."

I suspect this will cause some difficulty for the Penobscot Nation, but I feel I have no alternative other than to follow the requirements of the Act. If you feel we have made an error in this, please feel free to contact me.

Sincerely,
S/ JAMES S. HENDERSON
Deputy Secretary of State

Was read and ordered placed on file.

The following Communication:
State of Maine
Executive Department
OFFICE OF ENERGY RESOURCES
State House Station 53
Augusta, Maine 04333
September 16, 1985
Speaker of the House John L. Martin
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit to you the Office of Energy Resources' Comprehensive Energy Resources Plan for 1985. This Plan, which must be submitted on a biennial basis to the Governor and the Legislature according to state statute, represents a comprehensive analysis of the past, present and future trends and opportunities in the development of energy resources in the State of Maine.

I am sure you will find the Plan to be of considerable value as we discuss energy policy over the next few years.

I will send you additional copies of the Plan as soon as they are available from the printer.

Respectfully submitted,
S/ JOHN M. KERRY

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

October 2, 1985

Charles P. Pray, President
The Senate of Maine
Augusta, Maine 04333

and
Representative John L. Martin, Speaker
The Maine House of Representatives
Augusta, Maine 04333

Dear Senator Pray and Representative Martin:
Enclosed please find "Commercial Whitewater Rafting: Review of Recreational Use Limit and Allocation System — A Preliminary Report." This report, jointly prepared by the Dept. of Inland Fisheries and Wildlife and the Bureau of Parks and Recreation is required under Section 6, PL 1983, Chapter 502. An Act to Regulate Commercial Whitewater Rafting.

We are filing a preliminary report at this time to make available the information that has been assembled to date. While much work has been completed, additional information and analysis is required before comprehensive findings and recommendations can be made. We expect to submit a Final Report on December 15, 1985. Copies of the Preliminary Report will be made available to outfitters, to the Whitewater Advisory Committees, to State personnel involved in rafting and to others, so that we may have the benefit of their response to preliminary findings and issues for the final report. Public meetings will be held in The Forks, Greenville and Millinocket areas so that the concerns of area citizens can also be reflected in the final document as well.

We would appreciate hearing your comments or questions on the information, findings or issues presented in the Preliminary Report.

Sincerely,
S/ HERBERT HARTMAN
Director

Was read and with accompanying report ordered placed on file.

The following Communication:

FINANCE AUTHORITY OF MAINE
MEMORANDUM

TO: GOVERNOR JOSEPH E. BRENNAN
SPEAKER JOHN MARTIN
PRESIDENT CHARLES PRAY
CHAIRWOMAN JUDY KANY
& CHAIRMAN DAN GWADOSKY
MEMBERS OF THE JOINT STANDING
COMMITTEE ON STATE
GOVERNMENT
FROM: STANLEY O. PROVUS
SUBJECT: 1985 ANNUAL REPORT OF THE
FINANCE AUTHORITY OF
MAINE

DATE: October 28, 1985

I am pleased to present to you herewith the 1985 Annual Report of the Finance Authority of Maine, reflecting the activity of the Authority's second year of operation for the period Ju-

ly 1, 1984 to June 30, 1985. The fiscal year ending June 30, 1985, was one of major accomplishment and impact for the Finance Authority of Maine. We are especially pleased to report that Authority approved and assisted financing totaled some \$259,726,647, far exceeding State-assisted financing programs from previous years. These financings, when taken together, clearly indicate that entrepreneurship is flourishing in the State — kindled by the spirit and talents of Maine's business community. Authority-assisted projects created over 1500 new permanent jobs and helped to retain over 9000 more. Many more construction and other jobs were generated from this activity in local economies.

I believe this Annual Report represents a period of substantial achievement, reflecting important contributions to the economic welfare of the State of Maine. I am confident that in Fiscal Year 1986 the Finance Authority will continue to produce active and innovative finance programs which encourage economic development, create jobs, and expand our State's tax base.

Was read and with accompanying report ordered placed on file.

The following Communication:
112th Legislature

November 4, 1985

Hon. Edwin H. Pert
Clerk of the House
State House Station # 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the following are appointments we have made to several committees and commissions:

Joint Select Committee on
Nursing Home Care Needs

(Pursuant to Chapter 47, Resolves of 1985)

Senator Georgette Berube
Senator Beverly Bustin
Senator Charles Dow
Representative Merle Nelson
Representative Donnell Carroll
Representative Susan Pines
Representative John Lisnik

Social Services Transportation
Review Committee

(Pursuant to Chapter 46, Resolves of 1985)

Rep. Thomas Duffy — Transportation Provider Member

Social Services Transportation
Review Committee

(Pursuant to Chapter 46, Resolve of 1985)

Willis Spaulding — Transportation Provider Member (replacing Rep. Thomas Duffy)

Joint Select Committee on
the Special Education Needs
of Learning Disabled Children

(Pursuant to Chapter 43, Resolves of 1985)

Ms. Carolyn Delano — Representative of the Maine Association for Children and Adults with Learning Disabilities

Mr. Harvey Hayden — Representative of the Maine School Management Association

Mr. William Breton — Representative of the Maine Special Education Advisory Commission

Mr. Harold Ryder — Representative of the Maine School Principals Association

Ms. Carolyn Robinson — Representative of Speech Language Clinicians

Dr. Robert Scarlata — Representative of Pediatricians

Ms. Susan Taylor — Representative of the Maine Parent Federation

Ms. Kathryn Markovchick — Representative of the University of Maine Teacher Education Program

Dr. Ralph Newbert — Representative of the State Protection and Advocacy Agency

Ms. Linda Kinson — Representative of Elementary School Teachers

Ms. Rae Bates — Representative of Secondary School Teachers

Mr. James Sanborn — Representative of the Association of Directors of Services for Exceptional Children

Ms. Linda Felle — Representative of the Orton Dyslexia Society

Mr. Dale Lowe — Representative of the Developmental Disabilities Council

Ms. Diane Richmond — Representative of Parents of Learning Disabled Children

Ms. Christine Bartlett — Representative of the Department of Educational and Cultural Services

Ms. Carol Boston — Public Member

Mr. James Meehan — Public Member
Maine Commission on the Role of

State Government in Providing
Independent Living Opportunities
and Services to Disabled Persons

(Pursuant to Chapter 44, Resolves of 1985)

Ms. Betty Currie

Ms. Fran Fink

Ms. Steve Tremblay

Ms. Joan Derringer

Ms. Janet Brown

Maine Commission on the Role of State
Government in Providing Independent
Living Opportunities and Services to
Disabled Persons, Continued

Mr. Karl Hall

Mr. Steve Richard

Mr. Robert Shore

Mr. Roland A Ouellette

Mr. David Richard

Sincerely,

S/ CHARLES P. PRAY S/ JOHN L. MARTIN
President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

November 4, 1985

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the following are appointments I have made to several committees and commission:

Social Services Transportation
Review Committee

(Pursuant to Chapter 46, Resolves of 1985)

Rep. Harold Macomber—House Member
of the Joint Standing Committee on
Transportation

Commission on the Role of State Government
in Providing Independent Living Opportunities
and Services to Disabled Persons

(Pursuant to Chapter 44, Resolves of 1985)

Rep. Rita Melendy

Supreme Judicial Court Relocation Commission
(Pursuant to Chapter 60, Private and
Special Laws of 1985)

Rep. Patrick Paradis—Judiciary Member

Rep. Dan Gwadosky—State Government
Member

Rep. Donald Carter—Appropriations
Member

Advisory Commission on Radioactive Waste
(Pursuant to Chapter 309, Public Laws of 1985)

Alan A. Philbrook of Pittston—Public
Member

Donald Nicoll—Member of an Organization
that Holds a License for the Use of Radio-
active Material

Rep. James Mitchell—Member

Rep. James Reed Coles—Member

Rep. Muriel Holloway—Member

Joint Selection Committee for Learning
Disabled Children

(Pursuant to Chapter 43, Resolves of 1985)

Rep. Gwilym Roberts—House Member of

the Joint Standing Committee on Education

Special Select Commission on the Administration and Financing of General Assistance

(Pursuant to Chapter 79,

Private and Special Laws of 1985)

Rep. Merle Nelson

Rep. Peter Manning

Rep. Priscilla Taylor

Rep. Donald Strout

Town Manager—Corinth)

Mary Ann Chalila

(Welfare Director—Bangor)

Robert Philbrook

(Low Income Rep.—Portland)

William H. Whittaker

(Non-Profit Charitable—Orono)

Joint Select Committee on Economic Development

(Pursuant to Chapter 45, Resolves of 1985)

Rep. Gregory Nadeau—House Member

Rep. Dan Gwadosky—House Member

Rep. Donald Carter—House Member

Rep. Donald Sproul—House Member

Charles O'Leary—Public Member

Commission to Study Social and Health Services for the Homeless

(Pursuant to Chapter 36,

Private and Special Laws of 1985)

Rep. Joseph Brannigan

Rep. Polly Reeves

Sincerely,

S/ JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.P. 1165)

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA, MAINE 04333

November 5, 1985

Hon. Charles P. Pray

President of the Senate

Hon. John L. Martin

Speaker of the House

Dear Mr. President and Mr. Speaker:

You will find enclosed the "appropriate history" of Donald E. Davey as provided for in H.P. 373—L.D. 492: Chapter 29, Resolves of the 112th Legislature. Also enclosed are copies of the letters of transmittal as acknowledgement by the following organization:

Maine Historical Society

Maine Historic Preservation Commission

Maine State Archives

Maine Department of Transportation

Joint Standing Committee on

Transportation—112th Legislature

Lincoln County Cultural & Historical

Association

Friendship Historical Society

The requirements of Chapter 29 having been met, the bridge between Edgecomb and Wiscasset over the Sheepscot River is therefore and hereafter to be known as the Donald E. Davey Bridge.

Sincerely yours,

S/ JOSEPH W. MAYO

State Representative

Was read and with accompanying papers ordered placed on file and sent up for concurrence.

The following Communication:

Bureau of Taxation

State of Maine

State Office Building

Augusta, Maine 04333

November 7, 1985

The Honorable John Martin

Speaker of the House

House of Representatives

State House Station #2

Augusta, Maine 04333

Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the

provisions of Title 36, MRSA, section 1283.

This report includes four properties or interests acquired through liens maturing since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendations for disposition. Part B includes a narrative description of each property.

Respectfully submitted,

S/ ANTHONY J. NEVES

State Tax Assessor

Was read and with accompanying papers ordered placed on file.

A message was received from the Senate, borne by Senator Clark of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

Passed to Be Engrossed

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements" (Emergency) (H.P. 1166) (L.D. 1663) (Presented by Representative CARROLL of Gray) (Cosponsors: Senator BUSTIN of Kennebec, Representatives DIAMOND of Bangor, and MAYO of Thomaston)

(The Committee on Appropriations and Financial Affairs had been suggested.)

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

Bill "An Act Concerning the Requirements for a Rehabilitation Administrator Under the Workers' Compensation Act" (Emergency) (H.P. 1167) (L.D. 1664) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative MURPHY of Kennebunk, Senator PERKINS of Hancock and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Labor had been suggested.)

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

RESOLVE, Authorizing Kennebec County to Pay Deficits from Unappropriated Surplus. (Emergency) (H.P. 1168) (L.D. 1665) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives JACQUES of Waterville, PARENT of Benton and BRAGG of Sidney) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Local and County Government had been suggested.)

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

Bill "An Act to Allow the Finance Authority of Maine to Close any Project Initiated Prior to the Recent Changes in Finance Authority of Maine Legislation" (Emergency) (H.P. 1169) (L.D. 1666) (Presented by Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on State Government had been suggested.)

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

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

ORDERS

On motion of Representative DAGGETT of Manchester, the following Joint Resolution: (H.P. 1170) (Cosponsor: Senator DOW of Kennebec)

In Memoriam

WHEREAS, there was a beaming sensitive child from Manchester, Maine who would not accept man's inhumanity to man; and

WHEREAS, this then 11-year old school girl stood fast in the belief that peace and brotherhood could abide in her lifetime; and

WHEREAS, her heralded correspondence in 1983 with then President Yuri Andropov brought the world to her door, but did not change nor deter her; and

WHEREAS, with optimistic innocence Samantha Smith, with the support of her devoted father and mother, carried her inspiring message for peace to Russia and other nations of the world; and

WHEREAS, the lives of Samantha and Arthur Smith came to a tragic end on Sunday, August 25th, 1985, cutting short a future of promise, now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature now assembled in First Special Session, let our highest tribute to her be the remembrance of her vision and the will to achieve it; and be it further

RESOLVED: That we pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased.

Was read and adopted and sent up for concurrence.

Orders

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

ORDERED, that Representative Mary H. MacBride of Presque Isle be excused November 13 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Priscilla G. Taylor of Camden be excused November 13 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Daniel B. Hickey of Augusta be excused November 13 for the duration of his illness.

Was read and passed.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

Reports of Committees

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-486) on Bill "An Act Establishing a Commercial Forestry Excise Tax and Providing an Appropriation for Refunding Maine Forest Fire Suppression Taxes Paid" (Emergency) (H.P. 1163) (L.D. 1661)

Signed:

Sensors:

DIAMOND of Cumberland

TWITCHELL of Oxford

Representatives:

DIAMOND of Bangor

SWAZEY of Bucksport

CASHMAN of Old Town

McCOLLISTER of Canton

NELSON of Portland

MAYO of Thomaston

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title, Bill "An Act Making Adjustments and Appropriations to Provide for Refunding Maine Forest Fire Suppression Taxes Paid and for the Repeal of the Forest Fire Suppression

Tax" (H.P. 1171) (L.D. 1667) on same Bill.

Signed:

Senator:

EMERSON of Penobscot

Representatives:

INGRAHAM of Houlton

ZIRNKILTON of Mount Desert

WEBSTER of Cape Elizabeth

JACKSON of Harrison

Reports were read.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" as amended Report.

I think it is entirely accurate to say that in the time that I have spent on the Taxation Committee there has been no issue that we have faced that has defied an answer as this one has. There is no issue that we have studied at such length as we have studied this issue and there is no issue that I have found that has been so much of a problem personally as this issue.

To give the House a brief history on how we arrived at this point, in 1983, in the First Session of the 111th Legislature, the Taxation Committee was presented with two reports from a committee that had been established to study the Maine Forest District. Both of those reports called for the abolition of the Maine Forest District, which was the old method we had in this state by which we funded forest fire protection. Where the two reports differed was on how we would pay for that protection after the Maine Forest District was abolished. One report called for 100 percent funding from the General Fund; the other report called for 100 percent funding by means of a tax on large landowners of over 100 acres. If that sounds familiar, it will sound even more familiar as the day progresses because that is pretty much the same argument that exists on this issue today.

As the Taxation Committee addressed this, we spent many hours in debate on the fourth floor, night session, afternoon session—finally arriving at a compromise position by which we recommended to the legislature as a whole, that two-thirds of the cost of the Forest Fire Suppression be borne by property owners of over 100 acres to be collected by means of an excise tax and the other third to be paid out of the General Fund.

We thought we were done with the issue but the one thing that we did in the bill was establish a new committee to study the issue further; the second committee to study the same problem. When we came back in 1984 in the Second Regular Session of the 111th Legislature, we again were presented with a report—this report called for funding of fire suppression to come from the property tax to be placed on all property in the state. That recommendation was rejected by the Taxation Committee and because of the fact that the Taxation Office has found the 100 acre threshold to be administratively unmanageable, we were back to square one again. Again, we debated and argued this issue for hours on end in the Taxation room, finally, coming to a consensus that the best way to approach it was that 50 percent of the cost of the service now be paid out of the General Fund rather than a third and that the other 50 percent be borne by property tax owners of over 500 acres.

I think that during the whole debate the Taxation Committee has heard both sides. The side that says that 100 percent of this cost should be borne by the General Fund is not without merit. I have stood on the floor of this House and made those arguments in 1984 as a signer of a report that called for a 100 percent funding from the General Fund. I think the other side is also not without merit. I think it is true on the one hand that the whole state does benefit from the forest in this state, the forest

products industry is our largest employer, we use the forests in this state for hiking, hunting, fishing and so forth and those argument will probably all be made here today and they are good arguments. On the other hand, we are protecting an asset of the people who have invested in those forest lands so what we attempted to do in Taxation was to take both sides, both extreme sides, fuse them together and meet somewhere in the middle, which is exactly what we did. I don't think that anybody on the Taxation Committee, at the time, thought that that was the greatest decision since King Solomon, but, as I said when I opened my remarks on this, this issue defies answer that is going to be agreeable to everybody. I think as a sponsor of this bill that we are going to debate here today, and my good friend, Representative Masterman, is the co-sponsor, I think our attempt to support the Majority Report, is to continue what has been a very hard fought compromise or consensus of the Taxation Committee.

I do want to point out a few things. First of all, the state has never paid 100 percent of the cost of forest fire suppression. Every since 1907, the legislature has felt that it was entirely proper for landowners who benefit directly from the service to pay for their share of the cost, so this is not a new tax. Let me repeat that, this is not a new tax, we have been taxing under one mechanism or another to fund this service for 78 years now. As a matter of fact, the large landowners, who have their holdings in the unorganized territory are paying less now than they did under the old MFD. If we still had the MFD in force, those landowners would be paying approximately 43 cents an acre; under this tax, they would be paying 26 or 27 cents, so later on in this debate when you hear that this is a new assessment and it will cripple the forest products industry, I wish you would remember that. This is only a new tax on the people outside of the old MFD who used to get fire protection for nothing.

As I stated, the bill before you attempts to hold together a hard fought compromise, the basis of which was, that while it is true that the whole state benefits from the forest fire suppression service, landowners, large landowners, receive a direct, financial benefit. This being the case, these large landowners have a greater stake in this service than does an average citizen and they should be paying more for the service.

The court has ruled that the mechanism that we use to collect this money was technically flawed. That does not relieve the landowners of their responsibility to pay and the basic premise of the Taxation Committee has not changed nor has the court ruled that it is wrong to collect 50 percent of the cost of the service for the landowners—what they have ruled is, that the mechanism we are using to collect that, needs to be fixed.

This Majority Report attempts to address those concerns of the court. It attempts to do three things. First it attempts to keep intact the intent of the Legislature in splitting the cost of the service 50-50. We can rehash arguments on both sides from now until doomsday, and we would probably still have to arrive at a compromise position. This process has already taken place and the bill simply attempts to maintain a compromise position that we have arrived at.

Secondly, it addresses the concerns of the court in ruling that the old tax was a property tax and not an excise tax. It does this by excluding the blueberry barrens, peat bogs and swamplands that the court took exception to their being included in the first tax. It also excludes property that has zoning restrictions that prohibit harvesting timber. It makes the 500 acres exclusion a statewide exclusion instead of having it stop at municipal boundaries. This was done so that anyone owning 500 acres and therefore possessing the capability of com-

mercial forestry is treated equally. This bill identifies the tax as being assessed for the privilege of using one's land in commercial forestry enterprises; therefore, more clearly defining it as an excise tax.

It changes the lien procedures to the ones specified for liens in cases of unpaid income tax rather than lien procedure for unpaid property taxes.

Thirdly, in addressing the refund, the bill provides for a one time charge equal to the amount of the refund to the extent possible these refunds will be applied to the assessment of the one time charge. The net result is that this proposal assesses the tax on approximately 10.3 million acres, roughly, the same amount of acres we were assessing the taxing to before.

In this whole process, the Taxation Committee has been very mindful of the constitutional questions. To that end, we have requested and received a written opinion from the Attorney General's Office to the constitutionality of the bill that we will be debating here today. The Attorney General's Office has stated, in their opinion, that they feel that the tax as it has been redesigned, will pass constitutional muster. We have even gone a step further and requested, as a committee, the assurances of the Governor, that before this bill is signed into law, he will request an opinion of the Supreme Judicial Court. In responding to that request, the Governor sent a letter to the Chairman of the Taxation Committee which I would like to read. It says: "Dear Senator Twitchell and Representative Cashman: I am writing to respond to your request that I seek an opinion of the Justices of the Supreme Judicial Court of Maine regarding the constitutionality of L.D. 1661 'An Act Establishing a Commercial Forestry Excise Tax and Providing an Appropriation for Refunding Maine Forest Fire Suppression Taxes Paid.'" As you know, my office has worked closely with the Department of the Attorney General in drafting L.D. 1661 to ensure that the constitutional infirmities that were present in the Forest Fire Excise Tax are eliminated in the commercial forestry excise, which is now before your committee.

Attorney General Tierney has given me his oral opinion that the commercial forestry excise tax is constitutional and is now preparing a written opinion of the Justices after L.D. 1661 is enacted and before I sign the bill.

It is my judgment that after its passage and prior to signing a solemn occasion will exist permitting the Maine Supreme Judicial Court to issue an advisory opinion on the question of constitutionality. Sincerely, Joseph E. Brennan, Governor."

I think the Taxation Committee has gone the extra mile in trying to ensure that this new mechanism will be constitutional. If the opinion of the Justices is contrary to that, we will simply have to face this issue again in the next session.

The Minority Report suggests that the expense should be paid 100 percent by the General Fund. Again, as I stated earlier, there is merit to that argument and I am sure that they will present a good case but I do take exception to the manner in which they attempt to accomplish this. They suggest three moves. First they suggest we spend the guarantee reserve fund down to zero. This fund is set up so if any of the outstanding loans that have been guaranteed by FAME should go into default, the state would not have to go into a deficit situation to pay off its responsibility. I think with the impending problems we have with Colby Starch in a roughly \$3 million loan guarantee from FAME and that company having gone into receivership, it certainly is an imprudent time to spend that fund down to zero, if there's ever a prudent time. I think it is entirely appropriate for the state to have this type of fund around and I think it is fiscally imprudent to spend it down to zero.

They recommend that we take \$4.4 million

out of the General Fund, operating fund, and pay it back over five years. In effect, this creates a \$4.4 million future debt, which I again, find fiscally imprudent.

Lastly, it mandates that every department of government cut its budget by \$.05 percent or roughly \$5 million dollars. I guess I have two problems with this—first of all, it assumes that there is \$5 million worth of fat in a budget that we passed here just a few short months ago with overwhelming support, a budget that was given to us by the Appropriations Committee with a unanimous "Ought to Pass" Report. If, in fact, there is \$5 million there that can be cut, perhaps there should have been a whole lot more opposition to that budget than there was.

The proposal does not identify where the cut should be made. Instead, it simply suggests that \$.05 percent of every budget in the state be cut without any regard as to where that particular budget stands at the present time. I think if you look at some of our state budgets, like corrections and child protection and state police, etc., I guess I have a hard time dealing with that recommendation. I think if the legislature is going to recommend dollar amounts to be cut out of the budget, we should identify where they are coming from.

In summary, this issue has been studied and restudied over the past three years. I think it has been studied to death. The bill that is embodied in the Majority Report basically continues the practice that the Taxation Committee set up last year, a practice of 50-50 funding that just one year ago received overwhelming support in both the House and Senate. It doesn't attempt to overturn three years of study and restudy, it doesn't attempt to break new ground. It doesn't attempt to reinvent the wheel in a one day session. I think that it is the only prudent action that the state could take on this issue at this time and I urge the House to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to oppose the Majority "Ought to Pass" Report as explained by the Representative from Old Town, Representative Cashman. I oppose the Majority Report on many points. There is one statement that the gentleman from Old Town made that I certainly agree with and that is, there is no good argument for not funding the forest fire suppression program out of the General Fund. Why do I say this this morning? The benefits that this state derives from a well managed forest fire suppression program in this state, not only through economics but through the beautification, the opportunities of our citizens, our residents, our taxpayers and our tourists to come and utilize a natural resource that we have available to us and to them. The benefits of their hunting, their fishing, their camping, their hiking, you name it, the benefits are there.

To impose and I am going to say impose, a new tax on the new class of landowners in this state can be nothing but a new tax. To impose a retroactive tax on a group of landowners in this state is nothing but a retroactive tax. Why do I say this? We are asking people who have already been assessed a tax for forest fire suppression, which has been ruled unconstitutional by the Maine Supreme Judicial Court to be assessed again, to refund them their portion, and to refund the interest which is accrued on that illegal collection. We are asking a new group of landowners in this state, landowners who have not owned 500 acre parcels in one land lot, to pay a tax in this state for fire suppression if they own an aggregate of over 500 acres.

I feel Representative Cashman and I think all members of the Taxation Committee believe—

I will speak for myself and I think I can speak for members of my party on the Taxation Committee—that this is not the appropriate time to address the funding of forest fire suppression. If you will look at the Committee Amendment or look at the proposal that was brought forth on behalf of the Governor by Representative Cashman and Representative Masterman and Senator Twitchell that this is an issue that could be dealt with in the next regular session. We are called in here to enact a hasty and I believe ill-conceived proposal today for the future of an industry or industries in this state, which could have significant impact and I don't believe that the tax on forest lands is going to force any company out of business but it is just one portion of a total compilation of measures that we pass there that force these industries to either go out of business or relocate in other countries or other states.

The time has come for this legislature to address the forest fire suppression funding mechanism and I think the time has come for us, as a legislature, to request the Governor, to request the Forest Fire Advisory Council, which the Governor has appointed and which he did not consult when he introduced this measure for this special session, to sit down and come up with a common sense approach, a responsible approach which derives to a point to give this legislature a proposal to enact so it could be implemented where everybody shares in the cost of fire suppression for the state. Certainly everybody benefits by it.

It is interesting to note that we talk about the landowners, who have an aggregate of over 500 acres or more, we consider them large landowners. Many of these landowners aren't large landowners, many of these landowners might be farmers, many of these landowners might be generations which are ahead of us in years, many of these people might just be starting out and have acquired property either through the network of purchasing or through inheritance so they will be leveled with an assessment to refund a portion of a tax which was not constitutional.

I would like to speak just briefly to the Republican proposal, the answer we responded with. I, for one, saw the proposal that the Governor introduced on Thursday, prior to the hearing on Wednesday. It was evident to me and I think it is evident to everybody that is in this body by the language changes from that bill to the Committee Amendment that there was some serious flaws in that proposal. At that time, it was believed and I believe rightfully so, some constitutional questions that would be unresolved so we would be back in the position of asking possibly the landowners filing a suit on their behalf to rule this proposal or to find if it was unconstitutional.

The proposal that we worked on is a responsible proposal and it is a responsible approach. I know that some statements were made that it was ludicrous, irresponsible, fiscally irresponsible, but I disagree with that. Representative Cashman pointed out three points, the three points that were the crux of the Republican proposal and there was one proposal that he mentioned slightly at the end of it.

The first one, to spend down to the Maine Guarantee Authority Fund—and I find it interesting that the Governor has gone to that same fund to fund a collective bargaining agreement which is continuing and when I say continuing, we funded out of that the first year by committing the legislature to a future debt with that proposal. We asked for that spend-down of \$3.4 million as a one shot deal to refund the portion of the tax that was assessed and the interest which was accrued, and I want to reiterate the tax that was assessed and the interest that was accrued for that purpose, that was where those funds were to go for a proposal or decision that was rendered by the Maine Supreme Judicial Court to repay those

people who were affected by this illegally collected tax.

The second thing that the Representative mentioned was the future debt. Our second part of our proposal was that we were borrowing \$4.415 million from the General Fund reserve operating account, which has approximately \$12 million in that account presently and has a ceiling of \$25 million. We propose that we pay back our \$4.415 million dollar loan by almost doubling the payments to the General Fund operating account that was somewhere in the vicinity of \$1.8 million per year for the next five years. I don't see that any different than the Governor or a legislator introducing a piece of legislation incurring a future debt on the taxpayers or the citizens of this state. It is just like any other proposal and I look at it just like any other proposal.

Three, the spending cuts, the half of one percent, which equated to just a fraction over five million dollars on \$1.4 billion budget in 1986-1987, which has an increase from 1985-1986 of 21.7 percent or \$340 million. I think that the benefits that accrued to this state are great enough that we certainly can find, in the time of 4 percent inflation, one half of one percent, in all the departments of state government. We are talking about a very small amount of money.

The last proposal that we submitted in our package was that the Forest Fire Advisory Council would report back to the legislature by January 15th with an assessment of the current practices and operations of the Department of Conservation as it relates to forest fire suppression and with a recommendation for future funding and long term funding that would be fair and equitable to everybody in the state.

I, like Representative Cashman, have found it to be rather difficult to wrestle with this problem. It is a complex problem but one must remember that everybody in the state benefits by it and I would like to leave you with just one thing—that if we just think that fires are started and managed on 500 acres or more, that is wrong. State law mandates that any community, unorganized township or any place in the State of Maine, when a fire reaches a portion of burning one half acre of land, it is mandated that the State Department of Forestry or the Maine Forest Service be notified of the fire and they respond by sending a warden so they can control that fire. So, it is not only, folks, the 500 acre or more that the Maine State Forest Service wardens, as far as the fire goes, it is in your small municipalities, it is everywhere.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: We passed a law to fund fire suppression. It was unconstitutional, that is why we are here today, let's not do it again. Fire happens all over the State of Maine. The Department responds to those fires and I quote their response statistics. In the north, 70; in the west, 135; in the east, 159; in the south, 286—in the north, your forest lands primarily, 70 responses; in the south, 286, so whose responsibility is it? In your municipality or municipalities, you have a police department, you have a fire department—and in the state, you have state police—why don't we have a state fire department and let that be funded by the General Fund as a reasonable responsibility of all the people of the State of Maine? This proposal before you is a retroactive tax. It is referred to as revenue neutral—well, I wonder about the people who bought the land the first part of this year and are going to have to pay the penalty for the unconstitutional law that we passed—do you think that they will consider it revenue neutral?

What about the arbitrary 500 acres? As has

been mentioned, we have discussed from one acre to 500 acres. We tried to operate on 100 acres but now we have picked a figure out of the air of 500 acres—how revenue neutral is that for the person who owns 499 acres?

As Representative Cashman mentioned, having read the letter from the Governor asking the opinion of the Supreme Judicial Court for this solemn occasion, in my opinion the solemn occasion is now, right now, before we vote on this, not after we vote on it, we commit ourselves to what some of us fully expect to be proven unconstitutional. The solemn occasion is now.

I would like to point out that when this law is proven to be unconstitutional, and I firmly believe that it will be, the Governor who presents this bill will no longer be the Governor of Maine.

The Minority Report is reasonable, comfortable, feasible, justified and fair, and I really don't want to support an unconstitutional law.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: For a week, I have been wondering what I was going to say here today and it was answered this morning in the Kennebec Journal editorial and I will quote a few passages from the editorial. The Kennebec Journal puts the Fire Suppression Tax in their lead editorial and I will quote a few excerpts here: "The minority Republicans are trying to score points from the sidelines condemning the tax and standing in as champions of the forest landowners." Funding from the General Fund is not an orthodox Republican position. Where exactly does the General Fund money come from? We have not heard a word about raising the sales or income tax, which are the fund's sole support. There are other Republicans proposing a Reagan-like maneuver creating a deficit in the hopes of forcing other spending cuts. Forest fire tax isn't perfect but it is a reasonable way to get the job done.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the Majority Report of the Taxation Committee recommending passage of this bill. We should be honest with ourselves and with the people that we represent. Each of us took an oath of office pledging to uphold the Constitution of the State of Maine and one of things that that Constitution says is that land should be taxed on the basis of its value. This so-called excise tax is nothing but a property tax with another name. We are just trying to get around having to value land based on its worth by calling this a "cents per acre tax." We tell everyone in this state who owns more than 500 acres of trees that they are somehow engaged in commercial forestry regardless of whether they ever harvested a tree on their land or not. We say that those who may have present or future intentions not to harvest trees on their land, they will also be subject to a tax because the state typically finds that owners of more than 500 acres of land are somehow engaged in the commercial harvesting of the trees on their land—I want to know who made that assumption? I want to know what kind of a survey was taken that came up with that conclusion that the legislature finds. I, for one, did not find that. I do not believe any other member of the minority party on the Taxation Committee has reached that assumption. We all know what happens when we "assume." There are probably many people in the state who own 15 acres of trees in one town and 10 acres in another town and 100 acres in another town, so forth and so on, until you have reached a total of 500 and we assume that they, too, are

involved in a commercial harvesting of trees regardless of how ever far their acres are spread apart as along as they reach that magical number of 500. This tax is different from other taxes that tax business. For example, in the potato industry you are taxed on the number of potatoes you harvest. This bill does not propose to tax people on the number of trees that they harvest. This bill just says that if you own more than 500 acres, we are going to tax you so much per acre. It sure seems to me like the tax is based on the amount of property owned by the taxpayer and not by the use of that property at the time it is used for a specific commercial purpose.

Another example is in the sardine industry. Sardine harvesters are not taxed on the number of sardines they catch, they are taxed on the packaging of sardines. The amount of money paid by an excise taxpayer is usually determined by the extent by which the privilege is utilized. If you sell 100 cartons of cigarettes, you pay an excise tax on 100 cartons of cigarettes, but if you don't sell any cigarettes, you don't pay any tax.

If you sell 100 gallons of gasoline, you pay an excise tax on 100 gallons of gasoline but if you don't sell any gasoline, you don't pay any tax.

Under this proposal, it doesn't matter what you do with your land—if you just look at it, you are still going to pay a tax, you have no choice as to its use, the state just says, you own over 500 acres of trees some place in the State of Maine and therefore, you are engaged in a commercial enterprise and the state is going to tax you.

It doesn't matter what we call this tax—if it looks like a duck, walks like a duck, quacks like a duck, it is probably a duck and this tax looks like a property tax, operates like a property tax, sounds like a property tax, and in my opinion and I think the opinion of many other, is a property tax. We are merely duping ourselves, our constituents and all of the citizens of this state by refusing to recognize that there is a better way of dealing with this situation.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I rise today, not at a tax expert, but as a victim of this illegal act of the Forest Fire Suppression Tax, and as a person somewhat knowledgeable in fire suppression as it relates to other resource management.

Prior to 1983, I didn't have much to do with the forest district tax because it did not affect me. In 1983, when I submitted my tax for 115 acres, I added to that a little statement that I was paying the tax under protest because I felt that it was illegal and immoral. The following year I did not receive a tax, because the legislature in its ultimate wisdom, changed the size of taxable property from 100 to 500 acres. It was just as immoral but it certainly cut down the number of complaints that we heard.

In recent years, the public has begun to recognize that there are other resources in the forest other than timber. It has been alluded to several times this morning, the tourist industry, hunting and fishing, watershed and all of these types of resources have been recognized as public resources. They benefit as much from forest fire suppression as the timber. They should pay their equal share. There are several ways of doing this but one of them is not to tax landowners of 500 acres or more to pay it. We could have some sort of a tax for everybody that has a protected acre of land and add taxes to the hunting and fishing that benefited from the game; a tourist tax or more simple, we could take it all from the General Fund.

I believe that this bill should be defeated now and when we come back in January speak to a better way of taxing for the forest fire

suppression.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Somebody is being forgotten in this debate this morning. I hear an awful lot of talk about the largest landowners and what they should be paying and I assume that much of that talk centers around the paper companies because they are the largest landowners and so the concern is, why should we presumably give them a break by not staying with this tax which was proven to be unconstitutional? Let's take a quick look at the basis of the Constitutional question that was posed to the court, if you will for a moment, and if you think back and look at the people who brought suit against this unconstitutional tax, it was not the largest paper companies or the largest landowners, it basically started with a group of relatively small landowners, small in terms of the paper companies to be sure, but a corps of people in the Franklin County area who said, enough is enough. We are tired of being discriminated against and so they took their case to court and they won. The people that we have forgotten about in our discussion this morning are the people who get up a 10:30 p.m. and go to work on the midnight shift or who work their holidays, Christmas, Thanksgiving, the people at the mills who's jobs depend upon the largest industry in this state, an industry which is constantly being attacked. My concerns are not with the board rooms in New York City, because I believe that if any of the major paper companies suffer losses, I can't really believe that these folks are going to be wondering where their next meal is coming from but my concern is with the people who truck in and out of those mills daily and whose subsidiary industries work very hard to make a decent living in this state.

Representative McCollister, shame on you. Shame on you for picking out an editorial written by an Augusta newspaper and not listening to the folks back home. We represent the same constituency and some 90 of those folks are out of work right now and they aren't sure they are going to be going back and another 90 jobs are threatened and this is the case all over the state.

I didn't vote for this law in the first place but I didn't vote for it, not because I thought it was unconstitutional because the good Lord knows I am not a constitutional expert, I voted against this law, because it was a new tax, one that I felt was unfair, one I felt was unnecessary and I am voting against the Majority Report this morning for those same reasons.

Ladies and Gentlemen, the goose that lays the golden eggs is running short of glitter. I urge you to vote against the Majority Report.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: I would just like to talk a little bit about the victims, about the forgotten people, the people in the mills—those people already pay through this bill 50 percent of the fire protection of the state. These people already, if they live in cities and town that have fire protection, pay a 100 percent of their own fire protection. We don't have to apologize for the Governor's Bill, the Majority Report, the whole state already, no matter where you live, are paying half the cost. We are simply asking for the rest of those people to pay the other half. When the ratio was one-third, which the state paid, nobody thought that was so bad. Now the state is upping that by 50 percent so those people whom I represent, and some of them may not work in the mills, are already paying for their fire protection in their own homes, and apartments and now they are going to pay 50 percent of the fire protection for the whole state. Let's be fair, fair is fair, we are

talking about those very people, those forgotten people, those people that the majority report is indeed representing.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I share many of the reservations and concerns that the Republican party has stated here today. I am concerned that the timeliness, or what I feel is the lack of timeliness, for us to address the issue properly. It almost seems like we were called here, under very captive circumstances, and I am not sure that we have a minor flaw in the rules in the operation of the legislature here. It appears that the legislature, during the Special Session, isn't in much of a capacity to act, but only to respond. It seems like trying to come up with competing measures, reasonable competing measures, that have had a lot of thought and opportunity for discussion, are not present. But that is where we find ourselves here today. We have a tax that the Supreme Judicial Court has struck down, an established tax, a policy established by this legislature, by the Taxation Committee in a 12 to 1 Committee Report, clearly bi-partisan. I wonder where that bi-partisan nature has gone, that support for this tax?

I share the grave reservations that many people have as to the constitutional qualities of what our previously unanswered and unasked questions of the proposal, the Majority Report, that we have here before us. However, I have become at least satisfactorily comfortable when the Chief Executive Officer of this state made a commitment that has been shown in legislative intent here today that that same Supreme Judicial Court, who struck down the tax and placed us here today, is going to review the unasked and unanswered questions. For that reason, I think we should act today to answer and provide the opportunity to answer those questions.

Representative Jackson, I agree we are sort of in a non-response capacity here today but I think we should move forward.

Representative Zirkilton raised some questions about 500 acres consumption yield—I would only point out that the 500 acres is only one criteria of this tax, a significant one but only one part. Some of the taxes, that Representative Zirkilton mentioned were yield or consumption type taxes. Since I returned from New York Monday evening there have been some discussions amongst members of both parties about a yield or consumption type tax. It seems like there are some benefits. While the concept may scare the industry because it is uncertain, I raised many questions to the Paper Industry Information Office representatives' and to members of this House of both parties of whether a yield or, yes that big, bad word, a severance tax, would be fair because it takes into account many of the issues that the Representative from Mt. Desert brought up. Ability to pay is here, in that you are basing it on a product, an end product, one that is being encouraged through our tree growth tax law, that in effect with this forest fire suppression tax, I find us in somewhat of a conflict. We are encouraging growth and yet, we are paying a tax throughout the time of growth when they don't necessarily have the vest ability to pay but at the time of cutting, delivery to a mill or something like this, there would be an ability to pay. We had good faith discussions about this from both parties. Unfortunately, the spirit of compromise that was in the air ended yesterday at one thirty when a spokesman for the party of which I do not belong to stated that there was no consideration on their part on any package that included any type of tax. I recognize that we sometimes find ourselves in positions, due to the partisan nature of this body, that many of us are not comfortable with, and some of us may find ourselves in that

position here today, but I feel that a tax is an entirely appropriate component of this pay back into the General Fund because a service is provided. Moreover, there has always been a tax and we would not be here today debating this issue were it not for the Supreme Court having found some problems with a tax.

Representative Brown, I recognize and have seen your positions on taxes in the past but shame on you, shame on you, Christmas comes only once a year and to the best of my knowledge, it is December 25, not November 13, and it would be my hope that we do not give a significant, overwhelming, unwarranted, unasked for tax break to the 10 largest landowners in the state that comprise 90 percent of those paying this tax.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise today as a signer of the Majority Report, as you well know. I will try today to respond to some of the things that have been brought up. There have been many issues that have been brought up and, as you can see, this issue has been around the State House for a long time but let's not forget that in 1909, the major landowners in this state asked the state to institute a forest fire protection program and they paid for it 100 percent. Let us not forget that the state had instituted in the early 70's, while Governor Curtis was sitting in the Blaine House, a tree growth tax program that assists the major landowners through the reduced payments of the property taxes. We are and have been committed in this state to the forest products industry and we will remain committed—this legislator is committed to that industry because he realizes how valuable it is.

There has been a lot of talk about the threshold and how that threshold is, maybe unfair. You may be able to debate that, you may be able to debate that under 500 acres is unfair, but I would point out to you that other taxes in this state have thresholds. The income tax has a threshold—if you are in a certain income in this state, you do not pay a tax, that is a threshold. It may be said that 500 acres is unfair to assess a tax but nobody has demonstrated to me that it is unfair to assess a tax in excess of 500 acres. This bill may not be perfect but it is the best thing that we can do today. This is not a new tax.

Let me try to address some of the statements that were made about the way this tax is being assessed. We are not bound by any rule or any common business practice or any accounting principle to assess a different tax the same way as we assess our other taxes. This tax is assessed differently than the sardine tax, different from the potato tax but that doesn't make it improper or incorrect.

Representative Law said that this was a question of morality. I believe that he is questioning the morality of the majority of signers—I don't see it as a question of morality. Morals do not enter into this discussion, this is a tax, and the state is assessing a tax, the fairest way it knows how.

Let's talk a little bit about the alternative that was presented to us. We received the other day an alternative proposal from the minority members of the Taxation Committee and I would like to go through them point by point. The statement was made on the floor of this House that this proposal is responsible. I take exception with that statement. It is not responsible for the State of Maine to drain its guarantee reserve fund dry, that is irresponsible. It is not responsible to wipe from the legislative record and to wipe from our statutes the ability for the State Treasurer to transfer funds into that guarantee authority—you are not only draining it dry but you are eliminating it. It is not responsible to borrow funds from our operating capital reserve fund with the at-

tempt, and I say attempt, to try and pay it back. If you have a copy of the Minority Report and you look at it, it says: "that the Treasurer 'may' transfer from surplus an additional \$883,000." Well, if we haven't got a surplus, I can guarantee you that that transfer will not take place. It is not responsible to stand here today and cut \$5.5 million from our budget to ask the state trooper in Harrison to operate with .05 percent less maybe for his cruiser; to ask the prison guard at Bucks Harbor to cut back on the things that he needs to do his job; to ask the Department of Agriculture in Fort Kent to try to do its jobs with .05 percent less or ask the Department of Marine Resources in Kittery to try to operate a budget with .05 percent less monies. Across the board cuts in this manner put the State in jeopardy and I do not support them.

Let me point out one additional thing in the Minority Report that I take exception to—the Minority Report calls for an additional study—well, Ladies and Gentlemen of this House, this issue has been studied to death. The legislature did what it could in what it thought was the best interest of the state by setting up the forest fire suppression tax, setting it up at 50-50. This Majority Report keeps the spirit of that compromise alive. It is not a new tax, it is simply a correction in the tax, that was set up.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: The matter that we are discussing today has been an interesting one because on a relatively minor issue, some of the more fundamental question of public policy need to be answered. We all agree that there is a shortfall of money in the General Fund to pay for forest fire suppression and we can do one of two things—we can raise taxes or we can reduce our expenses. As one of the signers of the Minority Report, I feel personally that it is more responsible for us to reduce our expenses at this time rather than to raise new taxes.

Unless there is any doubt in your mind, I would like to have you read the title of L.D. 1661 which if you vote for the Majority Report, is the bill that you would be voting for. It says it is "An Act Establishing a Commercial Forestry Excise Tax." If you vote against the acceptance of the Majority Report, you are voting against establishing this tax.

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

Representative ZIRKILTON: Mr. Speaker, Men and Women of the House: To briefly address some of the points made by the good Representative, Representative Mayo, many of these points we have had the opportunity to discuss in the Taxation room and now we have the chance to discuss them with all of you. He referred to the income tax threshold, to my knowledge, if someone makes no money, then they are not subject to an income tax. Yet, under this bill, if you own 500 acres or more of forest land, regardless of whether you derive one penny of profit from any of that land, you are still subject to that tax.

Representative Higgins mentioned that he thought it Christmas for nine or ten of the largest landowners in the State of Maine who were going to be paying 90 percent of the revenue that we derived from this piece of legislation—that to me, is certainly not Christmas. Instead, you are proposing that Christmas will be given to all of the rest of the landowners who will not be paying their fair share for the same forest fire protection that they are going to be afforded along with the large landowners.

We were told time and time again by the paper companies and others as they came to the hearing that they could provide their own

protection cheaper than it was costing them in what they were going to be paying the state in taxes. They could get their own helicopters, their own people to fight the fires and it would not cost them as much as what you plan to tax them so you will not have to hit with a tax the remainder of the people in this state who you propose to go scot free with this so-called fair tax.

One other point to make, no matter now much you criticize our bill, no matter how much you give us this same old song and dance about how it is going to affect services, and I really don't see how taking \$5 million out of \$340 million in increased expenditures or 21.7 percent of the budget is going to affect any existing service, that to me, seems really hard to figure out. To increase by 21.2 percent, I guess it will be if that cut goes into effect—how is that going to affect existing services? Quite simply, it won't. Granted it might affect the services that otherwise might have taken sometime or somewhere down the road but it is not going to affect what is presently provided so no matter what you say about our bill, however flawed it might be, it is still does not make your bill any better and it is still does not pass the straight face test as to what fairness is in this body or in the rest of the State of Maine.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I would like to very briefly respond to the issues brought up in dealing with the cuts being proposed across the board. This legislature takes its responsibility setting a budget, determining what programs will be funded, what programs will not be funded. We approve new programs, we eliminate old programs, that is our responsibility. I find it ironic and inadequate that we would propose percentage cuts across the board and deliver where those cuts are going to be made to another party that is not responsible to the people. We are responsible to the people for the services that are to be provided and to be funded. If we are not going to propose cuts, stand up, make them, be accountable for them.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: I am glad to hear mention made of the people. Somebody indicated that the people were paying all of the taxes or would be paying all of the taxes under the Republican proposal. The people in my area are surprised and disappointed to see this developing into a partisan squabble. It seems to me that we are faced with a two-headed problem. The court has answered one part of that problem by telling us that a tax was illegally assessed and collected and should be repaid and that is the answer to the first part of the problem. The people in my area feel that the court's rulings should be approved and that the dollars should be paid back in dollars and not in another tax. In my area, the people are already paying taxes. In every one of the twelve towns that I represent, the people are already paying a fire protection tax and they are unhappy to find that they are being double taxed to pay for the forestry fire suppression tax.

People who are acquainted with Maine history will remember that on the seventh of October in 1825, a little fire started up here on Moosehead Lake and raced across Piscataquis, Penobscot and Hancock Counties and didn't stop until it got to the Atlantic Ocean in one of the greatest fires ever on the North American Continent.

I am sure that here in this very hall, at this moment, are people who remember the October fires of 1947 that laid waste to a large section of Bar Harbor and leveled several hun-

dred homes in the southern and southwestern part of the State of Maine. Those fires didn't stop when they came to a boundary of a five hundred acre parcel of land and when those fires reached a man's house, the fire didn't stop to ask if the man were Democrat or Republican. Fire uncontrolled is an enemy to all of us. We are not talking about property alone, we are talking about the well-being of people. We are talking about human good, the good of all, and the good of all of our people is the responsibility of all of our people.

We have had questions concerning the past tax and constitutionality of any proposed change and I am wondering if a year from now if some of us are not going to have more egg on our face than we do at the present time.

The people in my area feel, and I think I speak for the great majority of the people in my district, that the court's order should be complied with openly, wholeheartedly and honestly. They also very sincerely believe that the responsibility for the forestry protection should be the responsibility of all of us. For that reason, I cannot vote for the measure we are now discussing.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: At the Taxation hearing the other day, and on the floor, we heard the flaws in the Majority Report. We have heard the mechanical problems that will arise in terms of questions of transfer of land before or after the April 1, 1985 date. We have heard that there will be a problem in terms of calculating ownership in terms of scattered parcels of land, in terms of identifying the acreage or actually who owns the land. We have heard continually today the issues of fairness. At the hearing, there were overlay maps that showed where the assessed lands were and where the fires occurred. They don't overlay.

I guess maybe there could be a basic question before this House. I think one report says the trees cause fires. The other reports say people cause fires. There is also the issue of fairness that land that may never have been harvested once, four years ago that may never be harvested again, will be subject to that taxation. There is that basic question, is it retroactive? We were told no. But that tax, that one dollar tax washed out a two year old refund. That is retroactive.

I think before you vote today, you are going to have to make a basic personal decision, not a partisan decision, but a personal. Is it a state priority, is it a state responsibility to protect lives and property? If you answer yes, you should be voting for the Minority Report.

We are all aware that each of our districts are unique and many members of this House traveled to other regions of this state looking at industries and they have one common trait, they are competing with other states. They are competing with the rest of the world.

During the last few days between the hearing and today, we have talked with those other states, that in the forest products industry, our people who are in competition with those states, how do they address the question of forest fire suppression? New Hampshire is paid for out of the General Fund. Vermont is paid for out of the General Fund. New York is paid for out of the General Fund. Michigan paid for out of the General Fund. Wisconsin out of the General Fund. Georgia out of the General Fund. Florida out of the General Fund. We found one state here in the east that does have a fire suppression tax, Alabama, five cents an acre and it is voluntary, much like the debate that was taken place earlier in other industries.

Down our end of the state we received a shock last week when we talk about the effect upon industry and what we do in this Chamber to add to the cost of doing business in the State

of Maine. One of our major employers, NIKE, 650 jobs leaving southern Maine. They said, while they are impacted by imports, the reason they are closing down and why those 650 jobs are gone is because of the State of Maine. They took a pair of shoes and said what that pair of shoes cost in terms of mandates, workers' comp., fringe benefits, six years ago and what it costs today. They said, they are leaving because of the State of Maine.

Representative Brown was absolutely correct because I think there are many people in this chamber that when a bill is delivered in terms of cost to doing business that makes you uncompetitive that there is some big checkbook and the bill or the cost arrives whether it is a fringe benefit or a dollar per acre tax and there is some big checkbook that the check is drawn and the bill is paid. But this issue that we are dealing with today reaches down into the woods to that man or woman that cuts wood, that man or woman who hauls that wood and that man or woman that stands in that mill working that eight hour day. Because the bill was delivered and it is a million dollar bill—I would like to have someone answer, who will be paying it, from what account will it be drawn out? Will it be drawn out of Capital Improvement? Will it be drawn out of the dollars that should have gone for expansion here in the State of Maine? Will it mean that those employees in the forest products area, the next time they negotiate for wage increases, that money won't be there in terms of the compensation they should be receiving.

How about that man or woman, that small landowner who qualifies? Are they going to have to accelerate the cutting of that wood now to pay this bill? They don't have a finished product that they can sell. And are we actually indirectly going to be accelerating the cost of the cutting of wood or the speed with which that resource is being depleted? We are talking about a responsible approach in the Minority Report. We hear that a factor in this is that the Governor won't go along, we heard that two years ago, many of us bought into another plan that was found unconstitutional. It is a rare opportunity when individually and collectively you have an opportunity to correct an earlier mistake and that opportunity is before us today. You have a choice between tax and adjustments.

As the Representative from Cape Elizabeth pointed out, the bill enacts a new tax and it levies a new cost to doing business here in the State of Maine. I am hoping if this chamber does enact that, you won't have to continue to read the news in terms of paper mill machines being shut down or employees leaving. In terms of making our jobs competitive with the rest of the United States, you have an opportunity here today for one less cost, one less burden filtering down to that man or woman working in the Maine woods or working in the Maine Mills.

I think there is another question. We will be back here in January and we are looking at a very tight budget. Are we going to set a precedent at each and every case that we are going to raise taxes for any new and expanded programs or any other problems that arise, or are we going to act responsibly like Maine people do with their family budgets and make the adjustments? You have an opportunity in the Minority Report to make the adjustments.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The theme that seems to be omitted from both sides of this issue is the theme of responsibility. Both parties claim that their position on this issue is the most responsible one and they are arguing that accordingly.

I find it difficult from this corner though to accept the argument of my counterpart on the

other side that his plan is offering a reasonable alternative, that their plan is in the best interest of the people of the state, in the best interest of industry particularly the forest industry and those people who would be addressed by both Minority and Majority Reports.

I find that we haven't heard much of what the Minority Report is, we have made reference to it several times but it is something that I find appalling. I just can't believe that any member of that committee, with all the years of experience that at least two members have, would come forward with something and call it an alternative. To think that they have the audacity to suggest that sort of an approach as an alternative is beyond me. I have been in the legislature going on six years and I haven't heard anything like that proposed before and I doubt that we will hear something like that again. There is no question that, before we came into this session one goal was in the minds of the minority and that was to find an alternative regardless of what it is to present to the people and to the legislature so that the public can compare and contrast.

What we have was a law that was struck down by the court. When we found out that was the case and we had to address that problem, those on our side of the aisle decided we would come forward with a program that maintained the intent of that legislation that was struck down but to do so in a way that met the test of constitutionality. I believe the Majority Report from Taxation does that. It is consistent with what we had in the past but it makes those changes necessary to make sure that it does not fall victim to the courts again or a court decision.

On the other hand, what we got out of the committee was a lack of willingness to work, a lack of willingness to accommodate or at least to come to compromise, what came forward was a position that may look good on paper, may sound appealing to the public, a public that is concerned about waste in government, but in reality it is one of the craziest, zaniest things you could imagine I looked at the people who promoted that, people such as Representative Jackson, he spoke very eloquently to it the other day in committee and he has spoken very eloquently to us today about this issue. He almost had me convinced he believes it. But I can't believe he does. To come forward and say that we should suggest or to implement a .05 percent cut across the board in every department and agency in state government funded through the General Fund is crazy. It reminds me of the argument we had at the end of last session where it looked like the Republican Party wanted its cake and wanted to eat it as well, it was the HOME program at the time. There were people who came here and argued for the program but did not want to provide the means to fund it. Another example was marine patrol. There were people who felt we had to increase marine patrol but they did not want to provide the funding mechanism.

I was looking through some of the bills that were before the Appropriations Committee and I found it interesting to note that one that we funded was sponsored by Representative Jackson, \$89,000 in the fiscal year in 1986 for libraries, he sponsored it, it was funded. Yet in the proposal that he reported out of his committee, no where does it suggest where those cuts should be specifically, it just says across the board. Now, I want to ask if he wants to volunteer that bill of his that was funded for \$89,000 for fiscal year 1986 as sort of an incentive for other departments to do so as well, He is not alone, and I don't mean to pick on him, there are several members of his caucus that are adhering to the Republican position but fall victim to that as well.

I noticed that Representative Bell has a bill in for \$135,000 for child neglect and abuse. I thought this was a great bill and I am glad it

was funded. Is that one of the priorities that should be knocked down in favor of the big ten paper companies, big ten land owners? I don't think so, and I hope this legislature doesn't think so.

Representative Cahill has a bill for \$200,000 that was funded for services for persons with head injuries. I wouldn't want to go back to my district and say yes, I felt that was a lower priority and I sacrificed that \$200,000 to come up with the seven million dollars necessary to bail out the big ten land owners. It goes on and on. I looked at the appropriations bills and there were issues that were of importance to people like Representative Foster, and Representative Smith of Mars Hills, very legitimate concerns and they should be applauded for supporting them. One of them in particular was Medicaid. Now if we take that .05 percent cut, that affects the matching money we get from the federal government and looking at the figures I received today that would mean a loss to the state of three quarters of a million dollars in Medicaid. Now do we feel it is important to support the paper industry, the landowners and the others who would be affected by this 85 percent of being the big ten, and at the same time, defend those people, the working people of the State of Maine whose jobs are on the line? To use that as an argument is crazy because those people who benefit from those programs more directly are the ones we are trying to protect under our report.

I said, how can they do this? These people were part of the process last session, they protected or they advocated certain bills, certain programs certain services, how can they throw them away now? Then I remembered, they didn't support it last Spring. Remember when it came time for Part II? The same thing happened, they wanted to go home and say the legislature funded these programs and take credit for the legislature taking action but they refused to vote for the Part II budget. A pattern has emerged I think and I think everybody recognizes it. You can't have it both ways, sometimes you have got to stand up for the people and really mean it. I think the Majority Report that came out of Taxation does that. The alternative is crazy. Nobody in their right mind can support it. It should be called "the land barons relief act of 1985"—it is something promoted by or concocted by a band of supply side Robin Hoods. This cannot be stomachached by this individual and I hope the rest of you feel that same way.

I think the grand old party has indeed lived up to its name and its reputation as well. I think that if we, in any way, lend our support to that proposal, it will be a serious injustice to the people of Maine, it will hurt many many more times the people that they claim will be benefited from it. For that reason, I think the Majority Report is the way to go and I urge you to support it.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I just want to rise to respond to a few remarks made by the gentlemen in the corner in regards to the committee process of what occurred Thursday at the workshop in Taxation. If negotiating is signing the Majority Report, he is looking at an entirely different dictionary than I have been looking at in the past. We were willing to compromise. We were told emphatically that the Governor's bill was it and that was it. We weren't in cement on our proposal, they recognized it and we told them so. But do you think they would negotiate? Let me tell you, they don't negotiate. They negotiate from strength, I have to admire them for it, because they have the numbers, no doubt about it, they dictate what happens here.

As far as the appropriation that I evidently garnered last session for the State of Maine, I

wasn't the only sponsor on that bill. Senator Bill Diamond was on that bill, Representative Gary Cooper was on it and the gentlemen from Gray was on that bill. We talk about five tenths of one percent of reduction in any future services and programs in 1986-87, \$5.1 million, ladies and gentlemen, of a \$340 million increase.

We talk about a majority of the people who are going to be receiving this benefit if we defeat the Democratic proposal and pass the Republican proposal, it is going to be the ten largest landowners in the State of Maine, Lord only knows who they are—I.P.I., I guess, Boise Cascade, J.M. Huber Co., you name it, but are they really going to be the beneficiaries of this program if you don't accept the Majority Report and accept the Minority Report?

I submit to you if we can provide a climate in this state that creates employment and I have got to stick this in, that is a social responsibility of state government to provide jobs for its citizens. They have got to retain those jobs that are here currently. You don't retain and provide jobs by taxing an industry that is the largest industry in the state, that also happens to be one of the weakest industries in the state at the present time. Take a look at them gentlemen, take a look at Great Northern, take a look at Boise Cascade, take a look at International Paper, they are all laying people off and you know what that means when they lay people off? That means that fellow who is trucking that wood to the mill is out of work. That means that fellow who is running that skidder is out of work. You know what that means? That means that fellow who is chopping that wood is out of work. Now, who benefits by it? Certainly not the State of Maine and certainly not those workers.

I am not going to stand here today and say that imposing a dollar an acre tax on forest land of an aggregate of 500 acres or more is going to drive any business out of this state but I am going to say that with that additional dollar an acre and mandated benefits and the past practices of workers' compensation, they certainly are going to take a good hard look at it before they put any more money into the State of Maine or before they even decide to locate here.

What are we going to do? We have heard about the tree growth tax today. That tree growth tax isn't only available to the paper companies, it is available to everybody in the State of Maine, anybody who owns ten acres or more. What we are telling these people, that because you have an aggregate of 500 acres or more and you are under the tree growth and it looks like you are under commercial forestry, you are going to be subject to that dollar an acre tax, one shot deal, and then, .30 cents an acre in 1986-87. We are telling those people that you are unique, you have that ability and you have these privileges so you are going to pay. But what about that fellow who has got 10 acres of land or 50 acres of land, who is doing the same type of harvesting as a person who has an aggregate of 525 acres of land or 550 acres of land, so we will have 50 acres, give or take, of taxing purposes and 50 acres which is not—now is the value on that property on that timber, in that tree growth or that property subject to the fire suppression tax any better or receive any more money for their product than the fellow who has got a 50 acre parcel that's not subject to this tax? I submit to you, no.

I think it just goes right back to the basic of the whole thing. We have to make priorities. We have to work with priorities in this legislature and if it is a priority which the Maine Supreme Judicial Court has rendered that we reimburse those people who had paid the tax and the tax was found to be unconstitutional, then we are talking about, under the Republican proposal, taking \$3.4 million from the Maine Guarantee fund account and \$4.415

million, or it could be less than that, but that is the one you want to address and we could pay that out of those two funds and that was what the intention was with the Republican package to pay back the illegally collected tax and to pay back the interest and get us out of the current dilemma as the language in the bill stated for calendar year 1985 and not fiscal year 1985-86 which through their amendment does clear that up, there was a question whether it would be constitutional to collect a retroactive tax in response to another fiscal year, so that was our proposal. As I said in that committee hearing and that workshop, we weren't in cement, we were willing to negotiate but the Majority Party wasn't willing to negotiate.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The minority leader has made a very eloquent plea for subsidies for paper companies. In fact, he almost had me reaching for my handkerchief. I do have to say that my priority is not the paper companies, although I have great sympathy for them.

Now the people down my way, and I live near the minority leader, continually ask me, why do we have to pay money for forest fire protection in the northern part of the state. We have our own fire departments in our area and we pay for those, we are paying for half of the services up there, why do we have to do that?

There is another wrinkle that has not been mentioned here. It is the fact that when we do have a fire in those areas, and I happened to go up and visit the site of one up in Chesuncook on Great Northern Paper Company land, we not only pay through the forest fire service, but we also pay those companies for the services they provide in putting out the fires on their own land. For example, in the Chesuncook fire, which was about 400 acres, I think the bill came to about \$400,000 which the state paid Great Northern to reimburse them for the use of their equipment and personnel which was obviously on their land and to their advantage to have that fire put out. Anyway, that is the question I get down my way.

Now, if the Republican proposal were to go through, there would be a new question that I would be asked and it would be from those people, say some senior citizen who lost his services, he would be saying, why did I lose my services in order to help fight forest fires up on this paper company's land? Now the only answer that I could give to those questions before what that we did get some protection out of it. For example, there are some fire towers in York County that are run by the forest fire service. Now as one who has had to fight tooth and nail to keep those towers open and it is a fight that I am still finding some problems with the way the department is administering it and something that I want my committee to look at, but that is about the only thing that we do get out of it in southern York County and we have to fight to keep that going too.

So, in some respect, I see this bill today as a stopgap measure because there are those of us in southern York County or in the southern part of the State who are really wondering why we even need this forest fire service, why we can't do it on a regional basis. I am very surprised to hear that the paper companies are talking about trying to get out from under and paying for it themselves. That is something I never heard.

The argument has been made over and over again, and I suspect for political reasons, that this is not a tax and that there would be no tax under the Republican proposal, that is nonsense. Of course, there would be a tax. There would be a tax on the people who get less services on behalf of people who really don't have to worry about receiving programs

like meals on wheels and some of the other needed services that could go out because of this. Although I almost was moved to tears by the minority leader, I am going to vote for the Majority Report.

Representative Davis of Monmouth requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: I didn't think that I would rise today but it seems there comes a time when you should and must put something on the Record. I stood here the last time around when I was serving on the Taxation Committee when we were discussing this same issue and I find it rather interesting to note that in the paper, the decision paper of the Supreme Court, that they indicated that this problem has been around for nearly 80 years, and though many attempts had been made to solve it, nothing has come up that could solve the problem.

So, I guess we could say it is not unusual to be here today debating this issue. I think philosophically we have to view ourselves as an individual who has our own belief and is willing to represent that belief.

The last time around I stood here and asked everybody to vote with me and the record will show that I indicated that I was very unhappy with the proposal before us. But knowing the political atmosphere we had to work under, it was a compromise that we had struck finally in the eleventh hour. At first, we had a fifteen member report which finally came down to the House at a twelve member to one "Ought to Pass." I felt at that time I had to rise and say that I was unhappy with that report but that I was going to vote for it in the spirit of compromise.

As had already been indicated, I am a cosponsor of the measure that we are discussing currently and when my good friend who I served with on the Taxation Committee, Representative Cashman called me and asked me, he explained to me exactly what the bill did and it seemed to me that once more, that we were going to be in a situation of compromise and it seemed to me that the bill that we were going to present did answer the objections of the law court. So, I was willing to cosponsor the bill. I am not sorry that I did, but I want to tell you that I didn't think that we could get anything else, and those of you who are on the Taxation Committee and those of you who attended the hearing on November 6th will remember that I said that I was not happy with the proposal that I was cosponsoring. I would be much happier if there would be something surface that would be 100 percent funded from the General Fund.

At that point in time, I didn't think that we had the intestinal fortitude here in the House to come up with that proposal but I guess I have to apologize that there are some here who have decided that they must stand up and be counted. That is the position I find myself at this point in time and will be voting against the proposal before us, hopefully we can get to the proposal of 100 percent funding.

Representative Zirkilton of Mt. Desert, was granted permission to address the House a third time.

Representative ZIRKILTON: Mr. Speaker, Men and Women of the House: I just want to address two brief points. One of the major criticisms that has been made here today about the minority proposal is that we have not spelled out exactly where these cuts will take place. Representative Rolde has made an assumption along with many others that have been slung around this room today that perhaps they might be in the area of elderly services. We don't know where they might be. We do however believe, and we considered this very thoroughly when we were trying to form

the idea that is before you today, that we do not necessarily have the greatest amount of knowledge as to where these possible cuts should take place. There are commissioners, department heads, others who, with any luck at all and I certainly hope this is true, have a much better handle on what areas could possibly handle a small cut, and what areas could not. They should have a much better idea of where that could take place than this body would.

Another point that has been addressed is that we once again are showing our true colors just as we did on the issue of the HOME program. In less than one calendar year, the tax on the HOME program was increased by 300 percent, 100 percent in September of last year in the special session and then an additional 200 percent by levying that same increase tax on the buyers of homes which we did earlier this year. So any time that we see a tax increase proposal or a tax such as that one, which was increased triple, we lay our feet down, we are proud of it and we feel that is what this party should stand for.

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. During one of the earlier speeches, did I hear somebody say competing measure? I think it was Craig Higgins. During the last six years on the Taxation Committee, we wrestled with this issue during more than one legislative session. During those years of work on this issue, I never heard anybody representing any paper company make any suggestion to the effect that they should be relieved completely of the obligations to chip in to help pay for forest fire protection. I have never heard it, it was just not said, they were interested in other things at the time. Over the years, the tax conformity which they got and enjoyed, there was not other group which derived more benefits from the unitary tax than paper companies and forest product companies and they have been able to keep the tree growth tax law over all those years, those are the things that interested them. I never heard anybody say this was a program for the paper companies.

Representative Jackson said in his remarks that the Majority Report is hasty and ill conceived. I think that is really just inaccurate, it is really anything but hasty and ill conceived. The Majority Report is a minor adjustment to a statute which was the result of literally years of work sessions and hearings and writings and study and debate and is really a minor alteration to a statute which resulted as most things do here from a compromise which at the time enjoyed the support of the gentleman from Kennebec and the gentleman from Monmouth and other usually responsible leaders in this House.

What the court did to that bill wasn't saying that there was anything repugnant to the court or to say it is illegal, I think is misleading. What the court said was that this is what the legislature did, it was its job, it does not stack up against the Constitution in that regard so we are coming in there and taking out that objection which the court had when this bill was held up against the Constitution of the State of Maine. The bill was a very, very good bill when it was enacted before. It has this flaw, we are going to take this flaw out.

I think the idea contained in the Minority Report is in itself virtually indefensible. The idea that we should go 100 percent now—I mean the people involved in it aren't even asking for it, they don't have the temerity to ask for it. I mean there is just no justification for making a break now with the historic notion, which has been around for 80 years or so now in Maine, that people who derive the greatest benefit from this service are to chip in and help pay for some of the cost of it.

Beyond the fact that there is no justification for that, for going to 100 percent, I think the method by which it is proposed that this law be put into effect is really hard to regard as serious. If we are just going across the board to take one half percent from Pineland, the Maine Youth Center, from funds to pay or bonded indebtedness, for the State of Maine, you know, I really don't think that the Minority Report is the genuine alternative for serious people. We are facing a really serious problem here, it is not intractable and if we act without posturing and without propagandizing and if we approach it as serious men and women, I think the Majority Report is clearly going to take care of the problem.

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

Representative CASHMAN: Mr. Speaker, Men and Women of House: I think debate has branched out quite far on this needlesome problem and hopefully I can get back to the root of it and we can leave it.

I want to address just a couple of points that have been made. One I take exception to is the indication that the Democrats on the Taxation Committee refused to negotiate or discuss this issue. I think that when negotiations break down it is generally the fault of both sides and both sides play a part in it. I am not going to stand here today and point a finger at my Republican colleagues on the Taxation Committee because I think it always is a 50/50 deal. But I do want to point out to Representative Jackson, as I am sure he will remember that we all met, Senator Twitchell, myself and Representative Jackson met in the Governor's Office a week before the hearing. We did attempt to gain some input. I do think that negotiations did certainly break down and stop but to say that no attempt was ever made by the Majority Party is incorrect.

Secondly, one of the points that was made was that Representative Murphy said they had done a comparison of what other states do and I am sure that they did. As Representative Kane an Masterman and Jackson and others who are on the Taxation Committee in the 111th will recall that is not the first time that has been done. While it is true that you can call the State of New Hampshire and ask them how they pay for forest fire suppression, they will tell you that they pay it out of the General Fund; I would submit to you that so do we. There is roughly a six million dollar budgeted item for forest fire suppression in our budget. We do reimburse the General Fund for 50 percent of the cost of that. New Hampshire does not have a forest fire suppression tax but they do not have a severance tax which reimburses the General Fund for part of the cost for their forest fire suppression. Georgia has one, Louisiana has one, there are a number of states that have a severance tax. As a matter of fact, that proposal has been offered to the Taxation Committee as a solution to this dilemma over the years.

Debate has dragged on here now for over an hour and a half, and I told you when I started that there has never been an issue since I have been on Taxation that has defied an answer more than this one. If you didn't believe that when I told it to you, the debate over the last hour and a half should have proved it. I can't do anything to prove to you more conclusively then that is the case than what has been said here for the last hour and a half. I don't think we have touched on new ground since approximately five minutes of twelve, I don't think if we go on for another hour and a half we will touch on any more new ground.

The point is this is a very complicated, complex problem. The Majority Report attempts to continue the practice that was set up over the past two years. The Minority Report has been very well explained by its proponents. I have offered my exceptions to it as have others and

I won't repeat them. I just want to get back to the root of this thing that all we are trying to do in the Majority Report is continue what was set up after hours, weeks, months and years of discussion and nothing has been said here in the past hour and a half that is anywhere even resembling new ground.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I will try to cover some new ground. A while back there was a conference in Portland on the growing importance of local and state government. I think we are seeing that occurring now.

Representative Murphy talked about the impact on the shoe company in Saco. I wonder if that problem is, in fact, a problem with state policy or federal policy. Our own representatives in Washington have fought in a very frustrating way to do something about that and I wonder if the difficulty that the paper industry is facing is due to state policies or federal policies again.

States right now are facing retrenchment. We are getting more and more responsibility. What programs we are going to keep and how we are going to fund them is the question I hear going on today. So, when we look at state policy, and what taxes we should have to fund state programs, there were a number of considerations, which I heard at the hearing, but basically they were, is this tax simple, simple to understand and simple to institute? I accepted that argument that at 25 cents an acre, 500 acres or more commercial forest land, it was simple. Was it fair and equitable? The Governor said that before he will sign it he will see if it doesn't meet a constitutional test. Is it easy to administrate? That is why it was raised to 500 acres or more because it wasn't easy to administrate before, especially at 100 acres. Then when we looked at the real critical question for me and the district that I represent, what is the impact of this tax and what is the incidence on it, who is really going to pay for it and does it create a disincentive for good forestry practice in this state? I just became really aware of this issue a week ago.

The forest products industry did not contact me ahead of time, did not discuss this as a top priority issue to give me some background about it so I am operating with basically a week's worth of information but the bottom line after listening to several constituents tell me that this was a hardship, that this would create a disincentive, the bottom line when I asked them how many acre of land they had, one told me they had 10,000 acres of land and that this would do terrible things to their business. This one landowner, recently purchased a brand new Mercedes sports car. I was just told that one of those cars probably sells for between \$30,000 and \$46,000. So the impact of .25 cents an acre on 10,000 acres of land is \$2,500. I wonder, again going to my first point on federal policy and federal tax policy, if we don't see part of the problem there. Is it state policy that is creating a hardship for the forest products industry and is that tax a disincentive for good forestry practice, will people start using their forest lands in a different manner as a result of this tax? My conclusion is, when I looked at my second constituent who has 1,000 acres of forest land and questioned, could he keep that land in multiple use, is \$250 a hardship, that big a hardship for that landowner from this point forward and to close that land to snowmobilers and to close that land to hunters and to close that land to people who are hiking? I just can't accept that, I don't think this tax creates a hardship and if it does, I am certainly willing to listen to that group, that 17 percent of the landowners in Maine who are not of the ten largest paper companies to present their problems to us, how this tax does create a disincentive to good

forestry practice and go from there.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: There has been a lot said today and I could go through this all over again but I won't. I want to zero in on two proposals in the Minority Report and I have yet to hear them justified. How is it fiscally responsible to drain our guarantee fund reserve dry and then eliminate the legislative intent for it to exist and thereby eliminate the ability of the state controller to transfer funds into it to protect the state in cases of default in any one of the state loans that we do guarantee? How is it fiscally responsible to borrow against the future for operating revenues—we generally borrow for capital items when we bond, we build bridges and roads and sewer plants and water systems for capital items, not for operating revenues. How is it fiscally responsible to borrow \$4.5 million and attempt to pay it off—I say attempt to pay it off—over the next five years with an additional transfer of \$883,000 from surplus? The surplus, I might point out, may not exist. I wish someone would explain that to me.

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 of a roll call will vote yes; those opposed will vote no.

A vote of the House was taken and obviously 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 McCallister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Currently there is nothing new I can add to this argument but an hour and a half ago, I was asked to look at myself and see if there was a reason for me to have shame. I have spent the last half hour thinking about that. I believe that I can walk down the street of my district looking the working man in the eye and say, no I have no shame, I am not going to ask you to pay your employer's insurance.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Men and Women of the House: I don't own 500 acres of land, first off, but I am one of those persons who lived in the fire area in Waterboro during the 1947 fire. All of my land was fired. On the night of October 23rd, I went down through to East Waterboro trying to find equipment that would come up and possibly save the homes on the hill where I lived. All I saw down there were cellar holes that had been burned out, empty chimneys and as I walked down the road, tears came down my eyes because I remembered, I knew the people that been burned out, older people that weren't in the position to start all over again. Down our way, we have had a number of forest fires, nothing like the 1947 fire, some people say it can't happen again, I say if the conditions are right, it can happen again. We need forest fire protection down there. Yes, we have our town fire departments, yes, but we need our fire lookout towers very badly because the sooner the fire department can get out to a fire or spot a fire and get it out, there is a possibility that some of this may never happen again.

In my opinion, it is the best interests of every man, woman and child in this state to have this forest fire protection. In this case, it should come out of the General Fund.

You know there is an old saying folks, "two wrongs don't make a right." The first tax was declared unconstitutional, they made a few adjustments yes, but in my opinion, it is just as

wrong as the first one was. I urge you to vote against the Majority Report.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" as amended Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL No. 228

YEAS:—Aliberti, Allen, Ayer, Beaulieu, Bost, Boutilier, Brannigan, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Higgins, H.C.; Høglund, Jacques, Jalbert, Joseph, Kane, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Pouliot, Priest, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Ruhlin, Simpson, Soucy, Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, 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, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilston.

ABSENT:—Baker, H.R.; Brodeur, Brown, D.N.; Cote, Hickey, MacBride, Paul, Perry, Rydell, Stevens, P.; Taylor

75 having voted in the affirmative and 65 in the negative with 11 being absent, the motion did prevail.

The Bill was read once.

Committee Amendment "A" (H-486) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

November 13, 1985

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Elizabeth T. Greenstein of Portland, for reappointment to the Maine State Housing Authority.

Upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Peter M. Leslie of Cape Elizabeth for appointment to the Health Care Finance Commission. Peter M. Leslie is replacing David Cluchey.

Upon the recommendation of the Joint Standing Committee on Education, the Governor's nomination of Michael W. Aube of Bangor for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Upon the recommendation of the Joint

Standing Committee on Education, the Governor's nomination of Michael W. Aube of Bangor for appointment to the State Board of Education. Michael W. Aube is replacing Paul H. Phelan.

Upon the recommendation of the Joint Standing Committee on Legal Affairs, the Governor's nomination of H. Alan Timm of Manchester as Director of the Maine State Lottery Commission.

Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Evelyn Jephson of Kennebunkport for reappointment to the Board of Environmental Protection.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Order: (S.P. 647)

JOINT RESOLUTION MEMORIALIZING

RONALD W. REAGAN,

PRESIDENT OF THE UNITED STATES AND

JOHN S. HERRINGTON, SECRETARY OF THE

UNITED STATES DEPARTMENT OF

ENERGY NOT TO LOCATE A HIGH

LEVEL RADIOACTIVE WASTE REPOSITORY

WITHIN THE STATE OF MAINE

WE, Your Memorialists, the House of Representatives and Senate of the State of Maine of the 112th Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, and John S. Herrington, Secretary of the United States Department of Energy, as follows:

WHEREAS, there are 31 crystalline rock bodies in Maine being considered by the United States Department of Energy in their search for a national high level radioactive waste disposal site; and

WHEREAS, there are serious environmental concerns about the suitability of this crystalline rock for waste disposal; the Department of Energy itself say "fractures may provide pathways for unacceptable levels of ground water flow," and "little data are available about fractures and the presence or absence of ground water at repository depths (1500 to 3000 feet below the surface)"; and

WHEREAS, many of the crystalline rock bodies in Maine must be disqualified under the United States Department of Energy's own criteria, for example:

—Baxter State Park, Acadia National Park and Moosehorn National Wildlife Refuge are state or federally protected lands; and

—The Biddeford, Auburn and Ellsworth areas are in areas of high population; and

—The Sanford and Windham areas are in areas of relatively high and growing population density (nearing 1,000 persons per square mile); and

WHEREAS, a large fraction of the crystalline rock bodies present significant water problems. Several (6) are located around major lakes for example: Sebago, Belgrade, Rangeley, Flagstaff, Great Moose Pond and Moosehead; and several (3) are located in major river valleys and other major ground water discharge zones, for example: Saco River, Penobscot River and St. Croix River; and several (3) are located in major wetland areas, including the Great Heath and the coastal Waldoboro area; and

WHEREAS, transportation problems will be severe. Several (3) of the crystalline rock bodies are located on islands which are inaccessible by truck or rail; and over half of the crystalline rock bodies are located further than 30 miles from the interstate highway, which will make transportation to them exceedingly difficult and unsafe unless major expenditures are made on new roads; and the hostile climate in the State makes transportation dangerous especially during the winter; and the transportation routes from other states to Maine go in or near

the most densely populated regions of the United States, thereby increasing the risk to the public; and

WHEREAS, several (4) of the crystalline rock bodies are located on the Canadian border; and a significant number (at least 7) of the crystalline rock bodies are located on Indian lands of the Penobscot and Passamaquoddy tribes; and several (4) of the crystalline rock bodies are located along the Appalachian Trail, a national treasure associated with the national park system; and

WHEREAS, high level radioactive waste requires isolation from the accessible environment for 10,000 years; and Maine's geology has changed dramatically in a similar length of time. The last glacier covered the State only 18,000 years ago and only left 13,000 years ago, producing heavy stress on the rocks; and

WHEREAS, the first high level waste repository is not expected to be operational until 1998 at the earliest, while Maine's only source of high level radioactive waste, the Maine Yankee Nuclear Power Plant will reach the end of its license soon after that, in 2008; and

WHEREAS, a significant part of the nation's high level waste is generated by the weapons program and none of that waste is generated in or near Maine; and

WHEREAS, Maine makes a very small contribution to the national high level waste problem. Maine will generate less than 1/2 of 1% of the nation's high level waste through the high level waste program planning period (i.e., through 2020); and

WHEREAS, the solution to this national problem should be carried out in an equitable fashion; and

WHEREAS, the risk to public health and safety should be minimized; and

WHEREAS, there is little likelihood of finding an environmentally suitable site in Maine; and

WHEREAS, the Legislature, beginning in 1981 (the Maine Revised Statutes, Title 38, chapter 14-A) indicated its intent to conduct close oversight over the federal process for siting high level radioactive waste repositories; and

WHEREAS, the Governor of the State of Maine has publicly stated his strong opposition to the siting of any high level radioactive waste repository in Maine ever since 1980, when Maine was first included among the regions being considered; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby, respectfully but strenuously, oppose location of any high level radioactive waste repository within the borders of the State of Maine; and be

RESOLVED: That the President of the United States and the Secretary of Energy be respectfully urged not to locate a high level radioactive waste repository within the State of Maine; and be it further

RESOLVED: that duly attested copies of this Joint Resolution be immediately transmitted by the Secretary of State to the President of the United States, to the Secretary of the United States Department of Energy and to Members of the Maine Congressional Delegation.

Came from the Senate, read and adopted as amended by Senate Amendment "A" (S-367). Was read.

Senate Amendment "A" (S-367) read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The United States Department of Energy has embarked on a major program to site a high level radioactive waste repository in the Eastern part of the United States in granite rocks. The Resolution that the Clerk just read far more eloquently

than I can do has outlined the arguments against siting that repository in Maine. In fact, I don't even think that siting a repository of that nature in this state should even pass as the common sense task. Part of next month, in December, the Department of Energy will narrow the 230 odd rock sites down to 15 to 20 and the 17 states down to five or six. If we are still being considered after that cut, we face a long difficult and arduous problem. I don't think that there has ever been a federal law or a federal issue probably since slavery that is going to create more antagonism between the states, and between the states and federal government, as this problem, that has been created by the low level radioactive waste policy act. This repository is potentially very, very, very dangerous if it is not sited properly. I think that we must use all of our resolves and all of our will to make sure that the federal government doesn't come in here and do something that is not absolutely perfect. We have to use all of our resources to make sure that they do absolutely the best job. I think that if they go out and do absolutely the best job they will site the repository in another state. Subsequently, the Resolution was adopted as amended in concurrence.

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

Orders

On motion by Representative ALLEN of Washington, the following Joint Resolution: (H.P. 1172) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator BUSTIN of Kennebec, and Representative SPROUL of Augusta)

JOINT RESOLUTION IN HONOR OF DR. ALONZO H. GARCELON, SPORTSMAN, CONSERVATIONIST, NATIONAL RIFLE ASSOCIATION PRESIDENT, CIVIC LEADER, PUBLIC AND PRIVATE HEALTH DENTIST
WHEREAS, in the death of Dr. Alonzo H. Garcelon, Augusta, conservationist, sportsman's leader, civic leader, and public and private health dentist, at Portland on November 4, 1985, the people of Maine have lost an active and well-known advocate for the State's fish and wildlife resources and the sporting tradition for which the State of Maine is famous; and

WHEREAS, this conservation leader, co-founder and Honorary President for Life of the Sportsman's Alliance of Maine, cofounder of the Natural Resources Council of Maine, chairman of the Advisory Council, Maine Department of Inland Fisheries and Wildlife, from 1959-1978, member and leader of many other groups concerned with sport hunting and fishing, became a sportsman's leader of national prominence through his election to the presidency of the National Rifle Association in April 1985; and

WHEREAS, Dr. Garcelon's dedication to maintaining the quality of Maine's fish and wildlife resources had been acclaimed by conservation leaders throughout the State and honored through the naming of a wildlife management area for him by the Maine Department of Inland Fisheries and Wildlife; and

WHEREAS, the people of the State of Maine benefited from the Augusta dentist's distinguished professional career, including service as director of Dental Services for the State Department of Human Services and leadership roles in professional organizations promoting high ethical and health care standards; and

WHEREAS, Dr. Garcelon also promoted quality in the education of Maine people, through his membership on the New England Board of Higher Education and involvement with Unity and Westbrook Colleges; and

WHEREAS, this sportsman who loved and cared about Maine's people as well as he did this State's great outdoor resource was much loved and will be sadly missed by all those who

shared his concerns, now, therefore be it.

RESOLVED: That We, the members of the 112th Legislature, pause in our deliberation to acknowledge and recognize the lasting contributions which Dr. Garcelon has made to his native state; and express the deep affection and respect which we as representatives of the people of Maine share with the citizens of Maine for his memory; and be it further

RESOLVED: That an engrossed copy of this resolution be immediately transmitted to his bereaved family in testimony of the sympathy and compassion which we share with them in their loss.

Was read and adopted and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

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

ORDERED, that Representative Norman R. Paul of Sanford be excused November 13 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Constance D. Cote of Auburn be excused for personal reasons.

Was read and passed.

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

The following Joint Order: (S.P. 646)

In Memoriam

WHEREAS, few words of tribute to E.B. White could captivate more effectively or shine more brightly than the body of works he bequeaths; and

WHEREAS, the passing at age 86 of this consummate wordsmith recalls to us his love for the beauty and serenity of coastal Maine which he sought over the literary limelight; and

WHEREAS, the carefully selected and lovingly crafted words of E.B. White brought to the hearts of young and old, and all cultural levels an inestimable joy and a clearer understanding; and

WHEREAS, in all of his writing there is honesty and humor and clarity; in a style which will not merely linger but endure; and

WHEREAS, E.B. White's life and works bespeak a simple eloquence paralleled by few and aspired to by many; now, therefore, be it

RESOLVED: That we the Members of the 112th Legislature now assembled in First Special Session enter upon our journals with deep regret the passing on October 1, 1985, of Elwyn Brooks White, and recall these words once cited in his honor: "If we are to be remembered as a civilized era, . . . it will be partly because of Elwyn Brooks White. The historians of the future will decide that a writer of such grace and control could not have been produced by a generation wholly lacking in such qualities, and we will shine by reflection in his gentle light." and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed be immediately transmitted with our deepest sympathy to his family.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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

Paper from the Senate

Bill "An Act Correcting an Error in the Law Relating to Business on Sundays Between Thanksgiving and Christmas Day" (Emergency) (S.P. 645) (L.D. 1662)

Came from the Senate under suspension of the rules, and without reference to a Committee, the bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Business and Commerce.)

Under suspension of the Rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

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

Enactor (Reconsidered)

An Act to Fund and Implement Certain Collective Bargaining Agreements (H.P. 1166) (L.D. 1663)

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

On motion of Representative Carter of Winslow, the House reconsidered its action whereby L.D. 1663 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-488) and moved its adoption.

House Amendment "B" (H-488) was read by the Clerk.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As a matter of brief explanation, what this amendment does is delete references to the state police segment of the collective bargaining as it was not ratified by that group and further amends the current law to allow repayment of these funds if the funds are available over the course of the next three years.

Subsequently, House Amendment "B" was adopted.

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

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

Passed to be Enacted Emergency Measure

An Act Concerning the Requirements for a Rehabilitation Administrator Under the Workers' Compensation Act (H.P. 1167) (L.D. 1664)

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. 121 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.

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

Passed to be Enacted Emergency Measure

RESOLVE, Authorizing Kennebec County to Pay Deficits from Unappropriated Surplus (H.P. 1168) (L.D. 1665)

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. 121 voted in favor of the same and 3 against and accordingly, the Resolve was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Passed to be Enacted Emergency Measure

An Act to Allow the Finance Authority of Maine to Close any Project Initiated Prior to the Recent Changes in Finance Authority of Maine Legislation (H.P. 1169) (L.D. 1666)

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

the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 1 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

Messages and Documents

The following communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

November 12, 1985

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 5 M.R.S.A., section 7021, I have today reappointed Wendy Kindred, of Fort Kent, to the Maine Commission for Women.

Sincerely,
S/ JOHN L. MARTIN
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

November 13, 1985

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that I have today appointed Rep. Nathaniel Crowley to serve as the Maine Representative on the Education Commission of the States. He will be filling the vacancy caused by the resignation of Rep. Steven Crouse.

Sincerely,
S/ JOHN L. MARTIN
Speaker of the House
Was read and ordered placed on file.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

Bill "An Act Relating to Surety Bonds Filed by Motor Vehicle Dealers" (H.P. 1173) (L.D. 1668) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Representatives CALLAHAN of Mechanic Falls, STROUT of Corinth and MOHOLLAND of Princeton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Transportation was suggested.)

Under suspension of the Rules, and without reference to any committee, the Bill was read once and assigned for second reading later in today's session.

(At Ease)

The House was called to order by the Speaker:

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act Relating to Surety Bonds Filed by Motor Vehicle Dealers" (H.P. 1173) (L.D. 1668)

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

Representative Theriault of Fort Kent offered House Amendment "A" (H-489) and moved its

adoption.

House Amendment "A" (H-489) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

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

Passed to Be Enacted Emergency Measure

An Act Correcting an Error in the Law Relating to Business on Sundays Between Thanksgiving and Christmas Day (S.P. 645) (L.D. 1662)

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. 101 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.

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

Passed to Be Enacted

An Act Establishing a Commercial Forestry Excise Tax and Providing an Appropriation for Refunding Maine Forest Fire Suppression Taxes Paid (H.P. 1163) (L.D. 1661) (C. "A" H-486)

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

Representative Jackson of Harrison requested a roll call on enactment.

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 enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 229

YEAS:—Aliberti, Allen, Ayer, Beaulieu, Bost, Boutilier, Brannigan, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Coles, Connolly, Cooper, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Pines, Pouliot, Priest, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Ruhlman, Simpson, Soucy, Stevens, P.; Swazey, Tammaro, Theriault, Vose, The Speaker.

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

ABSENT:—Baker, H.R.; Brodeur, Cote, Hickey, Kane, Lawrence, MacBride, Nelson, Paul, Perry, Randall, Rydell, Small, Tardy, Taylor, Warren

71 having voted in the affirmative and 64 in the negative with 16 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Bill "An Act to Permit the Northern Maine General Hospital of Eagle Lake to Maintain a Juvenile Home" (Emergency) (H.P. 1174) (L.D. 1669) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Human Resources was suggested.)

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

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Fund and Implement Certain Collective Bargaining Agreements (H.P. 1166) (L.D. 16663) (H. "B" H-488)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 3 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Relating to Surety Bonds Filed by Motor Vehicle Dealers (H.P. 1173) (L.D. 1668) (H. "A" H-489)

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. 116 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.

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

Representative Pines of Limestone was granted unanimous consent to address the House:

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I was recorded as voting yea on Roll Call 229 and I wish to be recorded as voting nay.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Permit the Northern Maine General Hospital of Eagle Lake to Maintain a Juvenile Home (H.P. 1174) (L.D. 1669)

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

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the Speaker appointed Representative DIAMOND of Bangor, on the part of the House to Inform the Senate that the House had transacted all business before it and

is ready to adjourn without day.

Subsequently, Representative DIAMOND reported that he had delivered the message with which he was charged.

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

Representative CASHMAN of Old Town
Representative McCOLLISTER of Canton
Representative NELSON of Portland
Representative SWAZEY of Bucksport
Representative MAYO of Thomaston
Representative INGRAHAM of Houlton
Representative JACKSON of Harrison
Representative ZIRNKILTON of Mount
Desert
Representative WEBSTER of Cape Elizabeth

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

(Off Record Remarks)

The following item appearing on supplement No.17 was taken up out of order by unanimous consent.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act to Permit the Northern Maine General Hospital of Eagle Lake to Maintain a Juvenile Home" (Emergency) (H.P. 1174) (L.D. 1669) which was passed to be enacted in the House on November 13, 1985.

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

The House voted to adhere.

By unanimous consent, was ordered sent forthwith to the Senate.

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

On motion of Representative Hichborn of LaGrange,

Adjourned sine die (5:12 p.m.) in memory of Samantha and Arthur Smith and E.B. White.