

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

The House was called to order by the Speaker.
Prayer by Reverend Robert Hargreaves, St. Mark's
Episcopal Church, Augusta.

The Journal of February 26, 1986 was read and
approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

February 26, 1986

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk Pert:

Please be advised that Bill "An Act to Require
Notice of the Smoking Policy in Restaurants" (H.P.
1193) (L.D. 1690) having been Ruled not properly
before the Senate, being in violation of Joint Rule
37, on February 18, 1986, has been placed in the
Legislative Files.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Establish the Maine Small
Business and Job Development Program" (S.P. 810)
(L.D. 2038)

Came from the Senate, referred to the Committee
on Appropriations and Financial Affairs and Ordered
Printed.

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

Was referred to the Committee on Appropriations
and Financial Affairs in concurrence.

LATER TODAY ASSIGNED

RESOLVE, Creating a Maine Commission to
Commemorate the Bicentennial of the United States
Constitution (Emergency) (S.P. 813) (L.D. 2045)

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

On motion of Representative Gwadosky of
Fairfield, tabled pending reference in concurrence
and later today assigned.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and
Financial Affairs reporting "Leave to Withdraw" on
Bill "An Act to Fund a Long-term Care Budget for
Maine's Elderly, Handicapped and At-risk Citizens who
Need Support and Health Services" (Emergency) (S.P.
735) (L.D. 1888)

Report of the Committee on Business and Commerce
reporting "Leave to Withdraw" on Bill "An Act to
Protect Homeowners Against Workers' Compensation
Exposures" (S.P. 688) (L.D. 1776) (Representative
ALIBERTI of Lewiston - of the House - Abstaining)

Report of the Committee on Labor reporting "Leave
to Withdraw" on Bill "An Act to Clarify the
Definition of Wage Within the Maine Wage Assurance
Fund" (S.P. 595) (L.D. 1561)

Report of the Committee on Labor reporting "Leave
to Withdraw" on Bill "An Act to Establish a Job
Development Training Fund for Maine's Shoe Industry"
(S.P. 537) (L.D. 1438)

Report of the Committee on Human Resources
reporting "Leave to Withdraw" on Bill "An Act to
Establish a Downeast Emergency Medical Services
Regional Office to Serve Hancock and Washington
Counties" (S.P. 199) (L.D. 533)

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

Non-Concurrent Matter

Joint Order relative to recalling L.D. 1716 from
the Governor's desk to the House (H.P. 1474) which
was read and passed in the House on February 26, 1986.

Came from the Senate indefinitely postponed in
non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the
recommendation of the Committee on Reference of
Bills, were referred to the following Committees,
Ordered Printed and Sent up for Concurrence:

Business and Commerce

Bill "An Act to Protect Individual Retirement
Accounts from Attachment and Execution" (H.P. 1475)
(L.D. 2077) (Presented by Representative NELSON of
Portland) (Approved for introduction by a majority
of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Concerning Medical Malpractice Insurance" (H.P. 1476) (L.D. 2078) (Presented by Representative NELSON of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Pertaining to Snowmobile Registration" (H.P. 1477) (L.D. 2079) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representative McPHERSON of Eliot, Senators MATTHEWS of Kennebec and PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Study Report-Committee on Legal Affairs

Representative MASTERMAN from the Committee on Legal Affairs to which was referred by the Legislative Council the Study Relative to the Maine Dram Shop Act have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create the Maine Liquor Liability Act" (H.P. 1478) (L.D. 2080) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

ORDERS

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

ORDERED, that Representative Donald Carter of Winslow be excused February 28, 1986 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative SOUCY from the Committee on Transportation on Bill "An Act Concerning the Specifications of Auxiliary Lights on Motor Vehicles" (H.P. 1291) (L.D. 1808) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act Authorizing the Public Utilities Commission to Require an Electric Utility

to Submit a Long-range Energy Plan" (H.P. 1314) (L.D. 1830) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act to Clarify the Confidentiality of Accident Reports" (H.P. 1230) (L.D. 1737) reporting "Leave to Withdraw"

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

Refer to the Committee on State Government

Representative VOSE from the Committee on Utilities on Bill "An Act to Place in the Unclassified Service 3 Utility Accountant III Positions at the Public Utilities Commission" (H.P. 1437) (L.D. 2028) reporting that it be referred to the Committee on State Government.

Report was read and accepted and the bill referred to the Committee on State Government and sent up for concurrence.

Divided Report

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act Concerning State Contributions to Pollution Abatement" (H.P. 1280) (L.D. 1797) reporting "Ought to Pass" in New Draft (H.P. 1469) (L.D. 2071)

Signed:

Senators: USHER of Cumberland
KANY of Kennebec
EMERSON of Penobscot

Representatives: MICHAUD of Medway
JACQUES of Waterville
MITCHELL of Freeport
RIDLEY of Shapleigh
COLES of Harpswell
HUGLUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb

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

Signed:

Representative: LAW of Dover-Foxcroft

Reports were read.

On motion of Representative Michaud of Medway, the House accepted the Majority "Ought to Pass" Report, the New Draft read once and assigned for second reading February 28, 1986.

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1363) (L.D. 1917) Bill "An Act to Remove Barriers to the Appropriate Disclosure of Mental Health Information" Committee on Human Resources reporting "Ought to Pass".

(H.P. 1326) (L.D. 1861) Bill "An Act Concerning the Open Time for Polls on Election Day" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-536)

(H.P. 1284) (L.D. 1801) Bill "An Act to Clarify and Make Corrections in the Election Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-537)

(H.P. 1349) (L.D. 1885) Bill "An Act Concerning the Court Appointed Special Advocate Program and the Conduct of Court Appointed Special Advocates" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-538)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, February 28, 1986 under the listing of Second Day.

CONSENT CALENDAR

SECOND DAY

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

(S.P. 719) (L.D. 1842) Bill "An Act to Create an Ongoing Cooperative Association Between the Department of Marine Resources and the University of Maine." (C. "A" S-381)

(H.P. 1240) (L.D. 1750) Bill "An Act to Adjust and Allocate Various Dedicated Revenue Accounts of the Department of Environmental Protection for Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (C. "A" H-535)

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend and Clarify the Statutes Governing Control of Hazardous Air Pollutants" (H.P. 1473) (L.D. 2072)

Bill "An Act to Promote Intensive Spruce-fir Management" (H.P. 1468) (L.D. 2070)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

Emergency Measure

TABLED AND ASSIGNED

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1986 (H.P. 1454) (L.D. 2051)

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

On motion of the Representative Gwadosky of Fairfield, tabled pending final passage and assigned for February 28, 1986.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1986 (H.P. 1455) (L.D. 2052)

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. 120 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Provide Funds to Continue a Study of Bedrock Ground Water in Aroostook County (H.P. 1340) (L.D. 1877) (C. "A" H-511)

An Act Authorizing Mutual Financial Institutions to Reorganize into Mutual Holding Companies (S.P. 560) (L.D. 1489) (C. "A" S-376)

An Act to Provide for Fair Treatment of Unpowered Fishing Dories Under the Boat Excise Tax Law (H.P. 1311) (L.D. 1827) (C. "A" H-514)

An Act to Create a Rape Crisis Center in Augusta (H.P. 1276) (L.D. 1793)

An Act to Provide Vanity Plates for Trailers (H.P. 1175) (L.D. 1670) (C. "A" H-513)

An Act Concerning the Conservation and Preservation of Unique State Historical and Library Research Material (S.P. 696) (L.D. 1782)

An Act to Regulate Funds Availability for Items Deposited in an Account with a Financial Institution (H.P. 1319) (L.D. 1854) (H. "A" H-520)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be

enacted, signed by the Speaker and sent to the Senate.

RESOLVE, to Name the New Bridge Between the Cities of Bangor and Brewer the "Veterans' Remembrance Bridge" (H.P. 1261) (L.D. 1771) (C. "A" H-512)

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

ORDERS OF THE DAY

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-532) - Minority (4) "Ought to Pass" in New Draft (H.P. 1464) (L.D. 2066) - Committee on Taxation on Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" (H.P. 951) (L.D. 1370)

TABLED - February 26, 1986 by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to Accept the Majority "Ought to Pass" as amended Report.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This is the much talked about Alcohol Premium Bill that I think has been in the Taxation Committee longer than I have. The bill was introduced in the first session of this legislature with the purpose of doubling the existing alcohol premium tax in raising an additional \$2.4 million. As it currently exists, the tax raises revenues that are channeled into a fund that is used for the treatment and prevention of alcoholism. The two reports that we are debating here today treat this additional revenue request differently only in one respect, the Majority Report would keep the fund dedicated. I think the signers of the Majority Report feel that it is very important that if we are going to assess this tax and collect this tax, that the funds be used for the social ills that are caused by the product that we are taxing.

The Minority Report is also an "Ought to Pass" Report, but they propose that we undedicate the funds. I think that they will present their own arguments on why they feel that that should be that way. But for my part, I feel that we have a product here that the sale and distribution of which causes a number of social ills that are very expensive and cost our General Fund in this state a great deal of money. You can only speculate on how many millions of dollars we spend in this state to treat the symptoms of alcoholism. I think that as one member of the Majority Report I have come to the conclusion that, after listening to the lengthy debate on this bill, that the money we collect is well spent and, if we are going to collect more, it should be spent in a like effort for alcoholism treatment and prevention. One of the major objectives of the committee that handles this money with the new funds is to channel

more money into education at the junior high and high school level on substance abuse. I think that that is a very worthwhile endeavor, I think that it is something that the state ought to be doing. I urge you all to support the Majority "Ought to Pass" Report.

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

Representative WEBSTER: Mr. Speaker, Men and Women of the House: There are an estimated 100,000 alcoholics and people who severely abuse alcohol in the State of Maine. This is a serious problem and an issue that we must face. We must provide funds for alcoholism services, both treatment services and prevention services. All of us have had phone calls and letters from people working in these programs telling us of the need for expanded services for alcoholics - telling us to pass L.D. 1370 with no amendment. The lobbyists have waged a tough campaign but it is wrong for us to pay for these services with dedicated revenues in my estimation. Revenues from a new tax on alcoholic beverages should go to the General Fund and costs from any new and expanded services should come from the General Fund. Dedicating revenue to any one program is bad public policy. Dedicating revenue may seem like an easy solution to a tough problem like alcoholism but there is usually a trap.

Let me show you the trap in L.D. 1370. This measure may be one of the best examples of why dedicated revenues can be so insidious and so treacherous. Funding priorities have been set for expanded alcoholic services. The number one priority for these funds is wage increases, wage increases for existing employees in existing programs - the number one priority. I have no doubt that these wage increases are needed but we should never fall into the trap of paying for wage increases through a new tax. Why? Because it jeopardizes any future wage increases for those employees. Let me explain what I mean. Revenues for the current premium tax are dedicated. They produce approximately \$2.5 million dollars a year. The tax doesn't yield enough money for pay raises. The revenues have remained constant since the premium tax was instituted in 1981. No employee in these programs has had a pay raise since the alcohol premium tax was first passed. So we double the premium tax and the revenues double once, so we give everyone a raise and we hire more people, but the revenues will remain constant next year. Where does the next pay raise come from? How do we pay for all of these new people? Another tax increase, that is the trap. The providers of alcohol services say that they will never get enough money if they don't get dedicated revenue. They say there is no money for prevention but I think that they are selling themselves short, underestimating the depth of support for prevention of alcohol abuse.

Did you know that the State of Maine receives approximately \$30 million in revenue from liquor taxes? \$2.5 million goes to the dedicated fund, but \$27.5 million goes to the General Fund. We should spend some of this \$27.5 million to pay for needed alcohol services. I am in favor of spending more money on services for alcoholics and I am in favor of this increase in the premium tax, something that I wasn't sure I would be able to say to you, and I am in favor of the revenues going to the General Fund. In order to do that, we must vote against this

measure, we must remove the dedicated revenue provision. We can then provide revenue to the General Fund to pay for much needed services for alcoholism treatment and prevention.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to start off first by responding to the gentlelady from Cape Elizabeth and I think she hasn't quite totally read what the top priority for spending this money is. She said it was for wage increases and that is not really accurate.

Let me read it to you. It says: "The first priority of the ADPC is a cost-of-living increase for existing alcohol service agencies under contract to the state, which are not eligible for meaningful insurance reimbursement." Let me explain what that means. As I explained to our caucus, what we found was that the third-party payers, Blue Cross-Blue Shield and other health insurance companies would not pay for alcoholism services unless they were in a hospital setting. You had to be an inpatient in a hospital. That is the most expensive kind of treatment for alcoholism so the previous session the legislature passed a bill which mandated benefits for alcoholism under all conditions -- that would include outpatient and it would include what we call, the free-standing treatment units. Now, most of the free-standing treatment units were able to receive funds under that insurance program in order to cover their cost-of-living increases but there were a few that were not eligible for third-party payments so that is what we are talking about here. We want to even them out with the ones who are getting insurance payments.

Now people have talked about the problems that alcoholism costs the State of Maine -- one of the first acts of the Joint Select Committee, when we came into existence, was to hire Professor Dennis Meadows of Dartmouth College, who is one of the world's leading system analysts to do a study of what alcohol was costing the state and how we should proceed to set up a system to deal with the problems. Professor Meadows' report estimated that by allowing alcohol to be sold in the state as a product, the social cost to the state was \$700 million a year in terms of lost productivity, crime, and in terms of social problems, etc. Some people have disputed that figure. Another figure more refined that I have seen is \$577 million. Now what are we spending to deal with alcoholism? Something like \$7 million a year. This bill would provide another \$2.5 million to deal with that problem.

The programs that have been identified that this money would be spent on have been arrived at after a series of public hearings throughout the state. Very well attended, exhaustively researched and these are to deal with the gaps that we have in our system. We have pulled together over the last year, since we put the premium bill in in 1981, one of the most coordinated systems we have for dealing with this problem, getting four separate departments to work together.

In our caucus, there were some complaints made about the DEEP program, that is one of the programs that is not under this umbrella and it would not be dealt with with this bill. Perhaps we should have done that, perhaps that was lax on the part of the Special Select Committee. Perhaps in the future we

should bring that program into line with the others but for those who are concerned about that program, that is not part of this.

I would like to talk briefly about undedicating. When we were first putting the alcohol premium bill through, one of the lobbyists for the liquor industry admitted to me that their basic opposition to it was not on the amount of money, we are talking about 1/2 a cent on a can of beer, maybe 5 cents on a bottle of wine, 10 cents on a bottle of whiskey -- that was not their opposition. Their basic opposition, and this was the first bill of its kind that was ever put in in the United States, was to somehow connect the idea that the selling of alcohol had something to do with the problem of alcoholism. Maine was the first state to ever have a prohibition law. In fact, prohibition was originally called the Maine Law. We had it as early as 1851. I am not a prohibitionist, I generally vote wet, I don't feel that is the way to handle it but I also feel very, very strongly that setting up treatment programs, setting up prevention programs is the way to deal with this. I feel that we should make that link between the fact that the selling of alcohol does have something to do with alcoholism and, of course, the Minority Report, not only would undedicate our increase, it would undedicate all the programs that we have and would put us back to where we were when we were struggling to have something in this state. We had no money for prevention, we had some money from the federal government going to treatment but we had no money into corrections, we had no money going into mental health. Now we have done that, we have one of the best programs in the United States and I want to continue it and that is why I would fight tooth and nails against the Minority Report. I hope you will go with the Majority Report.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I also support the Majority Report. Let me give you a couple of reasons why. We all know the problems that any group of people have when they go down to Appropriations to fight for money. We have many justified and perfectly wonderful programs down there with large constituencies of people that are in need. They all go down there and fight for the money. The problem that I have with undedicating this fund is that, unfortunately, there still exists the feeling that alcoholism is a moral failing or a lack of will, not a disease. Accordingly, there is an existing feeling that alcoholics or people with alcoholic problems aren't as deserving of support and care and treatment as single parents, as the elderly, as any number of groups that we have in this state. They are. The feeling that I get is that people believe that once an individual is an alcoholic or a substance drug abuser, that person is always that and will never be anything other than that. Accordingly, they don't feel that there is much sense in providing funds for the treatment.

Based on that, right now I want to change my testimony. Up to this point, I have been testifying as, quite simply, the Representative from St. George. Now I would like to talk to you people about what it is like to be a substance abuser or what it is like to be an alcoholic. I spent 10 years of my life as both of those things and if it weren't for

these programs, in all likelihood, I wouldn't be standing here. I still utilize these programs, I need them, they support me, they help me maintain my sobriety and have done so for the past 16 years. I think the fact that I am standing here says that alcoholics are not bums and that, while some people may disagree with some of my positions and I get called a bum periodically, generally speaking, I am living a full, productive life and am providing my support for our society. There are a lot of people out there that are in the exact same position I am in right now. There are also a lot of people out there with the right program and the right help and the right people that have the potential of being in that position. Keeping these funds dedicated keeps the money there to help those people and that is all that we ask. These people don't have a constituency of their own -- all they have is people like me to talk for them because right now they are not capable of doing it. Provide the money so they can reach a point where they are capable and I will tell you something else -- for every one person that one of these programs helps, the State of Maine gets 50 times back the dollar value in that individual's volunteer service in the helping of other people in substance abuse programs. What you are doing is investing a couple of bucks in a person, who for the rest of his or her life, is going to spend an enormous amount of time helping other people with the problem because they know what it is about. All we ask is to keep these funds dedicated so we know that we can help some people, that we can free some people of their problem, help them recover from their problem and then have them go out and help the state and everyone else who has the problem to recover from it. For that reason, I would plead with you, keep these funds dedicated, let us keep our programs, let us know we are going to be able to keep our programs, to help the people in this state deal with and recover from the problems of alcoholism and substance abuse.

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 as a signer of the Minority Report, which does move to undedicate the alcohol premium tax.

I would like to begin my remarks with a response to the gentleman from York on the first priority, on the Allocation Act, L.D. 1365. He was quite correct when he read the first priority but when pressed for information on that first priority in the Taxation Committee by the people who testified in favor of this bill and the very people who provide these services, it was stated that they were for pay raises. These people who had worked in this program had not received a cost-of-living increase or an increase in their wages for approximately three years. I would just like to set the record straight in that respect.

You listened to Representative Webster in her testimony explaining the revenue picture, the revenues that are generated by these alcohol taxes -- sales taxes, things of that nature, but we will just stick with the alcohol tax. It generates approximately \$30 million a year. This last year in 1985, it was \$32,900,000 and then when you deducted the alcohol premium fund, it came out to \$30,226,000. I think it is indicative when you look at the figures all the way across that it has been a

flat rate from 1981 to 1985. I think if you look at the Majority Report that is before you today, doubling the alcohol premium tax, you will notice that there is a fiscal note with that bill. That fiscal note means a loss of revenue to the General Fund of \$600,000. Why does this occur? This occurs because of the rate of the increase in the premium tax, which will directly affect the sales of alcoholic beverages in this state and that results in a loss of revenue to the General Fund of approximately \$600,000 because we are asking for approximately \$2.5 million on a dedicated tax.

Why am I opposed to dedicated funds? I don't think that it is the way to run state government. Every session, more and more bills are introduced requesting dedication of funds for programs. Many of these programs are much needed as the gentleman from St. George has indicated, I don't think that anybody disagrees that this is a worthwhile program. I don't think that many of you people here will disagree that we don't need additional dollars to fund those programs but I don't think that this is the way to do it. Why don't I think it is the way to do it? Well I have a problem with accountability. It seems to me that with all the dedicated accounts that we have, you have to go back and look at Transportation, Fisheries and Wildlife, it has always developed into a problem. How do we respond to that problem? We respond to that problem by increasing taxes in those dedicated accounts, increasing fees or sometimes even allocating money from the General Fund to assist these various departments and agencies. Representative Webster is absolutely correct and I am sure with this tax, the impasse, will reduce sales again of alcoholic beverages in this state. How do we make up those revenues, ladies and gentlemen? Passing another tax? Possibly. But these programs that we are discussing today are programs that are needed, they are programs that are being utilized, they are programs that are providing assistance to those in need. The problem is how we fund those needs. How do we fund those programs? Do we fund them by dedicated accounts or do we fund them by sending them to the Appropriations Committee, in which Representative Carter is the House Chair, to review those program on a line item budget, make the appropriation? Or do we continue to let the Select Committee allocate those funds to those various agencies? There is a difference between allocation and appropriation, folks, -- allocation is, you allocate the monies, it is like a block grant; appropriation, you go by a line item appropriation and you ask and see why those funds are being spent.

Last Spring I asked and I finally did get a response -- I asked about the accountability of the program, I asked about data collection, program evaluation and, at that time, there was nothing available. The Meadow's Report requested and recommended that no additional funding be provided to the alcoholic services in the State of Maine until that had been established. Ladies and gentlemen, I still doubt that it has been established. It is still gray in my mind with the information that has been provided to me if they are accurately doing this. But I am going to give them the benefit of the doubt and I do support the increase in the alcohol premium tax but I do not support an increase in the alcohol premium tax to be dedicated to that individual account. I would much rather see, as the Minority Reports says, that it should go to the

Appropriations Committee for overview.

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 supporter of the Majority Report. I want to respond to some of the previous comments that have been made.

First of all, as to accountability, the allocation of funds through the Alcohol Premium Fund goes before the Joint Select Committee on Alcoholism Services and I can assure you that that committee reviewed every dollar in that allocation act and is still reviewing that because the allocation act is still in the Joint Select Committee on Alcoholism Services review. It has been there for over a year. That bill comes to the legislature and is passed by the full legislature and signed by the Governor just like every other bill. The Appropriations Committee reviews the allocation of those funds but not the specific line item. The Joint Select Committee reviewed every dollar in that allocation.

The question we see before us today is, why have a dedicated revenue account? Why have a premium fund to tax? Why have it separate? The reason is quite clear, as far as I am concerned. There is one cause for alcoholism and that is the consumption of alcohol. No other disease that afflicts this state can be directly tied to a common source more clearly, more completely, than the consumption of alcohol causing alcoholism. That is why we have a premium fund, that is why it is dedicated to funding those services.

Ten percent of the people, and this is a documented fact, in this country consume 50 percent of the alcohol. That, my friends, is what scares the lobby the most. If we cure that 10 percent, where is their market going?

As far as I am concerned, it is excellent tax policy, it is excellent fiscal policy, it is good legislative policy to tie the cost of those services directly to the cause. I have no problem for the dedication of this fund and I would urge you to continue to do that.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: This year I had the good fortune to be put on the Appropriations Committee. One of my first duties as the junior member of that committee was to be put on the Joint Select Committee on Alcohol Services. Well, Appropriations is a tough committee but let me tell you the hearings and the meetings are not quite as tough as they are to be on the Joint Select Committee on Alcohol Services. I sat through hours and days of listening to where this money was going, why it was needed, and I became a firm believer in the premium tax because where were these programs without the tax? Where will they be without the tax? I look upon undedicating these revenues as a windfall to the Appropriations Committee because I, for one, having to watch people coming in wheelchairs, abused children, battered wives, will have much empathy for them but the alcoholic -- he looks well, she looks well -- put yourself in that same position -- where are your priorities? Where are your heartstrings for these people? To undedicate the revenues is a mistake. You know these programs are working. We need to keep the system the way it is.

Representative Rolde of York requested a roll

call vote.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. My question is, what is the current total budget for this program and what will it be if we adopt the Majority "Ought to Pass" Report?

The SPEAKER: Representative Carter of Winslow has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know exactly down to the penny but it is my understanding that about \$7 million a year is being spent on the total overall Alcoholism Services that are provided by the four departments. Of that, the premium only provides about \$2.5 million, some of that is federal money coming through the Social Services Block Grant. This bill would provide about another \$2 million because there has been a fiscal note put on it of \$600,000. So, if you subtracted that from the \$2.4 million it is supposed to raise, it would be about \$1.8 million. You would probably have a program that might be close to \$9.5 million.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This program, as has been stated, is a worthy program. However, I think, as it has also been stated previously, we should be very much concerned with accountability.

Many of you know that I have problems with dedicated revenue accounts. It is difficult for me to support dedicated revenue accounts. This program should be administered like all the other funds in the state, it should come before the Appropriations Committee so that it can be reviewed the way that it ought to be like any other program. We are talking about an awfully lot of money here and accountability should be one of the prime motives behind this program.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Those who were in the Democratic caucus this morning had an exhibition of how difficult it is to get a straight answer concerning what the cost of administering this program is. The previous speaker said how detailed they had gone through the budget. I do not doubt that they did go through the budget very detailed. My experience with the outside contracting agencies, it is very difficult to determine where their administrative costs are. So much for administrative costs.

If you have a pet project that you would like, the best way of getting it and keeping it is by creating a dedicated fund, because then it has to compete with nobody else but itself.

I do not, for a minute, doubt the sponsors in their statements that this is an extremely needed program. But dedicated accounts do nothing but erode our tax base for this state. Where do we say no, you have to compete with everybody else? I cannot understand their problem in presenting their case

right along with everybody else. The Committee on Agriculture has a dedicated fund on a bill that we are dealing with right now. Yes, there is opposition on dedicating that fund. I have suggested it because I will suggest it to every dedicated fund I come across.

The Appropriations Committee is far more experienced in dealing with these accountability of funds than we individual committees in this legislature. I think we should leave that for the committee to handle. I don't want Business Legislation handling Agriculture bills. I don't believe Agriculture should be handling Appropriations bills. That is why I am on the Minority Report.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Something that the previous speaker, my good friend Mr. McCollister mentioned, -- I thought we should elucidate a little bit more on it. He called this a pet project, everyone has their pet projects. Well, in a sense he is right, it is a pet project. I know myself personally, until the 13th of March, 1970, which was the last day that I used any drugs or alcohol, I didn't give a darn whether I lived or died. For whatever reason on that day, I came to my senses and realized I wanted to stay alive. Myself and every other recovering alcoholic or struggling alcoholic has a pet project, it is called staying alive. These programs are the bedrock of that project.

I don't think it is too much to ask for this state to provide the means to guarantee the means to help keep some of its citizens alive by keeping this dedicated or dedicating some money to life. I don't think that is unreasonable and I certainly would hope that this body would also accept that as being reasonable.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I realized that there are some people that do not believe in dedicated accounts. I happen to be one that does believe in dedicated accounts. I believe any time you can see the direct cause and relationship, then the user should pay the bill. I have always believed that. Now, in this particular dedicated account, my high school principal and superintendent have asked me this year, just one thing, and that is to support this bill because of the programs that they are helping in the high school. I am going to support this.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify a point about the various committees that may be involved with this bill. Let me explain that the original legislation that set up the premium fund said that the legislature would disperse the funds. The reason that we put that in at that particular time was because there was one department that was running all of the programs in the state. Their position was, just give us the money and we said, no way. It was the legislature that decided to have a special select committee. That is always established at the beginning of each session by an order. My

personal feeling and I said this at our Democratic caucus is that that special select committee, which I will remind you included two members of the Appropriations Committee, two members of the Taxation Committee, two members of the Education Committee, two members of the Human Resources Committee as a minimum, plus five other members, as far as I am concerned, that committee has done its work. If the legislature chooses to send this program to the Appropriations Committee in the future, it may do so and probably that is the best place to have it go at this particular time. Now that we have done all the work in pulling these four departments together, setting up a planning process, setting up an evaluation process, fine. We spent a lot of time working on it, much more time than the Appropriations Committee has given it, but now I think this can probably go to the Appropriations Committee.

As to the question of dedicated funds, the gentleman from Dover-Foxcroft said he is for them. My position is sometimes I am for them; sometimes I am against them, it depends on what they are and whether I believe they are useful or have outlived their usefulness.

All of these people that I have heard today, thundering against dedicated funds, I don't remember that they were with me when I sponsored the bill to undedicate the Highway Fund.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize for a poor choice of words in saying a pet project. There must have been a better way of saying it.

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

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

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

115 having voted in the affirmative and 24 in the negative with 12 being absent, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-532) was read by the Clerk and adopted.

The bill was assigned for second reading February 28, 1986.

(See Roll Call No. 243)

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of

Bills, was referred to the following Committee,
Ordered Printed and Sent up for Concurrence:

Judiciary

Bill "An Act to Exempt the Town of Hope from Liability for Certain Tax-acquired Property" (Emergency) (H.P. 1479) (L.D. 2081) (Presented by Representative ALLEN of Washington) (Cosponsors: Senator CHALMERS of Knox and Representative MAYO of Thomaston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Jeffrey Lizotte, son of Linda and Mark Lizotte of Durham, who has been named the American Cancer Society's 1986 "Daffodil Child" for the State of Maine; (SLS 460)

Came from the Senate read and passed.

Was read and passed in concurrence.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby Bill "An Act to Create an Ongoing Cooperative Association Between the Department of Marine Resources and the University of Maine" (L.D. 1842) (C"A" S-381) was passed to be engrossed.

Subsequently, the Report was accepted and the Bill read once.

Committee Amendment "A" (S-381) was read by the Clerk and adopted.

The Bill was assigned for second reading, February 28, 1986.

(Off Record Remarks)

On motion of Representative Brannigan of Portland, Adjourned until February 28, 1983 at twelve o'clock
