

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

On motion by Senator BUSTIN of Cumberland,
ADJOURNED until Thursday, April 30, 1987, at 9:00 in
the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
58th Legislative Day
Thursday, April 30, 1987

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

Prayer by Reverend Gordon Svoboda, United Church
of Christ Congregational, Bath.

The Journal of Wednesday, April 29, 1987, was
read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Revise the Maine Banking Law"
(S.P. 453) (L.D. 1380)

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

Was referred to the Committee on Banking and
Insurance in concurrence.

Bill "An Act to Require Manufacturers of
Automobiles to Sell Parts to the Consumer or his
Agent" (S.P. 451) (L.D. 1378)

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

Was referred to the Committee on Business
Legislation in concurrence.

Bill "An Act to Clarify the Department of
Conservation Laws" (S.P. 452) (L.D. 1379)

Came from the Senate, referred to the Committee
on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and
Natural Resources in concurrence.

Bill "An Act to Clarify the Laws Relating to
Notary Public" (S.P. 450) (L.D. 1377)

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

Was referred to the Committee on Legal Affairs in
concurrence.

LATER TODAY ASSIGNED

RESOLVE, to Promote On-site Day Care (S.P. 445)
(L.D. 1359)

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

On motion of Representative Carroll of Gray,
tabled pending reference in concurrence and later
today assigned.

Unanimous Ought Not To Pass

Report of the Committee on Transportation
reporting "Ought Not to Pass" on Bill "An Act
Relating to Out-of-service Vehicles" (S.P. 303) (L.D.
872)

Report of the Committee on Transportation
reporting "Ought Not to Pass" on Bill "An Act to
Allow Special Registration Plates for Persons
Formerly Listed as Missing in Action" (S.P. 184)
(L.D. 511)

Report of the Committee on Transportation
reporting "Ought Not to Pass" on Bill "An Act to
Allow Veterans to Procure Special Designation
Registration Plates" (S.P. 183) (L.D. 510)

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Civil Penalty Actions" (S.P. 86) (L.D. 172)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Increase the Small Claims Court Limit" (S.P. 91) (L.D. 212)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Authorize Issuance of Special License Plates for use by Active Members of the Maine National Guard" (S.P. 146) (L.D. 400)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Promote Adult Education" (S.P. 234) (L.D. 628)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Allow the Transfer of Up to 2 Years of Credit to the State Teachers Retirement System for Teaching Services Performed Abroad" (S.P. 366) (L.D. 1101)

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

Ought to Pass in New Draft

Report of the Committee on Human Resources on Bill "An Act to Amend the Definition of Eligibility under the Elderly Low-cost Drug Program" (S.P. 161) (L.D. 465) reporting "Ought to Pass" in New Draft (S.P. 443) (L.D. 1357)

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, May 1, 1987.

Non-Concurrent Matter

Bill "An Act to Create a Maine Dairy Stabilization Fund" (H.P. 1015) (L.D. 1368) which was referred to the Committee on Agriculture in the House on April 28, 1987.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 454)

DEPARTMENT OF FINANCE
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, MAINE 04333

April 28, 1987

Charles P. Pray, President of the Senate
Chairman, Legislative Council
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

As required by 5 M.R.S.A., Section 8-F, the rules and regulations established and promulgated by each department concerning the provision of housing and food to employees are to be approved by the State Budget Officer and transmitted to the Legislative Council for its review biennially.

I am herewith transmitting the rules and regulations from the Departments of Conservation, Corrections, Educational and Cultural Services,

Inland Fisheries and Wildlife and Mental Health and Mental Retardation. These are the only departments directly affected by Sections 8-B and 8-C.

The Department of Educational and Cultural Services has revised its rules to account for the independence of the VTI's.

The Department of Transportation provides housing for employees at remote locations to aid their maintenance efforts at Baxter State Park and occasionally for the ferry service. The Seed Potato Board provides employee housing at the Masardis farm and in Florida. These employees are not charged rent under the exception provided in Section 8-B, as they are all below range 25 and the housing is provided for the convenience of the state.

The Department of Conservation has updated its policies. New paragraphs were added to clarify that rangers may be required to live in a fixed location as a condition of employment, to discuss long-term camping by employees in state parks and to re-emphasize the restrictions on alterations to state housing facilities. The department also urges employees to carry renter's insurance, both liability and personal property, while residing in state housing.

I am also enclosing for the Council's review the "Guidelines on State Housing" developed by the Bureau of the Budget to provide uniformity between departmental rules and regulations.

Sincerely,
S/G. William Buker
State Budget Officer

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolutions 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:

Appropriations and Financial Affairs

Bill "An Act to Provide for State-subsidized Loans or Grants to Owners of Residential Underground Tanks" (H.P. 1034) (L.D. 1392) (Presented by Representative STEVENS of Bangor) (Cosponsors: Senator PEARSON of Penobscot, Representatives McGOWAN of Canaan and MICHAUD of East Millinocket)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,300,000 for Pier Reconstruction at the Maine Maritime Academy" (H.P. 1036) (L.D. 1394) (Presented by Representative RICE of Stonington) (Cosponsors: Representatives DIAMOND of Bangor, CHONKO of Topsham and Senator PERKINS of Hancock)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Repairs and Improvements to State Facilities" (H.P. 1037) (L.D. 1395) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Senators EMERSON of Penobscot, PEARSON of Penobscot and Representative CARTER of Winslow)

Ordered Printed.
Sent up for Concurrence.

TABLED AND ASSIGNED

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing Municipalities with

Opportunity Zones to Authorize Selective Tax Exemptions to New or Expanded Businesses within the Zone (H.P. 1035) (L.D. 1393) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators GOULD of Waldo and ERWIN of Oxford)

(The Committee on Reference of Bills had suggested the Committee on Economic Development.)

On motion of Representative Crowley of Stockton Springs, tabled pending reference and specially assigned for Friday, May 1, 1987.

Transportation

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$26,500,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements and to Reduce Ground Water Pollution Resulting from the Storage of State and Municipally-owned Highway Materials" (H.P. 1038) (L.D. 1396) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Senators DOW of Kennebec, CAHILL of Sagadahoc and Representative MACOMBER of South Portland)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to the Resolves

Representative MACOMBER for the Social Services Transportation Review Committee, pursuant to Resolves of 1985, Chapter 46 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations of the Social Services Transportation Review Committee" (H.P. 1039) (L.D. 1397) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 18.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Permit a Guilty but Mentally Ill Verdict in a Criminal Case" (H.P. 28) (L.D. 25) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative NICHOLSON from the Committee on Utilities on Bill "An Act to Extend the System Development Charge Concept in Relation to Water Districts" (H.P. 293) (L.D. 379) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act Concerning Raising the Number of Mandatory School Days" (H.P. 457) (L.D. 612) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Prohibit Vending Machine Sales of Cigarettes" (H.P. 163) (L.D. 204) reporting "Ought to Pass" in New Draft under New

Title Bill "An Act to Regulate the Location of Vending Machines Containing Cigarettes" (H.P. 1033) (L.D. 1391)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, May 1, 1987.

Ought to Pass Pursuant to Joint Order (H.P. 23)

Representative HUSSEY from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1987 (Emergency) (H.P. 1032) (L.D. 1390) reporting "Ought to Pass" - pursuant to Joint Order (H.P. 23)

Report was read and accepted, the Resolve read once.

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

Divided Report
LATER TODAY ASSIGNED

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727)

Signed:

Senators: DOW of Kennebec
SEWALL of Lincoln
Representatives: INGRAHAM of Houlton
SWAZEY of Bucksport
CASHMAN of Old Town
DORE of Auburn
NADEAU of Saco
JACKSON of Harrison
DUFFY of Bangor
ZIRNKILTON of Mount Desert

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

Signed:

Senator: TWITCHELL of Oxford
Representatives: SEAVEY of Kennebunkport
MAYO of Thomaston

Reports were read.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

The intent of this bill is to create a local option tax on real estate transfers that communities can use to fund land banks which would be municipal holdings meant to preserve public access to beaches or lakes or what have you.

The committee, or at least the majority of the signers of the Majority Report, felt that, while land banks are a worthy objective, that there is nothing prohibiting communities from setting up land banks now -- they would have to do it from existing revenues. We just felt that there is no need to have a special local option tax to set these up, so we reported it out "Ought Not to Pass."

I would encourage the House to follow the Majority Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will vote against the motion to accept the Majority Report. Land banks are municipal programs that are designated to set a little land aside for the future. The bill would

propose to fund those municipal land banks by allowing municipalities to enact an optional tax on real estate transfers that would be limited to 4/10ths of one percent of the cost of buying and selling a house over \$77,000. It would be levied only after it was approved by the municipality by referendum.

Some parts of our state are experiencing very rapid growth and this growth is stressing our communities to the very limit. Land is disappearing very quickly and when it disappears, our way of life in our small towns, is disappearing too.

The land bank funding mechanism will provide a very small amount of money so towns and cities can afford to set aside just a few parcels of land for the future. Realistically speaking, at the rate that the tax would have been set, most communities could expect to set aside maybe one farm in a whole town because that is the amount of money that it would generate.

As I said before, the proposed tax is optional, the maximum rate is 4/10ths of one percent of the cost of buying and selling a house. The first \$77,000 of a real estate transfer is exempt, so if you went out and bought a house that cost \$100,000, the tax would be \$92.

Representative Cashman said that communities can create land banks now and they can but it is very difficult to fund them. As growth occurs, funding them becomes more and more difficult. Some people contend that growth gives communities access to larger tax base and gives them more money. This just isn't true -- when the tax base increases, so does the demands. You have to provide more public works to get people around and to relieve congestion. You have to provide more police and fire protection. You have to provide services for all the people who come and visit and use the community.

There are a lot of management costs associated with growth. You have to hire planners, you have to do traffic studies, you have to have committees and you have all these growth ordinances to enforce. On the other side of the coin, the money that most communities would get from the state to help offset some of the school funding costs, usually are reduced as the value of the community goes up. So, it is unrealistic to expect communities to be able to set aside money. It is the towns that are growing that would like to have land bank programs and those communities have more and more stress upon their municipal budgets than they did before they started to grow.

The bill before you would give communities a tool to use to deal with that growth, a small tool that wouldn't have a great impact.

I would ask the members of the House to think about their home communities and what these towns are going to look like in 50, 75 or 100 years. I imagine that most of them are going to look like a lot of communities that are south of us in Massachusetts, Rhode Island, Connecticut and New Jersey, places that are congested, and that many of us would not like to live in now.

The unique and distinguishing identity of this state is being rapidly lost, at least in the southern sections. This is a trend that, frankly, can't be reversed.

The bill before you gives your local towns and governments a tool to take action to preserve a little bit of land and set it aside for future public use. This land that would be set aside would be of great benefit to people who come after us, people who will live in this state in future generations.

Mr. Speaker, I would ask for the yeas and nays and I urge you all to vote against the pending motion.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Cashman of Old Town to accept the Majority "Ought Not to Pass" Report and later today assigned.

Divided Report

LATER TODAY ASSIGNED

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (L.D. 436)

Signed:

Senators:

CAHILL of Sagadahoc
DOW of Kennebec
THERIAULT of Aroostook

Representatives:

MILLS of Bethel
CALLAHAN of Mechanic Falls
SOUCY of Kittery
REEVES of Pittston
MACOMBER of South Portland
SALSBURY of Bar Harbor
POULIOT of Lewiston
MOHOLLAND of Princeton
McPHERSON of Eliot

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

Signed:

Representative: STROUT of Corinth

Reports were read.

Representative Moholland of Princeton moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Moholland of Princeton that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 993) (L.D. 1339) RESOLVE, to Create a Commission to Review the Laws Relating to Registered Maine Guides (Emergency) Committee on Fisheries and Wildlife reporting "Ought to Pass"

(S.P. 140) (L.D. 394) Bill "An Act to Validate and Approve Certain Proceedings Relating to the Otis-Mariaville Union School" (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-41)

(H.P. 131) (L.D. 160) Bill "An Act to Clarify the Laws for Transmission of Electric Power to Study Related Issues" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-82)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 1, 1987, 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. 151) (L.D. 405) Bill "An Act Providing Funds for Training and Education for Families of Victims of Alzheimer's Disease"

(S.P. 251) (L.D. 700) Bill "An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System" (Emergency) (C. "A" S-40)

(H.P. 116) (L.D. 141) Bill "An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates" (C. "A" H-78)

(H.P. 343) (L.D. 442) RESOLVE, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Lisbon Veterans' Memorial Bridge (C. "A" H-79)

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

PASSED TO BE ENGROSSED

Bill "An Act Concerning Inspection, Registration and Abandonment of Dams" (H.P. 1022) (L.D. 1376)

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

PASSED TO BE ENGROSSED

AS AMENDED

Bill "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act" (H.P. 13) (L.D. 11)

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

Representative Brown of Gorham offered House Amendment "A" (H-83) and moved its adoption.

House Amendment "A" (H-83) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-83) and sent up for concurrence.

SECOND READER

As Amended

LATER TODAY ASSIGNED

Bill "An Act Relating to Taxation of Aircraft" (Emergency) (H.P. 190) (L.D. 234) (C. "A" H-77)

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

On motion of Representative Nadeau of Saco, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance the Productivity of the Workers' Compensation Commission (H.P. 632) (L.D. 855) (H. "A" H-75 to C. "A" H-64)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Cost of the 1987 Spruce Budworm Management Program (H.P. 711) (L.D. 962) (C. "A" H-71)

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. 126 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Ensure Timely Adoption of Revised Solid Waste Rules (H.P. 890) (L.D. 1191)

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. 127 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.

PASSED TO BE ENACTED

An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments (H.P. 433) (L.D. 579) (C. "A" H-72)

An Act to Provide Pension Rights to Morris G. Pilot (H.P. 998) (L.D. 1344)

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.

FINALLY PASSED

RESOLVE, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley (S.P. 167) (L.D. 471) (S. "A" S-38)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District (H.P. 440) (L.D. 593) (C. "A" H-69)

TABLED - April 29, 1987 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, retabled pending passage to be enacted and specially assigned for Friday, May 1, 1987.

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

An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas (H.P. 961) (L.D. 1290)

TABLED - April 29, 1987 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, retabled pending passage to be enacted and specially assigned for Friday, May 1, 1987.

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

COMMUNICATIONS

The following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

April 29, 1987

Senator Charles P. Pray, President of the Senate
Representative John Martin, Speaker of the House
Dear President Pray and Speaker Martin:

The Joint Standing Committee on Education has completed the review of the new administrator and teacher certification law required by P.L. 1983, chapter 845 and P.L. 1987, chapter 84. We are pleased to present the recommendations of the majority of the Committee on the certification law. A copy is attached along with a copy of legislation implementing those recommendations.

These recommendations and accompanying legislation are the result of a thorough examination of the new certification law and the pilot projects established to test that law. We hope our recommendations are useful in guiding the Legislature in its consideration of this issue.

Sincerely,
S/Sen. Stephen C. Estes
Chair
S/Rep. Stephen M. Bost
Chair

Was read and with accompanying papers ordered placed on file.

The Chair laid before the House the following item: Bill "An Act Relating to Taxation of Aircraft" (Emergency) (H.P. 190) (L.D. 234) (C. "A" H-77) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Mayo of Thomaston, the House reconsidered its action whereby Committee Amendment "A" (H-77) was adopted.

The same Representative offered House Amendment "B" (H-81) to Committee Amendment "A" (H-77) and moved its adoption.

House Amendment "B" (H-81) to Committee Amendment "A" (H-77) was read by the Clerk.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" would bring this legislation to what I would term a level playing field. We will treat all instrumentalities of interstate commerce identical; thereby, in my opinion, improving this legislation. We are going to treat the trucking industry, the aircraft industry, and other industries of interstate commerce in an identical manner, thereby, exempting them from the sales tax payments on their leased vehicles.

I would urge this House to adopt this amendment as I feel it is a fair amendment and improves the pending legislation.

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

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

Is House Amendment "B" germane to the Bill?

The SPEAKER: The Chair would answer in the negative, the matter is not germane and, therefore, is no longer before the body.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, a point of parliamentary inquiry? Is the motion to suspend the rules in order?

The SPEAKER: The Chair would answer -- on this matter, it is not.

The Chair recognizes the same Representative.

Representative MAYO: Mr. Speaker, I offer House Amendment "A" (H-80) to Committee Amendment "A" (H-77) and moved its adoption.

House Amendment "A" (H-80) to Committee Amendment "A" (H-77) was read by the Clerk.

At this point, the Chair appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Whenever you get involved in legislative debate, I have learned that you need a couple of fall back positions. I am now at fall back position number two.

The pending legislation, as you are aware, provides for a special sales tax exemption for one particular company in the State of Maine. All of you know that I disagreed with that because I thought that was improper tax policy.

I am presenting House Amendment "A" because I feel that, if we are going to give this company a special tax break, we ought to ask for something in return. House Amendment "A" would provide that this particular airline agree to put in place 14 new jobs a year in order to qualify for the exemption.

It would also require that they make an investment in plant and equipment of a quarter of a million dollars a year. The company has indicated to us that they are going to expand so I don't think that would be very difficult for them to do.

I feel fundamentally that, if we are going to provide them with an exemption based on their assertions that they are going to expand, that we ought to put into that statute some safeguards to make sure that that does, in fact, occur. House Amendment "A" will do that.

I would urge this body to adopt House Amendment "A".

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

Representative CASHMAN: Mr. Speaker, I move the indefinite postponement of House Amendment "A."

Representative Mayo offered House Amendment "A" in committee and we did discuss it and I know his intentions are to require some type of investment in order that Bar Harbor Airlines may prove to the Taxation Committee and the legislature that they are, in fact, expanding their operations.

As I said yesterday when we debated this issue, that is one reason why we have always left a two year sunset on this bill so that we can be assured that, in fact, Bar Harbor Airlines is expanding and is prospering and is offering airline service throughout the state as they have told us they would do.

The bill that we passed yesterday included that same two year provision so that, again, we can review that progress two years from now.

The problem with Representative Mayo's amendment is that the requirement is for a quarter of a million dollar investment in real property every year. As we discussed yesterday when we discussed the original bill, Bar Harbor Airlines leases, not only their aircraft, they lease their office facilities in Bangor, they lease their hangers, and they lease their repair facilities. That is because they made a decision four years ago that, if they were going to expand at the rate that they intended, that they didn't have the capital that would be required to purchase planes, office buildings, and hangers. They

still don't purchase real estate in the Bangor area. They do own a hanger in the Portland area but I think that is the only real property they own in this state. Their future plans for expansion are to continue the lease process for their property needs in Maine.

On the committee, we felt that the requirement that they purchase property rather than lease property was an intrusion into their own personal business plans and their own modus of operation so we elected not to amend this bill in committee and I would urge the House to vote to indefinitely postpone it here this morning.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division on the motion to indefinitely postpone House Amendment "A."

I just want to respond to the good gentleman from Old Town's statement about the intrusion into the business of Bar Harbor Airlines. We are going to give Bar Harbor Airlines a sales tax exemption that is worth \$5 million. I would say that that is a good reason for the legislature to intrude in this manner into the business of Bar Harbor Airlines. I am simply trying to put into statute a safeguard that would protect the state in the case that Bar Harbor Airlines did not do what it said it was intending to do.

If they can comply with this simple amendment, they will get their exemption; if they can't, they won't. I think that is only fair.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you are all aware of the terrible trauma that airlines are going through throughout this country and Bar Harbor is involved in that. They have done a fantastic job. Many of us are very dependent on that airline.

Economics have been referred to -- do you realize that this amendment is asking that very competitive business to commit a half a million dollars every year?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: As the saying goes in the old song, "Something for nothing gets you nothing." You gave them \$5 million yesterday, that was the pleasure of the House. On all of their direct -- not hinting -- direct statements, that they would grow -- all this amendment is doing is saying, we want you to put it in writing that you will grow and, if you grow, then you get the break and if you don't, you don't. It guarantees the citizens of Maine that for their \$5 million they got the growth that was promised because, right now, there is no guarantee about that growth.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: The growth is going to be that we are going to get some new planes. Sometimes I land in Frenchville and I have to climb out on the wing to get off, literally. We need new aircrafts. The growth is going to be very visible and, if it is not, I will make sure to let you know. It is a seven hour drive, people, one way. We are overbooked. If I don't book two months ahead of time, I have to flag a ride home. The growth is planned, let them go with it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Lapointe.

Representative LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address this issue. I am not from Bangor but I know that recently Bar Harbor Airlines has hired five new people. One thing I want to give them credit for is this -- they hired two young men who had been fired as air traffic controllers in 1981. They had left the air traffic field and had gone into unrelated businesses and never had been able to get back into the air traffic business, they had never been given a chance by any other airline. They spoke with the president of the airline, explained why they went on strike, not because of money, because of air safety, which we hear about today. Bar Harbor Airlines was pleased with their reasons and they hired them. Now, this is the first time these two men, since 1981, have had a chance to go back to the business which they had been trained for. I think this is an added plus -- that they are committed to Maine.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to respond to the statements that we are asking them to make a half a million dollar investment every year. That is correct. Every year that this bill remains in effect and, as has been previously stated, it is only going to remain in effect for 27 months. Once the sunset comes up again, we can review that and we can also review this particular amendment.

Further, I think that people have stated that yes, Bar Harbor is going to grow. I just simply want to remind the House that, when they grow and if they grow, they will get their exemption. If they do not grow and if they, in fact, do what I suspect they will, since they have been bought out by a Texas Corporation, leave the State of Maine, they will not qualify for the exemption.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this but I have to respond to the last remarks. If Bar Harbor Airlines does, in fact, move out of the state, as Representative Mayo well knows, this extension of the sales tax treatment for leased aircraft applies to airlines that are headquartered in the State of Maine. If they move out of the state, then it is not applicable to them anyway.

Finally, I have no objection to monitoring the growth of Bar Harbor Airlines and we have been doing that for four years and we will do it over the next two years. But again, I point out to the House, that this amendment doesn't monitor their growth as much as it tells them how they are going to grow. It tells them that you are not going to buy more aircraft or lease more aircraft, you are not going to do anything but buy real property to the tune of a quarter of a million dollars a year. I think it is an unwarranted intrusion into their own management prerogatives.

I urge the House to support the indefinite postponement motion.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Cashman of Old Town that House Amendment "A" (H-80) to Committee Amendment "A" (H-77) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 31 in the negative, the motion to indefinitely postpone House Amendment "A" to Committee Amendment "A" did prevail.

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

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Because there is another amendment that is going to be submitted to this bill and is not back from the printer, I would ask that some kind member of this body table this bill for us.

On motion of Representative Baker of Portland, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, May 1, 1987.

(Off Record Remarks)

The House was called to order by the Speaker Pro Tem.

The Chair laid before the House the following item: RESOLVE, to Promote On-site Day Care (S.P. 445) (L.D. 1359) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Representative Carroll of Gray, was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

The Chair laid before the House the following item: Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 337) (L.D. 436) which was tabled earlier in the day and later today assigned pending the motion of Representative Moholland of Princeton that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative Hepburn of Skowhegan, retabled pending the motion of Representative Moholland of Princeton to accept the Majority "Ought Not to Pass" report and specially assigned for Friday, May 1, 1987.

The Chair laid before the House the following item: Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727) which was tabled earlier in the day and later today assigned pending the motion of Representative Cashman of Old Town to accept the Majority "Ought Not to Pass" Report. (Representative Mitchell of Freeport had requested a roll call)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote for local control and local option and vote against the pending motion.

This law will not take effect unless your community votes to make it happen. This really is a tax on those who are taking away the natural beauty of our undeveloped land, the developers. This bill allows towns and cities and municipalities to control their own destiny.

You know conversion to commercial and residential use is irreversible. Once land is developed, it is not "forever wild," it is "forever lost."

Much of the public enjoyment of public property, if you will, is done so because of the benevolence of the owner but when owners change, when the title

changes hands, the public is shut out. An old conservative like me is a protector of private property rights as much as anyone in this chamber. When a piece of prime property is put on the market, it is sold before you can even hold a selectman's meeting, let alone a town meeting.

This legislation before you today will let each community decide whether or not it wants to establish and fund the land bank. The state is not forcing anything upon the community. The revenues for the land bank come from real estate sales, which are in essence, creating the need for the land bank. This tax does not hurt the little guy or the first-time home buyer. The \$77,000 exemption should adequately protect their interests. It will be the large developer and the expensive home buyer that will provide the largest percentage of revenues.

This tax is small enough so that it will not affect real estate transactions to any significant degree.

We don't want the towns to get into the development business, we don't want them gobbling up all the land, but there are prime, special, significant pieces of land in every town that the town is not able to buy because it doesn't have the time to buy it or, in some cases, doesn't want to raise the taxes.

I hope that we do not have to wait for the building and growth pressures to reach Aroostook County, having already engulfed the rest of Maine, before this legislature acts. I urge a no vote.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would urge you to accept the Majority "Ought Not to Pass" Report for a few reasons.

First, the Constitution specifically states that the power of taxation is a state function. At no time in our history have we ever deviated from that. It seems to me, that establishing a local option tax based on real estate transactions, would be establishing an absolutely terrible precedent.

Second, over the past three years, we have quadrupled the real estate transfer tax. I don't think that it is a very good idea to meddle with it any further at this point.

Third, currently there is nothing to prohibit municipalities from allocating money in their budgets for the purpose of public land acquisition. If any town in Maine decided that they wanted to set aside undeveloped land, then reason would dictate that the entire citizenry of that town, should pay its costs. The price of that land should not be borne solely by the buyers and sellers of other property.

In summary, I believe this is an issue of fairness as well as tax philosophy. It is simply not good tax policy to create a fund of this nature at this time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, Members of the House: On this local option tax that he just spoke about, I think one of the most important things to remember is that this is a matter of opportunity. It is a matter of opportunity for municipalities to set aside additional monies to buy public access and to buy public lands for their towns.

I see nothing wrong with attaching it to the land transfer. To be sure, we have hit that account twice in the past three years. Basically, it is not touching the homeowner under \$77,000. If anything, all the municipalities have asked is — give us the tools, give us the opportunity to tax, to put money aside, to buy some of this land for its future

development. This is the only way that the towns are going to save this.

I have a letter in hand that I have just opened and it is from a man in Florida who says: "We are seeking to construct 20 cluster units on a 20 acre site, which will be marketed in the \$4,000,000 range." Now, when we see land being used for constant development and there is nothing left to provide the communities with access or playgrounds or land banks, we really have got to think a second time. This is the opportunity that the towns want.

We were in Rockland last week and the municipalities there from three counties said, "This is the one bill that we are asking for. One of the most important issues we see is the opportunity to tax -- give us the tools." So, I urge you to vote against the present motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday I attended a meeting of several community leaders from the mid-coast area and all were supportive of L.D. 727 and asked the legislators of this state to support it.

My city manager wrote a letter to all of you and I would like to read it on the Record as a plea from all community managers. "Dear Senators and Representatives: I am writing to you to urge a "yes" vote on L.D. 727, the Land banks bill. Communities in Maine value public access to natural resource areas. This reserving of public land must be balanced in each town and city by the desire for growth. It should be a local decision. Maine is undergoing rapid growth in several geographic areas. This growth makes the need for planning public access in land use even more immediate than at any other time in our history. However, all the planning in the world, without the funding to acquire this land or to acquire the right of public access over this land, will be for not. The Land Banks Bill provides the financial vehicle for this acquisition and preservation.

Rockland is in a situation just described -- this local funding would provide Rockland the capability of preserving public access. Rockland is not unique. Ask any community whether the availability of such funds would be an asset to their public planning process and I believe that the answer would be yes. The option fee would become a effective only on sales of property that exceed \$77,000. This would diminish the major cost to prime rate homeowners. This is a very important legislative document, one that is in the best interest of the people in the entire state, one that will balance public and private resources.

Please take the time to carefully consider this L.D. and to consider the municipal as well as the real estate interests in your vote."

I would say that my manager, Kathy Smith, has really put it in a nutshell. I urge you to support this for local control.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any one of the proponents.

What will be the mechanism used to collect this tax? How will it be collected?

The SPEAKER PRO TEM: Representative Jalbert of Lisbon has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: The mechanism would be the same as it is for the real estate transfer tax -- it will be through the County Deeds Office.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the Majority "Ought Not to Pass" Report. There are several reasons why I oppose L.D. 727. I don't oppose the concept of land banks, I oppose the mechanism and the procedure used to develop and expend those funds.

We have heard this morning that it is a local control issue. That is partially correct.

The question was asked by the gentleman from Lisbon as to the mechanism for collecting and administering this fund. With L.D. 727, you are going to require some municipalities, some counties, to operate with different forms because of the procedure and the way the funds are collected and distributed back to the communities. Who is going to be responsible for those funds? Currently, it is collected by the state and then goes back to the counties. Is it going to come back to the state, back to the counties and then back to the towns? I think it is unclear who is going to be responsible for seeing that those funds are returned to the communities.

The communities already have revenue sources available to them to develop land banks. They have several sources of revenue to accomplish this, the first being the property tax and I don't think anybody wants to see the property tax increased. I am not suggesting that be the primary source of revenue for establishing and requiring these properties that they so desire but that is an option available, that is the purest form of local control.

Another form they have available is through the building permit fees. They can increase those fees to whatever amount they want to and there is no limitation to what those funds can be used for.

There is also subdivision application fees which could be increased. Several communities already use this process to fund recreational purposes and other things that they so desire. Some communities have established land banks and they have already established a fund to do this. They have used some of these proposals to accomplish this.

There are going to be some areas in the state that possibly will not participate in this, not because they don't elect to do it, but because of the \$77,000 exemption. This might be fine in southern Maine, it might be fine along the coast, it gives those people the opportunity to impose a local option transfer tax for the administration of this account -- but it might deny some areas inland who want just as badly to preserve open space and land from the ability to do so to a transfer tax because of the lack of real estate values in those communities. So, it is a double-edged sword, folks.

I happen to think that the concept is good. If my community placed a question on the town warrant to establish land banks, I certainly would support that. I certainly would vote for a property tax increase to support it because I think it is extremely important. I certainly would vote for a building permit fee increase or a subdivision application fee increase to serve the same purpose.

I think to impose a new tax that is unclear and unsure of how it is going to be managed and how it is going to be returned to the communities and how those funds are going to be expended would be irresponsible.

Therefore, I would hope that you would join in the majority of the committee in voting for the Majority Report, "Ought Not to Pass."

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I am not known as one who likes to increase taxes or even who likes to increase the ability for someone to increase taxes. I stand in support of the Minority Report. I would like to suggest to my good friend, Representative Jackson, that I agree with what he said and perhaps that entire package, including this additional local option tax, can be used to create land banks. His situation is a little different than mine, my entire district and my towns are on the coast. We have extremely high property values. We get very little money from the state in subsidy for our school systems and in fact, four of my towns, get no money from the state and bear that cost 100 percent. Their local property tax burden, right now, is higher than what can be reasonably expected for those communities to support, based on the average income.

Mr. Jackson's suggestion that we increase it further, in this case, isn't very realistic. Let me explain to you what is going on in my town. The economic base of my town is the fishing industry. Three of the five largest lobster landing ports in the State of Maine are in the town of St. George. It is our sole economic base. The only public access we have to the water is some launching ramps that were built partially with federal funds about 15 years ago. Part of the agreement with the federal government for building those ramps was that they can't be used for commercial purposes. So, in effect what we have is a taxation system that is so high, it is forcing fishermen to sell their waterfront property, where they have lived for generations, and move into the interior of town. Because of federal regulations on the money for the public access, they cannot use the town's public landings for the maintenance of their businesses and their livelihoods.

What we have going on is people like my father who has a wharf, (who is not a fisherman, he is retired) allows five or six fishermen access across his property to his wharf, so they can continue making a living. Now everybody says that is fine, that is wonderful, you don't really need to do this then as long as your town is cooperating that way. Right now that is true but when my father dies -- say I should inherit that property, I would like to continue the tradition.

Seven years ago, when my father bought that property, he paid \$69,000 for it, it is now appraised for \$365,000. Ladies and gentlemen, I couldn't pay the inheritance tax on it, much less maintain it and pay the property tax on it. It would have to go to out of state people and one more access of the local people to the water for their livelihood and recreation would be removed.

This bill would enable the local municipalities to put a little money aside to buy a little of that property, some of that special property, that has a particularly beautiful view or provides the kind of access that people need to a natural resource to make their living.

I think that the bottom line on this is that the necessity is so great, at least for me, that it will overcome whatever objections I have to increasing a tax because, quite simply, it is the only way I can see that it can be done.

I would appreciate your support of the Minority Report and give the towns and the people of the state

the ability to reserve some of their land for general use.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly agree with the concept of this and I think that most of you know that I have always supported local control. It is an excellent idea to do this. In fact, in the little town I live in, we set one up some 40 years ago as a community forest and the money was derived from that by selling timber and so forth. That is why we completely foot the bill on supporting the poor in the town and it does give us access to a very beautiful lake for the towns people to use.

The thing that bothers me, if you are talking local control, if the towns people want this, I think the townspeople should pay for it and all of them should pay for it and come out of taxation rather than a select group that is fortunate enough to buy a new home and pay over \$70,000 for it. They don't build too many houses today, at least not down that way, for \$70,000.

The whole town is going to benefit from this property and I think the whole town should support it and the whole town should pay for it. I think that truly is local control and I urge you to support the Majority Report of "Ought Not to Pass".

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I also wanted to rise today to urge you to vote against the current motion and support the Minority Report. I think that this is just the kind of creative solution that we need in our area in particular, in southern Maine, to deal with being able to purchase some of these properties without raising a property tax.

The good Representative from St. George, I think made an excellent point, when he talked about what is happening with our local school districts and the raising of property taxes. In my area, it is just incredible. Given the opportunity, the town of Hollis, which I represent a portion of, wanted to engage in purchasing 1,200 acres this last year and essentially were unable to do it, faced with the property tax burden of the public schools etc. So, with this opportunity, I think it is a creative solution, I think it is a good solution, I think it is an opportunity for the town's to be involved in some choices and I urge you vote against the pending motion.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it perfectly clear to the members of this body that the communities already have that ability to preserve any real estate they want in their community. They have several ways in which they can do this.

I have listened with interest to the debate since I arrived in the chamber. I am sorry that I was late in getting here, but I was at a meeting elsewhere, so I probably missed and probably will cover some of the same ground that has been plowed and harrowed before.

The town's in this state are not really crying to have this ability. At the public hearing, there were few communities which did testify in favor of the proposal. Those communities, rightly so, had some problems. They do have development pressures. But with the adoption of this bill, they are still going to have development pressures. It isn't going to make any difference.

With the exemption of \$77,000 -- take the average sale of homes in your community, which you use for primary residency, figure out how many dollars this is actually going to mean for the purpose of acquiring. In the instance of the gentleman from Hollis -- 1,200 acres of land -- what are we going to do? Are we going to allow this commission or this committee borrowing authority from the community? What happens if the funds don't come in? Who picks the tab up then? The commitment has been made -- where does the burden lie? I will tell you folks, it lies on the property tax, that is where it is going to come from.

Currently the communities have the ability to preserve this land, then those very same people who are promoting this tax, should be at that town office submitting articles for the town warrant to raise the funds to acquire this property. I think they would be surprised to see how many of those people in those communities would support that warrant. I think that is where they should be. I think that is where they should have been a year ago. They should have been at those town offices with a warrant so that could have been on the agenda for the town meetings. Those funds would have been appropriated and they would have had the property.

I think this is extremely important. We talk about a local option tax, a local option tax dedicated for one purpose, one purpose alone. I would hope that you would vote with the Majority Report this morning.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Stonington, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I think we need a quick lesson in property values. I live on an island off the coast of Maine, one of the most beautiful places, in my opinion, in the state. I live in an area where we pick up 80 percent of a million and a half dollar school budget because of our state valuations. Our state valuations are not rising because the local residents are building million dollar homes. Our state valuations are rising because of the developments that have come.

I urge you today to think carefully about those communities that are suffering rapid development. The argument has been used that communities could raise these funds. I ask you -- could the town of Stonington, which already supports the school budget to the tune of approximately 80 percent of its total amount, raise an additional \$200,000 to buy a public beach? There is no public beach on the island of Deer Isle. Whether you are a native, a visitor or a summer resident, I don't think that is fair.

I think the question today is giving the local municipalities this option. If they choose to establish land banks in their communities, let them. Believe me folks, the people who are paying \$300,000, \$400,000, \$500,000 for a home or a piece of land (if they are in my area) to build it on, I think could contribute to this land fund. I am extremely concerned in 20 years what my island is going to look like. My family has been there five generations, so we have some idea of what the past has shown us. Please, think about the future, today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to second the remarks of my colleague from Stonington that I find it particularly ironic this year, when we are considering a variety of measures to reduce the pressures of property taxes, when our constituents are screaming at us every day about the burden the

property tax is imposing upon them, that the Majority Report and the pending motion pose that we not give them a means of reducing that pressure.

We are going to be spending millions of dollars later on in this session to help reduce that pressure. Those millions means the property tax increases this year -- instead of being 20 percent, it may be only 10 or 12 or 15 percent. The proposed bill would offer these towns the option, it would not mandate, it would offer them the option of raising the money to assure access, access which is disappearing rapidly, by taxing those who are making it disappear.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker and Members of the House: I think we have had an interesting discussion this morning and probably most of us would wish that it would conclude fairly soon. I would like to summarize a little bit what I seem to be hearing.

Nearly everyone agrees with the problem but we have two solutions. One solution seems to be a little bit of a piecemeal, meager approach that we increase some fees, such as the building permit fee and the subdivision fee, and that we raise property taxes. I think the Representative from Stonington hit the nail on the head when she cited her example that property taxes on the coastal area for the natives, for the residents, the full-time residents, are already beyond their ability to pay. Realistically, increasing the property tax to the point of being able to fund a land bank of any significance, is not a solution. So, we have had kind of a general agreement by both sides on this report that the concept is good. I don't think that we have heard a speaker who has disagreed with the need. So, that leaves us with an option, which is just exactly what this bill tries to do, it creates a local option. If your town doesn't have the pressure, realistically your town won't vote for the local option tax. I don't see how it would go any other way.

I, too, represent an island, an island where the fishermen, in order to get to their boats, must climb down an embankment, the fisherman's access, all 12 feet in width, allows no place for them to park their vehicle except on a private property owner's lawn. We appreciate the good graces of the private property owner, an elderly lady who is very ill, and who knows what will happen when that property changes hands.

So, I urge you to vote not to increase property taxes for the land banks but to allow towns to create a local option tax. I urge you to support the Minority Report.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Let me step back for a minute and explain my position on this legislation. I served on a study committee this past summer to study this question and we issued a unanimous report (the six members of that committee) that called for this legislation. Many people have said that this is a bad precedent or bad tax policy, I don't happen to believe it is either bad precedent or bad tax policy, I think it is just the opposite. I think it is a good precedent and I think it is good policy to provide a tax mix to our communities that are suffering from the burden of property tax.

I would ask you to consider today, those of you who have said or those of you who feel that this doesn't affect you and you really don't want to deal with this issue -- it may not affect you now, but the

pressures of development are building like a large steam roller and they are going to run over this state. I love this state and I know everyone in this House loves this state and I would ask you to consider that. We want to have the ability on a local level to set aside some property and do that in a manner that does not burden the property tax.

So, I would ask you to vote against the pending motion and I would ask you to support the Minority Report.

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 PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: One of the towns that I represent is the town of Alna. It is a very small community of approximately 500 people. It is set back somewhat from the coast on the Sheepscot River and it is a very beautiful community. In talking with one of the selectmen this morning, we discussed the fact that, at the Alna town meeting, there was an article on the town warrant, the people in that town voted \$10,000 into a fund to purchase land for the future of that community to hold some space open.

They are very concerned. They are concerned about properties that one day sell for \$80,000, two weeks later they sell for \$120,000, and a month after that, they sell for \$230,000. The town does not get any benefit from that. What happens is people who have lived in that town for their entire lives cannot afford to live in some of the more beautiful spots in that community. They are concerned that their town is going to be filled up, that there are not going to be any more open spaces for their kids.

Because a town of only 500 people voted to put \$10,000 into a fund shows that their concern is real and they have, in fact, put their money where their mouth is.

I urge you to vote no on this motion and to support the Minority "Ought to Pass" Report.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: It is too bad this bill wasn't passed 20 years ago. If it had been, a lot of the communities that wish to have some land for parking or getting access to a lake or to the shore, would have the monies and they could have bought this property.

Those people who are not feeling the pressures now, as Representative Mayo said, will feel it in the future. This is going to give them an opportunity to have some monies to look forward to to help purchase this property. It may not be all that is needed but at least it will give them some, maybe the rest could come from taxes or something else. I urge you to vote against the pending motion and vote the Minority Report.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: It seems as if the Taxation Committee has been dominating floor time of late but I will try not to prolong that any longer than I

have to. I guess there are a couple of final comments I would like to make on this bill.

It has been mentioned by several people that there is a lot of concern about the buying up of coastal property and lakefront property and there is a great concern for the need of public access. I don't think any of the members of the Taxation Committee who signed the "Ought Not to Pass" Report would disagree with that. We had before us or will have before us a rather large bond issue from the Executive Department to try to address that problem and there are other bills around here to try to address that problem.

I think that our objection isn't that land banks aren't necessary and I think that has been well stated. Our objection is the mechanism that is in this bill to fund those land banks. Local option taxes is something that has been in front of the legislature long before I was here and long before most of us who are sitting here, who are members of the legislature, and it is a rather drastic step to take to move into an area of local option taxes. It is a step that the legislature has resisted for a long time. Perhaps our objection to this bill stems from that long resistance to local option taxes.

I guess I am not convinced that local option taxes aren't a good idea. My objection to this is that I hate to see us take that drastic step with a tax such as this that has administrative problems and has to be collected by the Registrar of Deeds. I think that has been stated by others who have spoken and would provide a really uneven opportunity throughout the state. It has been stated by others who have spoken that \$77,000 isn't an excessive price for a house in some parts of the state and it isn't, but it is in my area. There aren't many homes in Old Town that sell for that much money. If you are trying to provide an opportunity — Old Town has lake frontage in its municipal borders — if you are trying to give us an opportunity, you are not really doing it. We wouldn't raise enough money from this type of tax on homes in that price range to buy a parking space, let alone any lake frontage. I guess that is our objection to the bill.

We don't argue with the need for public access. There are other bills in here to address that and we just feel that this is much too drastic a step to take to try to accomplish the objectives. I urge you all to vote with the "Ought Not to Pass" Report.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The Land Bank Bill before you gives your town and my town the tools to do part of the job that we expect them to do. I agree with the Representative from Old Town, Representative Cashman, that this is a drastic step. A lot of our towns are facing some drastic problems with property tax and drastic problems with growth. Sooner or later, you have to take a step. There are going to be other bills before this legislature that will ask for a local option tax.

The purpose of those taxes are to relieve the burden on the property tax and I will tell you that that burden is becoming unbearable to a lot of people. It is a drastic step but I think that this is the time we should take the step. There may be some administrative problems with this bill but I am sure that the Taxation Committee can work those out. \$77,000 is the average price of a home that is sold in the State of Maine so half of the people, presumably, wouldn't pay the tax. I think the time for this kind of tax is right. Our towns are really

disappearing and the way of life that we have known for generations is rapidly evaporating and this is just a tool to let our small communities do the job that we really want them to do.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 33

YEA - Allen, Anderson, Armstrong, Bailey, Baker, Bickford, Bragg, Brown, Carroll, Cashman, Clark, H.; Crowley, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farren, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Harper, Hichborn, Hickey, Hognlund, Hussey, Ingraham, Jackson, Jalbert, Ketover, Lacroix, LaPointe, Lebowitz, Lisnik, MacBride, Martin, H.; Matthews, K.; Mayo, McHenry, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Paradis, E.; Paradis, P.; Parent, Paul, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Salsbury, Sheltra, Smith, Stevens, P.; Strout, B.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Webster, M.; Wentworth, Willey, Zirkilton.

NAY - Aliberti, Anthony, Begley, Bost, Bott, Callahan, Carter, Chonko, Clark, M.; Coles, Conley, Cote, Curran, Dellert, Dutremble, L.; Farnum, Handy, Hepburn, Higgins, Hillock, Holloway, Holt, Joseph, Kilkelly, Kimball, Lawrence, Look, Lord, Macomber, Manning, Marsano, McGowan, McPherson, McSweeney, Melendy, Mills, Mitchell, Murphy, E.; Murphy, T.; Nicholson, Nutting, Paradis, J.; Perry, Pines, Racine, Reed, Rice, Rolde, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, D.; Taylor, Tupper, Warren, Weymouth, Whitcomb.

ABSENT - Boutilier, Connolly, Davis, Hanley, Jacques, Mahany, Michaud, O'Gara, Reeves, Sproul, The Speaker.

Yes, 76; No, 64; Absent, 11; Paired, 0; Excused, 0.

76 having voted in the affirmative and 64 in the negative with 11 being absent, the Majority "Ought Not to Pass" Report was accepted.

Representative Mayo of Thomaston moved that the House reconsider its action whereby the House accepted the Majority "Ought Not to Pass" Report.

The same Representative moved that the House table for one legislative day pending his motion that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

Representative Baker of Portland requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Mayo of Thomaston that L.D. 727 be tabled one legislative day pending his motion to reconsider. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 34

YEA - Aliberti, Anthony, Begley, Bost, Bott, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Curran, Dellert, Dutremble, L.; Farnum, Foster, Gould, R. A.; Greenlaw, Handy, Hepburn, Hichborn, Hickey, Higgins, Hillock, Holloway, Holt, Hussey, Jalbert, Kilkelly, Kimball, Lacroix,

Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Mayo, McHenry, McPherson, Melendy, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nutting, Paradis, E.; Paradis, J.; Perry, Pines, Pouliot, Racine, Rand, Reed, Rice, Ridley, Rolde, Rydell, Scarpino, Seavey, Sheltra, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Taylor, Telow, Thistle, Vose, Warren, Wentworth, Weymouth, Whitcomb.

NAY - Allen, Anderson, Armstrong, Bailey, Baker, Bickford, Bragg, Brown, Callahan, Cashman, Crowley, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farren, Foss, Garland, Gurney, Gwadosky, Hale, Harper, Hognlund, Ingraham, Jackson, Joseph, Ketover, Lebowitz, Martin, H.; Matthews, K.; McGowan, McSweeney, Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Paradis, P.; Parent, Paul, Priest, Richard, Rotondi, Ruhlin, Salsbury, Sherburne, Smith, Strout, B.; Swazey, Tammaro, Tardy, Tracy, Tupper, Walker, Webster, M.; Willey, Zirkilton.

ABSENT - Boutilier, Connolly, Davis, Hanley, Jacques, LaPointe, Mahany, Michaud, O'Gara, Reeves, Sproul, The Speaker.

Yes, 82; No, 57; Absent, 12; Paired, 0; Excused, 0.

82 having voted in the affirmative and 57 in the negative with 12 being absent, the motion to table one legislative day did prevail.

(Off Record Remarks)

On motion of Representative Hussey of Milo, Adjourned until Friday, May 1, 1987, at twelve o'clock noon.