

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
73rd Legislative Day
Friday, May 22, 1987

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

Prayer by Reverend Theodore Poland, North Anson United Methodist Church.

The Journal of Thursday, May 21, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on State and Local Government on Bill "An Act to Amend the Civil Service Law" (S.P. 310) (L.D. 889) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 547) (L.D. 1652)

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 Tuesday, May 26, 1987.

Non-Concurrent Matter

Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee" (H.P. 511) (L.D. 684) which was passed to be engrossed as amended by Committee Amendment "A" (H-126) and House Amendment "A" (H-159) in the House on May 21, 1987.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-126) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Establish the Special Commission to Study School-entrance Age and Preschool Services (Emergency) (H.P. 1111) (L.D. 1505) which was passed to be engrossed as amended by House Amendment "A" (H-162) in the House on May 21, 1987.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Exempt Liquid Asphalt from the Ground Water Oil Clean-up Fee" (H.P. 1173) (L.D. 1599) which was passed to be engrossed as amended by House Amendment "A" (H-157) in the House on May 21, 1987.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish a Presidential Primary in Maine (S.P. 531) (L.D. 1595) which was passed to be enacted in the House on May 21, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-80) in non-concurrence.

The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

COMMUNICATIONS

The following Communication:
 SPECIAL SELECT COMMISSION ON
 FINANCING AND ADMINISTRATION
 OF GENERAL ASSISTANCE

May 18, 1987

Charles P. Pray, President of the Senate
 John L. Martin, Speaker of the House
 State House
 Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Select Commission on Financing and Administration of General Assistance is pleased to submit its report to the Legislature pursuant to P&SL 1985 c. 79 and c. 131.

Sincerely,
 S/Rep. Peter J. Manning
 Chair

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 551)
 113th Maine Legislature
 May 21, 1987

Senator Stephen C. Estes
 Representative Stephen M. Bost
 Chairpersons
 Joint Standing Committee on Education
 113th Legislature
 Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Harrison L. Richardson of Falmouth for reappointment to the University of Maine, Board of Trustees.

Please be advised that Governor John R. McKernan, Jr. has nominated George W. Wood, III of Bangor, Robert H. Foster of Machias and Patricia Collins of Caribou for appointment to the University of Maine, Board of Trustees.

Pursuant to Title 26, M.R.S.A. Section 1022, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
 S/Charles P. Pray
 President of the Senate
 S/John L. Martin
 Speaker of the House

Came from the Senate, Read and Referred to the Committee on Education.

Was Read and Referred to the Committee on Education in concurrence.

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:

Utilities

Bill "An Act to Amend the Charter of the Lincoln Water District" (Emergency) (H.P. 1216) (L.D. 1659) (Presented by Representative HARPER of Lincoln) (Cosponsors: Representative HICHBORN of LaGrange, Senators PEARSON of Penobscot and CLARK of

Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
 Ordered Printed
 Sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative FOSS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Administrative Support Services to the Maine Job-start Loan Program Agencies" (H.P. 850) (L.D. 1144) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative MARTIN from the Committee on Legal Affairs on Bill "An Act to Amend the Liquor Laws as they Pertain to State Brewers" (H.P. 629) (L.D. 852) reporting "Ought to Pass" in New Draft (H.P. 1213) (L.D. 1655)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 26, 1987.

Ought to Pass in New Draft

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Property Abandoned by Tenants" (H.P. 342) (L.D. 441) reporting "Ought to Pass" in New Draft (H.P. 1214) (L.D. 1656)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 26, 1987.

Ought to Pass in New Draft

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Substance Abuse Prevention, Education and Treatment Services for County Jail Inmates and their Families" (H.P. 436) (L.D. 589) reporting "Ought to Pass" in New Draft (H.P. 1218) (L.D. 1661)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 26, 1987.

Ought to Pass in New Draft/New Title

Representative PRIEST from the Committee on Legal Affairs on RESOLVE, to Permit Jacqueline A. Caron, Personal Representative of the Estate of Alpee Caron, to Sue the State for Wrongful Death and for Personal Injuries on Behalf of Herself and Her Minor Child, Jeffrey Caron, in Excess of Statutory Limits of Recovery (H.P. 845) (L.D. 1136) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Compensate Jacqueline A. Caron, Personal Representative of the Estate of Alpee Caron, for Wrongful Death and for Personal Injuries on Behalf of Herself and her Minor Child, Jeffrey Caron, in Excess of Statutory Limits of Recovery (H.P. 1215) (L.D. 1657)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 26, 1987.

Ought to Pass in New Draft/New Title

Representative BOST from the Committee on Education on Bill "An Act to Provide for School

Approval for Hurricane Island Outward Bound School" (H.P. 593) (L.D. 804) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide School Approval for Nontraditional Limited Purpose Schools" (H.P. 1217) (L.D. 1660)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 26, 1987.

Ought to Pass in New Draft/New Title

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Revitalize the Nongame Endangered Species and Wildlife Program" (Emergency) (H.P. 758) (L.D. 1021) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Establishing the Commission to Study the Impact of Game and Nongame Species on Maine's Economy" (H.P. 1219) (L.D. 1662)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 26, 1987.

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-163) on Bill "An Act to Divest State Pension Funds from those Businesses or Corporations doing Business in the Republic of South Africa and Namibia" (H.P. 83) (L.D. 86)

Signed:

Senators: CLARK of Cumberland
 BERUBE of Androscoggin
 Representatives: McSWEENEY of Old Orchard Beach
 RICHARD of Madison
 HICKEY of Augusta
 PERRY of Mexico
 JALBERT of Lisbon
 DUTREMBLE of Biddeford
 MATTHEWS of Caribou

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

Signed:

Senator: RANDALL of Washington
 Representatives: DELLERT of Gardiner
 HARPER of Lincoln
 STEVENSON of Unity

Reports were read.

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

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

This legislation "An Act to Divest State Pension Funds From Those Businesses or Corporations doing Business in the Republic of South Africa or Namibia" -- it is our opportunity to participate in responding to the repressive Botha regime. Today 33 million people live in South Africa. Only 4.8 million whites have full rights of citizenship. Because of the color of their skin, 28 million black people have no political power and are subject to controls which restrict where they can live, work, go to school, be born and be buried. This is the apartheid system.

Twice in less than a year, the government struggling to reassert total control and crush internal resistance declared states of emergency in July of 1985 and June of 1986. In March of 1987, they unleashed intensive repression and, seeking to conceal its actions by a complete media blackout, dismissed newsmen from their country and continued propaganda about the changes.

The recent general election has worsened conditions as the white voting majority strongly supported President P.W. Botha for further repressive action. We are seeing the tragic results of his latest mandate each night on television. The so-called reforms of P.W. Botha are no more than a mechanism for modernizing his concept of apartheid and apartheid economy.

The Sullivan Principles adopted by U.S. corporations falls under this banner. Signing on this voluntary code of conduct, which calls for desegregation in the workplaces and fair employment practices, allows a company to look as if it had good intentions, while forestalling any action that seriously challenges the apartheid system.

The countries throughout the world are appalled at the ruthlessness of P.W. Botha's regime and many have divested their various funds. In South Africa, advocating divestment is a crime. In terms of the Internal Security Act of 1982, advocacy of divestment or any other economic action against apartheid is punishable by up to 20 years in prison, whether the crime was committed inside or outside the country.

The answer lies in the nature of the apartheid economy, which is critically dependent upon foreign investment, especially in the United States' investment for its survival. Although South Africa is rich in mineral resources, it has no oil.

Further, the United States and other western countries supply the advanced technology vital to its mining and manufactured industries and to maintaining and streamlining its all-embracing repressive state machinery. The critical foreign exchange for these imports comes from two sources -- exports and foreign loans and investments.

Apartheid, which guarantees a plentiful supply of cheap, heavily regimented, black labor has provided an attractive investment and trading climate for foreign corporations. Take this away, even part of this away, and the South African economy is in serious trouble. The growing divestment movement in the United States has given the South African government serious cause for alarm.

John Chettle, South African Foundation director and Government apologist warned in the Johannesburg financial mail that, in one respect at least, the divestment forces have already won. We have prevented, discouraged, dissuaded, whatever you call it, millions of dollars from the United States investments in South Africa. This reads like a message of congratulations for the divestment campaign and reflects the considerable concern felt by the business community in South Africa.

We have an opportunity to join with all of the Maine colleges and many other institutions in our state who have participated in that divestment.

I would like to close by quoting Governor Michael Dukakis, whose state divested in 1983 -- "We here in Massachusetts are proud to have been the first state in the nation to vote to sell from the public pension fund portfolio, all those investments in firms doing business in South Africa. It has been our experience that divestment makes, not only a strong moral statement against apartheid, but divestiture has proven to have no significant impact on our pension earnings. Timely and careful divestiture can result in a net increase in pension earnings."

Our divestment bill, submitted in its original form, requested the State Retirement System to start immediately and divest all state pension funds within one year. It had a fiscal note of \$89,000. The amended bill voted out of our committee allowed a five year divestment period. The money managers of the system usually turn over their portfolio every

year, so in this transaction, the fiscal note should be of little or no significance.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Members of the House: I hope you will vote against the Majority Report. We need to face the fact that restricting private investments to nations, whose regimes we all approve, is neither practical nor effective. A modern economy cannot operate if each of us insist on imposing our own foreign policy views on the rest of society by forcing economic transactions through a political filter. Moreover, countries we disapprove of will not be hard-pressed to find other trading partners.

Divestiture means giving up both our business interests and any practical leverage we may have had for effecting social progress in employing blacks, helping with education, housing, or voting on the shareowner form. Apartheid is evil and has no redeeming virtues. Of that we can all agree.

The Institute for the Study of Plural Societies based in the Netherlands found that there are sixty countries officially recognized as having some form of racial discrimination. Among them are countries in Central America, as well as two dozen countries in Africa, whose human rights record is worse than South Africa's. But, two or more wrongs do not make a right.

The New York Times, in 1986, stated that "Better than divestiture would be providing scholarships to South African students in U.S. universities and colleges to train them in business administration, engineering, as teachers, doctors, and lawyers and to provide the leaders that can help to change the conditions of apartheid. Religion can also be instrumental in divesting and helping apartheid. We should challenge churches of all denominations and faiths to reach out to their counterparts in South Africa.

The YMCA camp of which I was a part for many years is an example of this. We had over 100 students from other countries, and 10 came from Africa as counselors to study our ways. They were sponsored by YMCA's, colleges and private groups so that they and the sponsors could help to better understand.

We should urge our students at colleges to support scholarships for black students here in this country or support, financially, the five open colleges in South Africa that dare to confront government forces. Some financial help has come from American educational institutions, but so much more is needed.

Divestiture is often justified on the grounds that blacks want it. As Americans who have bothered to investigate wishes of South African blacks have discovered and, as every opinion poll taken in that country reveals, the overwhelming majority of South African blacks welcome American investments and see American companies as assisting them in the fight against apartheid. They fear the economic consequences if they leave South Africa.

The president and four members of the board of the NAACP reported that almost every black leader wanted the U.S. companies to stay. What South Africa needs is not less U.S. participation, but more, not isolation but active help in the process of desegregation, not an attitude that ignores the difficulties of constructing social justice in a deeply divided society, but assistance in applying some of the American lessons we learned in our wrenching struggles.

The Law Policy and International Business Magazine states that (this legislation) too many violate the supremacy clause of the constitution, which gave the federal government responsibility for conducting foreign policies.

President Gray of MIT is equivocally opposed to the South African policies on apartheid and appalled at what is happening, but neither he, nor the executive committee of the corporations, believe that removing from MIT's investment portfolio the shares in companies that now do business in South Africa is an effective expression of opposition. It has little, if any political force. President Gray continues, "That for some people, divestment holds important symbolic value, as a means of expressing abhorrence of apartheid. I believe it is ineffective as a means of influencing events."

I would like to read you a portion of a letter from the president of the YMCA retirement fund. It is similar to our Maine State Retirement fund but it has gone on for many more years than ours has here. "The feeling of the YMCA Retirement Fund has traditionally been that, while the national YMCA and the international YMCA has rightly so made extremely strong statements against apartheid, but divestment of securities from our YMCA Retirement Fund portfolio is not prudent according to our understanding of prudence and of the law. Therefore, our trustees, in the fulfilling of their fiduciary responsibility to all members have shunned the dramatic gesture of divestiture. That, however, does not mean we are not willing to enlist in coalitions with other concerned institutional shareholders in an attempt to put pressure on corporate management.

"I believe it is very difficult for all of us to accept a portion of corporate sins in an attempt to purify our investments that merely reflect an unsuccessful effort to purify our own lives. Once again, I personally abhor apartheid, but as a fiduciary and, in order to fulfill responsibilities for the funds of our membership, I cannot support the concept of divestiture.

"Finally, it is not commonly understood that the internal violence is precipitated for reasons fundamentally economic and that other countries are using the apartheid issue as a lever to demoralize and destabilize the South African government. Divestiture is not the answer."

I wish the solution was that simple. I urge you to vote against the divestiture of the Maine State Retirement System from companies doing business in South Africa and Namibia. I ask for a roll call.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago when this bill came up, I was one of the staunchest opponents. At that time, I felt that we may have been panicking, that the retirement system might have been in jeopardy. I can honestly say that what I have seen on the news media that we have been able to get out of South Africa is enough to turn anyone. We keep hearing that this is an internal domestic problem for the government of South Africa.

I remember as a young boy hearing the same thing by the isolationists before 1940 that what was going on in Germany was an internal domestic problem, and when the dust settled after the war, 6 million Jews and other people had been put to death.

I can honestly say that I cannot stand here and condone what I see going on in South Africa, and the arrogance of the leaders of the South African government. Some people have compared it to what went on in the South a few years ago. At least there

was an attempt by some Southern people to do something about it. The federal government in Washington was not coming out as a policy, that they would condone what was going on in the South.

I was hoping that the government of Botha would do something in South Africa, but apparently it has gone from bad to worse. This isn't just a question of the blacks. A few months ago, I saw where there was a section of Johannesburg, where many blacks came throughout the years, which was normally white. The government of South Africa felt that maybe this was one way of appeasing the blacks. They said, we will make that section all black, but they are moving, dislocating the whites. It isn't just the blacks, it is the whites and the Indians and the Asians that are being discriminated against.

As the gentleman from Augusta said, you have 43 million people, although only 3 million actually vote. That is something we can't believe, that you could have a country of 43 million people, only 3 million can vote.

On the other side of the coin they say economically we're going to lose money. Well, I can tell you if this continues, you will have a blood bath in South Africa, a civil war, and none of those companies will come out of it. They say, well yes, some of the companies like IBM or those people that can afford to will take up the loss will come out of it. I can honestly say that I cannot see us continuing to have any kind of business with the government of South Africa.

I am a recipient of the Maine State Retirement System, that is what I live on, but I can honestly say I cannot look at my children and grandchildren and say, we have to look the other way.

I would ask that you fervently support the Majority "Ought to Pass".

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to be a cosponsor of this legislation and I would like to speak in favor of the motion of the Representative from Augusta, Representative Hickey.

Our retirement fund is a precious asset. It needs to be invested wisely and carefully. It should not be an instrument for high risk gold venture capital, rather its holdings should be solid, conservative investments that can be depended upon to provide the rate of return needed to support the retirees.

The Maine State Retirement System is such a fund. Its assets have long been invested in large, well established corporations. Unfortunately, some of those corporations are doing business with the Republic of South Africa. The Republic of South Africa has adopted a racial policy of apartheid that is completely opposite to America's concept of equality.

Last month's elections in South Africa show that the white minority has no intention of compromising with the black majority. Usually we legislators are asked to decide issues of local, state, or occasionally of national importance. It is not often that we take action that has world-wide implications, but today we do. I believe that apartheid is a cruel and vicious racial system. If you believe as I do that apartheid should be abolished, then the only action we can take in this body, is divestiture.

People will tell you that divestiture is too costly. That is not true. The State of New Jersey has published a study of their total divestiture program and concluded that divestiture did not cost

their funds one dime, not one dime. The Boston Safe Deposit Corporation recently published a comparison study of pension funds that had not divested from companies doing business in South Africa. The divested funds performed better than those not divested. I would like to read briefly from that report for you. The report was written by Dr. Richard Crowell, senior vice president of the Boston company. It says, "There are numerous indicies to measure investment performances in the stock market. The Standard and Poor's 500 Stock Index, the S & P 500, is one of the most used for evaluating the performance of university endowment funds. The Boston Safe Index is a new index of the performance of South Africa free equities. It consists of all the stocks in the popular S & P 500 Stock Index, which do not have employees in South Africa and do not make loans to the government of South Africa."

The Boston Safe Index is a reliable way to determine if divestment hurts investment performance. Over the last two and a half years, from January 1984 to June of 1986, the Boston Safe Index has advanced 72.9 percent, compared to 68.8 percent for the S & P 500. That is, the stocks of the companies not involved in South Africa have actually outperformed the S & P 500 by 4.1 or 1.6 per cent per annum. Over this period, divestment has apparently helped, not hurt, investment performance. Why has South Africa free stocks done better? The article replies "That with all the turmoil in South Africa, South Africa is simply not a good safe place to run a business today."

Finally, I would like to take a moment to tell my fellow Republicans of a letter I received from a constituent not long ago. She asked me how I could possibly have sponsored such a bill as this. She said she could understand about the Representative from Portland, Representative Baker, or the Representative from Eagle Lake, Representative Martin, and she did not seem to be aware of the role being played by the Representative from Westbrook, Representative O'Gara, but she couldn't understand how I, as a good Republican, could possibly support this bill.

She wrote, "Didn't I realize that South Africa was rich in minerals, especially gold and diamonds?" Well, my answer to her is divestiture is not a radical idea any more. It is urged by men and women of both parties, men and women who believe that no stone, no piece of rock, not even glittering diamonds, are worth more than human life.

We, in Maine, should not profit from apartheid. But even more to the point, we should not subject the assets of our Maine State Retirement System to the financial risks inherent in South African politics today, through the mistaken idea that divestiture is too radical, too intrusive, or too costly a step to take. For the interests of our retirees, who favor divestiture, we should begin divestiture now, today.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: Before I begin, I want to briefly point out that, according to today's paper, Bowdoin College will divest its financial holdings in companies doing business in South Africa by October of this year. "Going to a South Africa free portfolio is not going to hinder our investment performance" said Treasurer, Dudley H. Woodall.

The issue of South Africa is not merely a question of economics in a sense that blacks are held back economically; therefore, the presence of U.S. corporations could only aid them. If it were simply a matter of economics, then divestiture would not be

necessary. That is not the question. The question is freedom, political freedom, for the majority to determine their own future in national affairs. It is because the government of South Africa is the only country in the world where racism is a part of its legal system and that divestiture is an appropriate tactic to use on pressuring that government. In the past, U.S. corporations that have been in South Africa, some of them have adhered to the Sullivan Principles. Those were a conduct of nondiscriminatory policies that U.S. corporations pledged to support.

Reverend Leon Sullivan, the man who devised those principles, two years ago, as I debated a nonbinding resolution on this floor wrote, "That if the South African government had not begun serious steps to dismantle apartheid in two years, he would call for complete and total divestment of all U.S. corporations in South Africa." I have that quote right here, published from the International Council for Equality of Opportunity and Principles from Philadelphia. What he said was, that if apartheid is not actually and in fact statutorily abolished as a system within the next 24 months, all U.S. companies should withdraw from South Africa and there should be a total U.S. economic embargo against that country.

The time table issued by Reverend Leon Sullivan will expire May 31, 1987.

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 Hickey of Augusta that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 71

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Bost, Bott, Boutillier, Carroll, Carter, Cashman, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hepburn, Hichborn, Hickey, Higgins, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Lord, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Small, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Zirkilnton, The Speaker.

NAY - Armstrong, Bailey, Begley, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Greenlaw, Holloway, Lebowitz, Look, MacBride, Marsano, Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Salsbury, Seavey, Stanley, Stevens, A.; Stevenson, Wentworth, Weymouth, Willey.

ABSENT - Bickford, Brown, Chonko, Erwin, P.; Hanley, Harper, Hillock, Ingraham, Jackson, Ketover, Kimball, Rice, Sherburne, Strout, B.; Whitcomb.

Yes, 101; No, 33; Absent, 15; Vacant, 2; Paired, 0; Excused, 0.

101 having voted in the affirmative and 33 in the negative with 15 being absent and 2 vacant, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-163) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 26, 1987.

CONSENT CALENDAR

First Day

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

(S.P. 475) (L.D. 1438) Bill "An Act to Improve Public Lands' Camp Lot Management" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 210) (L.D. 262) Bill "An Act to Increase State Funding for Homemaker Services" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-164)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 26, 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. 422) (L.D. 1302) Bill "An Act to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State" (Emergency)

(S.P. 464) (L.D. 1421) Bill "An Act to Simplify Fees for Certified Copies of Divorce Reports"

(S.P. 482) (L.D. 1459) Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1987" (Emergency)

(S.P. 339) (L.D. 994) Bill "An Act to Coordinate the Review Process of the Department of Environmental Protection and Maine Land Use Regulation Commission" (C. "A" S-72)

(S.P. 143) (L.D. 397) Bill "An Act Providing Additional Higher Education Opportunities for Maine Students" (C. "A" S-76)

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.

PASSED TO BE ENGROSSED

Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month" (S.P. 542) (L.D. 1639)

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

PASSED TO BE ENGROSSED

As Amended

An Act to Amend the Postgraduate Residency Requirements for Certain Physicians (H.P. 1180) (L.D. 1609)

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

On motion of Representative Allen of Washington, under suspension of the rules, the House

reconsidered its action whereby L.D. 1609 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-167) and moved its adoption.

House Amendment "A" (H-167) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-167) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989 (S.P. 202) (L.D. 559)

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

FINALLY PASSED

Emergency Measure

RESOLVE, Establishing the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities (H.P. 1115) (L.D. 1509) (S. "A" S-68)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide Increased Penalties for Door-to-door Fraud (S.P. 325) (L.D. 953)

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

ENACTOR

TABLED AND ASSIGNED

An Act to Establish a Statewide Training Program for Staff of Long-term Care Facilities (S.P. 536) (L.D. 1619)

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

On motion of Representative Manning of Portland, tabled pending passage to be enacted and specially assigned for Tuesday, May 26, 1987.

PASSED TO BE ENACTED

An Act to Assure Responsibility in Regulatory Decision Making (H.P. 59) (L.D. 62) (C. "A" H-141)

An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles (H.P. 105) (L.D. 115)

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

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

PASSED TO BE ENACTED

An Act to Amend the Watercraft Excise Tax Law (H.P. 221) (L.D. 273) (C. "A" H-129)

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

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I request permission to pose a question through the Chair to either the sponsor of this bill or anyone that would care to answer.

This is "An Act to Amend the Watercraft Excise Tax Law." It seems to me that every time we amend any taxes, we amend them upwards not downwards. I did look at this the other day and it seemed to me that there was significant increases in the excise taxes on boats in this law. If I recall, having a couple of boats myself, small boats, every time I have had to excise and license them in the past, the cost to do this has gone up. I think a couple of years ago we increased the boat taxes. So, I guess my question is, is this, in fact, not amending the tax law but increasing boat taxes? And, if so, what is the logic at doing it at this point in time?

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

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The logic behind this bill, as all of you remember in 1983, (I believe it was) this legislature changed the formula by which watercraft are taxed from a property tax to an excise tax and then we amended the constitution doing away with the state's responsibility to reimburse municipalities for 50 percent of the lost revenue as a result of that change.

The problem that we had was that there were a number of coastal towns throughout the state who incurred what they felt was a significant loss of revenue as a result of that change. There was no less demand on the services they were providing for the watercraft in those areas.

So, in an effort to come up with a bit of a compromise, we had an unofficial subcommittee form, made up of legislators and also some members of the Maine Marine Industry and Maine Municipal Association, and came up with this compromise bill which was presented to the legislature in this session. It does not impose a tax on any boat less than 23 feet in length.

We have made every effort to avoid imposing any additional tax on sportsmen but to have made more of an effort to at least raise the tax on the larger watercraft to at least an area that we felt was somewhat equitable. The system in itself is a little bit inequitable in that it does not address, in any way, the actual value of a boat. If you have two boats — for example, one is 30 feet and worth \$40,000 or \$50,000, another one could be worth a couple hundred thousand, they still pay the same tax.

We did feel that it was important we got a little bit of an increase to address that someone and also to offset the cost to the municipalities. It has basically averaged out to an 18 to 20 percent increase for these watercraft in excess of 23 feet in length. We feel that it is in line with what other states are charging and does not, in any way,

put Maine in an over-burdensome position in comparison. I hope that answers the gentleman's question.

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

Representative SCARPINO: Mr. Speaker, I would move indefinite postponement of this bill and all its accompanying papers.

Mr. Speaker, Men and Women of the House: I find it difficult to believe that in a time, when this body is considering drastically reducing the railroad excise tax for one specific company and has already taken an axe to exempt another company from an aircraft tax, that we are sitting here in an unfair, unequitable and an extremely biased manner attempting to increase an excise tax on both the small commercial and private boatowner.

In the history of the boat excise tax, when we first changed from the property tax to an excise formula, it was initially \$10 a foot to 40 feet and \$20 a foot there above. Maine Municipal was in here supporting that bill because it lowered their costs, they didn't see any way they could effectively appraise or survey all the vessels.

Then we ran into payment problems with the grossly inequitable system. We then came up with this bill. In its original form, with its original rates, the Maine Municipal Association supported that one also.

I had a bill in at that time in conjunction with my good friend from Eastport, Representative Vose. We withdrew that bill when we were assured by the former chairman of the Taxation Committee that this change from personal property tax to excise tax was not going to start the cycle of increased taxation on our small independent commercial fishermen and our boat owners — that this bill was here to resolve a problem that the municipalities had in properly assessing boats because they didn't have the skills and capabilities of doing it and of taxing boats equitably throughout the state.

The first thing this bill does is exempt all the boats under 23 feet. That is a majority of the boats in the state. That is also a group of boatowners that are involved in sportsmen organizations and things of that sort that have a reasonable amount of political clout up here. So, by writing the bill that way, we have immediately removed that political opposition.

Then we hear talk about increased costs. Well I don't doubt costs have increased over the past three years, they have — we have had cost of living increases and we have had inflation. I wouldn't have any difficulty in uniformly raising the tax to equalize those costs but let's look at it. There is a 0 percent increase to 23 feet. At 23 feet, there is a 16 percent increase that increases to 17.5 percent at 50 feet and then reduces to 15 percent at 65 feet and then continues at about a 15 percent increase from there on.

This bill does two things. Number one, I think it breaks what was understood to be a good faith agreement between the legislature and the boatowners of this state on the intent and purpose of the initial excise tax bill. I think that is very clear. I also think that it very clearly and inequitably puts a tax burden on a specific segment of the boatowners, while exempting others. I do not feel that that is good tax policy. I do not feel that it is proper tax policy nor do I feel that it is proper precedent to set for the people of this state.

I request a roll call, Mr. Speaker.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise simply to correct what I believe I heard from my good friend from Mt. Desert, Representative Zirnkilton. I think he said that the bill does not impose a tax on boats smaller than 23 feet. A correct statement would be that it does not impose a tax increase on boats smaller than 23 feet, as Representative Scarpino stated.

When this bill came out of the Taxation Committee, I abstained on the vote. I had been chastised severely for signing out too many Minority Reports, so I decided not to sign this bill out by myself in an "Ought Not to Pass" fashion, knowing that we could have the option to debate it later on if we chose to do that.

My big concern with this bill has always been, as we have talked about other industries, and that is forcing our boats to be registered in states other than Maine because of oppressive tax burdens.

I would also like to point out that I do represent one town that has a significant amount of revenue from the boat excise tax, one town that is a fishing community. I would like to point out to this House that that town, in fact, in the past year, went way over budget in their excise tax income and have not really felt a significant loss of revenue due to this bill. I felt for a long time that this bill is simply a tax increase and I think the House should know that this is simply a tax increase.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: For a little background on this, I would like to remind the people who were here in the 111th and inform the people who weren't of the reasons that we went from a personal property tax to an excise tax on boats in the first place.

Representative Scarpino has told you half of the story that municipalities were dismayed at the problems that they had in trying to assess a personal property tax on boats. They weren't equipped to assess boats, they had a very difficult time enforcing the tax and they asked us to change it.

The primary mover behind the change from a personal property tax to an excise tax was the fishing industry. The fishing industry appeared in front of the Taxation Committee and told us that the personal property tax on boats was oppressive, was driving them out of the state, and that they could register their boats and harbor their boats in New Hampshire and pay no tax and that they could fish Maine waters just as well from New Hampshire as they could Rockland or Thomaston or Owls Head or anywhere else. With all of those factors combined into one big problem, the Taxation Committee set about the problem of trying to design an excise tax on boats, which we did. The Maine Municipal Association certainly did support that, but they made no bones about the fact that the original rate that we passed, they felt were insufficient. They felt that municipalities, particularly on the coast, were going to lose a great deal of revenue from this. What we told the Maine Municipal Association and the coastal communities that came in was, "Let's put this tax into operation and see just how things shake down after we have had this tax for two or three years."

In response to something that Representative Armstrong said, that we always adjust taxes upwards and never downwards, I would point out that, for

most of the fishermen (I can't say for all of them because I am sure it wasn't the case for everyone), most of the fishermen that action resulted in a major tax decrease, a major tax decrease. While this bill increases excise taxes over what they have been, they still will not even approach the levels they were at in many instances with the personal property tax.

Also, I think Representative Mayo pointed out that this bill does not exempt boats under 22 feet from the tax, they are exempt from the increase.

Finally, this has been a thorny issue for four or five years. What we tried to do here and where this bill comes from is that, we put together a joint effort between the marine industry, MMA, coastal communities, sportsmen and so forth and asked them, "Let's see if we can work this out because we have enforcement problems, we have the chronic problem of coastal communities saying that they are not receiving anywhere near the revenue that they used to receive and, quite frankly, many of them still will not. Let's see if we can put our heads together and come up with something that everybody can live with." They did that, they came in with this bill. It came out of the Taxation Committee with a unanimous "Ought to Pass" Report with one abstention. I would encourage the House to support it at enactment.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Let me stand and clarify a few things that my good friend, Mr. Cashman, has just said, since I (as the speaker can testify) was one of the most deeply involved individuals in the initial boat tax legislation. He is correct, there was a segment of the fishing industry that did support the change to the excise tax. There was a city that initiated this entire problem and that was the City of Rockland and the segment of the industry was the large fishing vessel segment, the vessels that had the capability to steam out of this state and operate out of this state.

On the first bill we passed, a particular large fishing company based in Rockland, tax dropped from in excess of \$100,000 down to about \$12,000 if memory serves me correctly. In the town of St. George -- I will give you a perfect example -- there is a vessel called the Hilda Halengy, she is 45 feet, his tax increased 45 times, not 45 percent -- put it into percent, 4,500 percent his tax increased. Now, that was a drastically inequitable system so we came back and they changed it to make it a little more equitable and those big boats profited a little more in the changed system. I have no argument with that. Again, in every one of the 8 fishing towns in my district, there was a minimum of 150 percent tax increase by going to the excise tax. That was the minimum. We are now increasing it more.

Perhaps there are a few towns that have lost revenue, I don't deny that. There are more towns that have had their revenues increased. This is a tax increase, plain and simple. More people, the same people, that paid last time to benefit a real need in the industry, the big boatowner, that was a real need, he was being taxed beyond what was reasonable, but the people that took the load on were the medium sized commercial and pleasure boatowner. Now we are increasing the tax and we are exempting the small boatowner and the same person that is taking the load is the medium sized commercial and pleasure boatowner. That is not the

way it is supposed to be. If we raise taxes, we raise them equitably. To me, equitable means fair, across the board, equal increase. To other people, equitable means progressive, the more you make, the bigger you are, the more you pay. This increase doesn't meet either one of those criteria. This increase takes the least politically strong group, puts the tax burden on them, in order for the municipalities to generate some more revenues. That's not the way to do it.

I urge your defeat of this measure and support the motion to indefinitely postpone.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: There is a very good reason why boats under 23 feet in length were exempted from this particular piece of legislation. The reason, simply stated, is because they don't place the demands on municipal services that the larger boats do. Boats that are 15 or 20 feet, you don't have to build big docks with electrical supplies to every single slip, water for everyone. You don't have to have harbor masters around telling these big boats how to back into these slips. You don't have those kinds of demands with the smaller boats. More often than not, the boats are placed on trailers and they can be driven back and forth and simply lowered over a ramp. That is not a big demand on the municipality.

With regard to the increase that we're talking about, let me give you an idea how much money we are talking about. A boat that is (let's say for example) 25 feet in length presently pays \$52 for the excise tax. Under this massive tax increase that we are proposing here today, they will pay \$61, an increase of \$9 each year. A boat that is 50 feet in length, which more often than not, is going to be worth an awful lot of money regardless of whether it is commercial or pleasure. It is quite conceivable that boat could be worth hundreds of thousands of dollars. That boat presently pays \$270 a year in excise tax. Again, under our massive tax increase proposed here today, that boat will pay \$318, an increase of \$48. I am sure that would not break the person who owns that boat, on an annual basis.

The reason that municipalities (some municipalities) gained revenue as a result of this is because, under the property tax before, boats paid the property tax wherever they were on April 1st. Now the excise tax is just paid in the municipality where the owner resides so there were some towns who did receive a windfall as a result of that.

I can only say to you that this proposed increase is very modest. It will be one little help in helping small, coastal towns who, like every other town in this state, are having problems coping with the increases in the property tax and the other demands that are imposed upon them in these times, it is one small little thing this legislature can do to help those towns out.

I urge you to reject the motion to indefinitely postpone and please send this bill on its way.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: I don't wish to belabor the point because it is Friday afternoon and I realize that a lot have far to go.

I don't own boats in this category. I pay enough taxes on the smaller boats but I'm not in the 50 foot variety. But I notice that we are amending the

public law of 1985 and my memory isn't always good, but it seems to me that if, in fact, we set the current excise tax rates in 1985, they wouldn't have been effective until September of 1985 at the earliest.

I can't imagine that these people that own these boats have even digested that increase since we are talking about September of 1985, less than two years ago and we're increasing the rates again. So I guess that I am not in a position to argue whether or not these rates are equitable or fair, based on the value of the size of the boats. It just seems to me that when we set tax rates and then, a year and half later, jump them up, that that is a little bit too much, too soon.

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 St. George, Representative Scarpino, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 72

YEA - Aliberti, Anderson, Armstrong, Bailey, Baker, Begley, Bragg, Carter, Clark, H.; Davis, Dellert, Dexter, Farnum, Farren, Foster, Greenlaw, Gurney, Hepburn, Jalbert, Joseph, Look, Lord, Martin, H.; Mayo, McHenry, Michaud, Mills, Moholland, Murphy, E.; Nutting, Parent, Perry, Pines, Ridley, Rotondi, Ruhlin, Scarpino, Stanley, Stevens, A.; Tammaro, Thistle, Tupper, Vose, Wentworth, Willey.

NAY - Allen, Anthony, Bost, Bott, Boutilier, Callahan, Carroll, Cashman, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Foss, Garland, Gould, R. A.; Gwadosky, Hale, Handy, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Jacques, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, MacBride, Macomber, Mahany, Manning, Marsano, Matthews, K.; McGowan, McPherson, McSweeney, Melendy, Mitchell, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Priest, Racine, Rand, Reed, Reeves, Richard, Rolde, Rydell, Salsbury, Seavey, Sheltra, Simpson, Small, Smith, Soucy, Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Taylor, Telow, Tracy, Walker, Warren, Webster, M.; Zirkilton.

ABSENT - Bickford, Brown, Chonko, Erwin, P.; Hanley, Harper, Hillock, Ingraham, Jackson, Ketover, Kimball, Lisnik, Pouliot, Rice, Sherburne, Tardy, Weymouth, Whitcomb, The Speaker.

Yes, 45; No, 85; Absent, 19; Vacant, 2; Paired, 0; Excused, 0.

45 having voted in the affirmative and 85 in the negative with 19 being absent and 2 vacant, the motion did not prevail.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Truck Size and Weight Laws (H.P. 654) (L.D. 882) (C. "A" H-139)

An Act to Exempt Prisoners from the Provisions of the Workers' Compensation Act (H.P. 542) (L.D. 726) (S. "B" S-71)

An Act to Permit the Annual Filing of Certain Fuel Use Reports (H.P. 681) (L.D. 922) (C. "A" H-135)

An Act to Facilitate the Transfer of Information Between the Department of Human Services and the Bureau of Taxation (H.P. 693) (L.D. 934) (C. "A" H-136)

An Act Relating to the Cost-of-living Formula for Retirees under the Maine State Retirement System (H.P. 749) (L.D. 1012)

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.

ENACTOR

Tabled and Assigned

An Act to Require Archery Hunter Training (H.P. 914) (L.D. 1226) (C. "A" H-144)

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

On motion of Representative Jacques of Waterville, tabled pending passage to be enacted and specially assigned for Tuesday, May 26, 1987.

PASSED TO BE ENACTED

An Act to Require Safety Engineering and Loss Control in Workers' Compensation Insurance Rate-Making Proceedings (H.P. 1011) (L.D. 1364)

An Act to Repeal Loyalty Oaths for Civil Emergency Preparedness Personnel (H.P. 1092) (L.D. 1483)

An Act to Clarify Existing Law Regarding the Loss of Military Property (H.P. 1094) (L.D. 1485)

An Act to Repeal the Removal of Ice Jams Provisions from the State Civil Emergency Preparedness Law (H.P. 1095) (L.D. 1486)

An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors (H.P. 1175) (L.D. 1601)

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.

PASSED TO BE ENGROSSED

As Amended

An Act to Equalize Retirement Credits for Air and Army National Guardsmen (H.P. 1177) (L.D. 1606) (H. "A" H-142)

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

On motion of Representative Hickey of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1606 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-166) and moved its adoption.

House Amendment "B" (H-166) was read by the Clerk and adopted.

Subsequently, the bill was passed to engrossed as amended by House Amendment "A" and House Amendment "B" in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act Relating to the Availability of Rebate Forms for Manufacturers' Rebates (H.P. 1179) (L.D. 1608)

An Act to Continue the Pine Tree Partnership Fund Program (H.P. 207) (L.D. 259)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 522) (L.D. 1637) (C. "A" S-77)

TABLED - May 21, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Tuesday, May 26, 1987.

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

An Act Creating the St. Croix International Waterway Commission (H.P. 733) (L.D. 985) (C. "A" H-131)

TABLED - May 21, 1987 by Representative MICHAUD of East Millinocket.

PENDING - Passage to be Enacted.

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 985 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-131) was adopted.

The same Representative offered House Amendment "A" (H-165) to Committee Amendment "A" (H-131) and moved its adoption.

House Amendment "A" (H-165) to Committee Amendment "A" (H-131) was read by the Clerk and adopted.

Committee Amendment "A" (H-131) as amended by House Amendment "A" (H-131) thereto was adopted.

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

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

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (C. "A" S-65)

TABLED - May 21, 1987 by Representative DIAMOND of Bangor.

PENDING - Final Passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and specially assigned for Tuesday, May 26, 1987.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CONLEY from the Committee on Judiciary on Bill "An Act Concerning Child Support Payments and the Method Used by Courts in Setting Payment Levels" (H.P. 985) (L.D. 1332) reporting "Leave to Withdraw"

Representative THISTLE from the Committee on Judiciary on Bill "An Act Concerning the Requirements

of Practicing Law" (H.P. 1056) (L.D. 1426) reporting "Leave to Withdraw"

Representative WARREN from the Committee on Judiciary on Bill "An Act to Allow Drunk Drivers to be Sued for Punitive Damages" (H.P. 879) (L.D. 1180) reporting "Leave to Withdraw"

Representative McHENRY from the Committee on Labor on Bill "An Act Relating to Refusal to Appear and Taxable Wages under the Workers' Compensation Act" (H.P. 1098) (L.D. 1489) reporting "Leave to Withdraw"

Representative SCARPINO from the Committee on Marine Resources on Bill "An Act Relating to the Aquaculture Industry" (H.P. 601) (L.D. 819) reporting "Leave to Withdraw"

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

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

SENATE PAPERS

The following Joint Order: (S.P. 553) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 26, 1987, at 10:00 o'clock in the morning.

Came from the Senate, read and passed. Was read and passed in concurrence.

Bill "An Act to Correct, Amend and Improve the Laws Relating to Education" (S.P. 552) (L.D. 1658)

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

Was referred to the Committee on Education in concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 554) ORDERED, the House concurring, that the Joint Standing Committee on Transportation report out a resolve to the Senate entitled "RESOLVE, that the Secretary of State, Prepare a Revision of the State's Motor Vehicle Laws."

Came from the Senate, read and passed. Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Richard of Madison, Adjourned until Tuesday, May 26, 1987, at ten o'clock in the morning in memory of all United States service men and women pursuant to Joint Order S.P. 533..

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
May 22, 1987

Senate called to Order by the President.

Prayer by the Honorable John L. Tuttle, Jr. of York.
SENATOR TUTTLE: Would we please bow our heads. God is good, God is great, now go forth and legislate. Amen

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives

S.P. 82 L.D. 168
(C "A" S-74)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-74).

Minority - Ought Not to Pass.

In Senate, May 21, 1987, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74).

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Senate INSISTED.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication:
SPECIAL SELECT COMMISSION ON FINANCING AND ADMINISTRATION OF GENERAL ASSISTANCE

May 18, 1987

Charles P. Pray, President of the Senate
John L. Martin, Speaker of the House
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Special Select Commission on Financing and Administration of General Assistance is pleased to submit its report to the Legislature pursuant to P&SL 1985 c. 79 and c. 131.

Sincerely,
S/Rep. Peter J. Manning
Chair

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Correct, Amend and Improve the Laws Relating to Education"

S.P. 552 L.D. 1658

Presented by Senator ESTES of York
Cosponsored by: Senator RANDALL of Washington,
Representative SMALL of Bath, Representative GOULD of Greenville