

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

**ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
78th Legislative Day  
Monday, June 1, 1987**

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

Prayer by Reverend John E. Fickett, Augusta, (Baptist, Retired).

National Anthem by Orono High School Band.

The Journal of Friday, May 29, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify the Law Regarding Forfeiture of Property which Constitutes the Proceeds of Criminal Enterprise" (S.P. 414) (L.D. 1272)

Report of the Committee on Transportation reporting "Leave to Withdraw" on RESOLVE, to Establish the Commission to Examine Alternative Uses for the Augusta to Topsham Railroad Right-of-way (Emergency) (S.P. 428) (L.D. 1308)

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

Non-Concurrent Matter

Bill "An Act to Establish Field Offices of the Maine Land Use Regulation Commission" (H.P. 1227) (L.D. 1676) which was Passed to be Engrossed in the House on May 27, 1987.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-102) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Radon Gas" (H.P. 714) (L.D. 965) on which the Minority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-198) in the House on May 28, 1987.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

The House voted to adhere.

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1257) (Cosponsors: Representative MOHOLLAND of Princeton, Senators DOW of Kennebec and THERIAULT of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35.)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DISAPPROVE ANY USE OF DEDICATED FUNDS FOR GENERAL FUND PURPOSES

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Congress of the United States is searching for \$18,000,000,000 in new revenue needed

under budget resolutions passed by both the House and Senate; and

WHEREAS, the State of Maine has particular concern over a proposed increase of 10 cents per gallon in the federal gasoline tax to raise \$9,000,000,000; and

WHEREAS, the passage of this or some other type of excise tax is likely as finance committee members refuse to touch income tax or alter the 1987 tax bill; and

WHEREAS, it could start a dangerous precedent for Congress to take an additional \$9,000,000,000 of funds dedicated for highway programs and place them in the General Fund as proposed; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully urge the members of the Congress of the United States to refrain from using dedicated funds for General Fund purposes as proposed currently under a gas tax and to find other means of obtaining the necessary revenue; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Maria Glen Holt of Bath be excused May 28 and June 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Weston R. Sherburne of Dexter be excused May 22 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Gary W. Reed of Falmouth be excused June 5 and 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Judy Paradis of Frenchville be excused May 29 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MANNING from the Committee on Human Resources on Bill "An Act to Protect the Health of Maine Citizens by Providing Improved Monitoring Capability for Radiation Levels around Nuclear Power Facilities" (H.P. 943) (L.D. 1266) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Improve the Quality of Information Available to the Department of Human Services on Radioactive Emissions from Nuclear Power Plants" (H.P. 895) (L.D. 1196) 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

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots" (H.P. 1058) (L.D. 1433) reporting "Ought to Pass" in New Draft (H.P. 1254) (L.D. 1712)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative RUHLIN from the Committee on Marine Resources on Bill "An Act to Encourage Sport Fisheries on the Lower Kennebec and Androscoggin Rivers" (H.P. 937) (L.D. 1253) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Regulate Freshwater Fisheries in Coastal Waters" (H.P. 1252) (L.D. 1710)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative MITCHELL from the Committee on Marine Resources on Bill "An Act to Repeal the Sardine Inspection Tax" (H.P. 21) (L.D. 21) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Sardine Tax" (Emergency) (H.P. 1253) (L.D. 1711)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide Municipalities with the Option of Assessing Service Charges on Tax-exempt Property" (H.P. 811) (L.D. 1085)

Signed:

Senators: TWITCHELL of Oxford  
SEWALL of Lincoln  
Representatives: SEAVEY of Kennebunkport  
CASHMAN of Old Town  
SWAZEY of Bucksport  
DUFFY of Bangor  
DORE of Auburn  
ZIRNKILTON of Mount Desert  
JACKSON of Harrison

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

Signed:

Senator: DOW of Kennebec  
Representatives: INGRAHAM of Houlton  
MAYO of Thomaston  
NADEAU of Saco

Reports were read.

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

Representative JACKSON: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought Not to Pass" Report, I would like to explain briefly why I opted to go that route. This is not the first time this legislature has seen this bill. In the six terms that I have been here, I have seen this bill at least once every term, it is nothing new.

What the bill does is it allows the local option of the local communities to assess service charges in lieu of property taxes for those tax exempt properties which exist in those municipalities.

My impression hasn't changed over the last 12 years. I feel very strongly that these tax exempt properties, which are owned by organizations, are very beneficial to those communities in which they exist. When I talk of those organizations, I talk of your local church, I talk of a hospital, if you are fortunate enough to have a hospital, I talk of an

educational facility that is privately owned, I also talk of the local service organizations or fraternal organizations which exist in those communities which do provide beneficial services to those individuals in those communities.

I feel that the benefits that are derived from these units in those communities far outweigh the benefits of assessing a service charge to those units.

Today I would ask, when the vote is taken, that you would follow my lead and vote for the Majority "Ought Not to Pass" Report.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I am a little off guard this morning — I had understood this item was going to be tabled today. I will try very briefly to sum up the Minority Report for the legislature and ask your indulgence.

This legislation that is before the legislature is one of the recommendations, although not unanimous, but one of the recommendations of the Speaker's Joint Select Committee on Property Tax Reform. This bill is simply enabling legislation. It allows municipalities to have a referendum on whether or not they want to charge a fee for service in that municipality. I look upon this legislation, quite appropriately I believe, as a form of property tax relief. I am sure all of the members of this House are aware that many pieces of property within municipalities are exempt. I feel that it is appropriate to allow the municipality to decide whether or not they would like to relieve some of their property tax burden by imposing a fee for service. We are not imposing a tax, we are allowing a municipality to impose a fee for service.

I would urge this House to vote against the motion of the good gentleman from Harrison, Representative Jackson, and vote for the Minority "Ought to Pass" Report.

Mr. Speaker, I would ask for 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 Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I am from a municipality, Bangor, and I know very much that the city would like this bill. It is just another form of a tax and if we really wish to put in something like this, we should just take the exemptions away from the churches and the hospitals and so on and so forth. That is why I have signed "Ought Not to Pass" on this bill.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I was the prime sponsor of this bill. Having served on the property tax committee for two years, it became very evident as we went around the state that people are quite unhappy with the property tax system. It is a regressive tax.

This portion of the recommendation from our committee, I feel, might alleviate in some way the problems that the communities are having. There is a booklet that has been produced that lists the amount

of exempt properties throughout the state and it is a shocker.

I would like to make the point that this is not a tax. I know that is a familiar phrase. This is asking people to pay for services rendered. The people who are not paying for the services rendered are being supplemented by everyone else who is paying the property tax. I have no illusions that this is a popular bill but people are crying for property tax relief and, in my opinion, this is a reasonable — pay for what you get.

One feature of this bill which I find particularly appealing is that it is by local option. Each municipality can make their choice and they can choose their exemptions. Everyone feels very strongly about their own organization, about their own church, but everyone else is paying for that. Millions are being lost in the State of Maine — taxable property. This is a small portion to ask everyone to pay for the services that are rendered which includes police protection, fire, trash removal, and snow removal. You pay for plowing your driveways — it seems to me to be a reasonable request that others support their organizations and make their contribution to lower the property tax throughout Maine by local option.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as one that served for 25 years as a municipal official and also as an assessor. I don't feel that this bill is a good bill and I would urge that you vote with the Majority "Ought Not to Pass."

This is just an option to local officials. There will be no guidelines by which they can assess charges. At least under the property tax system, there are some certain guidelines they must follow. I am not a believer in backdoor taxation and this is just another option to do it. I would ask that you vote "Ought Not to Pass."

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I know we want to get out of here early today and debate on many other issues in our committee but I have to take exception with many of the people who have spoken so far today when they start talking about it being a benefit for the local communities.

As the Chairman of the General Assistance Commission from whom you received reports last week or the week before on your desks, I have to take note that many of the major communities in the state which house the non-profit organizations, who benefit many of the communities which don't house the non-profit organizations, are the one's who are taking the brunt of this.

Representative Jackson talked about hospitals. I think Representative Jackson's hometown doesn't have a hospital in it. The town of Bridgton has a hospital in it but his home town does not. Those people who live in Bridgton have to pay for the plowing of the roads for the people in Harrison and in the communities.

Just to give you one example, I talked to George Flaherty who is the Public Works Director in the city of Portland and, for many of those who are familiar with the city of Portland, when a major storm occurs, there is one plow assigned and that plow starts at the top of where the Maine Medical Center hill is, goes down Deering Avenue Hill, out Deering Avenue to the law school, out Brighton Avenue to Stevens Avenue and turns around and comes

back for one reason and one reason only and that is to keep the ambulance services ready to go up and down that hill. Now, granted, Portland has MEDCU and others but Westbrook, Gorham, and many other communities also use that.

I think it is time that people really start taking a hard look at what the major communities in this state are suffering from because we are funding those non-profit organizations for the benefit of the outside communities. I think it is time that we take a hard look at that.

The General Assistance Committee, when we looked at that realized that most major cities, the Bangor's, the Lewiston's, the Portland's, the Biddeford's are the communities that everybody flocks to because that is where the non-profit organizations can get benefits from, that is where they are. I would hope that you would take a hard look at this. This is a local option control.

My community could decide they don't want to do it but that is up to my community. Just give us the local option.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would urge you to reject the pending "Ought Not to Pass" Report so that we may go on to accept the "Ought to Pass" of the Committee on Taxation.

Indeed, the phrase property tax relief has been extremely popular this session of the legislature. I would submit to you that L.D. 1085 does provide some sort of property tax relief. This legislation is a direct result of recommendation No. 5 of the Speaker's Select Committee on Property Tax Reform established a couple of years ago. It is important to remember that this bill is only permissive in nature. It simply allows a municipality to impose a service charge for fire protection, police protection, road maintenance and construction or sanitation services.

One of the fundamental concepts behind alleviating the property tax burden is to broaden its base. Unfortunately, there is no free lunch in our society, thus the four signers of the Minority Report all agreed that everyone should pay their fair share of any municipal services. We firmly believe that this is an equitable and consistent tax policy.

I would ask you to defeat the pending motion and follow my light when the vote is taken on this issue.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: I represent Westbrook as you know and we are not really saddled terribly with property that is not taxable but we are representative in the region of a region that is hit terribly with the impact of a very large amount of non-taxable property. If you list only a few of them, we have two transit districts, we have several hospitals in the area including Westbrook, we have an airport, the University of Maine, Westbrook College, several armory's — we are just absolutely saddled in a region with all of these non-taxable properties.

In addition to that and this is the balancing feature, I think, the region is a magnet for people to come for these services. People come from all over the state and they become, in many cases, welfare cases as Representative Manning has said. So, it is not a thing that we in Westbrook take lightly as a responsible member of the region.

I must vote against this motion "Ought Not to Pass" and I urge you very seriously and strenuously to vote the same way.

I wish to point out to you too that it happens by favorable coincidences in my life that I am on a board that represents 258 churches in the state and the general feeling at the board level is there and they are quite willing to come back onto the tax rolls at a full share rather than the favoritism that they have had for so many generations.

I have to take issue, and I am sorry that I do, I don't mean to be mean about it, but this is not a backdoor to taxation at all. I don't see how anyone can say such a thing or believe such a thing. This is an assessment for services. It has been tried voluntarily down in my region without very much success at all. Bowdoin College in Brunswick I understand voluntarily pays its share for fire protection and so forth but down in my region in southwestern Maine, it does not work. I really urge you to support the bill and vote against the "Ought Not to Pass" motion.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who signed the "Ought to Pass" Report.

There are two large tracts of land in Cape Elizabeth that are tax exempt. These belong to the state, they are the two state parks. My question is, does the bill contain a fiscal note? What is the exposure to the General Fund to pay for the police and fire services that we provide to the state?

The SPEAKER: Representative Webster of Cape Elizabeth has posed a question through the Chair to any signer of the "Ought to Pass" Report who may respond if they so desire.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: In answer to the Representative from Cape Elizabeth's question, it is my understanding that state property is not subject to this particular fee for service under this legislation because it does not fall under Section 652 of Title 36.

However, I would point out that there is a bill in the Taxation Committee that I have sponsored that would allow a municipality to receive a fee for service for state-owned property and hopefully that will pass and you can vote for that as well.

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

Representative MITCHELL: Mr. Speaker, I would pose a question if I may?

Is the University of Maine property included in this subject to the provision of this bill?

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

The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is, yes. However, a town may impose one or more of these specified services, that is, the University of Maine has their own plowing services and, obviously, they won't get charged for that fee.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the expression today that there is no free lunch. That, ladies and gentlemen, is quite true. If you impose, whether as a municipal option or otherwise, a service fee on hospitals and other such organizations, they are going to have to make that money up from somewhere, more than likely there will be some sort of an increase in the cost of their rooms and the type of care that they provide for their patients. So, rather than having it come out of one pocket and subsidizing the property tax, it will be coming out of the other pocket in the form of higher expenses for hospitals and that type of thing.

Let's talk briefly about the benefits that communities and cities derive from having large hospitals, airports, and things of that nature. In addition to the large number of people that are employed by those types of businesses, which of course does benefit the community, it is also a major factor in economic development. When a company is looking for a place to locate, what do they look for? We have heard time and time again in this body that they look for quality of life, they look for all sorts of things that they think are going to be important to their people to be in a place where they would want to live. That means good services, good facilities, good hospitals, the location and proximity of an airport to have access to other major parts of the country in which to do business, arts and leisure, all sorts of things that are very, very important when we come down to the theme (perhaps) of this session, economic development.

I urge you to accept the Majority "Ought Not to Pass" Report for these and other reasons.

If you charge service fees to churches and all the various different kinds of organizations that we have in this state, which do a tremendous service to all the communities in the great State of Maine, you will be lessening their ability to help local people on a local level.

These organizations don't keep their money and build it up into a savings account and wait for some big thing that they can do for themselves, they put it back into the community to help people who need help. All you will be doing is taking a little bit of that money away from them, a little bit less money that is available to help the people that need help. So, if you look at it as a property tax relief, I really don't think that point has a tremendous amount of validity because it if doesn't come from one pocket, it will come from the other.

I think Representative Duffy is right on target, these organizations have been exempted from the property tax because they do provide a service for the people of this state and to assess them the service fees for all the things that have been mentioned, snow removal, road maintenance and all these sorts of things, that is what the property tax is for in the first place, to help them pay their fair share. So, I do view it as a backdoor tax increase and I hope you also view it that way and will vote to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I just had to get up here

to say that I certainly agree with the last speaker and also my good friend, Mr. Jalbert, that this is a backdoor to taxation. These properties are already being assessed accordingly. I hope that you go with the motion.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I cosponsored a bill this year that went to Taxation to increase the tax exemption from \$20,000 to \$40,000 on church parsonages. We got a swift "Leave to Withdraw" on that bill.

I would pose a question to the sponsor of this bill. Will this L.D. make it more difficult now for our churches and will the 113th will go on record as making it more difficult for us to continue the services of having churches, small churches?

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

The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, that is a local option, it is up to you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: You know, this was a bad bill eight years ago, it was a bad bill four years ago, and it is still a bad bill today.

If you start giving municipalities the option to get more money, and that is what the bottom line is, getting more money, when they are faced with the cutbacks that they are facing today, do you really think that it is going to be optional? Let's not kid ourselves, they are going to do it. If you start taxing churches, who do you think is going to pay the extra money that those churches pay? The same taxpayers that you are supposed to be helping because all you are doing is taking the cash from one pocket and putting it in the other pocket, that is all.

I represent 19 Elks Lodges in the state on a governmental relations basis and the Waterville Elks Lodge alone last year gave \$38,000 to charity and youth in our area, \$38,000. We pay two-thirds evaluation because we have three stories in our building and we are only exempted on the upper floor where our lodge room is.

Our mayor was complaining one day about us paying two-thirds evaluation. I said, "Mayor, I will tell you what we will do, we will send all the people we deal with to the city hall welfare office and that year that was \$33,000, make sure you put that in your budget because we are sending them all to you." She said, "Well, I never realized how much you did, forget I ever said anything." I think that we should forget that anybody ever said anything about this bill.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but I would like to respond to Representative Jacques's comments. When I say local option, this bill means the people make the decision, not the town managers and not the council or anything else, it is the people that go to referendum.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I did not want to get up a second time but I feel I should. This bill, as the good gentlewoman from Houlton has pointed out and she is the sponsor of the legislation, does provide a local option and I think that is important to remember here. I think that we have to rely upon our people, our local town government, to answer this question. We are under tremendous strains as property taxpayers in this state and we have to use a variety of methods to relieve that pressure. It does provide a local option. I think that is important to remember here. I think that we have to rely upon our local people, our local town government, to answer this question. We are under tremendous strains as property taxpayers in this state and we have to use a variety of methods to relieve that pressure. I see this as one of them.

I understand that there are many good, charitable organizations in this state, and my intention is not to go after those good charitable organizations. I commend Representative Jacques and the Elks Club of Waterville for what they have done, as I commend all Elks Clubs throughout the state for their efforts on education and aid to poor people and people who have had disasters.

I think the point here is, ladies and gentlemen, that those types of standards put on a statewide basis are inappropriate. We have to look at individual cases and individual municipalities and individual tax-exempt properties. Some of them are not as deserving, believe me.

I would urge this House to vote against the pending motion, so we can pass the "Ought to Pass" Report.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I have some concern about the people participating in this cost. All the churches in Augusta of any size are paying taxes, I know our church pays \$3,600 a year. It doesn't seem justified that they should be asked to contribute more.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: This has been an interesting debate, but I just feel that I have to make a couple of comments. I have always been disturbed when I read these reports about the amount of tax-exempt property in a particular community, because I think that, unless you look at that on the balance of what value that tax-exempt property is benefiting to the community, then you don't really get a true picture of what is happening. Not to cast to any shadows on the city of Augusta, but you have to wonder for all of the tax-exempt that there is here in our capitol city, just what the city of Augusta would be if it wasn't for it being the center of state government?

I think the basic argument that I would have to put forth, and I do not expect that we are going to change anybody's mind here, but anybody that is considering that this is good tax policy, I think you need to consider this one thing. I think from my perspective, I believe that the non-taxation, or the ability for different organizations, service organizations, churches, fraternal organizations, and what ever, being able to function in the community without being taxed, is a basic and if you dare to use the word, a constitutional freedom concept, because if you allow (whether it is local option or not) communities to tax these types of

organizations, then you are in effect putting into place a mechanism that can be used discriminately against different organizations. If you happen to be one particular type of community that doesn't agree with a certain type of organization, then you can control that by your tax policy. Whether you agree with those organizations or not, I think that, as one of our basic and fundamental freedoms, that those organizations have a right to exist.

An interesting note, something that I learned just recently, is that even in the country of Russia, which we understand controls churches and organizations very closely -- yet within their constitution, their bill of rights, they do express the belief in freedom of religion, freedom of expression but yet it is controlled through taxation, through the bureaucratic process. I just hope that we never have that happen in the State of Maine.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Harrison, Representative Jackson, 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. 86

YEA - Allen, Anderson, Anthony, Begley, Bickford, Boutillier, Bragg, Carroll, Carter, Chonko, Clark, H.; Conley, Cote, Crowley, Davis, Dellert, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Hillock, Hoglund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Mahany, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Reed, Reeves, Rice, Ridley, Rolde, Rotondi, Ruhlman, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Stanley, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Tracy, Vose, Walker, Warren, Webster, M.; Zirkilton, The Speaker.

NAY - Aliberti, Armstrong, Baker, Bost, Bott, Brown, Callahan, Clark, M.; Coles, Curran, Dexter, Diamond, Farren, Handy, Higgins, Ingraham, Macomber, Manning, Marsano, Mayo, McHenry, Melendy, Mitchell, Nadeau, G. G.; O'Gara, Paradis, J.; Paradis, P.; Rand, Simpson, Soucy, Stevenson, Taylor, Thistle, Tupper, Willey.

ABSENT - Bailey, Cashman, Gurney, Holloway, Nadeau, G. R.; Richard, Rydell, Wentworth, Weymouth, Whitcomb.

Yes, 104; No, 35; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

104 having voted in the affirmative and 35 in the negative with 10 being absent and 2 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

SECOND READER

Later Today Assigned

Bill "An Act to Ensure the Availability of Group Accident and Sickness and Health Insurance to Retired Teachers" (S.P. 570) (L.D. 1703)

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

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

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Residency of Candidates at the Time of Nomination for Placement on the Ballot (H.P. 427) (L.D. 572) (C. "A" H-178)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 110 voted in favor of same and 12 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance the Activities of the Maine Highway Safety Committee (H.P. 511) (L.D. 684) (C. "A" H-126; H. "B" H-189)

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 Establishing the Commission to Study the Impact of Game and Nongame Species on Maine's Economy (H.P. 1219) (L.D. 1662) (H. "A" H-173)

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

FINALLY PASSED

Emergency Measure

RESOLVE, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens (H.P. 760) (L.D. 1023) (C. "A" H-168)

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. 119 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Establish the Special Commission to Study School-entrance Age and Preschool Services (H.P. 1111) (L.D. 1505) (H. "B" H-181)

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. 115 voted in favor of the same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED



An Act to Expedite the Processing of Environmental Permits (S.P. 81) (L.D. 167) (C. "A" S-87)

An Act to Provide State Funding Necessary to Match Federal Funds for Home and Community Based Services for Older Citizens (S.P. 84) (L.D. 170)

An Act to Simplify Fees for Certified Copies of Divorce Reports (S.P. 464) (L.D. 1421) (H. "A" H-177)

An Act to Clarify the Laws Pertaining to Payment for Medical Services (S.P. 499) (L.D. 1516)

An Act to Clarify the Law Regarding Prohibition of Employment Penalties or Interference Against State Military Force Members (S.P. 501) (L.D. 1518) (C. "A" S-85)

An Act to Amend the Maine Juvenile Code (S.P. 521) (L.D. 1573)

An Act Concerning Liability Insurance Coverage for Amusement Devices (S.P. 560) (L.D. 1673)

An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens (S.P. 561) (L.D. 1674)

An Act to Improve the Assessment of Floods, Droughts, Ground Water Contamination, Stream Water Quality and Hydropower Potential in this State (H.P. 612) (L.D. 830)

An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service (H.P. 792) (L.D. 1064) (H. "A" H-179 to C. "A" H-147)

An Act Concerning Proof of Insurance on School Buses (H.P. 863) (L.D. 1164) (C. "A" H-130)

An Act to Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request (H.P. 1024) (L.D. 1382) (C. "A" H-174)

An Act to Extend the Period for Filing Birth Records (H.P. 1045) (L.D. 1408)

An Act to Clarify the Taking of Property by the Department of Transportation (H.P. 1047) (L.D. 1410)

An Act Concerning the Authority of the Attorney General to Request Telephone Records (H.P. 1068) (L.D. 1451)

An Act to Authorize Evaluation of Vital Statistics (H.P. 1088) (L.D. 1479)

An Act to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews (H.P. 1089) (L.D. 1480)

An Act to Clarify Abrogation of Confidentiality of Communicable Disease Information for Child and Adult Protection Purposes (H.P. 1090) (L.D. 1481)

An Act to Clarify Existing Federal Compensation and Care as the Primary Resource to an Injured Service Member before Seeking Benefits under the Workers' Compensation Act (H.P. 1096) (L.D. 1487)

An Act to Define Reference to "Standard Premium" in the Workers' Compensation Self-Insurance Laws (H.P. 1123) (L.D. 1526) (C. "A" H-175)

An Act Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage (H.P. 1124) (L.D. 1527)

An Act to Amend the Maine Emergency Medical Services Act of 1982 (H.P. 1165) (L.D. 1591)

An Act to Exempt Liquid Asphalt from the Ground Water Oil Clean-up Fee (H.P. 1173) (L.D. 1599) (S. "A" S-93)

An Act to Provide Substance Abuse Treatment to Youths at the Maine Youth Center (H.P. 1220) (L.D. 1663)

An Act Concerning Mental Stress Claims Under the Workers' Compensation Act (H.P. 1223) (L.D. 1668)

An Act to Hold Employees of Licensees Civilly Liable for Knowingly Selling Liquor to Minors (H.P. 1224) (L.D. 1669) (S. "A" S-96)

An Act to Modify the Electric Fuel Clause (H.P. 1225) (L.D. 1672) (H. "A" H-182)

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, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (H. "A" H-180 to C. "A" S-65)

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State in Certain Parcels of Real Property (S.P. 489) (L.D. 1471)

RESOLVE, to Provide Funds for the Maine Partners of the Americas, Inc. (H.P. 425) (L.D. 570) (C. "A" H-171)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H.P. 1112) (L.D. 1506)

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

(Off Record Remarks)

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

On motion of Representative O'Gara of Westbrook, Recessed until five o'clock in the afternoon.

(After Recess - 5:00 p.m.)

The House was called to order by the Speaker.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

PASSED TO BE ENACTED

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

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, Men and Women of the House: I now move that L.D. 1637 and all its accompanying papers be indefinitely postponed.

At the present time, when teachers leave their employment like most of the private sector and become retired, they are offered the opportunity to purchase at their own cost continuing health insurance. This has been the practice for some period of time.

The bill before you today asks for the state to reimburse retired teachers for 10 percent of the cost of their own private health insurance. I understand the bill was presented and requested the state to fund 100 percent of the cost of health insurance.

The estimate of the state funding one hundred percent of the health insurance for retired state teachers, at the current price of the insurance group rates, is around \$6 million a year. This 10 percent is obviously the compromise that was worked out this year. Most people believe, I think, that there will be other requests coming along to fully fund this over the next few years. The bill asks for 10 percent now, I think it is reasonable to assume that, since this request has come in a number of times in past years, that this will be followed by a request in the next biennium to increase this funding from 10 percent to 40 or 50 percent or what have you. As I said, based on the current costs, this is around \$6 million a year.

The bill that I am asking for indefinite postponement of only addresses a select group of teachers. So to me, the bill as it stands is basically unfair by any yardstick. We are talking, roughly, about half of the retired teachers as I understand it. The other half of the retired teachers are not included because somebody said, "It is too expensive." Well to me it is either fair or it isn't fair. If we are going to fund health insurance benefits for retired teachers, it should be an open playing field and we should be able to fund them all. One, the bill is unfair, I believe. Two, it is an expensive proposition.

I certainly have great compassion for people who have given their lives, dedicated their lives, to the teaching profession. However, at this particular point in time, the public perceives us as being unable to adequately fund the education reforms that we passed two years ago. You have seen a lot in the paper saying that we have mandated benefits and passed the cost back onto the school districts, and onto the property tax, and we failed to meet our commitments. This is not the time to start a new \$6 million program.

There has been a lot said about the tree growth tax and our failure to properly reimburse towns for the loss of revenues because of all the acreage in tree growth. I can name program after program that the general public out there perceives that we have failed to meet our financial commitments. Here we are at the birth of a new program. The fiscal note, if you carried it out to 100 percent, is \$6 million at this point in time. I don't think we can afford it. I think it is strictly a matter of dollars and cents. Look in the state pockets and see where we are going to come up with the money to fund this program. I repeat, the bill is unfair, it only addresses half of the retired teachers, it is expensive, and I think we must have other priorities at this time.

I would request your support in indefinitely postponing this bill and all its accompanying papers. I would ask for a Division, Mr. Speaker.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to oppose the indefinite postponement of this bill. In my recollection, this is the third time this bill has come before us in the legislature. At other times, we were never able to fund it, and in view of the fact that most of these people who are likely recipients of this bill are people who retired 15 and 20 years ago, when their retirement check was probably \$300 or \$400 a month, it seemed logical to us to try to face the bill in some manner and to be of assistance to these people who are living in a very escalating economy age and probably badly in need of assistance.

I ask your support in voting against the indefinite postponement.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I am always impressed by the fairness of argument and I would like to pose a question through the Chair to the good gentleman from Wilton.

I would like to know what percent of the legislators' health insurance is paid for by the state?

The SPEAKER: The Representative from LaGrange, Representative Hichborn, has posed a question through the Chair to the Representative from Wilton, Representative Armstrong, who may respond if he so desires.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is just a question of what is equitable. Each and every state employee, when they retire (of which I am one) their insurance is paid for by the state, but for some reason, nobody ever took care of the retired teachers. When a teacher retires, that is the end of it. Maybe it is paid for by the municipality when they are working but when they retire, they must cough up the insurance for themselves.

I realize that there may be inequities where not all teachers are covered because the open enrollment issue has not been settled. Instead of \$8 million, we compromised and we came up to only 10 percent of what the premiums are. This means if the premiums are \$60 or \$70 a month, all the state will pay will be \$7 or 10 percent.

I would ask at this time that you do not support the motion for indefinite postponement. This issue was brought up in the committee, we argued it right up to the last minute, we tried to find something to help the retired teachers. All I ask at this time is to bring the teachers up to the same category and benefits that each and every retired state employee gets.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wilton, Representative Armstrong, that L.D. 1637 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

18 having voted in the affirmative and 98 in the negative, 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 Extend Maine's Bottle Bill (H.P. 662) (L.D. 895) (S. "A" S-89; S. "E" S-94)

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

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would like to make these remarks for the Record only.

It is not my intent at this time to challenge the mandate of the vote taken on this bill. It was my God-given right to disagree, and I did so amicably. However, I offer the following to the suggestion box.

One - to the Sportman's Alliance of Maine and the Department of Fisheries and Wildlife -- get your act together. I strongly urge you to further educate

your membership and your constituents to clean up the litter they claim existed in debate and testimony in our woods and forests and lakes, reactivate the program of respect -- capital R-E-S-P-E-C-T, that has been inactive for years. I totally agree to support the written statement to the other body by the Sportman's Alliance. "As you may know, study after study, has shown litter to be the chief cause of land posting. Farmers have spent thousands of dollars replacing tires damaged by broken bottles. Farm animals have been cut and injured. Roadsides and lover's lanes have turned into dumps. It is no wonder that landowners get fed up and post the very land that supports our hunting and fishing recreation opportunities.

In a letter to the Senate Chair and the House Chair of the Business Legislation Committee, in a response to a request from Representative James Mitchell, I am forwarding the data compiled during the 1985 and 1986 beach cleanups. This information may be useful to members of the Committee on Business Legislation as you consider action on L.D. 1224, An Act to Ban the Use of Plastic Connectors for Containers." In that report, fishing gear -- the percent of litter -- 8.4 percent in 1985. In 1986, 11.4 percent of fishing gear was part of that litter. This is not a voice (if I may use the pun) crying in the wilderness. It is a reality that these departments and these organizations ought to do their part besides being a strong lobby.

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

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

SENATE PAPER

Bill "An Act to Protect Existing Essential Public and Private Ground Water Supplies" (S.P. 573) (L.D. 1715)

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.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 574)

JOINT RESOLUTION MEMORIALIZING THE 100TH CONGRESS OF THE UNITED STATES TO TAKE ACTION TO ADDRESS THE CLAIMS OF THE AROOSTOOK BAND OF MICMACS AS A RESULT

OF THEIR OMISSION FROM THE MAINE INDIAN CLAIMS SETTLEMENT ACT OF 1980

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the 100th Congress of the United States of America, as follows:

WHEREAS, the Micmac Tribe was part of the historic Wabanaki Confederacy of Tribes which functioned from the late 17th through the mid-19th centuries in Maine and to which the Penobscot, Passamaquoddy and Maliseet Tribes also belonged; and

WHEREAS, the Aroostook Band of Micmacs and its members are the sole remaining band of the Micmac Tribe now residing in the United States; and

WHEREAS, the Aroostook Band of Micmacs has always maintained a presence in Aroostook County, Maine; and

WHEREAS, the State of Maine has recognized the tribal status of the Aroostook Band of Micmacs

through the provision of free hunting and fishing licenses, the North American Indian Scholarship Program and other programs and benefits for tribal members which were provided through the State Department of Indian Affairs; and

WHEREAS, the Maine Indian Claims Settlement Act of 1980 recognized and included all of the tribal groups in Maine except for the Aroostook Band of Micmacs; and

WHEREAS, after 1980, the Aroostook Band of Micmacs was the only remaining tribe in Maine which did not have federal recognition of its tribal status and whose members were therefore not eligible for the programs and benefits of the Bureau of Indian Affairs; and

WHEREAS, the State Department of Indian Affairs was closed in January of 1981, ending most programs and benefits then available to the members of the Aroostook Band of Micmacs as a state-recognized tribe; and

WHEREAS, severe poverty and related problems confront the members of the Aroostook Band of Micmacs in a disproportionate manner to the rest of the populace in Aroostook County. Notwithstanding those problems, the Aroostook Band of Micmacs has worked to promote federal recognition of the band and to promote the economic self-sufficiency of its members through regular participation in meetings of the Northern Maine Regional Planning Commission, the Presque Isle Chamber of Commerce, the New England Indian Task Force and related activities; and

WHEREAS, many of the economic and recognition efforts now underway by the Aroostook Band of Micmacs may be jeopardized by language in the Maine Indian Claims Settlement Act of 1980, to which they were not party and under which they received no benefits; and

WHEREAS, the Aroostook Band of Micmacs is currently seeking a legislative reference of their claims against the United States as a result of their omission from the Maine Indian Claims Settlement Act. This legislative reference will not affect any other aspects of the settlement nor overturn the Act itself; and

WHEREAS, traditional principles of fairness and justice dictate that such action is warranted to allow the Aroostook Band of Micmacs to obtain a remedy for their omission from the Maine Indian Claims Settlement Act. This remedy is expected to include federal recognition of the tribal status of the Aroostook Band of Micmacs and sufficient funds to purchase a small land base in Aroostook County; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 100th United States Congress take prompt action to make the legislative reference of claims of the Aroostook Band of Micmacs to the United States Claims Court; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

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

Unanimous Ought Not To Pass

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Notice of Possible Radon Exposure" (S.P. 195) (L.D. 552)

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Facilitate the Advertising of Local Businesses under the Maine Traveler Information Services Act" (S.P. 370) (L.D. 1104)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Provide Funds for the Hazardous Materials Response Training Program at Southern Maine Vocational-Technical Institute" (S.P. 484) (L.D. 1461)

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

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

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Exempt a Homestead Percentage of Property Tax" (S.P. 396) (L.D. 1215)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act Relating to State Involvement in Inspections and Enforcement Activities of Nuclear Power Plants and Evacuation Plans" (S.P. 429) (L.D. 1309)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on RESOLVE, to Promote On-site Day Care (S.P. 445) (L.D. 1359)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Clarify Reporting of Induced and Spontaneous Abortions" (S.P. 478) (L.D. 1441)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Establish a Certificate of Public Convenience and Necessity Requirement for Railroads" (S.P. 493) (L.D. 1501)

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

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws" (H.P. 1187) (L.D. 1617) 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 REED from the Committee on Business Legislation on Bill "An Act to Protect Consumers who Join Health Spas" (H.P. 901) (L.D. 1202) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1159) (L.D. 1585) Bill "An Act to Clarify the Requirements for the Payment of Insurance Claims" Committee on Banking and Insurance reporting "Ought to Pass"

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

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent.

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Marine Resources on Bill "An Act to Clarify the Organization of the Maine Sardine Council" (S.P. 507) (L.D. 1531) reporting "Ought to Pass" in New Draft (S.P. 572) (L.D. 1707)

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, June 2, 1987.

Ought to Pass in New Draft/New Title

Report of the Committee on Business Legislation on Bill "An Act to Limit the Time Allowed to Complete an Investigative Consumer Report" (S.P. 468) (L.D. 1428) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Expedite the Process of Resolving Disputes Involving the Accuracy of Information in Consumer Reports" (S.P. 575) (L.D. 1716).

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, June 2, 1987.

CONSENT CALENDAR

First Day

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

(S.P. 352) (L.D. 1044) Bill "An Act to Establish a Voluntary Statewide Building Code and Require Basic Written Contracts for Home Construction Work" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-108)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper passed to be engrossed as amended in concurrence.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MANNING from the Committee on Human Resources on Bill "An Act to Amend the Certificate of Need Process with Respect to Nursing Homes to Increase the Threshold for Review with Respect to Capital Expenditures and to Provide an Inflation Adjustment to the Maximum Expenditure Authorized" (H.P. 165) (L.D. 206) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1200) (L.D. 1635) Bill "An Act to Correct an Incorrect Personnel Description in the Law Relating to the Board of Pesticides Control" (Emergency) Committee on Agriculture reporting "Ought to Pass"

(H.P. 1162) (L.D. 1588) Bill "An Act to Continue on an Annual Basis the Registration Fee Charged to Pesticide Manufacturers and Other Registrants in 1987" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-213)

(H.P. 952) (L.D. 1281) Bill "An Act to Extend the Boundaries of the Presque Isle Sewer District and the Presque Isle Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-214)

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

PASSED TO BE ENGROSSED

Bill "An Act to Regulate Freshwater Fisheries in Coastal Waters" (H.P. 1252) (L.D. 1710)

Bill "An Act to Amend the Sardine Tax" (Emergency) (H.P. 1253) (L.D. 1711)

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

SECOND READER

LATER TODAY ASSIGNED

Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots" (H.P. 1254) (L.D. 1712)

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

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

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby Bill "An Act to Protect Existing Essential Public and Private Ground Water Supplies" (S.P. 573) (L.D. 1715) was referred to the Committee on Energy and Natural Resources.

On motion of the same Representative, tabled pending further consideration and later today assigned.

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 Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690)

TABLED - May 29, 1987 by Representative MCHENRY of Madawaska.

PENDING - Passage to be Engrossed.

Representative Baker of Portland offered House Amendment "A" (H-211) and moved its adoption.

House Amendment "A" (H-211) was read by the Clerk and adopted.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that this Bill and all accompanying papers be indefinitely postponed.

The bill as was written, before the amendment was placed in, was exactly what we agreed on in the committee. As far as the amendment is concerned, it doesn't do much of anything. The security guard section in the original bill, in the last paragraph of the last section, clearly takes care of security guards, they are included in the bill.

Section 3, permanent employees -- since they are not excluded in the regular bill -- are taken care of. There is no reason why the company can't use their own personnel in these instances.

As far as Number 2 is concerned, the only maintenance obviously that could be done under this amendment is -- I guess warranty amendment, since it has to be done by the people who manufacture the machinery. You couldn't overhaul a paper machine or do any extensive maintenance work at all under this amendment. Those are the reasons that I believe that the amendment should be indefinitely postponed. It certainly doesn't do anything for the bill. If anything, it makes the bill worse than it was.

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

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Since this bill was not debated in its first reading, it may be somewhat confusing if we are referring to the amendment that was recently put on to it.

So, let me begin by telling you exactly what this bill does. This bill aims to provide a civil remedy to the already existing anti-strikebreaking law in this state. If this bill were to pass, a union could then get an injunction against a "professional" strikebreaking company.

Now, let me explain to you what these professional strikebreaking companies do. They don't simply hire people for permanent replacement during a labor dispute. They recruit people, many of them from the south, solely for the purpose of working during a strike. In other words, they are known as "rent a scab corporation." They are clearly a repulsive thing in the eyes of many people. These companies are violating Maine law. Now, if you are going to have a law which says that it is illegal for professional strikebreaking companies to bring their people in to break a strike, if you are going to have that law on the books, you might as well have a law on the books that is enforceable. Right now, it is a felony. Under this proposed legislation, it becomes a civil offense and an injunction can be obtained to stop it. Now, why do that? If an injunction can be obtained to stop this flagrant violation of Maine law, you prevent a situation whereby workers who are antagonized.....

The SPEAKER: The Chair recognizes the Representative from Hampden and inquires for what purpose he rises?

Representative WILLEY: Mr. Speaker, the reason I rise is, we seem to be debating the bill and not the amendment.

The SPEAKER: The Chair would advise the gentleman that the pending question is indefinite postponement of the bill and amendment.

Representative Baker may continue.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen: As I was saying, this is a flagrant violation of Maine law that already exists. Why you

want to get an injunction is simply this -- put yourself in a situation of workers watching these professional strikebreakers coming in, taking over their jobs, and what you have on your hands is a fuse that lights a powder keg that is going to explode. You are going to have a real violent situation on your hands. If you want to find a way to peaceably enforce a Maine law, then making it a civil violation where you can get an injunction to stop this practice, is the way to do it. That is why I do not believe it would be very wise of us to indefinitely postpone this bill.

Let me explain briefly about the amended version of the bill. There are some groups of workers who are not considered to be professional strikebreakers and this amendment clarifies what those groups are, security guards, permanent employees, and special maintenance work. In the original legislation, that special maintenance work is considered to be a part of those strikebreakers. Number 2 here, this special maintenance work having been exempted is sort of a concession in allowing some of that maintenance work to go on -- a concession that we have made in this law to try to get this thing passed. That is what the amendment does, it simply clarifies those people who are not considered to be professional strikebreakers.

I would hope that this House, in the interest of labor-peace would act against the motion of indefinite postponement, defeat that motion, and go on to pass this very reasonable piece of legislation.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for not debating the bill in the first place and just the amendment, now I guess I have to do it all over again.

I mentioned a while ago, incidentally, in the lockout legislation that there was companion legislation coming along, this is it. With this bill, we are going to have some lockouts. We haven't had any for a couple of years but the employers are not going to have any alternatives except to resort to a lockout in this situation. They have always been allowed to hire contractors for certain jobs in the mill whether there was labor strife or whether there was not. This tends to preclude that practice almost entirely.

For instance, in this bill, it is referred to repeatedly as customary and repeated offenders. Now it defines that as being twice. If for instance, you had a contractor out there and let's say you took some of the computer work to Kelley Services and they cannot supply a person who has been involved in any of these things more than two times, that precludes them from doing that because they can get an injunction. All through the history of labor problems, it has always been allowable to do this sort of thing. A lot of the companies, a lot of the larger employers, for instance, have to send out billings and they have to pay bills so they have to have computer work done. It is generally taken out to a computer organization, an independent one, for this work to be done. It refers specifically in this bill, the original bill, that maintenance work can be contracted out. In the amendment, you can't contract it out. In the original bill, it says that security can be contracted out; in the amendment, it can't be contracted out.

Somehow or another, the balance in labor relations work has to be pretty perfect. I happen to think that in the State of Maine it is pretty perfect because there is very little labor strife and since both sides, the employer and the employee, are

unhappy with the act, I happen to think that is pretty good indication that the thing is working well. If one side was happy with it and the other side wasn't happy with it, you would think the system would be out of balance. I don't want that to happen, I don't think anybody should have it happen for the very simple reason we are going to have more labor strife if it does happen.

I sincerely hope that you will go along and indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you do not vote for indefinite postponement of this bill.

This is mostly a paper industry anti-strike but presently all paper companies in the state before Boise-Cascade had never had any problem. With this bill as amended, the companies could continue doing exactly what they were doing before Boise-Cascade.

The bottom line of this bill is we, in the State of Maine, do not want professional strikebreakers, people that will come in from outside the state especially, come in to replace Maine workers on their jobs. We are not prohibiting companies from hiring people, we are not prohibiting companies from using people from within their corporation to do maintenance, we are not prohibiting companies from using pre-strike contract agreements with maintenance workers -- for instance, the IBM people that had a pre-existing contract with the company. All we are saying is, we do not want people to come in and replace Maine workers from the south, professional people, that is their job, that is what they put out -- the company puts out people that want to replace people that are out on strike. It has nothing to do with lockouts, it is not encouraging lockouts, you have a strike, it has nothing to do with a lockout. When you are on strike, you are on strike. People are out, you no longer have a contract. The employer goes out and seeks other people to replace you but all we are saying is, don't go to a professional company -- that is what they do, they go out to replace people that are out on strike. That is simply all it does.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not vote to indefinitely postpone this bill. If this legislation had been in place at the time of the Boise-Cascade strike, that strike would have been settled and we wouldn't have a lot of displaced workers in Rumford. I hope you will vote for this bill.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I guess the confusion comes here over what is a strikebreaker. The committee as a whole was very much against strikebreakers, professional strikebreakers, it really was and I am too. This bill went much further than that and the amendment goes further still. Is the fact that you hire a contractor and they might have one employee in their force, who has previously been involved in a labor dispute on two separate occasions, does that make them professional strikebreakers? Good heavens, no. If you have two accidents in your lifetime, it doesn't make you accident-prone necessarily. I think it is the same connotation here, it is a matter of degree. Nobody wants professional strikebreakers around. I realize the problems that they had in

Rumford a couple of years ago and that is what we tried to address but we went overboard and it frequently happens in this type of legislation. We went far too far, in my opinion, and it puts the whole labor relations act out of balance just simply because we went too far. If this bill just addressed professional strikebreakers, rest assured that I would be for it. It goes much further than that and for that reason, I hope that we do defeat the bill.

I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not go much too far, this bill does exactly what I said. It allows all the paper industries to continue to do what they did before Boise-Cascade.

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 Willey of Hampden that L.D. 1690 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 87

YEA - Anderson, Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Ingraham, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Webster, M.; Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Allen, Anthony, Baker, Bickford, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

ABSENT - Brown, Hillock, Kimball, Richard, Wentworth.

Yes, 60; No, 84; Absent, 5; Vacant, 2; Paired, 0; Excused, 0.

60 having voted in the affirmative and 84 in the negative with 5 being absent and 2 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

Representative Cote of Auburn was granted unanimous consent to address the House:

Representative COTE: Mr. Speaker, I wish to be recorded as nay instead of yea on L.D. 1367.

On motion of Representative Lord of Waterboro, Adjourned until Tuesday, June 2, 1987, at nine o'clock in the morning.

(Off Record Remarks)