

# 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  
83rd Legislative Day  
Monday, June 8, 1987

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following matter:

JOINT RESOLUTION - Recognizing the Division of Alcohol and Drug Education Services within the Department of the Educational and Cultural Services  
S.P. 589

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator BRAUN of Knox to ADOPT (In Senate, June 3, 1987, READ.)

On motion by Senator CLARK of Cumberland, INDEFINITELY POSTPONED.

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by Senator DUTREMBLE of York, ADJOURNED until Monday, June 8, 1987, at 6:00 in the evening.

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

Prayer by Father Valmont Gilbert, St. Bridget's Catholic Church, North Vassalboro.

Pledge of Allegiance.

The Journal of Friday, June 5, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 603)  
JOINT RESOLUTION RECOGNIZING THE DIVISION  
OF ALCOHOL AND DRUG EDUCATION SERVICES  
WITHIN THE DEPARTMENT OF EDUCATIONAL  
AND CULTURAL SERVICES

WHEREAS, the Division of Alcohol and Drug Education Services in the Department of Educational and Cultural Services has developed a comprehensive chemical dependency prevention and intervention program which is innovative, has been demonstrated successful and is highly regarded; and

WHEREAS, that program is unique in its strategy which helps local schools and communities to better address issues related to chemical use, abuse and dependency; and

WHEREAS, that program has set forth a comprehensive alcohol and other drug abuse prevention and intervention program implementation strategy for Maine's schools in kindergarten and grades 1 to 12 that generates education and awareness, sets policies and procedures, improves climate, establishes support groups, promotes student awareness, teaches primary prevention curriculum, supports staff development and models attitudes and behavior; and

WHEREAS, that program has developed a comprehensive support system for local schools which trains school and community volunteer teams; conducts in-service workshops and specialized training programs for educational personnel; makes available resources such as films, books and pamphlets for educational programs; assists schools in implementing a chemical dependency prevention curriculum; and promotes Project Graduation, which emphasizes prudent decision-making about drinking and drug use while driving and endeavors to establish chemical free celebrations as the new tradition; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled, in the First Regular Session, commend the Division of Alcohol and Drug Education Services for its innovative, integrated and highly regarded program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Educational and Cultural Services as notice of these resolves.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements" (S.P. 602) (L.D. 1765)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

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

LATER TODAY ASSIGNED

Bill "An Act Relating to the Maine Transportation Capital Improvement Planning Commission" (S.P. 598) (L.D. 1758)

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

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

On motion of Representative Moholland of Princeton, tabled pending reference in concurrence and later today assigned.

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on RESOLVE, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State (S.P. 448) (L.D. 1362) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 591) (L.D. 1744)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" (S-143).

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time.

Senate Amendment "B" (S-143) was read by the Clerk and adopted.

The New Draft was passed to be engrossed as amended in concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-145) on Bill "An Act to Authorize the Construction of an East-West Highway" (S.P. 231) (L.D. 625)

Signed:

- Senators: DOW of Kennebec  
CAHILL of Sagadahoc  
THERIAULT of Aroostook
- Representatives: STROUT of Corinth  
POULIOT of Lewiston  
MOHOLLAND of Princeton  
MILLS of Bethel

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

Signed:

- Representatives: SALSURY of Bar Harbor  
MACOMBER of South Portland  
McPHERSON of Eliot  
SOUCY of Kittery  
CALLAHAN of Mechanic Falls  
REEVES of Pittston

Came from the Senate with 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-145) and Senate Amendment "B" (S-144)

Reports were read.

On motion of Representative Diamond of Bangor, tabled pending acceptance of either report and later today assigned.

PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE

RESOLVE, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Bangor, Fronting Main Street, for 2 Parcels of Land at the Bangor International Airport, being part of the Former Dow Air Force Base (H.P. 1293) (L.D. 1771) (Presented by Representative LEBOWITZ of Bangor) (Cosponsors: Representative DUFFY of Bangor, Senators MAYBURY of Penobscot and BALDACCI of Penobscot) (Governor's Bill)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

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

ORDERS

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

ORDERED, that Representative Walter E. Whitcomb of Waldo be excused May 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Stanley of Cumberland be excused June 9 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Gary Bickford of Jay be excused May 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Phyllis R. Erwin of Rumford be excused May 22 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Extend the Homeowner Weatherization Program" (H.P. 160) (L.D. 201) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Personal Needs Allowance for Supplemental Security Income Recipients who are Residents of Nursing Homes" (H.P. 161) (L.D. 202) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Energy Grants to Schools and Hospitals Under the 'Institutional Conservation Program'" (H.P. 274) (L.D. 357) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Amount the State Contributes to the Supplemental Security Income Program for those Living in the Community" (H.P. 328) (L.D. 427) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on RESOLVE, to Appropriate \$5,000 for the Mother of the Year Program (H.P. 434) (L.D. 587) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to Create a Pilot Employment Program for Refugees" (H.P. 633) (L.D. 856) 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 BOST from the Committee on Education on RESOLVE, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve the State's Adult Education Program to More Adequately Address the Problems of Illiteracy and High School Completion (Emergency) (H.P. 736) (L.D. 987) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1281) (L.D. 1754)

Report was read and accepted, the New Draft read once.

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

Ought to Pass in New Draft

Representative O'GARA from the Committee on Utilities on Bill "An Act to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates" (H.P. 739) (L.D. 1002) reporting "Ought to Pass" in New Draft (H.P. 1282) (L.D. 1755)

Report was read and accepted, the New Draft read once.

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

Ought to Pass in New Draft

Representative CASHMAN from the Committee on Taxation on Bill "An Act Relating to Taxation of Trucks" (H.P. 1010) (L.D. 1363) reporting "Ought to Pass" in New Draft (H.P. 1284) (L.D. 1757)

Report was read and accepted, the New Draft read once.

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

Ought to Pass in New Draft

Representative COLES from the Committee on Energy and Natural Resources on Bill "An Act to Protect the State's Freshwater Great Ponds and Rivers" (H.P. 796) (L.D. 1068) reporting "Ought to Pass" in New Draft (H.P. 1285) (L.D. 1761)

Report was read and accepted, the New Draft read once.

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

Ought to Pass in New Draft

Later Today Assigned

Representative HOGLUND from the Committee on Energy and Natural Resources on Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency) (H.P. 703) (L.D. 944) reporting "Ought to Pass" in New Draft (H.P. 1286) (L.D. 1762)

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time.

On motion of Representative Michaud of East Millinocket, tabled pending passage to be engrossed and later today assigned.

Ought to Pass in New Draft

As Amended

Representative JALBERT from the Committee on Aging, Retirement and Veterans on Bill "An Act to Amend the Laws Relating to the Maine State Retirement System" (H.P. 724) (L.D. 975) reporting "Ought to Pass" in New Draft (H.P. 1291) (L.D. 1769)

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time.

Representative Hickey of Augusta offered House Amendment "A" (H-273) and moved its adoption.

House Amendment "A" (H-273) was read by the Clerk and adopted.

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

Ought to Pass in New Draft/New Title

Representative HOGLUND from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Underground Oil Storage Facilities and Ground Water Protection Law" (H.P. 1113) (L.D. 1507) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Program of Financial Assistance to Expedite the Removal of Underground Oil Tanks" (H.P. 1287) (L.D. 1763)

Report was read and accepted, the New Draft read once.

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

Ought to Pass in New Draft/New Title

Representative VOSE from the Committee on Utilities on Bill "An Act to Increase the Lowest Amount of Units of Transmission or Generation under the Public Utilities Commission Law" (H.P. 492) (L.D. 662) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Wholesale Power Purchases by Consumer-owned Electric Utilities" (H.P. 1283) (L.D. 1756)

Report was read and accepted, the New Draft read once.

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

PASSED TO BE ENGROSSED

AS AMENDED

Bill "An Act to Require the Members of the Maine Turnpike Authority to be Confirmed" (H.P. 885) (L.D. 1186)

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

Representative Carroll of Gray offered House Amendment "A" (H-272) and moved its adoption.

House Amendment "A" (H-272) was read by the Clerk and adopted.

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

ENACTOR

Emergency Measure  
TABLED AND ASSIGNED

An Act to Maintain Lifeguard Services in State Government (S.P. 415) (L.D. 1273) (C. "A" S-119)

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

On motion of Representative Carroll of Gray, tabled pending passage to be enacted and specially assigned for Tuesday, June 9, 1987.

PASSED TO BE ENACTED  
Emergency Measure

An Act Concerning Tax Liens on Time-share Units Owned by One Person (S.P. 583) (L.D. 1729)

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. 118 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 Relating to the Administration of the Maine Children's Trust Fund (S.P. 585) (L.D. 1736) (H. "B" H-247)

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

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against enactment of this measure.

The original Bill that established the Children's Trust Fund was passed in 1985 and language in that bill said that the board may not expend the first \$100,000 of income that comes to the fund each year. The following year in 1986, this body passed an amendment to that bill which said, except that \$42,825 may be expended from the fund in the 1986-87 biennium. The bill that you have before you today strikes out both of the above and says that of the first \$100,000 of income each year, the amount remaining after payment of operating expenses and expenses for developing program awareness shall be expended by the board as follows: a minimum of one-third to the trust and up to two-thirds allocated for grants to local programs.

I know that prevention monies are very hard to come by but when we established this prevention trust fund, it was excellent public policy.

When we first raided the trust money last year, I think it was unfortunate. If we permit this final raid, it will be disgraceful. Please vote no on enactment of this bill.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would hope that you would stay with the support of this important measure of the last legislative session and the vote we had the other day.

The Children's Trust Fund is, in fact, a very important step toward prevention programs for child abuse. The problem we have had in this state is the inability to collect the money rapidly enough in order to get programs out into the state to fund those programs that we desperately need.

In 1986, we saw an incredible increase of over 30 percent in the checkoff to those individuals for donations. The fund, as of the end of May, had received over \$80,000, almost \$81,000, just this year

alone. We are on the way to making those programs available out there in the community.

I would ask you to stay with your vote so that we can start sending money out. The operating account is less than \$40,000, that is total, that is staff support, office support and everything else. It doesn't spend a lot of money. We are looking now to get that money out into the program, out where we had originally set it up for and I would hope that you would stay with your support of the vote and pass this on its way so we could start getting those monies out in the community.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 42 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Make the Director of Safety a Major Policy-influencing Position (H.P. 1044) (L.D. 1407) (C. "A" H-229)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Improve the Method of Calculating Excise Taxes in Fire Control (H.P. 1087) (L.D. 1478)

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

PASSED TO BE ENACTED  
Emergency Measure

An Act to Improve Enforcement Procedures under the Land Use Regulation Law (H.P. 1273) (L.D. 1740) (H. "A" H-248)

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. 125 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, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 588) (L.D. 1742)

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. 118 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, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (H.P. 1264) (L.D. 1728)

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. 124 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Catering Services under the Liquor Law (S.P. 569) (L.D. 1702) (H. "B" H-244)

An Act to Amend the Maine Lemon Laws (S.P. 584) (L.D. 1735)

An Act to Modify Certain Sections of the Maine Criminal Code (S.P. 586) (L.D. 1738)

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 Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification (S.P. 587) (L.D. 1739)

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

On motion of Representative Macomber of South Portland, tabled pending passage to be enacted and specially assigned for Tuesday, June 9, 1987.

ENACTOR

Recommitted to the Committee on State and Local Government

An Act to Make Substantive Corrections in the County and Municipal Laws (H.P. 35) (L.D. 36) (C. "A" H-242)

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

On motion of Representative Carroll of Gray, was recommitted to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing Impaired (H.P. 115) (L.D. 140) (C. "A" H-236)

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

Recommitted to the Committee on State and Local Government

An Act to Clarify the Home Rule Authority of Municipalities (H.P. 384) (L.D. 506) (C. "A" H-231)

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

On motion of Representative Carroll of Gray, was recommitted to the Committee on State and Local

Government in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Provide Funds for Interpreting Services for the Deaf and Hearing Impaired Persons in the Post-secondary and Adult Education Programs (H.P. 430) (L.D. 575) (C. "A" H-237)

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 ENGROSSED

As Amended

An Act Relating to Reimbursement of Counties for Costs Associated with Operations of the County Jails (H.P. 808) (L.D. 1082) (C. "A" H-239)

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

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 1082 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-239) was adopted.

The same Representative offered House Amendment "A" (H-269) to Committee Amendment "A" (H-239) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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.

PASSED TO BE ENACTED

An Act to Encourage Cities and Towns to Display the Prisoner-of-war and Missing-in-action Flags (H.P. 1085) (L.D. 1476)

An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management (H.P. 1208) (L.D. 1648)

An Act to Create Minimum Safety Standards for Firefighters (H.P. 1234) (L.D. 1686) (H. "A" H-225; H. "B" H-235)

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 ENACTED

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) (H. "A" H-211)

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

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: If you recall, this bill was before us about a week ago where I sustained one of my major achievements of the year, I only lost it by 25 votes or something like that.

Nevertheless, it is a bad bill (as is frequently said in this body) and I think this one really is.

What it does is upset the delicate balance that we have in labor relations in this state. We have had very little labor strife in the past and I am afraid that this would encourage labor disputes in the state and we would be much worse off than we are now if this thing were passed. In the committee, we doctored it up a little bit so it was partly palatable but an amendment came along and immediately made it even less palatable than it was in the first place.

People that have a labor problem will not be able to use any contractor at all when there is labor strife simply because they have always been able to in the past, but under this measure, they would not be able to. It seems to me that that upsets the thing very badly.

I would hope very much that you would defeat this bill and I 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 pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 110

YEA - Aliberti, Allen, Anthony, Bickford, Bost, Boutillier, Brown, 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, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

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

ABSENT - Baker, Kimball, Priest, Reed, Stevens, P.; Strout, D..

Yes, 84; No, 59; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

84 having voted in the affirmative and 59 in the negative with 6 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED

An Act Concerning the Receiving, Witnessing or Accepting of Absentee Ballots (H.P. 1254) (L.D. 1712) (H. "A" H-245 to H. "A" H-217)

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

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

Representative HANDY: Mr. Speaker, Members of the House: This legislation, which is pending enactment today, would somehow place we, as candidates, at a lower standard rather than a higher standard when it comes to the absentee balloting process and would remove candidates from that process except with respect to the application process. The absentee ballot law in this state has been in effect for nearly seven decades. It has been in effect in the country since the Civil War times.

I would hope today, men and women of the House, that you would vote against enactment of this legislation, and not overreact to recent events. The absentee ballot law has served us well and I certainly do not want to be in a position of having to deny someone their right to vote because when they call me up, I will have to say, I am sorry, I am prohibited under state law. I would hope that you would vote against enactment of this legislation and I would request a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 111

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gurney, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hogle, Holloway, Hussey, Ingraham, Jackson, Jacques, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rand, Reeves, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Stanley, Stevens, A.; Stevenson, Strout, B.; Swazey, Tardy, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Allen, Conley, Erwin, P.; Gould, R. A.; Hale, Handy, Holt, Jalbert, Joseph, Soucy, Tammaro, Thistle.

ABSENT - Baker, Kimball, Priest, Reed, Stevens, P.; Strout, D..

Yes, 131; No, 12; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

131 having voted in the affirmative and 12 in the negative with 6 being absent and 2 vacant, the bill



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

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

ORDERS OF THE DAY  
UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

RESOLVE, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County (H.P. 1235) (L.D. 1687)

TABLED - June 5, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Final Passage.

On motion of Representative Diamond, retabled pending final passage and specially assigned for Tuesday, June 9, 1987.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency) (H.P. 743) (L.D. 1006)

TABLED - June 5, 1987 (Till Later Today) by Representative MICHAUD OF East Millinocket.

PENDING - Passage to be Engrossed.

On motion of Representative Michaud of East Millinocket, recommitted to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

BILL HELD

Bill "An Act to Refund County Fuel Taxes" (H.P. 1006) (L.D. 1353)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-246) as amended by House Amendments "A" (H-249) and "C" (H-267) thereto.

HELD at the Request of Representative CASHMAN of Old Town.

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby L.D. 1353 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-246) was adopted.

On motion of the same Representative, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted.

On motion of Representative Cashman of Old Town, House Amendment "A" was indefinitely postponed.

Subsequently, Committee Amendment "A" as amended by House Amendment "C" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency) (H.P. 1286) (L.D. 1762) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Michaud of East Millinocket offered House Amendment "A" (H-278) and moved its adoption.

House Amendment "A" (H-278) was read by the Clerk and adopted.

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

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

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 CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Develop a Client Support Services System for Individuals Infected with the Human Immune Deficiency Virus" (H.P. 1013) (L.D. 1366) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Undedicate the Alcoholism Prevention, Education, Treatment and Research Fund" (H.P. 159) (L.D. 200) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses" (H.P. 102) (L.D. 112) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Establish a Dependent Care Tax Credit" (H.P. 153) (L.D. 194) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Allow Nonprofit Youth Recreation Organizations to be Exempt from Sales Tax" (H.P. 393) (L.D. 527) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Establish a Tax for the Possession of Illegal Drugs" (H.P. 464) (L.D. 619) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Provide an Exemption on Personal Property Tax for Handicapped Individuals Running a Business" (H.P. 729) (L.D. 981) reporting "Leave to Withdraw"

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

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Encourage Customer Participation in Rate-making Proceedings of the Public Utilities Commission" (H.P. 762) (L.D. 1025)

Signed:

Senators:

KERRY of York

Representatives: ERWIN of Oxford  
 WEBSTER of Franklin  
 VOSE of Eastport  
 RICHARD of Madison  
 O'GARA of Westbrook  
 WEYMOUTH of West Gardiner  
 WILLEY of Hampden  
 NICHOLSON of South Portland  
 WEBSTER of Cape Elizabeth

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Consumer Advisory Board to Advise the Public Advocate on Public Utilities" (H.P. 1288) (L.D. 1766) on same Bill.

Signed:

Representatives: BAKER of Portland  
 ALLEN of Washington  
 HOLT of Bath

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

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

Ladies and Gentlemen of the House: This bill started out to be the so-called "stuffing bill" that has been around here for some time. In other words, it would allow the people on the committee and anyone else that was involved in the rate-making process to stuff the envelopes of utilities and send them out as long as it didn't exceed the amount of money it costs to send them out anyway and to send them out to the general public or the ratepayers. However, there was a Supreme Court ruling that took this procedure out and therefore the bill, as far as we were concerned, then became a bill that just established an advisory committee that was going to assist the commissioners in their rate-making process.

The majority of the committee felt that, since the three commissioners were in reality acting in the capacity of judges, that it was rather ludicrous to have an advisory council to assist them in any rate-making process, particularly when the rate-making process provided plenty of opportunities for intervenors to intervene and get their information across to the judges -- also, the public advocate, being an intervenor on behalf of the consumer.

Therefore, what I am saying is, this bill is simply unnecessary and would not work. It was agreed upon by the majority that it just wouldn't work. Later on, during some of the testimony, it was suggested that perhaps they have an advisory committee to the Public Advocate. For the same reason, the Public Advocate's Office is generally comprised of lawyers. It is, once again, rather ludicrous to have an advisory committee to advise lawyers in their intervention of the rate-making procedures.

So therefore, this committee to the Public Advocate and the commission who both, incidentally, were very opposed to the enactment of either bill. To enact this now just wouldn't work. I hope you will support my motion.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Members of the House: I hope you will not vote to accept the Majority Report, but will consider the New Draft, L.D. 1766, which is before you and which is the Minority Report of the Utilities Committee.

I would ask you to think a little bit about the benefits which additional consumer participation through the Consumer Advisory Board would bring to

the Office of the Public Advocate. Currently, we do not have an advisory board in our utility regulation or decision making process, but in fact, many agencies and state departments do have advisory boards. Indeed, it is characteristic of our Maine state government to encourage citizen participation in the governmental process. The very important mechanism is through these advisory boards which bring expertise and perspective through ordinary citizens to compliment the expertise of the paid professionals.

I believe that our current system of oversight, over our utility process, would be strengthened by the addition of a citizen advisory board. I speak as a lay person in utility matters, but as one who through many years of professional work in community services knows first-hand the benefits to be derived from creating a forum and a mechanism for the users of a service to be a part of the ongoing process of developing and maintaining that service.

Public utilities play a very special role in our everyday lives. We must use what they are offering and we don't have a choice as to which company we will purchase from. A few years ago, the legislature deemed it appropriate to create the position of Public Advocate within the Office of the Governor. I don't believe the Office of Public Advocate now can fulfill the role that a citizen advisory committee would have, because this office functions mainly in rate-making decisions and because it is part of the Executive Department and not an independent entity.

A citizen advisory board would inject that independent consumer citizen perspective into general utility policy. It is not meant that such a board would function directly in specific rate cases. Instead the function of a citizen advisory board would be to discuss utility matters in a broad scope, bring consumer interests and concerns to the Public Advocate, discuss alternative programs, rate structures or demonstrations which might benefit utility consumers in Maine; in short, assist the Public Advocate in truly being able to represent the public's interests.

The board could also advise on energy matters, particularly energy conservation and consumer education. Currently, the Public Advocate has no direct way to derive input from the consuming public. A consumer advisory board would provide that mechanism. I would ask you to seriously consider the benefits to be derived by adding this board to the Public Advocate's Office. I would again remind you that consumer boards are in keeping with our Maine system.

I hope you will vote against the Majority Report.

Mr. Speaker, I would request a Division.

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

A vote of the House was taken.

Representative Reeves of Pittston requested a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: I hope that you will vote against the pending motion and vote to have a consumer advisory board to advise the Public Advocate. This bill is, in no way, the same bill as the CAB Bill that was worked on so hard by consumer groups last session and which did receive a Supreme Court ruling which said it was not legal or constitutional to have the consumer advisory board do mailings through utility bills. There really is a need for consumer input into our utility regulatory process. Most utilities here in Maine have their own consumer advisory board. The funding for that is charged to ratepayers, so the Public Advocate's Office is at a real disadvantage in not having some consumer input. Many mistakes of the regulatory agencies, for instance, local measured service could have been avoided if there had been an opportunity for some consumer input beforehand.

I hope that you will vote against the pending motion and vote for the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Members of the House: The New Draft, L.D. 1766, on the consumer advisory board, is an important bill having nothing to do with stuffing envelopes. The Public Advocate is just one human being trying to deal with countless issues to do the day to day operations of the things we need to use in modern life -- the utilities. He or she must be a researcher, a diplomat, and an advisor to the legislative committees, a liaison to the PUC and the Governor's Office, on behalf of all of us. In matters of distress, dissent, and misunderstanding on these issues, there are very few individuals who can afford the time. Time is money to be an intervenor in a utility commission proceeding. Public Utilities Commission hearings are rarely attended by ordinary citizens.

This bill would help the Public Advocate be in touch with citizen concerns. The board could provide consumer advisory board members from all areas of this state. I see this bill as a real service to the people. We are at a crossroads now in many areas of utility concerns. What are the sources of energy as we go into the 21st century? Who owns the water under our counties and towns? Can we sell our water out of state? Many new things will come along to make the Public Advocate's job harder. I see this board that we are talking about in this bill as a help in avoiding conflict and facilitating change.

I hope you will vote against the motion to indefinitely postpone.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Eastport, Representative Vose, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Pursuant to House Rule 7, I would request permission to pair my vote with Representative Baker of Portland. If Representative Baker were present and voting, he would be voting nay and I would be voting yea.

The SPEAKER: The pending question before the House is the motion of the Representative from Eastport, Representative Vose, 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. 112

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Boutillier, Bragg, Callahan, Carter, Cashman, Chonko, Cote, Crowley, Curran,

Davis, Dellert, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nicholson, Norton, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton.

NAY - Allen, Anthony, Bost, Brown, Carroll, Clark, H.; Clark, M.; Coles, Conley, Dore, Gould, R. A.; Gurney, Handy, Hoglund, Holt, Ketover, Kilkelly, Lacroix, LaPointe, Mahany, Mayo, McHenry, Melendy, Mitchell, Nutting, Paradis, J.; Rand, Reeves, Rolde, Rydell, Simpson, Swazey, Warren, The Speaker.

ABSENT - Diamond, Kimball, Nadeau, G. R.; Priest, Reed, Stevens, P.; Strout, D.

PAIRED - Baker, O'Gara.  
Yes, 106; No, 34; Absent, 7; Vacant, 2; Paired, 2; Excused, 0.

106 having voted in the affirmative and 34 in the negative with 7 being absent, 2 paired and 2 vacant, the motion to accept the Majority "Ought Not to Pass" Report did prevail. Sent up for concurrence.

Divided Report  
Later Today Assigned

Majority Report of the Committee on Utilities of Bill "An Act to Prohibit Initial Service Charges by Public Utilities" (H.P. 854) (L.D. 1148) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Limit Electric Hookup Fee Requirements by Electric Utilities" (H.P. 1289) (L.D. 1767)

Signed:

Senators: KERRY of York  
ERWIN of Oxford  
Representatives: VOSE of Eastport  
BAKER of Portland  
RICHARD of Madison  
ALLEN of Washington  
O'GARA of Westbrook  
HOLT of Bath  
NICHOLSON of South Portland

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1090) (L.D. 1768) on same Bill.

Signed:

Senator: WEBSTER of Franklin  
Representatives: WEYMOUTH of West Gardiner  
WILLEY of Hampden  
WEBSTER of Cape Elizabeth

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

This bill actually was started to correct a scare we all had, quite frankly, when the commission, through its rulemaking did, in fact, put in some (what is known as) installation charges. The majority of the committee viewed those installation charges as penalizing people because they were not doing the right thing and that is why we drew the line. We decided that we did not want that to happen. We decided that, if we are serious about conservation, in which the committee and I hope this

legislature will indicate by voting with us on this bill, we will recognize the fact that some builders are building houses that are not necessarily inferior, but are inferior as far as energy efficiency is concerned.

Central Maine Power has indicated through its advertising that anything you build should be what is known as a "Good Cents Home" which is properly insulated for electric heating. You must realize that a lot of builders nowadays -- and there is a building boom down in the southern part of Maine -- are building homes and putting in baseboard heat without, and I repeat, without insulating them properly so that the consumer, namely your son, your daughter, yourself, your friends, who are buying homes and it is costing them an arm and a leg to heat them after the builder leaves, it is because it is a good deal less expensive for electric baseboard heat than the other types of heating.

I am going to read a letter into the Record that was actually written to Senator Ron Usher and Representative Michaud which was in support of another bill that they had as far as building standards were concerned. However, it addresses our bill so directly that I feel that it can be read in and it addresses this bill that we are talking about right here. "Maine is experiencing an unprecedented boom in housing construction. Much of this construction is being undertaken by developers whose financial interests are different than those of the Maine citizens who will be occupying these homes for the next 50 to 100 years. Consequently, many of these new homes are being built without adequate insulation. Maine's housing stock must be viewed as we view other aspects of the state's infrastructure -- roads, electrical systems, telecommunications systems, water and sewer systems.

In every case but housing, strict standards apply to assure that initial construction of these facilities are adequately designed to accommodate long-term needs and not just the short-term needs of the developer or first builder. Poorly insulated homes constructed today will adversely affect the state's future energy costs and the overall efficiency and competitiveness of the state.

Finally, the majority of the Utilities Committee last week endorsed a bill which accepts the concept of the electric hookup fees for new construction for service entrances that exceed 125 amps, primarily electrically heated homes, and that failed to meet energy efficiency standards. This is an important step toward energy efficiency in electrically heated homes.

What does an energy efficient home mean to a builder and to somebody who is buying? It means that it is going to cost you 3 percent more -- 3 percent. A \$100,000 home would be a \$103,000 home, a \$65,000 home would be a \$67,000 home. What does it mean in your heating savings? 40 percent. A home built with two by fours, sixteen inches on center as opposed to two by sixes and without the proper insulation they are asking for now, but let's say that home would cost you \$1,000 to heat -- under the 40 percent savings, it would then cost you \$600. Now that is a heck of a savings.

Under our bill, all the older homes are grandfathered. Obviously, it would cost you an arm and a leg to try to insulate properly the older homes that we are now living in today. But we do have to start someplace; therefore, new construction.

Once again, if you build a home and it is only going to require 125 amps, there is no hookup charge. Under this bill here, that is exactly what it will be -- no hookup charge under 125 amps. If

you intend to put 200 amps in and you do not properly insulate a new home, and I repeat, a new home, then there is a \$600 charge.

I would think that people nowadays are going to take a long hard look at energy efficient homes, especially since oil is going up and the cost of heating is still going to be higher, but it is still going to cost quite a bit of money to heat something. Savings in heating will well pay for a 3 percent cost in construction.

Now, why are we concerned about this? Okay, if you put a 200 amp box on the outside of your house, the utilities have to maintain capacity for that amperage. There is no question about it. They may have to build a new generating facility, which is going to cost all of us, even those of us who are living in the older homes.

Don't be afraid of this bill. This bill is a good bill. I know that you have had some phone calls from builders, electricians, plumbers or something like that saying, "You are going to hurt our trade." No, you are not going to hurt their trade. When they order two by sixes rather than two by fours -- if they want to build them twenty four inches on center as opposed to sixteen inches on center, you can even cut the costs down further.

Now 3 percent -- 3 percent in construction costs is certainly well worth it when you are saving 40 percent. Remember, what we are doing here today is making sure the consumers of tomorrow are going to be protected as far as these homes that are now being built. They are going to cost less to heat and they are really going to be efficient. I hope you will support my motion.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of this bill, the original bill, that would prohibit electric hookup charges altogether, I have three major objections to the Majority Report.

The first of the major objections is that language which says "hookup charges will be permitted under the following circumstances: When the installation of a new electric service entrance for a dwelling which fulfills energy efficiency requirements approved by the commission." In other words, this body, by passing the Majority Report, will be saying that, although we have consistently refused to pass energy efficiency building standards for builders in this body, we will allow the Public Utilities Commission to establish those standards for us.

The second objection I have is that language which permits electric hookup charges under this circumstance, "the installation or upgrade of an electrical service entrance of 125 amperes or less. This says that, if you happen to have to have a 200 amp service in your house, regardless of whether you need that for electric heat, you have to pay a hookup charge.

There are over 3,000 registered electricians in this state who have a long code book about the kinds of electricity that they should be installing in homes. I can tell you, if they believe you should have a 200 amp service in your house for safety reasons and you are reluctant to pay this \$600 hookup charge, safety is going to go out the window with this bill.

The final objection I have to this bill is a very fundamental philosophical question and the different language in the two reports is -- in the Majority

Report "hookup limited" and in the Minority Report -- "hookup prohibited."

What we are establishing here in this bill is the principle for utilities regulation of vintage pricing, something that we have never done before for electric energy. It essentially says that there are two different classes of customers and those two different classes of customers are established entirely based on the time that they join the system. For instance, these hookup charges are going to be charged to new customers only. I, who happen to have a house that has electric heat and who has four children, may be placing equally as many new capacity demands on our electric system as an elderly couple who is moving into a new house with electric heat. I don't pay the hookup charge, they do, only because of the time that they are buying into the system. Carried to its logical extreme, this is going to depart from the cost of service bases that we have always based utility costs on and establish a time of joining the system, a vintage pricing system, which I think would set a very dangerous precedent.

I hope you will vote against the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Mechanic Falls, Representative Callahan.

Representative CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to Representative Vose.

My question is, other than housing, if somebody wants to hookup 200 amp services for heavy welding machines, pumps, compressors, how would this bill affect it?

The SPEAKER: Representative Callahan of Mechanic Falls has posed a question through the Chair to Representative Vose of Eastport, who may respond if he so desires.

The Chair recognizes that Representative.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This bill is geared primarily for new residential housing, new construction.

While I am on my feet, Mr. Speaker, I would like to say that the elderly couple that is going to pay more for electricity probably is going to pay the same rate for electricity as anyone else in this House but will be paying 40 percent less if they have an energy efficient home and, therefore, will be paying less for their electricity.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

My question is, how does this hookup fee affect the construction of low-income housing and in particular multi-family low-income housing?

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

The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I believe this bill is going to affect any housing, any housing at all. As a matter of fact, I know it does.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Weymouth.

Representative WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to qualify Representative Voses' answer. I agree that it does primarily go to residential but if I want to put a welder in, I think as Mr. Callahan knows, I have got

to have a 200 amp service. I am going to pay the \$600 fee, regardless of whether I have electric heat, regardless of whether I have a "good cents home," regardless of any other conditions, I am going to be paying that \$600 hookup fee. If for safety reasons I want 200 amps, I want a welder, I want a compressor, I am going to pay that \$600 fee. I think it is unfair.

I come from a rural area. I also drive on the Pond Road in Manchester where I have seen three new "good cents homes" -- those people can afford it. I have many people in my district who have built their own house, these people are going to get hit with the \$600 fee right up front, even though somewhere down the road, their house may conform with the good energy or energy specifications, they are going to pay that fee regardless of whether they put in electric heat, they are going to have to pay the fee. I think it is very unfair, there is no connection between the entrance capacity and conservation. Central Maine Power has put in many conservation programs and I think this is one that we can do without.

I would ask you to vote against the Majority Report and go with the Minority Report. Remember, the Minority Report does away with all of the \$600 fee. I would urge you to vote with the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Men and Women of the House: I would like to follow up on Representative Weymouths' remarks. This comes from personal experience, it is not a prepared speech. Nine years ago, I built my own house. If I were to build that same house today, I would have to conform to the energy standards. At that time then and at this time now, I was not able to conform to that but, over the past nine years, I have installed insulation in the cement walls downstairs, I have installed additional insulation in the ceilings. At the present time, I now conform, but, at that time, I would not have conformed. I did have a 200 amp service because I installed electric heat, electric heat that I very rarely use because I burn wood. In my brand new house, I burn less than three cord of wood a year. My house, under this bill, would not conform to the energy standards and I would have to pay an additional \$600. That is discriminatory and goes to the wrong people that we are down here trying to help.

I would urge you to vote with the Minority Report.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: It would appear from the notes that I have received that I neglected to point out what the contents of the Minority Report are. I would say, very briefly, that the Minority Report prohibits hookup fees altogether and furthermore provides a refund to anybody who has had to pay for it.

I would request a roll call, please.

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

Representative ROLDE: Mr. Speaker, I would like to pose a question to anyone who may answer.

I assume that this \$600 hookup charge would be going to the utility. What I would like to ask is -- what is the total amount that is expected to go back to the utilities from this \$600 charge?

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

The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I simply can't answer that question because I don't know.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill isn't anything new. It is just coming from a different committee. This bill has been before the Energy and Natural Resources Committee many times. It is a mandate, mandating things back to the people. The latest figures that I have seen show that more than 67 percent of new homes being built today are already conforming to this.

I would like to point out that I believe this is an end-run to try to get these energy standards in rather than let them go before the Energy and Natural Resources Committee, where I really think they belong.

I would like to point out again what some of the previous speakers have said. I think a very good example of a safety factor is someone who wants to put in an electric welder. I know I have a shop and have electric welders and a lot of heavy machinery and, if I wanted to add on and put some more on and I go to get a bigger entrance, I am going to get whacked with that.

I don't know whether there has been any arrangements made, if you are going to build a log home. I have some people in my area where a couple of log homes are going up, I don't know what the arrangements are and as near as I can tell, there is no way they could insulate them other than in the roof.

Another very big question is, who is going to enforce this? Do you realize that 80 percent of the towns in the State of Maine don't have a building code or a building code officer? Is the town going to have to enforce this or just who is going to enforce it and how much is it going to cost?

In the past, it has been brought out that the energy office would enforce it. With the number of people they have and the building that is going on in the state, I don't see how they could possibly get around to look at all of them. If they think that the people are going to hold up construction while they are waiting for someone to come around and look at it, I don't think that is quite fair.

One other thing I would like to point out that came before our committee and that is about radon gas. From the information that was made available to us, we even had some testimony on it, this radon gas is nothing new, it is just that it has come out more in recent years because homes have been insulated so well and there is not enough ventilation. They say the best thing to do to combat this radon gas is to open up a couple of windows or leave the cellar door open. So, I think this is a problem that we have got to look into.

All in all, I would hope that you would go along with the Minority Report and let this bill come back to the Energy and Natural Resources Committee at some future date.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anybody who would wish to answer it.

As I understand it, the difference between these two reports is that the Majority Report would allow certain \$600 fees and the Minority Report would not allow any of them. My feeling is, if the Minority Report was accepted and there were no \$600 fees allowed, that would, in some way, mean a need to raise rates some place so that the power companies would be able to break even, that they are relying on some amount of revenue from this. My question is, where would that money come from? Is it anticipated that if there were none of these \$600 fees that all of us would end up paying a certain amount more in our electric bills or am I mistaken in this analysis?

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Vose of Eastport that the House accept the Majority "Ought to Pass" Report and later today assigned. (Roll Call requested)

#### Divided Report

Majority Report of the Committee on Banking and Insurance on Bill "An Act to Provide Health Care Benefits to Uninsured Individuals" (H.P. 723) (L.D. 974) Reporting "Ought to Pass" in New Draft (H.P. 1292) (L.D. 1770)

Signed:

Senators: BUSTIN of Kennebec  
THERIAULT of Aroostook  
COLLINS of Aroostook

Representatives: RYDELL of Brunswick  
CLARK of Millinocket  
SIMPSON of Casco  
TRACY of Rome  
CURRAN of Westbrook  
TARDY of Palmyra  
ERWIN of Rumford

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

Signed:

Representatives: GARLAND of Bangor  
BOTT of Orono  
WEBSTER of Cape Elizabeth

Reports were read.

On motion of Representative Rydell of Brunswick, the House accepted the Majority "Ought to Pass" Report, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed, 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. 683) (L.D. 924) Bill "An Act Relating to the State Employee Assistance Program" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-271)

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

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

#### CONSENT CALENDAR

##### First Day

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

(H.P. 323) (L.D. 422) Bill "An Act to Streamline the Delivery of Residential Treatment Services to Children in Need" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277)

(H.P. 1046) (L.D. 1409) Bill "An Act to Increase Penalties for Violation of Laws Relating to Vital Statistics" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-276)

(H.P. 150) (L.D. 191) Bill "An Act to Amend Certain Motor Vehicle Laws" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275)

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

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

REPORTS OF COMMITTEES

Divided Report

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

Signed:

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-274) on same Bill.

Signed:

Senator: TWITCHELL of Oxford  
Representatives: MAYO of Thomaston  
SEAVEY of Kennebunkport  
CASHMAN of Old Town

Reports were read.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would move that the House accept the Minority "Ought to Pass" Report.

This bill has been affectionately termed in our committee as "the deja vu bill" and I am sure that many of you seeing it on a supplement are experiencing a little deja vu yourself.

We debated this bill at some length earlier in the session, as you will all recall. It came out a ten to three "Ought Not to Pass" Report. I think the central objections to the bill in the first debate were (1) whether or not it could be administrated. (2) Some members of the committee questioned whether it was a good way to raise money for municipalities.

We recommitted this bill to committee to see if we could work out some of our differences and, lo and behold, the only committee member who changed their vote was myself.

My objections to this bill, as it originally hit the floor a month or two ago, was that I didn't think the tax could be administrated, it called for collections being done by the registrar of deeds and I didn't think that would work, mechanically.

During that debate, we had an amendment offered by Representative Holloway that I thought was a very good amendment. We discussed that amendment in committee, modified it somewhat, and the Minority Report, which I just moved, incorporates that amendment and makes the tax collected by the municipal tax collector. It also provides for a tax lean to enforce collection rather than the original bill which called for a civil suit which, as I explained a couple of months ago, aren't generally very collectable.

I think the tax can be administered. I think you will hear arguments following my own speech here of why the tax is or isn't a good tax. I think that as we present it to you today in the Minority Report, I think it is a tax that can be administrated and, if the House feels that this is the vehicle necessary to provide funding for land banks, I think that this tax will work.

I would urge you to support the motion to accept the Minority Report.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: As my good friend and chairman just noted, we had this bill in this body not too long ago. We recommitted it as he mentioned and you can note for yourselves the committee report is very similar to what it was the first time around. I believe there is reason for that.

I would like, if I may, to read you excerpts of the speech that I gave in this body on April 30th regarding this bill. "There are a few major reasons to reject this report and to accept the Majority "Ought Not to Pass" Report. The first is that the Constitution specifically states that the power of taxation is a state function. At no time in our history have we ever deviated from that. It seems to me that establishing a local option tax, based on real estate transactions, would be establishing an absolutely terrible precedent.

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

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

L.D. 727 establishes a mechanism to set aside land banks. Although slowing down development is a noble goal, let's not jump at the first alternative that looks like it might address the problem. Shouldn't we be spreading out the cost of obtaining these land banks over a broader base? It does not seem fair to me to be simply attacking the real estate transfer tax. By accepting this proposal, the 113th Legislature would be establishing a terrific precedent. We would be allowing over 400 cities and towns to create their own tax policies. Is that the direction that we want to go in?

In summary, I believe this is an issue of fairness as well as tax philosophy. Although in the past few weeks, there have been a couple of good natured jokes directed at me inquiring how much I really knew about tax policy, I believe that I do know a few things about this bill. I have heard many arguments on both sides of the issue. I don't think it is good tax policy to create a fund of this nature.



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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon to oppose the Minority Report and would urge the members of this body to follow my vote so that we could do away with this, once and for all.

I heartedly concur with the remarks from the gentleman from Saco, Representative Nadeau. We are departing from tax policy with this piece of legislation, a uniform tax policy.

I am concerned that we are going to allow 496 different communities in the state to determine which method or which area they are going to go in. I am also concerned about some of the remarks that I have heard in previous debate regarding L.D. 727.

I recognize as well as every other member of this body that there are problems with access to some of the lakes, some of the lands in this state. This is not the vehicle to address those concerns, ladies and gentlemen. It is not the vehicle to do that.

When we talk about passing a tax, and that is exactly what we are doing, we are increasing the tax on the transfer by four-tenths of one percent. It doesn't sound like much money. Ladies and gentlemen, there aren't many communities in the state, when you get north of Augusta or north of Bangor, that are going to be able to participate in this program because the floor is still in the bill, the \$77,000 threshold. Therefore, the communities that impose this tax in northern Maine, thinking that its going to receive funds, in fact, probably will not because up there, I would say north of Bangor and west of Bangor and probably east of Bangor, there aren't many homes or many parcels of property that are going to sell for \$77,000 or \$78,000. There is nothing to preclude communities from doing this currently. I know there is debate that says there are issues that are pending out there that do preclude communities from doing this but there are communities in the state which already impose a development fee and that has not been ruled unconstitutional or ruled illegal. Some of them use the funds for the purpose of recreation, some for other means.

It seems to me that it makes sense that we should have a uniform tax policy in this state. It should be uniform, it should be administered from the state level and it should be equal to all. This bill doesn't provide that.

I would hope this evening, ladies and gentlemen, that you would vote against the Minority Report and put this thing to rest.

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

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I wish to make a comment to my friend from Saco, Representative Nadeau, on the terrible precedent that will be set by this bill. I submit to you that the terrible precedent that will be set is when all our land is gone.

The Bangor Daily News, not long ago, had a supplement on real estate and it stated that, on the island of Deer Isle where I happen to live, over 50 percent of the land is now owned by non-residents. I submit to you that the day will come when I will be standing here saying 70, 80 or 90 percent of that land. I think this bill deserves our support and it deserves our attention in a year when this legislature has made model strides in defending the ecology of this state. I hope you will support this piece of landmark legislation.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I thank the good chairman of my committee for his patience on this legislation. It is the Taxation Committee's "deja vu" bill. We have worked with it for some time and I would urge your indulgence to listen to a few comments that I have.

First of all, it has been stated that this is the first alternative that has come down the pike. Well, ladies and gentlemen, this is not the first alternative that has come down the pike. There are many alternatives. Dealing with this question, the question of development and the question of pressures to our natural resources, I think we have to develop a whole host of alternatives and utilize all of them.

This idea was studied last summer by a study committee of the Taxation Committee and the Committee on Energy and Natural Resources. It is not an idea that just came rolling off the turnip truck and we are trying to shove down everybody's throat, it has been around a long time.

Yes, this is parting with the longstanding practice in the state where the state has held to itself the power to tax. Yes, we are providing the localities with an alternative source of revenue from the property tax to fund land banks. That, ladies and gentlemen of this House, I feel is a very appropriate step to take. The burdens of the property tax are such that it is almost impossible for municipalities to fund land banks solely from the property tax. That is what this bill is about, it provides for a local option, it does not require the municipalities to have this tax, it simply allows the municipality to adopt this tax through local referendum. It is limited to .04 percent but it does not have to be that high, a municipality could elect a lower amount. This is good tax policy, in my opinion.

I would ask this body to consider before voting on this legislation the problems that parts of this state have seen with development pressures, the pressures that the Representative from Stonington has talked about. There are some minor problems, possibly, with this legislation that can be worked out in later years as to the exemptions provided for homes and some parts of the state are pretty much exempt for all homes, that may be true. I suggest we put this bill on the books and, if there are problems in parts of the state, once they enact this legislation, we can come back and amend it, we do that all the time around here and I think that is appropriate in this case.

I would urge this House to adopt this.

Let me say one more thing about something that has been said before (I just referred to my notes.) We are talking about the need for uniform policy to enforce tax burdens equally on everybody -- we only have to look at one provision in the present tax law, that is Tax Increment Financing, which allows the shifting of tax burdens to accommodate the needs for development. That is something that I have been concerned about and it is something that the Taxation Committee has worked on before. We, in fact, passed changes in the Tax Increment Finance Law last session to allow for the Lemforder Corporation to expand in Brewer. That, ladies and gentlemen of the House, is shifting of tax burdens for the greater good and I urge this House to adopt this measure, the Minority Report, because it would be setting aside or setting up a tax policy that is unequal for the greater good of everybody.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I may be repetitious but I



will be brief about it. My opinion is not based on my geography. I signed on the Majority part of this bill because, first of all, I feel that communities can establish a land bank in their own right and secondly, because this is the fifth time we have raised the real estate tax in three years. This is becoming as popular and vulnerable as the sin taxes.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I will stand again just briefly to oppose the bill and I would like you to know that my reasons have not changed. It allows those who have the nicest properties in town, who are the least likely to move, least likely to sell their properties, to vote for a tax, essentially to subsidize their enjoyment of open spaces.

I think when communities want to enjoy open spaces, it ought to be paid for by everyone through real estate taxes or by developer taxes that let those who economically benefit from commercial gain through the development of the property to pay the additional burden they have placed upon communities.

I would also reiterate Representative Ingraham's statement -- not only has the real estate tax increased, but it has doubled twice in the last few years.

Finally, I would like to be able to vote for a method of paying for open space that will allow me to pay for the open space I use. I am in my final home and I think it is unjust for me to be able to vote for a tax that I will never pay so that I can enjoy open space.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I have been standing here listening to a number of people speak about how they are concerned about changing our form of taxation and how they are concerned about how the local municipalities are going to deal with this tax. I am awfully glad some people up here have finally gotten a little concerned, because 400 and some odd municipalities have been concerned about how we tax for a long time. They see their money go and they see their money go, and they don't get much back. They are watching their land disappear, they are watching their shore access disappear, they are watching their woods disappear, and they are watching their taxes go up.

Those people are very concerned. They are concerned that their kids are going to have some woods to walk in. They are concerned that they are going to be able to go down to the shore and dig a mess of clams if they want to. They are concerned that their son or daughter is going to be able to go out and paddle in a stream someplace if they want to. They are concerned that all the land is disappearing and the state apparently isn't doing an awfully lot about protecting it.

Now this tax isn't a whole lot of money, and anyone who thinks that a municipality can set aside land in a land bank by this tax alone, either doesn't know the value of real estate or thinks that properties turn over a lot quicker than they actually do. There is no way that this alone will create any large land trusts. You will have to see development fees. You will have to see general property taxation in order to supplement it.

What it will do is provide a core and a base to enable each municipality, as it is able, to generate the funds it needs to set aside lands for its posterity. I don't think that is too much to ask. I

don't think the municipalities think that is too much to ask. I would firmly -- firmly -- support the Minority Report and would ask your support of that also.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: In response to some of the comments that have been made about how this is a better bill than it was before it came to this floor weeks ago, I submit it is only one vote better. I would like to know when the towns and municipalities forgot about land use and planning. A lot of these towns got in trouble because they couldn't foresee the future, or didn't care, and they would like us to bail them out. They already admit that the monies from this transfer tax may not be able to get the amount of money they need to buy the land, but they think if they can get enough up front, they can borrow some money on the future money that they might get from this transfer tax.

It is bad financial policy for the towns. It is bad tax incentives for going around and giving everybody the option of doing or not doing. You may have a town on one side wanting to do this and another town a not wanting to do this. I do submit to you it was a bad bill before and it is a bad bill now.

I wish you would vote to put down the Minority Report and go to the Majority Report.

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

Representative WHITCOMB: Mr. Speaker, Fellow Members of the House: I urge this body to stand by its earlier support of this piece of legislation. We are establishing enabling legislation, we are allowing local towns to establish a real estate transfer tax. This is not a tax on everyone. If your town doesn't want it, it does not have to establish that. We have heard many, many times about the local high land values faced by the coastal communities and other communities in this state. This simply allows the local people an opportunity to recapture some of that extremely high land value, something they cannot approach. This isn't a question of establishing land banks, it is only a question of a possible means of funding.

I urge you to continue to support this legislation as you have before and support the report presented by the Chairman of the Taxation Committee, the Minority Report.

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

Representative RACINE: Mr. Speaker, I have a question. Basically, all we have been talking about this afternoon is that the bill was recommitted to committee and it came back in a more palatable form.

Is this the bill that a 4 percent real estate tax would be assessed on the value of \$77,000 or more of which one-half would be paid by the buyer and the other half paid by the seller, or are we talking about something else?

The SPEAKER: The Representative from Biddeford, Representative Racine, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman's question, this is the bill that came before the House before which we debated at some length, adopted a couple of amendments to, and then recommitted to committee.

The bill provides for a local option transfer tax, a maximum tax of .04 percent of which half will be paid by the seller, half by the buyer. There is a \$77,000 homestead exemption within the bill. Does that answer the gentleman's question?

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I am very glad to hear the debate today in this House focus on the loss of lands that are taking place in this state. I would submit to you that, at this time, ten minutes of eight on June 8, 1987, there is a planning board meeting somewhere in the state to approve or disapprove another subdivision of some large, out of state developer, that wants to further subdivide our land and make it more unaccessible, and keep it further away from the people of the State of Maine. I promise the members of this House that there will be another significant piece of legislation, in addition to this, coming forthwith that they will be able to vote on to address this land problem in the next few days.

I just wanted to tell you that a couple of weeks ago I visited the town of Kennebunkport for the first time in my life. I found it to be one of the most beautiful little towns in the State of Maine. As my wife and I were driving around a very intensely developed portion of it, we stopped and found this place called Parson's Point of which was a shoreline portion set aside by one of the founding fathers of the town of Kennebunkport. This piece of land looked like it had been engulfed by the fangs of developers all around it and there it sat all by itself in the little town of Kennebunkport -- for the people of the town of Kennebunkport. If this is the mechanism to do this, then I would urge you to vote for it.

People have been talking about perfect legislation in this debate and I have not seen a piece of perfect legislation come through this body since I have been here in seven years. I would like to say that we have changed things and we have made things better. This bill is a good bill, it is a local option bill.

I would urge you to support the Minority Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It is late this evening and I will be very brief. The opponents of this bill have brought up two issues, one is fairness and the other is constitutionality. The first issue -- fairness. The purpose of the bill is to set aside land without placing a burden on the property tax. If there is one tax that is unfair, it is the property tax, a local tax.

The other question is the constitutionality of the tax -- the property tax. The local property tax that we pay now is a locally administered tax I believe. It is not uniform throughout the state and I think it is constitutional. If it is not constitutional, I would like to have my check to the town back.

Representative Duffy applied that the people in the town are to blame for what is happening. They are not to blame, it is not the people who have lived in the town for years, and years and years, who are sitting there and watching their town disappear, who are to blame for it, it is the developers who come in and buy up a piece of land and turn it into a condo or a shopping center, or this or that, that forces everyone's regressive property tax up.

You have to hire planners to look the situation over. You have to hire policemen, you have to build

schools and buy school buses. The property tax goes up and up and up.

All we want is a little bit of land set aside so that some remnant of the past can remain, some remnant of the heritage of this state without sticking it on this terrible, terrible property tax, which frankly, has most of my constituents working overtime just to pay it, so they won't be kicked out of their homes. Some of my constituents' taxes went from \$800 to over \$5,000 last year when the town reevaluated. Should we ask those people, people who are retired and happen to have a home on Main Street that they bought back in the 1960's, whose taxes are more than \$5,000 a year, to go out and kick in a few more bucks so the town can set some land aside? They are not responsible for their taxes being \$5,000 a year. It is the developers who come into town to turn a quick profit. They are the people who are responsible.

This is the first bill -- the first bill -- to grant a local option tax. It is a modest measure and it is a very innovative and creative solution to a problem that our towns are facing.

I urge you to vote for the Minority Report.

Representative Martin of Eagle Lake requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: I request permission to pair my vote with the Representative from Wiscasset, Representative Kilkelly. If Representative Kilkelly were present and voting, she would be voting yes; I would be voting no.

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

ROLL CALL NO. 113

YEA - Aliberti, Anthony, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dutremble, L.; Farnum, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hepburn, Hickey, Higgins, Hoglund, Holloway, Holt, Joseph, Ketover, LaPointe, Lawrence, Lisnik, Look, Lord, Macomber, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, J.; Paradis, P.; Pines, Pouliot, Racine, Rand, Reeves, Rice, Richard, Ridley, Rolde, Ruhlin, Rydell, Scarpino, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevenson, Strout, B.; Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Wentworth, Whitcomb, The Speaker.

NAY - Allen, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Clark, H.; Curran, Davis, Dellert, Dexter, Dore, Duffy, Erwin, P.; Farren, Foss, Foster, Garland, Hale, Hanley,

Harper, Hichborn, Hillock, Hussey, Ingraham, Jackson, Jacques, Jalbert, Lacroix, Lebowitz, MacBride, Martin, H.; Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, E.; Parent, Paul, Perry, Rotondi, Salsbury, Sherburne, Small, Stevens, A.; Stevens, P.; Webster, M.; Weymouth, Willey, Zirkilton.

ABSENT - Baker, Kimball, Priest, Reed, Strout, D.  
 PAIRED - KilKelly, Swazey.

Yes, 89; No, 53; Absent, 5; Vacant, 2; Paired, 2; Excused, 0.

89 having voted in the affirmative and 53 in the negative with 5 being absent, 2 paired and 2 vacant, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-274) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, June 9, 1987.

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

PASSED TO BE ENACTED  
Emergency Measure

An Act to Establish the Railroad Employee Equity Act (S.P. 505) (L.D. 1529) (C. "A" S-125; H. "A" H-270; S. "A" S-142)

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

Representative Moholland of Princeton requested a roll call on enactment.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: In an effort to prove that I am not all bad, and since I understand that the differences have been worked out to everybody's satisfaction, I urge passage of this measure.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I would request a ruling from you. Under Rule 19, because I represent the Belfast & Moosehead Railroad as their private counsel, am I disabled from voting? I know how my constituents feel about this bill but I do have an employment responsibility.

The SPEAKER: The Chair would suggest he request permission to be excused from voting.

Representative Marsano: Mr. Speaker, I request permission, pursuant to Rule 19, to be excused from voting.

The SPEAKER: The Chair will excuse the Representative from Belfast, Representative Marsano, from voting on this item, pursuant to House Rule 19.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 114

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.;

Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, 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.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT - Baker, KilKelly, Kimball, Priest, Reed, Rice, Simpson, Strout, D..

EXCUSED - Marsano.

Yes, 140; No, 0; Absent, 8; Vacant, 2; Paired, 0; Excused, 1.

140 having voted in the affirmative and none in the negative with 8 being absent, 2 vacant and 1 excused, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Continue Support Services at Augusta Mental Health Institute and Bangor Mental Health Institute" (S.P. 165) (L.D. 469)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide Cost-of-living Increases to Community-based Rehabilitation Agencies Serving Clients of the Bureau of Mental Retardation under Contract" (S.P. 246) (L.D. 695)

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

Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act to Reform the Animal Welfare Laws" (S.P. 291) (L.D. 838) reporting "Ought to Pass" in New Draft (S.P. 599) (L.D. 1759)

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 read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Assure Accessibility to Newly Constructed and Renovated Educational Facilities" (S.P. 408) (L.D.

1259) reporting "Ought to Pass" in New Draft (S.P. 600) (L.D. 1760)

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 read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

(At Ease)

The House was called to order by the Speaker.

Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act to Enhance Local Control of Community Growth and Strengthen Maine's Land Use Laws" (S.P. 479) (L.D. 1442) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 601) (L.D. 1764)

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 read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 462) (L.D. 1419) Bill "An Act to Establish a Cancer Prevention and Control Advisory Committee" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-146)

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

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

The Chair laid before the House the following matter: Bill "An Act Relating to the Maine Transportation Capital Improvement Planning Commission" (S.P. 598) (L.D. 1758) which was tabled earlier in the day and later today assigned pending reference in concurrence.

Under suspension of the rules, and without reference to any committee, the bill was read once and assigned for second reading, Tuesday, June 9, 1987.

The Chair laid before the House the following matter: Divided Report -- Majority Report (7 members) of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-145) on Bill "An Act to Authorize the Construction of an East-West Highway" (S.P. 231) (L.D. 625) Minority Report (6 members) of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Representative Moholland the House voted to accept the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (S-145) was read by the Clerk and adopted.

Senate Amendment "B" (S-144) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended in concurrence.

(Off Record Remarks)

The House was called to order by the Speaker.

Representative Greenlaw of Standish was granted unanimous consent to address the House:

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to present to you this evening the name of Daryl Parker Wells, a friend of mine. I have known him since he was a young youth. He belonged to the Augusta Fire Department and was killed in the line of duty.

Mr. Wells' ambition was to become a professional firefighter, that was his goal. He achieved his goal -- he died a professional firefighter. When we adjourn tonight, I would like to adjourn in his memory.

On motion of Representative Greenlaw of Standish, Adjourned until Tuesday, June 9, 1987, at nine o'clock in the morning in memory of Daryl Wells.