

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## VOLUME IV

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

Index

### **SECOND CONFIRMATION SESSION**

May 13, 1988

Index

### **THIRD CONFIRMATION SESSION**

June 15, 1988

Index

### **THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

Index

### **FOURTH CONFIRMATION SESSION**

November 14, 1988

Index

### **FOURTH SPECIAL SESSION**

November 28, 1988

Index

### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FOURTH SPECIAL SESSION  
1st Legislative Day  
Monday, November 28, 1988

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Thirteenth Legislature in extra session, the members of the House of Representatives assembled in their hall at 2:00 o'clock in the afternoon and were called to order by the Speaker.

Prayer by Father Royal J. Parent, Holy Family Parish, Lewiston.  
Pledge of Allegiance.

For the purpose of ascertaining the presence of a quorum, a certified roll of the Representatives was taken.

The elected membership of the House being 151 and 138 members having answered to their names with 13 being absent, a quorum was found to be present.

Absent were Representatives Bott of Orono, Curran of Westbrook, Hillock of Gorham, Holloway of Edgecomb, Kimball of Buxton, Lacroix of Oakland, Melendy of Rockland, Moholland of Princeton, Paradis, J. of Frenchville, Perry of Mexico, Rolde of York, Taylor of Camden and Walker of Norway.

State of Maine  
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the "windfall" effects of the Federal Tax Reform Act of 1986 on Maine's income tax law which has resulted in a higher than anticipated level of income tax revenues being collected for the 1988 tax year; and

WHEREAS, it is deemed to be in the State's best interest and to be the fair and proper thing to do for the Legislature to authorize additional structural changes in the Maine income tax law so that such conformity-related excess income tax collections will not recur in the future;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Monday, the twenty-eighth (28th) day of November, 1988 at two (2) o'clock in the afternoon in order to receive communications and enact legislation to make additional structural changes in the Maine income tax law.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-second day of November in the Year of our Lord One Thousand Nine Hundred and Eighty-Eight.

S/JOHN R. MCKERNAN, JR.  
Governor

ATTEST: Peter W. Danton  
Deputy Secretary of State  
Was read and ordered placed on file.

On Motion of Representative DIAMOND of Bangor, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the

consideration of such business as may come before the House.

Was read and passed and the Chair appointed the following Members:

- Representative CARTER of Winslow
- Representative CHONKO of Topsham
- Representative LISNIK of Presque Isle
- Representative NADEAU of Lewiston
- Representative RIDLEY of Shapleigh
- Representative MCGOWAN of Canaan
- Representative HIGGINS of Scarborough
- Representative FOSTER of Ellsworth
- Representative DAVIS of Monmouth
- Representative FOSS of Yarmouth

Subsequently, Representative CARTER of Winslow reported that the Committee had delivered the message with which it was charged.

At this point, a message was received from the Senate, borne by Senator DOW of Kennebec of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On Motion of Representative GWADOSKY of Fairfield, the following Order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was read and passed and Representative DIAMOND of Bangor was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

SENATE PAPERS

The following Communication:  
Maine State Senate  
Augusta, Maine 04333  
November 14, 1988

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nominations of the following:

- C. Edwin Meadows, Jr. of Winthrop for appointment as the Commissioner of the Department of Conservation.
- Mira R. Michaud of St. David for appointment as a member of the Land for Maine's Future Board.
- Alice H. Rand of Cape Elizabeth for appointment as a member of the Land for Maine's Future Board.
- Charles J. Gadzik of Carroll Plantation for appointment as a member of the Land Regulation Commission. Charles J. Gadzik is replacing John Richards.

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

Was read and ordered placed on file.

The following Communication:  
Maine State Senate  
Augusta, Maine 04333  
November 14, 1988

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nominations of the following:

Peter J. Goranites of Cumberland for appointment as Judge of the Maine District Court, District IX. Peter J. Goranites is replacing Judge Robert Donovan.

Honorable Robert W. Donovan of Portland for appointment as Active Retired Judge of the Maine District Court.

Honorable Jane S. Bradley of Belfast for appointment as Judge-at-Large of the Maine District Court. Honorable Jane S. Bradley is replacing Judge Ronald Kellam.

Brian E. Thibeau of Fort Fairfield for appointment as a member of the Maine Human Rights Commission. Brian E. Thibeau is replacing James Caron.

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:  
COMMISSION TO REVIEW THE LAWS  
RELATING TO REGISTERED MAINE GUIDES  
Augusta, Maine 04333  
October 10, 1988

President Pray  
Speaker Martin  
State House  
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Second Commission to Review the Laws Relating to Registered Maine Guides is pleased to submit its final report to the Legislature pursuant to Resolves 1987, Chapter 105.

Sincerely,  
s/Rep. Herbert Clark  
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:  
State of Maine  
Bureau of Taxation  
State Office Building  
Augusta, Maine 04333  
November 4, 1988

The Honorable John Martin  
Speaker of the House  
House of Representatives  
State House Station 2  
Augusta, Maine 04333  
Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, MRSA, §1283.

This report includes nineteen properties or interests acquired through liens maturing since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and

recommendations for disposition. Part B includes a narrative description of each property.

Respectfully submitted,  
S/Stephen J. Murray  
State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:  
Penobscot Indian Nation  
Office of the Governor and Council  
Community Building  
Indian Island  
Old Town, Maine 04468  
September 20, 1988

Honorable Edwin H. Pert  
Clerk of the House of Representatives  
State House  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to certify in accordance with 3 M.R.S.A. Section 1, Second Paragraph, that Priscilla A. Attean was duly reelected Representative to the State Legislature for a term of two years beginning on the first day of October, 1988 and ending on September 30, 1990.

The Biennial General Tribal Election was held on September 13, 1988, under the provisions of Section 4792 of Chapter IV of the Laws of the Penobscot Nation.

Sincerely,  
s/Lorraine Dana  
Tribal Clerk

Was read and ordered placed on file.

The following Communication:  
113TH MAINE LEGISLATURE

November 21, 1988  
Honorable Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that we have appointed the following:

Pursuant to our authority under Chapter 347 of the Public Laws of 1987, to the Special Select Commission on Access to Health Care:

Louise S. Gamache of Rockland, replacing Clayton Harrington who resigned.

Pursuant to our authority under Chapter 440 of the Public Laws of 1987, to the Commission to Study Regulation of Health Care Expenditures:

Donald L. McDowell of Cape Elizabeth, replacing Dr. Edward C. Andrews, Jr., who has resigned.

Pursuant to our authority under Chapter 887 of the Public Laws of 1988, to the Maine Commission on Mental Health:

Janet Stratton of Bangor for a two year term.  
Janice Burns of Portland for a two year term.

Martha Sevigny of Windsor for a one year term.

Dr. Tim R. Rogers of Bangor.

Dr. Alan Elkins of Portland.

Joan Pederson of Bangor.

Ronald Melendy of Rockland.

Marc Plourde of Eagle Lake.

David Gregory of Yarmouth.

Ruth Andrews of East Winthrop for a one year term.

Please let one of us know if you have any questions about these appointments.

Sincerely,  
S/Charles P. Pray                      S/John L. Martin

President of the Senate      Speaker of the House  
Was read and ordered placed on file.

The following Communication:  
COMMISSION TO REVIEW OVERCROWDING AT THE  
AUGUSTA MENTAL HEALTH INSTITUTE  
AND THE  
BANGOR MENTAL HEALTH INSTITUTE  
November 14, 1988

President Pray  
Speaker Martin  
State House  
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission To Review Overcrowding at the  
Augusta Mental Health Institute and the Bangor Mental  
Health Institute is pleased to submit its final  
report to the Legislature pursuant to Resolves 1987,  
chapter 56.

Sincerely,  
s/Sen. Beverly M. Bustin  
Co-Chair  
s/Sen. Barbara A. Gill  
Co-Chair

Was read and with accompanying report ordered  
placed on file.

The following Communication: (H.P. 2002)  
State of Maine  
House of Representatives  
Augusta 04333  
November 23, 1988

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On November 23, 1988, one Bill was received by  
the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this  
bill was referred to the Joint Standing Committees on  
November 23, 1988 as follows:

Taxation

Bill "An Act to Amend the Maine Income Tax Code"  
(Emergency) (H.P. 2001) (L.D. 2705) (Presented by  
Representative CASHMAN of Old Town) (Cosponsors:  
Representative JACKSON of Harrison, Senators SEWALL  
of Lincoln and TWITCHELL of Oxford)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up  
for concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bill was received and, upon the  
recommendation of the Committee on Reference of  
Bills, was referred to the following Committee:

Energy and Natural Resources

Bill "An Act to Amend the Laws Relating to the  
Protection of Natural Resources" (Emergency) (H.P.  
2000) (L.D. 2702) (Presented by Representative STROUT  
of Corinth) (Cosponsor: Senator CAHILL of Sagadahoc)  
(Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26)

Ordered Printed

Sent up for concurrence.  
By unanimous consent, ordered sent forthwith to  
the Senate.

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

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

Bill "An Act to Conform the Human Resource  
Development Council with Federal Law" (Emergency)  
(H.P. 2003) (L.D. 2706) (Presented by Speaker MARTIN  
of Eagle Lake) (Approved for introduction by a  
majority of the Legislative Council pursuant to Joint  
Rule 26)

(Committee on Reference of Bills had suggested  
the Committee on Labor.)

Under suspension of the rules and without  
reference to any Committee, the Bill was read once  
and assigned for second reading later in today's  
session.

(At Ease)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The following Communication: (S.P. 1039)

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON ECONOMIC DEVELOPMENT  
November 1, 1988

Senator Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on Economic  
Development is pleased to submit the attached report  
of our study of International Trade pursuant to the  
order of the Legislative Council. We hope you find  
this report a useful tool in our continuing efforts.

Sincerely,  
S/Sen. Thomas H. Andrews  
Senate Chair  
S/Rep. Nathaniel J.  
Crowley, Sr.  
House Chair

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

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

The following Communication: (S.P. 1040)

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY  
November 14, 1988

Senator Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Senator Pray:

The Joint Standing Committee on Judiciary is  
pleased to submit the attached report of our Study of  
the Financial Feasibility of a Public Defender  
Program, and Issues in Implementing a Cost Effective  
Program pursuant to the order of the Legislative

Council. We hope you find this report a useful tool in our continuing efforts.

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. Patrick E. Paradis  
Senate Chair House Chair

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

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

The following Communication: (S.P. 1041)

MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
STUDY OF UTILITY EASEMENTS  
OVER EXISTING RIGHTS-OF-WAY

November 14, 1988

Senator Charles P. Pray, Chairman

Legislative Council

State House

Augusta, Maine 04333

Dear Senator Pray:

The Committee to Study Utility Easements over Existing Rights-of-Way is pleased to submit the enclosed report of our study of Utility Easements over Rights-of-Way pursuant to the order of the Legislative Council. We hope you find this report to be useful in our continuing efforts.

Sincerely,

S/Rep. Francis Marsano  
Chair

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

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

(At Ease to the Gong)

The House was called to order by the Speaker.

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Conform the Human Resource Development Council with Federal Law" (Emergency) (H.P. 2003) (L.D. 2706)

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

Representative Diamond of Bangor offered House Amendment "A" (H-818) and moved its adoption.

House Amendment "A" (H-818) was read by the Clerk and adopted.

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

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

SENATE PAPERS

Bill "An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections" (Emergency) (S.P. 1044) (L.D. 2707)

Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency) (S.P. 1045) (L.D. 2708)

Bill "An Act to Increase State Municipal Revenue Sharing" (Emergency) (S.P. 1043) (L.D. 2704)

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

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

Bill "An Act to Extend Temporarily the Time Period During which the Department of Marine Resources May Conduct On-site Evaluations of Coastal Aquaculture Installations" (Emergency) (S.P. 1042) (L.D. 2703)

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

Was referred to the Committee on Marine Resources in concurrence.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Extend the Reporting Deadline of the Commission to Study the Impact of Game and Nongame Species on Maine's Economy" (Emergency) (H.P. 2004) (L.D. 2709) (Presented by Representative CARTER of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills had suggested the Committee on Fisheries and Wildlife)

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.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative DIAMOND of Bangor, the following Joint Resolution: (H.P. 2005) (Cosponsors: Senators CLARK of Cumberland, PERKINS of Hancock and Representative MURPHY of Kennebunk)

JOINT RESOLUTION HONORING RODNEY SHARON QUINN,  
UPON RETIREMENT AS SECRETARY OF STATE

WHEREAS, "It is not the going out of port, but the coming in, that determines the success of a voyage"; and

WHEREAS, the retirement of Rodney Sharon Quinn of Gorham completes this leg of his journey which includes many successful ventures as a command pilot, college professor, municipal official, legislative leader and constitutional officer; and

WHEREAS, as he nears port we are reminded that "the heights by great men reached and kept were not attained by sudden flight but that while their companions slept, were toiling upward in the night"; and

WHEREAS, among colleagues, friends and admirers gathered to see him safely home there is a feeling shared that this public servant has served honorably, faithfully and with the deepest sense of dedication throughout his long tenure and that he has made countless contributions on behalf of Maine's citizens and is truly deserving of the public trust; now, therefore, be it

RESOLVED: That we, the members of the House of Representatives and Senate of the One Hundred and Thirteenth Legislature of the State of Maine now assembled in Fourth Special Session, take this opportunity to recognize the Honorable Rodney Sharon Quinn of Gorham, the 45th Secretary of State for Maine, and extend to him herein the sincere best wishes of both Houses of the Legislature for his continued success, prosperity and happiness for future years in retirement; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of

State, be transmitted to Rodney S. Quinn on behalf of the Maine Legislature in token of our esteem.

Was read.

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

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I am not the only one who is retiring around here after this session. I know a number of you are retiring as well but there is one particular character (I use that term literally) who will be leaving state service, at least in this capacity at the end of his term and that is, the Honorable Rodney S. Quinn, Secretary of State.

Rod Quinn has been around for a long time and, to many people in this legislature, he has been somewhat of a mentor. He has been a tremendous influence of the process, both as a legislator and as an administrator and he has left an indelible mark, I think, on state government.

Few people have had the courage to say a lot of what Rod has said during his ten years or so in office and few people have been as influential with members of both parties as Rod has. Few people have done so much for the auto industry in this state and especially for the cause of low numbered license plates. Rod Quinn is the mastermind behind many things and we are all grateful for that.

The Resolution that we have before us honors Rod for his work -- unfortunately, Rod is not here today, I believe he is working on a driver's license problem somewhere up north -- but I know that he would appreciate the effort being made here today on his behalf. He is an outstanding individual, a truly dedicated public servant and a really true character of the game.

I urge your support for the proposal before you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: As another lame duck member of this legislature, I agreed to cosponsor this Resolution with the understanding that that gave me the right to talk about it.

We had had a roast, I guess I was the victim of the roast, about two years ago -- Rodney Quinn came to that roast and he was absolutely brutal. I will be much kinder.

I have some words to read here, that Rod Quinn is an honorable man, he served the Maine people well, and I hope I have read it right, that is the way Rodney gave it to me. You see, I have to give up a blue license plate, much like my friend from Bangor, and I am hoping to at least get a plate, I don't really care about the number.

Subsequently, the Resolution was adopted and sent up for concurrence.

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

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES  
Ought to Pass

Representative JACKSON from the Committee on Taxation on Bill "An Act to Amend the Maine Income Tax Code" (Emergency) (H.P. 2001) (L.D. 2705) reporting "Ought to Pass"

Report was read and accepted, the Bill read once and assigned for second reading later in today's session.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Extend the Reporting Deadline of the Special Commission to Study School Funding and State Tax Law" (Emergency) (H.P. 2006) (L.D. 2710) (Presented by Representative BOST of Orono) (Cosponsors: Senator ESTES of York, Representatives DAVIS of Monmouth and CASHMAN of Old Town) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills had suggested the Committee on Education)

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.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE  
Later Today Assigned

Bill "An Act to Provide a Sales Tax Exemption for Items Sold in Schools" (Emergency) (H.P. 2007) (L.D. 2711) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representative CASHMAN of Old Town, Speaker MARTIN of Eagle Lake, and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills had suggested the Committee on Taxation)

Under suspension of the rules and without reference to any committee, the Bill was read twice.

On motion of Representative Cashman of Old town, tabled pending passage to be engrossed and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

SECOND READER

Bill "An Act to Amend the Maine Income Tax Code" (Emergency) (H.P. 2001) (L.D. 2705)

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

Under suspension of the rules, Representative Small of Bath offered House Amendment "A" (H-816) and moved its adoption.

House Amendment "A" (H-816) was read by the Clerk.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: We did have this proposed amendment this morning but they had to wait until the Taxation Committee came out with the final report in order to

finish the amendment so that is part of the reason why it is not before you today.

I thought I would read you the Statement of Fact and then go into an explanation of what this amendment attempts to do.

The purpose of this amendment is to limit the application of the provisions of the original bill to tax year 1988 only. The audit requires that tax years after 1988 that an amount which results from increased individual income tax collections due to conformity, which is in excess of personal exemption tax credit, be appropriated for property tax relief to municipalities on a per capita basis.

This amendment will do two things, it sunsets this bill so that the tax credits are for one year only and it provides the same amount of dollars for property tax relief in fiscal year 1989-1990. By amending the bill before us, we will give voters a one-time tax benefit similar to the two we passed in past special sessions and then, in ample time for next year's local budget, the amendment sets aside the \$12.5 million to be used for property tax relief. Our method of returning the money is per capita subsidy, which will send roughly \$12 per person to each town.

So, for a town or city with a population of 10,000 people, that municipality will receive \$120,000 to put towards property tax relief. Each of you can take your town's or city's population and multiply it by \$12 to see what your municipality would receive under the proposed amendment.

We have a partial list here in order to give some of the legislators an idea of what their town's would receive under this. Bangor, with a population of 32,096 would receive \$385,152, Portland would receive \$748,236, Lewiston would receive \$459,432. Some smaller towns -- Saco would receive \$166,140, Gorham would receive \$144,804, Brunswick would get \$227,652, York would get \$123,240, Bath would get \$121,176, Augusta would receive \$256,476, Waterville would get \$193,020 and Rumford \$85,776. As you can see, the mathematics simply play out that you take the population and multiply it times 12.

I am proposing this amendment, because to provide property tax relief, we need state revenues and, when we come back next session and take up the topic of property tax relief, we will either have to raise new revenues or finance it through surplus state revenues. Personally, I would prefer the surplus route. Isn't it better to take this money available to finance a portion of the needed property tax relief than to send it back and try to find new revenue sources next session?

Opponents of this amendment may argue that the money was derived from the income tax over-payments and should be returned to those who paid but we are not doing that in the true sense in this bill. It is a fair attempt to return the money to those who paid it but I will wager the \$60 tax credit I am going to receive under this bill, that I did not pay in exactly \$60 extra. Some people will receive more than they paid in and some less. It is the best of an imperfect solution.

By amending this bill and sending the money back to the towns, we will be helping to pay the costs of the mandates enacted by previous legislatures and we will not be using the windfall money for new or expanded programs. We will be returning it to the taxpayers through the local property tax.

Residents of Bath want property tax relief. This amendment is a step towards providing that and I hope you will support House Amendment "A."

Mr. Speaker, I request a roll call.

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

Representative JACKSON: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of House Amendment "A" that has been presented.

I want to laud the sponsor of the amendment for attempting to respond to a problem that exists in this state and has existed in this state for the last few years. But ladies and gentlemen, we are here today to fulfill a commitment that we made to the taxpayers of this state in 1987 as a result of the federal Tax Reform Act of 1986. That commitment we made was that the state was receiving a windfall and we, as legislators and as the administration and other officials, felt that those windfall dollars should be returned to the taxpayers as closely as they were paid by those taxpayers. This amendment would not do that.

The second thing that we made when we changed the tax code in 1987 was that we wanted to ensure that those federal non-filers that would be filing no longer under the federal system, would file under the Maine system. Another commitment that we made was to reduce the maximum tax rate in the state and this has been accomplished.

The original bill, as presented before you, has addressed all of those goals that were set forth in 1987. This amendment destroys a portion of those goals. We are in hopes, and I have no reason to disbelieve that this is the end of tax conformity, -- the \$42.4 million, the \$12.4 million that we are dealing with here today, will be the end of it. We all realize that we have a healthy surplus going into the next session and I believe that in the next session that that is where we should be dealing with property tax relief, where we will have more time, better information and quite frankly, better plans how to redistribute those dollars back to the communities, whether it be through the educational funding formula, whether it be through revenue sharing or whether it be through a mechanism similar to Representative Small's mechanism she has presented here this afternoon. I don't think we should lose sight of the goals established in 1987 and we are completing those goals today. To complete those goals and the commitment we made to the taxpayers of this state, we should enact L.D. 2705 as it was presented here this afternoon.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: It seems clear to me that almost everyone in this House who ran for re-election ran on a platform of property tax relief. This amendment provides an opportunity to make good on that promise. The prior speaker has argued that this windfall money should be used exclusively for tax code restructuring and that the revenues should be returned to those who paid them. However, we have seen through the tables used by the Taxation Committee that there is not an absolute correlation between what each income group paid in and what will be returned to them. For example, those earning over \$50,000 (and I guess the assumption by the committee is that those people who earn \$50,000 must denote wealth regardless of the fact that many households of two hardworking individuals meet that description) will have their present exemption of \$40 lowered to \$30, thereby decreasing the amount that will be returned to them. This lowered amount is less than the amount that they paid in. In this case, as in others, there seems to be no hesitation in redistributing the revenues. However, the Taxation



Committee seems to shun any other approach to redistributing the windfall, even for property tax relief.

I encourage you to vote against the indefinite postponement motion. If you are sincere about providing property tax relief for our citizens, this amendment allows the use of revenues from a progressive tax, the income tax, to relieve the pressure of a regressive tax, the property tax. I request a roll call on the motion to indefinitely postpone.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would like to pose a question to the sponsor of this amendment.

The question is very simple -- has the general idea of your amendment gone through the gentleman on the second floor's office?

The SPEAKER: The Chair would refrain from placing the sponsor of the amendment, not because the Chair does not know the answer, but it is improper to ask what the opinion of the second floor is. Our legislation is to be determined despite the second floor, pursuant to the rules. The Chair has no other choice in the matter. The gentleman may continue.

Representative NADEAU: Mr. Speaker, I can respect the opinion that was just issued; however, the point of my inquiry was simply that it might be a moot point all the way around since the Taxation Committee did take the initiative of conferring with "the powers to be" prior to this whole discussion to find out if we were barking up the wrong tree. That having been the case and having received the answer, then we sat down and discovered -- "well, this is the best deal we could come up with" -- now, with that line of thinking, I am saying that maybe the sponsor of this amendment is pulling an ideal that maybe the administration is not ready to embrace.

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

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I would agree with the Representative from Yarmouth when she said that most of us probably did run on a platform of property tax relief but I would be very surprised if the citizens of the State of Maine thought we would do it so quickly today. I don't think they would want us to do it the way that this legislation or this amendment is drafted. If we were to do it this way, we wouldn't be sincere about property tax relief, which is another concern of the Representative from Yarmouth.

I think what we need is a massive overhaul in property taxes including a look at valuation with local assessments, state valuation, we need to look at state mandates, we need to look at education -- property tax has funded education and we need a massive overhaul on that. I think you are going to see the 114th Legislature doing just that with the Taxation Committee dealing with those issues.

I don't think this amendment is warranted and I would urge you to indefinitely postpone.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Having just heard a moot point taken and very well made, and having listened to the two previous speakers' sincerity, I start wondering, once again, what we are doing here.

I was here in the 111th Legislature and heard all the talk about sincere efforts in the 112th to

provide property tax relief. I was here in the 112th and listened to all the talk about sincere efforts that would be forthcoming in the 113th to provide property tax relief and now I sit here at the end of the 113th and listen to people talk about making sincere efforts in the 114th for property tax relief. I don't know what your definition of sincere effort is but that sure as heck is not mine.

I think we have an opportunity here, and while I certainly do not totally agree with Representative Small's amendment or how the money is laid out, the bottom line is, in this one we can show people that we are making a sincere effort, we have the ability right now to provide that money back to the property tax relief. If the second floor has a problem with it, then let him veto it and send it back up. That's his problem, not ours and not the peoples. The peoples problem is they are dealing with a regressive property tax formula in this state that is costing more than they can afford, that is forcing them off of their land and is forcing them out of this state and it is not allowing our children to buy houses and stay here.

It is real simple -- are we going to do something about it or, once again, are we going to talk about making a sincere effort next year? Well, I am not going to be here next year and if we make the same kind of sincere effort next year that we have made in the past six that I have been here, I am darn glad that I am not going to be here because I don't want to be part of this farce any longer. We have the chance to do it, we have the change to do it now, leave us do it, leave us start doing it and then in the 114th, we can start catching up and bringing it where it should be. It is time to start. Now is the time, here is the vehicle, there is the money, let's do it.

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

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: Just briefly, a couple of points, one to address the concerns of the Representative from St. George, Representative Scarpino, I appreciate his concern -- he and I and the others in this body have those concerns in our districts, those of us who are near the shore know the extreme pressures of what has happened to the cost of housing in our areas. I don't, however, think that increased property taxes that we have experienced has been the driving force behind the higher prices that people are realizing for their homes.

One other concern that I might raise in regard to this amendment is that the amendment, as I understand it, does require the municipality to use these funds for property tax relief. Many of the people who are targeted with the Governor's legislation are people who rent their homes. There are, indeed, many people in this state (in my area, your area) who rent their homes, they cannot afford to purchase a home and, if we go ahead and pass this amendment, it would be my belief that if, in fact, these towns were to find some form of property tax relief and passed that on, I would doubt whether or not the landlords in this state would, in fact, offer some form of pass-on relief to their tenants as a result of this legislation. So, I think it is entirely possible that those who would benefit from this intended property tax relief here, would be those that perhaps don't necessarily need it as much as those who can't afford their houses.

It is true that the Governor's proposal does not return the money exactly to those who paid it in but

it is also true that it makes an attempt to the best of our present abilities to return it to who we think paid it in, everyone regardless of whether they own or rent their home, regardless of whether they make \$100,000 or \$5,000, they get something back. I guess, right now, that is the best we can do.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: Lest people go on wondering why I brought this amendment in and who I got prior approval from — let me just let you know that the amendment is something that I made a commitment, not this amendment per se, but prior to the election (I ran unopposed, so it was not just election rhetoric) but as many of you may know, Bath underwent a tax cap referendum this last fall and it passed) and it is not just the referendum but the way the town was divided over it. If you have experienced a tax cap, you will understand the pressures that go on, on both sides, and how the community is torn apart by it. When we came in before our City Council and spoke with them on what we could do for them, one of the arguments we were hit with was "we are tired of these little checks you keep sending us — why don't you do something constructive with it and send it back to the towns and cities?" So, a person in the other body and I made a commitment that, should there be another surplus, that we would do our best to see that it was returned in some manner or form to the towns. I haven't come up here asking anybody whether they will support it or not, I am representing my town and the concerns that I heard.

As the good Representative from Mt. Desert said, this probably will not be passed on to the renters but I might remind you that all renters receive municipal services as well as landowners. I don't think this will decrease anyone's property taxes, I think we would be foolish to think that it would.

What it would hopefully do is slow the projected rise in property taxes. Maybe, instead of paying a 9 percent increase, you would only have to pay a 6 percent increase. Certainly I, if I am facing a \$400 increase, which is not an unusual tax increase in Bath for a year, you can bet that my tenant is going to be paying part of that to help meet the costs. If I am only going to be meeting a \$200 increase, then they would have their rent increased that much less. So, I think it probably would be passed down to the renters in some cases.

I just wanted you to know that this is an amendment that I felt I owed my constituents. I hope that it will pass this House and hope perhaps that it could go further than that but I just feel that I had to do this to respond to my constituents and the needs of my city.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I rise to urge opposition to the pending motion before the House. I, too, come from a town that recently passed a tax cap and I, too, have clearly heard my constituents who have suffered 29 percent increases in property taxes in the past two years, a total of 29 percent, 17 percent one year and 12 percent the next. That is why the property tax cap passed in South Portland and that is why we are clearly going to have to reduce services.

I feel really torn in some ways because on the one hand, I would like to spread tax conformity to the middle-class and I think that has not been done heretofore and what the overall underlying tax bill proposes to do. But I am reminded that a great

number of my constituents do not, in fact, pay any income tax and who will get absolutely no benefit out of an income tax reduction but they do have property taxes they pay. We are doing nothing for them unless we do something of the sort that is proposed by the Representative from Bath, Representative Small. Thus, I rise to join with her in asking opposition to the motion to indefinitely postpone.

I see this as a way that we can spread tax relief to "all" people, "all" property taxpayers and renters alike because, after all, those property taxes that are borne by landlords are ultimately passed on to tenants. I, unfortunately, do not believe that passage of the underlying tax bill will go as far because of the fact the fixed income people, the older people in all of our communities, they are the ones that are hurting the most, they often pay absolutely no income tax, and it is only through direct property tax relief that we can meet their needs.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I rise in support of the motion on the floor to indefinitely postpone this amendment. I do so for a number of reasons. We have had a lot of discussion and argument within the Taxation Committee on how these income tax reductions should be apportioned, who the benefits should go to and there is no way, as Representative Foss has pointed out, that we can design a system whereby people are going to pay exactly what they paid in 1986 and we don't pretend to be doing that.

We had two options in front of the Taxation Committee today. Many of us favored an option that is different than the one before you. It was made very clear to us that that option would not become law. Therefore, we are supporting the option that is in front of us.

We have argued about how the tax cuts should be apportioned but I will tell you that we have never argued, as Representative Jackson pointed out, that the windfall should be returned to the income taxpayer or that it shouldn't be collected at all.

The bill before you is not a rebate program, we are not trying to send checks out, we are trying to avoid an over-collection. The problem with the proposal before you is, if you send \$120,000 to the city of Old Town with the size of their budget, and I am a landlord in Old Town, I guarantee you that I won't see enough of a reduction in my property tax payments to make any difference to my tenants.

The other thing that bothers me about it is, if you leave the tax code the way it is right now, you have provided, in my opinion, more benefit to the upper income taxpayers than we should have and far less to the middle income taxpayer than we should have.

The proposal before you targets the additional \$12.5 million in tax cuts to middle income taxpayers. What this proposal does is, it says we are not going to give them a tax cut, they are going to pay the same income taxes they paid in 1987 and we are going to use that money for property taxes but you people on the high end, we are going to give you a tax cut and use that money for property tax relief. I fail to see that as a progressive move so I would urge this House to reject this amendment.

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 Harrison, Representative Jackson, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 305

YEA - Aliberti, Anderson, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Boutillier, Bragg, Callahan, Carroll, Carter, Cashman, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, Dellert, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farnum, Farren, Foster, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hichborn, Hickey, Hogleund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Lisnik, Look, Lord, Mahany, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Paradis, P.; Paul, Pines, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Smith, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Tupper, Vose, Warren, Webster, M.; Wentworth, Whitcomb, Willey, Zirnkilton, The Speaker.

NAY - Allen, Anthony, Davis, Dutremble, L.; Foss, Garland, Hepburn, Higgins, Ketover, LaPointe, Lawrence, Lebowitz, MacBride, Macomber, Manning, Mitchell, Parent, Racine, Reed, Rice, Salsbury, Scarpino, Sheltra, Small, Soucy, Weymouth.

ABSENT - Bott, Brown, Chonko, Conley, Curran, Hanley, Hillock, Holloway, Kilkelly, Kimball, Lacroix, Melendy, Moholland, Nutting, Paradis, J.; Perry, Reeves, Rolde, Taylor, Thistle, Walker.

Yes, 104; No, 26; Absent, 21; Paired, 0; Excused, 0.

104 having voted in the affirmative and 26 in the negative with 21 being absent, House Amendment "A" (H-816) was indefinitely postponed.

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

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

SENATE PAPERS

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket" (Emergency) (S.P. 1018) (L.D. 2669)

Signed:

Representatives: WENTWORTH of Wells  
HUSSEY of Milo  
CARROLL of Gray  
LOOK of Jonesboro  
STROUT of Windham  
ANTHONY of South Portland  
ROTONDI of Athens  
BICKFORD of Jay  
LACROIX of Oakland

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

Signed:

Senators: TUTTLE of York  
BALDACCI of Penobscot  
GOULD of Waldo

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

Reports were read.

On motion of Representative Carroll of Gray, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (S.P. 1046)  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
COMMITTEE TO STUDY THE MAINE BLUEBERRY COMMISSION  
November 22, 1988

Senator Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Senator Pray:

The Joint Select Committee to Study the Maine Blueberry Commission is pleased to submit the attached report of our study of the Maine Blueberry Commission pursuant to the order of the Legislative Council. The Committee would be pleased to respond to any questions concerning its findings or recommendations.

Sincerely,

S/Rep. Robert J. Tardy

Chair

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

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

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend the Reporting Deadline of the Special Commission to Study School Funding and State Tax Law (H.P. 2006) (L.D. 2710)

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. 111 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.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend the Reporting Deadline of the Commission to Study the Impact of Game and Nongame Species on Maine's Economy (H.P. 2004) (L.D. 2709)

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. 107 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.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

SENATE PAPER

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Permit the State of Maine to Exercise the Right of Eminent Domain over Certain Lands Located within the Town of Lebanon" (S.P. 1014) (L.D. 2659)

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

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Provide a Sales Tax Exemption for Items Sold in Schools" (Emergency) (H.P. 2007) (L.D. 2711) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Lisnik of Presque Isle offered House Amendment "A" (H-817) and moved its adoption.

House Amendment "A" (H-817) was read by the Clerk. The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Lisnik.

Representative LISNIK: Mr. Speaker, Men and Women of the House: In a recent news article, it put local schools on notice that, effective January 1, 1989, items sold in local schools by clubs and other school-related organizations, would be subject to sales and use tax. This bill would exempt from sales and use tax services by certain schools and student organizations sponsored by schools provided that the profits from those sales benefit the school or a student organization or are used for charitable purposes.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I fully intend to support this type of legislation but I don't have my reading glasses with me — perhaps the Clerk could read the fiscal note out loud. I would find it helpful.

Subsequently, the Clerk read the fiscal note.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Lisnik.

Representative LISNIK: Mr. Speaker, Men and Women of the House: I do appreciate the gentleman's pointing out that this is negligible and I appreciate the folks downstairs who write fiscal notes, including my terminology in the fiscal note. It is apparently a \$10,000 fiscal note for the coming year but, as the fiscal note states, it is negligible.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I want you to know that I think

that every high school and all the organizations therein are indebted to the Representative from Presque Isle for this legislation. As everyone knows, he has been a good friend of mine since he has come down here from Presque Isle and in the 114th Legislature, I intend to ask him to be a cosponsor on every one of my bills.

Subsequently, House Amendment "A" (H-817) was adopted, the Bill passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

SENATE PAPER

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Increase State Municipal Revenue Sharing" (Emergency) (S.P. 1043) (L.D. 2704)

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

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 1042) (L.D. 2703) Bill "An Act to Extend Temporarily the Time Period During which the Department of Marine Resources May Conduct On-site Evaluations of Coastal Aquaculture Installations" (Emergency) Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-563)

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

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 1045) (L.D. 2708) Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

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

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information (S.P. 1045) (L.D. 2708)

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. 105 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.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information (S.P. 1045) (L.D. 2708)

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. 102 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.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

SENATE PAPER  
Non-Concurrent Matter

Bill "An Act to Conform the Human Resource Development Council with Federal Law" (Emergency) (H.P. 2003) (L.D. 2706) which was passed to be engrossed as amended by House Amendment "A" (H-815) in the House on November 28, 1988.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Imposing a Moratorium on Development in the Capitol Area" (Emergency) (H.P. 2008) (L.D. 2712) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Senators PERKINS of Hancock and CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(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.

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

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

CONSENT CALENDAR  
First Day

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

(H.P. 2000) (L.D. 2702) Bill "An Act to Amend the Laws Relating to the Protection of Natural Resources" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-818)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

November 28, 1988

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to inform you that the following legislators will not be in attendance during the Fourth Special Session of the 113th Maine Legislature:

Representative Joseph G. Walker of Norway, due to illness;

Representative Neil Rolde of York, due to personal reasons;

Representative Francis J. Perry of Mexico, due to personal reasons;

Representative Judy Paradis of Frenchville, due to personal reasons;

Representative Rita B. Melendy of Rockland, due to personal reasons;

Representative Elaine Lacroix of Oakland, due to personal reasons;

Representative Fred W. Moholland of Princeton, due to legislative business.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Provide a Sales Tax Exemption for Items Sold in Schools (H.P. 2007) (L.D. 2711) (H. "A" H-817)

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. 101 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

SENATE PAPERS  
Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-564) on Bill "An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections" (Emergency) (S.P. 1044) (L.D. 2707)

Signed:

Senators: PEARSON of Penobscot  
EMERSON of Penobscot

Representatives: CARTER of Winslow  
McGOWAN of Canaan  
NADEAU of Lewiston  
LISNIK of Presque Isle  
RIDLEY of Shapleigh

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

Signed:

Representatives: HIGGINS of Scarborough  
FOSTER of Ellsworth  
DAVIS of Monmouth  
FOSS of Yarmouth

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-564).

Reports were read.

Representative Carter of Winslow moved that the House accept the Majority "Ought to Pass" Report.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: This morning at the Appropriations Committee meeting we were asked to pay \$275,000 worth of election bills. When we heard the budget on the Secretary of State's request, in "all other" there was \$243,108 for 1987-1988 and for 1988-1989, \$245,082. In previous years, the cost of elections has been taken out of the "all other" money. The entire budget for that department is \$1.2 million for this year and \$1.1 million for next year. \$275,000 is about a 12.5 percent increase.

I realize that these bills must be paid and the state should pay their bills but the bills for the June primary are in and they are about \$102,000 but the bills for the November General Election — and in the memo that J.S. McCarthy gave us, was the figure of \$173,000 for the November General Election — ladies and gentlemen of the House, I really don't like getting a figure, I think we need the bill, I would like to pay these bills and I think when we come back next week that we should. I think it is my duty to tell you where we are.

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

Representative CARTER: Mr. Speaker, Men and Women of the House: This item is an item that we should deal with like we deal with in any other department when we deal with their budget. It is a bill that is due for services rendered for the state by one of its individual firms and apparently it is the only firm that will now do business with the state when it comes to the printing of ballots. I don't know why, maybe it is because some years it takes 18 months to pay our bills and that is no way to conduct a business. Apparently, this has taken place. As a matter of fact, last session we appropriated \$63,000 to pay a bill that was 18 months overdue.

What this bill here does is it covers the cost of the June primary, which is \$102,000 and the estimated expenditures of the General Election in November is \$173,000. We can't get a much firmer figure than that. I don't have to remind you that part of the problem is because of the enormous amount of candidates who dropped out, ballots had to be changed 45 times. Every time there is a change, it costs money. It is a very difficult account to control and what we hope to do here today is appropriate the funds (we are not spending the money) to the Department and there has been an amendment added to the bill that stipulates that any funds not required to pay for the printing will be returned to the General Fund.

I would hope that you would support the Majority "Ought to Pass" Report.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-564) 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.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

November 28, 1988

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to inform you that the following legislators will not be in attendance during the Fourth Special Session of the 113th Maine Legislature:

Representative John C. Bott of Orono, due to personal reasons;

Representative Gerald A. Hillock of Gorham, due to personal reasons;

Representative Philip E. Curran of Westbrook, due to personal reasons;

Representative Kerry E. K. Kimball of Buxton, due to personal reasons;

Representative Priscilla G. Taylor of Camden, due to personal reasons;

Representative Muriel D. Holloway of Edgecomb, due to personal reasons.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

SENATE PAPER  
Non-Concurrent Matter

Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket" (Emergency) (S.P. 1018) (L.D. 2669) on which the Majority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on November 28, 1988.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-566) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

ENACTOR  
Emergency Measure  
Indefinitely Postponed

An Act Imposing a Moratorium on Development in the Capitol Area (H.P. 2008) (L.D. 2712)

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

The SPEAKER: The Chair would like to advise members of the House that, immediately after one of the recesses, I guess somewhere around nine o'clock, I contacted both the Mayor of Augusta and Mayor-elect. After a great deal of discussion, it was agreed that they would poll the city council and, if the city council unanimously agreed to rescind their Order, that I would withdraw the bill. Around ten-thirty, the Mayor advised me that they will present an Order at the next city council meeting to rescind the Order for the RFP's and will give the state until the 28th of February, which is exactly what this bill would have done.

In light of that, we will then (per agreement) kill the bill and we will accomplish the same thing without the legislation.

On motion of Representative Hickey of Augusta, the Bill and all accompanying papers were indefinitely postponed. Sent up for concurrence.

The following item appearing on Supplement No. 31 was taken up out of order by unanimous consent:

ENACTOR  
Emergency Measure

An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections (S.P. 1044) (L.D. 2707) (C. "A" S-564)

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

Representative Carter of Winslow requested a roll call on enactment.

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. This being an emergency measure, it requires a two-thirds vote of members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 306

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Carter, Cashman, Clark, H.;

Clark, M.; Coles, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, O'Gara, Oliver, Paradis, E.; Paradis, P.; Paul, Pouliot, Priest, Rand, Richard, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Strout, D.; Swazey, Tamarro, Tardy, Telow, Tracy, Vose, The Speaker.

NAY - Anderson, Bailey, Begley, Bickford, Davis, Dexter, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hepburn, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, T.; Norton, Pines, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Stevens, A.; Stevenson, M.; Strout, B.; Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Armstrong, Bott, Bragg, Brown, Callahan, Chonko, Conley, Curran, Dellert, Hanley, Harper, Higgins, Hillock, Holloway, Kilkelly, Kimball, Lacroix, Matthews, K.; Melendy, Moholland, Nutting, Paradis, J.; Parent, Perry, Racine, Reeves, Ridley, Rolde, Ruhlin, Scarpino, Stanley, Stevens, P.; Taylor, Thistle, Walker, Warren, Willey.

Yes, 75; No, 39; Absent, 37; Paired, 0; Excused, 0.

75 having voted in the affirmative and 39 in the negative, with 37 being absent, the Bill failed of enactment. Sent up for concurrence.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket (S.P. 1018) (L.D. 2669) (S. "A" S-566)

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.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Maine Income Tax Code (H.P. 2001) (L.D. 2705)

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

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

Representative MAYO: Mr. Speaker, Members of the House: I beg leave of the House to take just a few minutes to place into the Legislative Record my feelings on this particular piece of legislation.

As most of you know, earlier this morning I proposed an alternative to this plan, which the Executive indicated he would veto. I then stepped back from that position and supported this bill. It came out of Committee unanimously.

In my opinion, this bill is simply placing a bandaid on our income tax code. It is not properly correcting it. We have in this state and in this country a system of voluntary compliance with our income tax code. We had depended upon Maine taxpayers and the United States income taxpayers to be honest and, for the most part, they generally are, they comply with the tax system. One of the reasons that I feel they comply for the most part is that they feel they are getting a fair shake. I strongly

believe that in January when our tax booklets are printed and mailed out that Maine income taxpayers are going to feel that they are not getting a fair shake. They are going to feel that they have been taken advantage of and have lost something that they are used to. We are no longer going to have in this state a system where there is an exemption from income tax of taxable income based on the number of dependents you have. There is no longer going to be a standard deduction that Maine taxpayers will enjoy to reduce their taxable income. In place of that, there is going to be a system of credits that I don't believe fairly reflect and fairly distribute the windfall as a result of the changes in the federal tax code, the reason why we had this legislation and the reason why we are here today.

I am not writing a new chapter in the book on "Profiles in Courage" because I did step back from my position. I did so with the understanding that what I supported would face a certain veto and that would leave us with the state coffers collecting \$13 million more in revenue than I feel they should and that would leave those people who earn less than \$50,000 with an undue burden.

I, therefore, was left with no alternative but to support this legislation. This is not good legislation in my opinion. We have not acted in the best interests of the people of the State of Maine. We have done the best we can, given the constraints that were placed upon us. I am supporting it today but doing so reluctantly.

I will tell you that I will be introducing legislation as a member of the 114th Legislature to change the system of taxation in the State of Maine to make it both simple and fair for Maine taxpayers. I invite you to participate in that discussion. We are going to have to revisit this issue again, it is not over and it is not behind us.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 11 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Amend the Laws Relating to the Protection of Natural Resources (H.P. 2000) (L.D. 2702) (C. "A" H-818)

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. 105 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.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 35 was taken up out of order by unanimous consent:

SENATE PAPER  
Non-Concurrent Matter

An Act to Make an Appropriation to the Secretary of State for Expenses Incurred in Recent Elections (Emergency) (S.P. 1044) (L.D. 2707) which failed of passage to be enacted in the House on November 28, 1988.

Came from the Senate passed to be enacted in non-concurrence.

The House voted to adhere. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Speaker appointed Representative DIAMOND of Bangor on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative DIAMOND reported that he had delivered the message with which he was charged.

At this point, a message came from the Senate borne by Senator DUTREMBLE of York informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor John R. McKernan, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative GWADOSKY of Fairfield  
Representative PARADIS of Old Town  
Representative DEXTER of Kingfield  
Representative GURNEY of Portland  
Representative MAYO of Thomaston  
Representative GREENLAW of Standish  
Representative MILLS of Bethel

Subsequently, the Committee reported that they had delivered the message with which they were charged.

The Chair recognizes the Representative from Wells, Representative Wentworth:

Representative WENTWORTH: Mr. Speaker and Members of the House: Those of you who are not coming back, I hope you have a real happy holiday. For the rest of you, see you next week. I move that we adjourn sine die.

The SPEAKER: The Representative from Wells, Representative Wentworth, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed at 11:53 p.m., Eastern Standard Time, November 28, 1988 and the Speaker declared the House adjourned without day.