

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
61st Legislative Day
Friday, May 28, 1999

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
READ and ORDERED PLACED ON FILE.

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

Prayer by Jon Dillinger, Minister, Church of Christ, Kittery.
National Anthem by Stratton Elementary School All Star Steel Drum Band.

Pledge of Allegiance.
Doctor of the day, Laurel M. Coleman, M.D. of Manchester.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 215)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 27, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1263 An Act to Ensure Fairness in Calculating the Income Factor in the School Funding Formula
- L.D. 1627 An Act to Ensure Equity in School Funding
- L.D. 1712 An Act to Ensure Adequate Funding for Maine Schools

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Georgette B. Berube
Senate Chair
S/Rep. Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 311)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 27, 1999
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk Mayo:
Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not To Pass Report from the Committee on Taxation on Bill "An Act to Promote the Sale of Traditional Passamaquoddy Crafts" (H.P. 986) (L.D. 1384) was accepted.

ORDERS

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 28)

ORDERED, that Representative Sumner A. Jones, Jr. of Pittsfield be excused May 24th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Janice E. Labrecque of Gorham be excused May 20th for health reasons.

AND BE IT FURTHER ORDERED, that Representative David A. Lindahl of Northport be excused May 24th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David R. Madore of Augusta be excused May 25th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Edward J. Povich of Ellsworth be excused May 20th for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Stan Sawyer, who is leaving School Administrative District No. 52 after 14 years of dedicated service as school superintendent to work for the school system in the City of Westbrook. Stan Sawyer came to SAD 52 at a difficult time and was able to successfully build and maintain public confidence in the financial structure of the district, as well as encouraging academic innovation. We acknowledge his service to the district and extend our best wishes to him in the next phase of his educational career;

(HLS 479)

Presented by Representative JACOBS of Turner.
Cosponsored by Representative GAGNE of Buckfield, Senator NUTTING of Androscoggin, Representative USHER of Westbrook.

On **OBJECTION** of Representative JACOBS of Turner, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

In Memory of:

Pauline Stevens Curtis, of Rockland, a beloved wife and mother. She immigrated to the United States from Korce, Albania, through Ellis Island in 1930. She was the Knox County Treasurer for 16 years, operated a small grocery store, was a beautician and a devoted member of St. Peter's Episcopal Church. She was committed to serving the people of her community. She will be greatly missed by her family and many friends;

(HLS 502)

Presented by Representative McNEIL of Rockland.

Cosponsored by Representative SKOGLUND of St. George, Representative SAVAGE of Union, Senator PINGREE of Knox, Representative POWERS of Rockport.

On **OBJECTION** of Representative McNEIL of Rockland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today in sadness and in joy to celebrate and honor the wonderful memory of Pauline Stevens Curtis. Polly was born in September 1926 in Korce, Albania and immigrated at the age of 4 to the United States through Ellis Island. She gave her life to raising her family and being an active and wonderful part of our community serving as Knox County Treasurer from 1978 to 1994. Pauline was loved and respected by all in our community. This morning her husband shared with me a poem that was read at her funeral. He would like me to share it with all of you. It was written by Mason Johnson who was a member of the Knox County Commissioners. "Polly, you have worked for many a day and we are here with much to say. Sometimes you have worked with little rest, yet ready and determined to do your best. Always dependable, honest and true without any doubt be confided in you. You climbed many hills, but didn't shout and proved your worth if any in doubt. You managed financial matter like few of the rest, it was the expertise that made you best. Many good deeds you took time to do, that was because of the kindness in you. You were respected for the many good things and you were entitled to the joy they bring. Here today we have come to share, to honor, respect and prove we care. We know some days our lives must end, but will continue the love of our dear friends."

Over the years Polly was also in constant contact with her family and friends in Albania bringing many of them to the United States where she took them under her wing and helped them to find jobs and good homes here in the State of Maine. I remember Polly as a member of my church for her generosity. If you asked her for a pound of butter, Polly gave you a case. If you asked her for an hour contribution, she gave you the day. As I tried to think of the words that I could use to describe her and how she was loved, not only by her family, but by her community. I remembered the words that our Clerk Joe Mayo spoke to me when we shared our sorrow at her death. Joe said, "Polly Curtis was a great lady." Polly Curtis was a sweetheart. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Mr. Speaker, Ladies and Gentlemen of the House. We are honoring the memory of a special person today. I only wish each and every one of you could have known Polly Curtis. She came into this country as a small child. She was so very proud of this country, her state and her family. She was especially proud when her husband Doug, Sr. spent time in this body. She spent her entire life working for others. I believe she is up there looking down on us and saying it is okay to disagree. It is okay to argue and express your opinion as long as you come out in the end as friends. Thank you Doug, Sr. and Doug, Jr. for sharing Polly with us.

The **SPEAKER**: The Chair recognizes the Representative from Rockport, Representative Powers.

Representative POWERS: Mr. Speaker, Men and Women of the House. I didn't know Polly Curtis in a political way, personally. She certainly was known throughout the county for her service as county treasurer. I met her in 1980 when as a founding member of a food co-op we were looking for a location to have an actual storefront. I came upon the property on South Main Street that was going to be just perfect for a small grocery store. I learned that Polly Curtis was the owner of that store. At that time it was a second-hand store. We all called it Milt's Junk Store. I worked out the contract and the lease with Polly sitting in her kitchen as she fully appreciated my three year old, at that time, kicking around our feet and enjoying the kitchen and the yard. Polly was thrilled to see the first floor of that building become a store again, because she had spent her childhood growing up on the second floor while her father's grocery was downstairs. She spent many hours telling those of us who were renovating it into a store again what it had been like to go down every weekend and oil the floors, run errands and low and behold as we tried to work out the store layout there was only one place for the cash register to go and how to have the traffic go into the store and that was the way it had always been. Polly really loved that and we loved her for all of her support. Knox County will miss her, her vibrancy and her love of life and people. We are grateful to her family for having shared her and her talents for so many years. Thank you.

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

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the efforts of the good Representative from Rockland, Representative McNeil, to give those of us who knew Polly Curtis an opportunity to speak a few kind words for a person who had kind words for almost everyone. The good Representative said she was a great lady and I would say also that she was a great soul. I first met Polly in my role as Representative when she was county treasurer. The legislative delegation then had more involvement in county affairs in Knox County than it does now.

Early on in our acquaintance we established our mutual contacts and I told Polly I remembered her family store because my great uncle, Ed Williamson, lived nearby. She said, "You are Ed Williamson's nephew." I said, "Yes." She said, "When I was a child, I could take piano lessons, but my parents could not provide a piano and your aunt and uncle let me come to their house to use their piano." When I told her I had that piano now in my living room Polly and I established a bond that endured. With Polly, everything was on a very personal, human basis. In an era where we were going into written policies, procedures and adherence to forms and regulations Polly conducted her business on a human basis and she really couldn't understand people who allowed the system to get in the way of pleasant human relationships. I made it my privilege to visit Polly on any opportunity I had to go into the courthouse simply because it was a joy to be with her and to absorb, I think to some degree, some of her wisdom and kindness.

When she came to Augusta I remember we ate over in the cafeteria and she told me of her family's coming to this country. I asked her how they happened to come to Rockland and she told me what it was like growing up as an immigrant. She said that the children at school were not kind to me. She didn't resent it. She seemed to marvel over it. She said, "How is it possible that we were taught to be kind to everyone? If someone asks for someone's family, it didn't cost a cent." She would always ask

how my family is and how is Joe Mayo, such a wonderful man. I am sure Joe would liked to have been in his usual role today as Clerk to see Mr. Curtis and Doug. Someone has said that one cannot possess goodness without imparting it to others. Certainly Polly Curtis did impart a great deal of goodness and she shall be missed. Thank you.

ADOPTED and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 414) (L.D. 1203) Bill "An Act to Increase Access to Prescription Drugs for the Elderly and for Disabled Persons" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-359)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Increase the Deer Hunting Day by 15 Minutes" (H.P. 30) (L.D. 39)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-693) in the House on May 26, 1999.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED IN NON-CONCURRENCE.**

Representative **WHEELER** of Eliot moved that the House **RECEDE AND CONCUR.**

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would like to remind everyone that this amendment that we are discussing right now that we are about to strip off is this was put under the hammer. I hope that you will continue your support of the amendment. It does address many of my concerns and many concerns of others in this body. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative **DUNLAP** of Old Town **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. After further review and talking to the department I realized that they were having problems with how they were going to enforce this without a table that was made in Augusta as it has been for many, many years, even 28 years ago when they had the half hour after sunset law. The time difference between Kittery and Madawaska is 17 minutes and that is not the time that you drive to Kittery to Madawaska with your legislative

plates on. That is the after sunset time difference. I urge you to support the Recede and Concur.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. There was enough repetition last night. I will not be as lengthy this morning. I do hope that you will follow the light of the good Representative from York County because it is right. The only thing I can add to it is how in the world out in the woods no zone really there whereby there is a fence built and you know if you go on the other side, you are breaking the law. It has been stated that for 28 years it was absolutely okay. People should know when it is sunset. It is in the almanac and it is in every daily paper. I am surprised what some people are doing and trying to stop this. It is safety. If you know when it is, then you unload your gun and you walk out as you should. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask that you support the pending motion and ask you to follow our light. Thanks.

The **SPEAKER**: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. The other day we had two of these amendments to relating an intricate system of zones. They were viewed as incredibly necessary amendments to this bill. They both went under the hammer. Today, all of a sudden, they are viewed as an extremely bad thing. I think it just further reflects on how bad this bill is basically. I wish it would go away. It is not going to obviously, but I would urge you to oppose the Recede and Concur.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330

YEA - Andrews, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Duplessie, Foster, Frechette, Gagne, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Povich, Richardson E, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bagley, Berry RL, Brennan, Bull, Cameron, Cowger, Desmond, Dunlap, Etnier, Fisher, Fuller, Gagnon, Gerry, Green, Hatch, Jabar, Joy, Lemoine, Mailhot, Murphy E, Muse, Norbert, Pieh, Powers, Richard, Richardson J, Rines, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Volenik, Watson, Williams, Mr. Speaker.

ABSENT - Chizmar, Dudley, Matthews, Mitchell, Perry, Pinkham, Plowman, Quint, Tuttle.

Yes, 99; No, 43; Absent, 9; Excused, 0.

99 having voted in the affirmative and 43 voted in the negative, with 9 being absent, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act to Revise Certain Provisions of the Fish and Wildlife Laws (EMERGENCY)

(S.P. 738) (L.D. 2088)
(S "A" S-322 to C "A" S-292)

- In House, **PASSED TO BE ENACTED** on May 25, 1999.
- In Senate, **PASSED TO BE ENACTED** on May 25, 1999.
- **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 849)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE AMENDMENT "A" (S-322)** thereto and **SENATE AMENDMENT "A" (S-358)** in **NON-CONCURRENCE**.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Implement the Tobacco Settlement"

(H.P. 687) (L.D. 943)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448) in the House on May 7, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448) AS AMENDED BY SENATE AMENDMENT "A" (S-247)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Under suspension of the rules, members were allowed to remove their jackets.

BILL HELD

Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

(S.P. 377) (L.D. 1078)

- In House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

HELD at the Request of Representative STEVENS of Orono.

Representative STEVENS of Orono moved that the House **RECONSIDER** its action whereby the Bill and Accompanying Papers were **INDEFINITELY POSTPONED**.

On further motion of the same Representative, **TABLED** pending her motion to **RECONSIDER** whereby the Bill and Accompanying Papers were **INDEFINITELY POSTPONED** and later today assigned.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing Stan Sawyer.

(HLS 479)

Which was tabled by Representative JACOBS of Turner pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure and stand and recognize Stan Sawyer for his 14 years of dedicated service as superintendent of School District 52, which encompasses the towns of Greene, Leeds and Turner. Under his careful direction he has built and maintained public confidence in school finance, building projects, supervision and administration and the development of instruction and curriculum. He has led us to the door of the 21st Century and we are ready to open it thanks to his guidance. His human touch to his tenure has encouraged and sparked personal and group development within the schools. Because of his innovative approaches he has been responsible for empowering teachers to assume responsibilities for development of courses and programs and for their personal development. He encouraged teachers and students to dare to take a risk. However, being wise and astute, he always knew what was happening everywhere in the district and used his expertise to guide and direct. It always amazed me that with approximately 200 or 300 employees he seemed to read every evaluation that came across his desk and remembered items from all.

On a personal note, Stan was the one who encouraged me to take a leadership role in the school district. I know he has encouraged and provided support for many others as well. Many thanks to Stan for his 14 years of dedicated and personal service to the school communities of Greene, Leeds and Turner. Best wishes to him as he accepts the superintendent position in the Westbrook School System. Again, the very best to you, Stan, and best wishes.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Gagne.

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to convey my good wishes to Stan Sawyer who is now moving from our district. Of the 29 years I spent in Turner, he was my superintendent for 12 of those. He introduced and implemented learning results long before we passed it in the House and because of that, I was able to speak of that particular topic last year when we were voting on it. That helped a great deal. Also, he is the newly elected President of the Superintendent's Association. If you think all of the politicians are down here, you are wrong. There is one sitting right up there. He will be bothering the Education Committee coming up real soon. I do remember also at Christmas time he would come around and shake everybody's hand and make sure that he visited with each one of us. There was no money, of course, but he would visit at least for a little bit at Christmas time. I commend Westbrook for getting this man. He is an excellent administrator and I wish him well in the years to come.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I, too, would like to join in extending best wishes to Superintendent Stan Sawyer. Stan Sawyer was one of the superintendents who has been very interested in what we are

doing here in the Legislature. He has spent quite a bit of time in the Education Committee. We appreciate his interest in what we are doing and it has helped in some of the advice that he has given us. At this time in history there are not a lot of people who want to go into school superintendence. I do congratulate him on not retiring, but taking on another job and I wish him well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House. Certainly people who know geography know that Fryeburg is not too close to the present district that we are talking about, but in the '70s Stan and I worked in the same district and this is one of the reasons that I wanted to get up. I was in the private sector and he was in the public sector. He knows education. He ran a good school. He is taking all of these things with him. I have visited him in what is his present job many times and always asked the teachers what kind of superintendent he was and certainly the people in his district have expressed exactly how they feel about him. I know he will do well and I wish him well. Certainly the Westbrook people were intelligent enough to know that they had the opportunity to get a good man and he has ethics, gentlemanly integrity and those things go a long way for me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative BELANGER: Mr. Speaker, Men and Women of the House. I, too, would like to rise and congratulate Stan Sawyer for the many years of service that he has given to Maine's boys and girls. In my previous job I served with Stan on the Executive Committee of the Maine School Superintendents Association. I have known him to always advocate for children and for fairness. I hope that he will continue his long and successful career in the City of Westbrook. Good luck Stan.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. I am proud also to rise and send my congratulations to Stan Sawyer. My experience with him was several years ago because he was at one time assistant superintendent of the district that I worked in. I am sure he got off to a good start in that district and that is why he is so successful today. I am sure that Westbrook is going to benefit greatly from his experience and his good judgment. Thank you Stan.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative JONES: Mr. Speaker, Men and Women of the House. I, too, want to congratulate Stan for all of his successes, but what I really want to tell you is where he really got his start and what made him so successful is he had some of the Jones children in Pittsfield. We first met him going to Parent Teachers Association and I, too, want to wish him well.

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

Representative USHER: Mr. Speaker, Men and Women of the House. I am very pleased to hear all the endorsements of our new superintendent of schools who is about to take over a new job in the month of August. About a half hour ago I met this gentleman. He seems like a very nice person. I know that the city will welcome this gentleman to our small community of

Westbrook. As we get involved with the political scene I am sure he can give me a great hand in the educational system.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act to Revise Certain Provisions of the Fish and Wildlife Laws (EMERGENCY)

(S.P. 738) (L.D. 2088)
(S "A" S-322 to C "A" S-292)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending **FURTHER CONSIDERATION**.

Representative MARTIN of Eagle Lake moved that the House **RECEDE**.

On further motion of the same Representative, **Senate Amendment "A" (S-358)** was **INDEFINITELY POSTPONED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-292) as Amended by Senate Amendment "A" (S-322)** thereto in **NON-CONCURRENCE** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 692) (L.D. 959) Bill "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-709)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-710)** on Bill "An Act to Ensure Access to Prescription Drugs for the Elderly"

(H.P. 1347) (L.D. 1947)

Signed:

Representatives:

RICHARDSON of Brunswick

NUTTING of Oakland

DUDLEY of Portland

O'NEIL of Saco

SAXL of Bangor

SULLIVAN of Biddeford

PERRY of Bangor

MAYO of Bath

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

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
GLYNN of South Portland

READ.

Representative SAXL of Bangor moved that the House **ACCEPT** the Majority Ought to Pass as Amended Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority Ought to Pass as Amended Report and later today assigned.

SENATE PAPERS

The following Joint Order: (S.P. 850)

ORDERED, the House concurring, that Bill, "An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds," S.P. 417, L.D. 1206, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Representative THOMPSON of Naples assumed the Chair. The House was called to order by the Speaker Pro Tem.

ENACTORS

Emergency Measure

An Act to Amend the Nutrient Management Laws
(S.P. 846) (L.D. 2246)

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. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Mandate

An Act Relating to the Kennebec Regional Development Authority

(S.P. 807) (L.D. 2219)
(C. "A" S-356)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, 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 6 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH**.

Acts

An Act to Amend the Maine Tort Claims Act
(H.P. 825) (L.D. 1148)
(C. "A" H-691)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Increase the Minimum Wage
(S.P. 669) (L.D. 1891)
(C. "A" S-280)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to remind you that this bill will raise the minimum wage in the next year by \$1 an hour. Mr. Speaker, I request a roll call when the vote is taken.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 331

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Clark, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Twomey, Usher, Volenik, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Chizmar, Colwell, Cote, Dugay, Pinkham, Tuttle, Watson.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act Regarding Tobacco Manufacturers

(H.P. 687) (L.D. 943)

(S. "A" S-247 to C. "A" H-448)

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. 117 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Acts

An Act to Improve Access to Electronic Filing for Businesses

(S.P. 77) (L.D. 180)

(C. "A" S-337)

An Act to Increase Access to Prescription Drugs for the Elderly and for Disabled Persons

(S.P. 414) (L.D. 1203)

(C. "A" S-359)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Increase the Deer Hunting Day by 15 Minutes

(H.P. 30) (L.D. 39)

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

On motion of Representative MARTIN of Eagle Lake, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(S.P. 834) (L.D. 2234) Bill "An Act to Designate December 3rd as Kate James Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-363)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

The following Joint Order: (S.P. 851)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, June 1, 1999, at 9 o'clock in the morning and the Senate adjourns until Tuesday, June 1, 1999, at 3 o'clock in the afternoon.

Came from the Senate, **READ and PASSED**.

READ and PASSED in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1368) (L.D. 1966) Bill "An Act to Require Disclosures in Connection with Transfers of Residential Property" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-712)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-348)** on Bill "An Act to Provide Equal Treatment in the Taxation of Public Pensions"

(S.P. 431) (L.D. 1268)

Signed:

Senators:

RUHLIN of Penobscot

DAGGETT of Kennebec

MILLS of Somerset

Representatives:

GAGNON of Waterville

GREEN of Monmouth

DAVIDSON of Brunswick

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

LEMONT of Kittery

MURPHY of Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-349)** on same Bill.

Signed:

Representatives:

BUCK of Yarmouth

CIANCHETTE of South Portland

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-348)**.

READ.

Representative GAGNON of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Cianchette.

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you very strongly not to support the pending motion and allow us to move on to pass Report "B." I think it is important to recognize that both reports are Ought to Pass and that both reports recognize that we should be treating public pension, people who retire from the state, retired teachers, people who work in this building and police officers that we should be beginning to phase in an income tax exemption on their pension benefits. Both reports do that, by the way. The Majority Report provides an income tax exemption of up to \$6,000 for state, federal and military retirement pension benefits and it introduces social security income to the Maine Income Tax for the first time ever. We would begin to tax social security benefits for Maine residents. The Minority Report provides an income tax deduction of up to \$5,000, slightly less than the Majority Report, but it doesn't ask currently exempt social security recipients, our seniors, to pay for it. It asks state government to make it a priority and pay for it. I think the goal of tax fairness and relief for public pensions is laudable. The original bill asks for the tax relief without shifting the tax burden to other senior taxpayers in order to provide it.

In my opinion, Report "A" is a misery loves company report. This report gives a tax break to one class of people and asks another to pay for it. What would result is both social security recipients and public pensioners would be paying Maine Income Tax on their retirement pensions. We are all familiar with the overall high taxation in Maine and particularly heavy burden on our seniors. The Majority Report desires to further increase this burden on a projected 36,000 of our seniors on the Majority Report would begin to pay a higher level of taxes. In fact, they would be paying \$14.1 million in additional taxes. Next year we would be asking social security recipients to reach into their pockets and pay \$14 million more. If it is good public policy and I believe it is for us to begin to exempt public pensioners from Maine Income Tax, instead of asking the seniors to pay for it, we should make it a priority in our public policy discussions and our budget discussions and have the entire state pay for it out of its budget.

If you look at an average retired couple on social security income, maybe they each have a side job or even some miscellaneous income from their savings they have accumulated over the year, middle income people, constituents of ours, under this bill 10,700 of them would get a tax increase of \$513 next year. Again, remember that is just an example I am giving. The overall number of people that will be affected will pay some increase in their taxes is 36,000 social security recipients. The average is \$513, but the increases range from \$255 to \$955. I think there is something wrong when seniors in the twilight of their lives, if the government can't help them ease the tax burden at this time, I think we have failed. Why we would want to leave this legislative session with a whole new level of taxation on many of our seniors, frankly, is beyond my comprehension. That is what the Majority Report does.

For those of you who were here in the 118th Legislature remember the former Representative from Old Orchard, Representative Kerr, used to love to use an example of ship and shaft. Ladies and gentlemen, this is a tax shift and it shafts our social security recipients. If we are truly interested in giving tax relief to our seniors and our retirees, then we should provide this exemption as Report "B" does without asking the other recipients to pay for it. Maine has, unfortunately, not a stellar record of attracting and retaining our retirees to live here in Maine. We have all heard the stories about retirees that we lose to Florida and other southern climates. This bill, in my opinion, further drives them out of our state. We want these people to stay here. Many of them have lived here all of their lives and they are looking for ways to ease the burden. This doesn't do it. When they are here they have little impact on our communities. Generally they don't have children in the school system, they pay excise tax, taxes on other income, property taxes and sales taxes.

Accepting Report "B" brings true equity and fairness. It is the prudent public policy decision to make. I think it is the right time for us to do it. I just ask you to think for a moment about the state's current fiscal help particularly in the midst of our budget discussions. Imagine this headline in the newspaper tomorrow; ask yourself if it makes sense. The headline is, The State Enjoys \$290 Million Surplus. Legislature Enacts New Tax on Social Security Recipients. If we are looking for a way to exempt public pensioners, then let's look for a global solution. Let's make it a priority of this Legislature and let's not further increase the tax on any of our seniors. Let's bring this back in a future Legislature in another session and find a way to nip this into our budget. It is affordable, ladies and gentlemen. Make it a priority of the state and don't shift the tax to our other social recipients. I implore you to not accept this report. I urge you to support the Minority Report. Let's make Maine more attractive for our seniors. Let's not encourage them to move to Florida. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I would encourage you to accept the Majority Report and I would agree with my friend from South Portland that this is a shift and shaft issue, but I would like to think that Report "A" is a correction of a shift and shaft. You see for many years the State of Maine has exempted social security income for people at the highest levels of the income brackets while the federal government has not. Yet, we have not exempted any of the retirement income for those people who are not eligible for social security, but they receive money from the State Retirement System, state employees, retired teachers, military retirees and other federal retirees.

I hope all of you have this pink sheet that I have handed out. It is a zeroxed part of a tax form. If you look at the front of the form, you will notice line 14. If you recall a couple a few weeks ago that I talked about the beauty of our income taxes in the State of Maine how we piggyback on the federal return. Most of the work is being done by the feds for all of the various deductions, credits and exemptions and then we pull one number off that and after the people have done all that work on the federal return and then we pluck it onto the state return. As you look on line 14 of that list, that is where you put the number. Line 15, talks about income modifications. You turn to the back of that sheet and you will see what these income modifications

are. What you have to add back to your taxes if you are a state employee receiving retirement from the State Retirement System, is what you receive from the State Retirement System. In other words, the feds don't tax it, but we make you add it back, because we want to tax it. We have always taxed it. It is wrong. It is unfair and if it affects some of the lower income people in the state, retired teachers, federal employees and state employees. You go a little further down the list at that other arrow I have drawn, look what you get to deduct. Those people who are in the highest income brackets who are asked to pay just on a portion of social security benefits and then only a portion of that, you get to deduct that. You don't have to pay taxes. You have to pay taxes on the federal level on that income to the federal government. The US Congress says that it is reasonable and fair that people at that high end of the brackets pay, but you don't have to do it here in Maine. That, ladies and gentlemen, is the shift and shaft that has been going on for many years.

This issue has come before this committee many, many, many times with no result. Report "B" that I was talking about earlier is another effort of doing nothing. It expects to somehow find \$14 million in this budget in ongoing money and to fund this on an ongoing basis and not correcting the other issue of the high-income folks. The taxing that is done at the higher end for the social security benefits. Let me read you just a piece out of a fun little book that we have down in the Taxation Committee. In fact, I lost this book on this floor a little while ago and it says, US Master Tax Guide, and someone knew it was mine. I have since put my name on it so I won't be too embarrassed about it. This has to do with social security. "A portion of a taxpayers social security benefits may be taxed. This includable amount is lesser of one-half the annual benefits received or one-half of the excess of the taxpayers provisional income over a specified base amount at lower provisional income levels. However at higher provisional income levels up to 85 percent of the social security benefits may be included." That is really confusing.

Again, that is the beauty of our system. The feds will take care of it. I think at this point you have to take my word for it that it is a progressive approach. It is folks that are at the higher end of the brackets and the more they make the more of their social security benefits would be taxed. The lower they would come down the scale, the lesser taxed until eventually they are not taxed at all in the lowest amounts. I don't want to fool anyone to think we are going to correct this problem, because the money that is generated from the social security income will only provide for a \$6,000 exemption on state retirement. We are coming nowhere near. At least it is movement to providing some equity. It is eliminating an exemption from the state tax code that does not exist at the federal tax code. It is equity. It is fairness and I hope that everyone in this House will support the Majority Report. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Taxation Committee, this has been the second time we have seen this proposal in one form or another. We have had two public hearings on this bill and both times not one individual or one organization spoke in opposition to this bill. In fact, I find it very interesting the AARP, whose members could be adversely affected by this legislation support this legislation. Let's not kid ourselves. What we are interested in is fair and equitable tax treatment of our public pensions. Social security, which is a

public pension, is 100 percent tax-free in the State of Maine. All public, state, federal and military pensions are 100 percent taxed in the State of Maine. We are one of only six states in the nation that taxes 100 percent. This legislation proposes to tax social security on the high earners to allow tax exemptions for the other public pensioners. Social security is taxed in the IRS code. That is 26,000 tax returns in the State of Maine have some exposure to social security taxes. Social security, no, matter what, on the federal level is means tested and no matter how much you earn, only 85 percent of your social security benefit is taxed. In essence, they are receiving a tax benefit also.

Let's talk briefly about one segment of our population, retired teachers. They made the greatest sacrifice to us over the years. They taught because they believed in it. They made very little money. They are now retired on very small pensions, \$12,000 to \$15,000 a year. They could use this tax relief. In my district, I represent the Portsmouth Naval Shipyard and contrary to rumors it is still in Kittery, we have several federal pensioners. I campaigned door to door and as I knocked on a door, I found that someone has moved. I inquire of the new owners where my good friends or relatives have gone and they told me that they have relocated to another state because they could not afford any longer the State of Maine taxes. These are federal retirees that have chosen to live elsewhere. We have three options before us. One, do nothing. Two, pass the Minority Report and find \$15 million, which I do not think is doable at this time. We set our priorities in our budget and we are moving forward. Third, pass the prevailing motion and recognize inequity and address it with a small measure of relief.

In respect to my good Representative's from South Portland, I would prefer to write the headline for the newspaper tomorrow, State of Maine Passes Legislation that gives 55,000 Public Pensioners in the State of Maine Tax Relief. Let me once again reiterate that this is a small step of equity and fairness in our Maine tax code. I hope you will join me in passing the prevailing motion and hopefully alleviate the traffic jam in my district at the Maine/New Hampshire border. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative STANWOOD: Mr. Speaker, Ladies and Gentlemen of the House. I agree that the state pensioners do need tax relief. State pensioners do need a tax relief. In my area we have lost several very prominent citizens moving to Florida and taking their taxes and all of their stuff down there and some to New Hampshire. I can't believe that we are proposing to tax these small social security pensioners. The good Representative Lemont indicated that teachers are living on \$12,000 or \$13,000. I am an ambulance attendant and I know that some of my social security people can't take all of their medicine and buy all of their food. They have to make a choice one way or the other. They are not earning \$12,000 or \$13,000 and you want to tax their social security. I certainly don't. I think it is a travesty. This bill could be amended to put at least some kind of a cap on that social security before you start touching it. I would urge you not to support the Majority Report and if need be, send it back to committee for more work because I think it is a bad bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Mr. Speaker, Men and Women of the House. The good Representatives from Southwest Harbor

and from Cape Elizabeth make an excellent point, but the fact is we don't tax those social security recipients at that income. This is a means tested bill if you look at the Committee Amendment you would realize that. The fact of the matter is this tax only kicks in on social security on dual filers with an adjusted gross income of \$44,000. That is adjusted gross so their actual income would be significantly higher than that, perhaps up around the \$60,000 range or better. I guess often in this house I have learned that it is not what people give you for information sometimes it is what they leave out. That is the rest of the story. The rest of the story is that this is means tested and it would supply significant tax relief to not just state retirement pensioners, but military pensioners and I believe railroad pensioners too. I lost my notes on that. I guess I would urge you to look at it in that light, because clearly it is not the intent of the Taxation Committee to be putting a tax on social security for our lower income citizens. Indeed this is just that higher echelon of \$44,000 and above for dual filers.

There is a couple of other points that I would like to make. The average state retirement and federal retirement income in the State of Maine is around \$18,000 a year. The average retirement for anyone in the State of Maine is under \$24,000 a year. Those are the people that will not be affected by this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. I think that after a period of time something happens to you when you go to the Taxation Committee and you become a bit of a tax junkie. It is a little strange, but it does happen. What I remember is that in the 118th we had a bill extremely similar to this. The provision to add the taxation of social security was in that bill. We received testimony then and in this session from several retired groups. I would like to read the list to you: Mr. Trahee from MSEA, Mr. Gagne from AARP, Mr. Leavitt from Maine Veterans Coordinating Committee, David Pillsbury a retired Maine teacher, Charlene Thompson the President of AARP, John Wakefield of the Maine Association of Retirees, Charles Keyes of the National Association of Retired Federal Employees and Catherine Sullivan of the Maine Retired Teachers. There was no opposition to this bill.

If I could, I would like to read a portion of one of those testimonies to you. It said, "AARP supports LD 1268. We believe in fairness in taxation. Those with equal resources should be taxed equally. This bill eliminates an inequality, since those whose principle retirement income comes from social security finds some of their income not taxed by the State of Maine, while those whose principle retirement income from public pensions are fully taxed. An additional positive result of this legislation is that it will make Maine more attractive to retirees. We won't lose people who have lived here all their lives. We are talking about people who have lived their lives and worked for the people of the State of Maine all their lives. Since most states give tax relief to people on public pensions, this bill brings Maine into competition with this block of states. Perhaps some Mainers on public pensions will not move to New Hampshire or Florida to save hundreds of dollars, but will remain here to spend their pensions and their retirements with their families."

I would repeat what the Representative from Gardiner said, that, in fact, this is means tested and people who are on the

lower end and who are fighting already will not be affected. We have already been shafting public pensioners for a long time. It is time we stopped doing that. Report "B" although nice, won't bring us anything because it won't be funded. There is not \$14 million lying on the table just sitting there waiting for someone to get it. It won't be funded. So we will be back where we started, doing nothing. I also don't like the idea of having to pit the retirees, the grandparents, against their own grandchildren because we know that if there is \$14 million if we put it in one place, we know that it will come out of someplace else. I urge you because this is a step forward. It still doesn't do enough, but it is a step towards tax equity and you know and I know when we go door to door and talk to people and they talk about taxation that nobody likes paying taxes, but people understand that if they feel that there is fair taxation that everyone is paying their fair share. They swallow it a little easier. They still don't like it, but it is a little easier if they feel that there is a fairness issue. I urge you to support the Majority Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I, too, serve on the Taxation Committee and I have a different definition of tax fairness. Representative Green's definition of tax fairness where she talks about redistributing the wealth is not my understanding of what tax fairness is all about. Tax fairness to me, particularly when people are retired, everyone pays the same percentage for the services that are provided. What this really is, to say it simply, is this is another case of robbing Peter to pay Paul. In this case Peter represents the social security recipients and Paul represents state employees. In our wisdom here in the Legislature we have decided that this really is not a high priority for us, particularly with Plan "A" because Plan "A" requires us to find another source of taxation. The idea of taxing one group of retired citizens to provide tax relief for another group of retired citizens just doesn't seem fair to me at all. Robbing Peter to pay Paul, in doing so taxing the so-called wealthy has become an acceptable practice particularly here in this Legislature. We always go on this idea of redistributing the wealth. Let's get at those folks that have been successful in life and now that they are retired, let's tax them because after all that is the pot of gold that we can go after.

Unfortunately when we do this, I believe we run into the law of unintended consequences. Robbing Peter, the so-called wealthy, will probably make Peter pull up his stakes and move south. When he does that, he takes with him some rather significant economic activity. He takes with him his disposable income that could be spent in any number of Maine communities. Peter takes with him his accumulated capital. This is very important. We often overlook this, but when Peter takes his accumulated capital with him, it reduces the economic resources here in Maine to create more and better jobs. I really believe, having served on Taxation, that these are the issues that we should be concerned about. Some day soon I hope we begin to realize that we need the Peters of the world, the folks who have contributed so much to a healthy economic community. Robbing Peter to pay Paul simply continues the unintended policy of making more of Maine's folks dependent upon this state government.

As George Bernard Shaw once said, "A government that robs Peter to pay Paul always has the support of Paul."

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose his question.

Representative **TRUE**: Mr. Speaker, Men and Women of the House. First of all, to the Chair of the Taxation Committee, I would like to ask what his interpretation is of the so-called offset law? I would like to ask Representative Colwell that if in the group of people that he was explaining and saying that \$44,000, if this includes the perks that go along with that particular retirement benefit package?

The **SPEAKER PRO TEM**: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. That \$44,000 is adjusted gross income. That is after you take off all the deductions that you would be using on your federal income tax and also on your state income tax. I don't think that would include perks necessarily.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Men and Women of the House. To anybody that might answer it, what other states have a tax of this nature that taxes social security in this manner? The last question that I have does mean in general tax our public more than any other states?

The **SPEAKER PRO TEM**: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Yarmouth was 100 percent correct in everything he said. I will add to that that most people that I know that have been in this category in my district don't belong to any group. They cannot or do not or will not come up here to lobby for themselves. Some people's answer to problems up here seems to always be, at least in the five years I have been up here, is not to make a tax cut per say, but to shift money back and forth from one area to the other. We all want to reduce the taxes or eliminate the taxes on pensions. We tried to do that earlier in the session. Every time we try to do something like this there is two groups of people. One group wants to cut taxes and by doing that reduce spending and another group wants to create new programs and look for some other area to tax to make a tax cut for some other area. It is all about prioritizing. If you look at the budget since I have been up here, we have somehow managed to increase spending continuously by creating new programs. It is not the case of whether we have \$14 million or \$15 million, we had it or we can have it, we just don't want to put it where it is supposed to go. It is always nice to say we are going to cut somebody's pension over here, but guess what we are going to continue spending in new programs, but we are going to tax somebody else because we are going to make it equitable.

Those people who are retired that we plan on trying to tax to cut a tax on somebody else worked hard for their pensions. I don't know what jobs they had. I don't know what their financial

situation is, but they are certainly not going to appreciate us in this high taxed State of Maine of raising their taxes in the name of equity. If you want real equity up here, let's stop creating new programs and let's cut these people's taxes by not taking their money.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. I was listening to the Representative from Monmouth earlier talking about how you serve on Taxation for a while and you become a tax junkie. I have served on the committee for a year now and I think it is some of the most boring subject matter I have ever seen in my life. I would much prefer the exciting rockets and riveting world of utility and stranded cost recovery policy much more. I wanted to approach this from a little different angle. I think the chair has discussed the equity issues and others have discussed the equity issues of the Taxation System in Maine and how this addresses many of those concerns. Since I came in here to address some of the points that the Representative from Bridgton made, I have put in the bill every session to deal with a certain category in this legislation and that is military retirees.

In Maine we are lucky enough to have and have had over the last 60 or 70 years one of the most impressive military industrial complexes in the state and in the nation, particularly in my town of Brunswick. I run across people every day, in fact, can name off the top of my head 20 or 30 people, not only from Brunswick, but also from places like Limestone up north and places like Kittery down south where you have retirees, military folks, who have come to Maine and absolutely fallen in love with the place. The problem is they maintain their residencies in Jacksonville or down in Massachusetts. A number of the people that live in my district maintain their full-time residency in Massachusetts, but spend the majority of their time in Maine. One of the things I have tried to do every year is provide that straight out exemption for them and send it to the Appropriations Table. I have sponsored it. I have sponsored it this year. Someone beat me to the punch, so I am a cosponsor of that. We have sent it to the Table. It was my hope that it would get funded and it won't.

From an economic development perspective, you have a different kind of issue in the military these days. As we have shifted to a more technology based and information based economy, the military, you have read about this, the former US Senator from Maine, Secretary Cohen, talks about it all the time, there is this absolute drought of people coming into the military because they are all getting raided by technology companies because they are so well trained. In fact, people are leaving the military much earlier than they used to. What you are seeing in Maine is and you have seen it in places like Brunswick, Limestone, Kittery and other places that have traditional military economic bases, is that you are getting younger and younger retirees who are starting second and third jobs and aren't retiring, but they are 35 years old and they are taking their second and third jobs. They are deciding not to stay in Maine. What the Representative from Yarmouth was talking about is you are not getting your 65 year old retired General, you are getting your 32 year old former nuclear control officer of a submarine that wants to live in Kittery and work in the private sector and simply will live in Massachusetts or New Hampshire and commute.

I see this as if you take the equity issues, which I believe in and I am on this report and you talk about just the economic development aspects of this bill for a state that has such a strong

military background and so many thousands of retirees that are military, it is a huge part of this number in this bill. I think it is one of the smartest things we can do for economic development in this state in a long time. I thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. In case you can't tell from looking at me, I am not on social security and I probably won't be for a long time, if ever. I do represent a lot of people who are on social security. I guess I need to explain something about a fixed income in case anyone doesn't know. A fixed income is very difficult when you are retired and you have your money budgeted and you live on your budget. When someone comes and steals part of your budget, it throws everything out of whack for you and it is very difficult to deal with, \$22,000. I did a letter for survey and asked for comments. They told me that they pay over \$300 a month in supplemental Medicare insurance. They pay over \$400 a month in different medicines they need just to stay alive. They pay \$3,600 a year in property taxes. That is another \$300 a month. That is \$1,000 a month or \$12,000 a year gone. When you think that \$22,000 is a lot of money maybe some of us have property taxes to pay, but I doubt very many of us in this body are paying \$300 a month in supplemental medical insurance and \$400 a month in medicine. If you think that \$22,000 it brings it down to \$10,000, now those people are making less than we are making this year and we are talking about giving ourselves a raise and cutting their money. It is not a lot of money when you have to pay for all these expenses that we don't have or understand.

I want to make one other point. It was brought up about the people working and giving this tax break. I think it is great that we are going to give this tax break with the Minority Report to the people that have worked for the State of Maine and should be getting it. We shouldn't be stealing from all the other elderly that are on a fixed income, because not just our retired military and retired teachers, they did a great job and they worked for the State of Maine, but all the people that work in the State of Maine. I don't have very many mills left in the City of Lewiston, but I have a lot of retired people that worked in those mills. They worked hard for their state. They made the state great. They got us through World War II and made us a super power. They deserve to be respected. They worked hard, paid their taxes and made this a great country. We should not be robbing from them and say they didn't work for the State of Maine. All of our workers have worked for the state to make it great.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. There have been a few statements that I think need clarification. I do have an answer for the Representative from Fryeburg, Representative True. First of all, the Representative from Lewiston, Representative Mendros, a person who is making \$22,000 a year in retirement income will not be affected by this. Most of the retirees in our state, in fact, do not make as much as the cutoff in this bill. What we are doing is, in fact, lowering a tax burden for those people who are on fixed incomes. It is, in fact, lowering that burden.

For the Representative from Fryeburg, Representative True, this goes on for a bit and I don't want to bore anyone, but it does give the answers to one of the questions you asked. Most states that have an income tax exempt at least part of pension income

from taxable income. Different types of pension income, private, military, federal civil service and state or local are often treated differently for tax purposes. Only four states, Hawaii, Illinois, Mississippi and Pennsylvania exempt all pension, both private and public. Six states fully exempt public pensions, federal, military, state and local, but do not fully exempt private pensions. These are Alabama, Kansas, Kentucky, Louisiana, Michigan and New York. Wisconsin fully exempts public pensions only for taxpayers who retired prior to 1964. Sixteen states and the District of Columbia offer pension exemptions that vary by type with public pensions generally treated more favorably than private. Some states offer at least partial exemptions for some of pensions. It goes on. As you can see what other states have done is look at the situation and, in fact, work a mechanism so that they can do the best for the most. Particularly for those people on the lower end who are on fixed income and who are stuck with paying for supplemental for their medications and other situations. Those people are not affected by this bill. Please vote for the Majority Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Cianchette.

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I know we all want to get out of here. I spoke at length and I will attempt to be brief. I would like to comment in response to some suggestions that the good Representative from Monmouth, Representative Green, said. I will start on a lighter note. She suggested that those of us who serve on the Taxation Committee become tax junkies. I couldn't help but smile because sitting two seats over from me to my left is my former headmaster from the mid '70s and I bet he is pleased that I turned out to be a taxation junkie because he was probably concerned that I would just be a junkie.

The Representative from Monmouth suggested that the AARP and a number of other groups support this legislation. I would just like to clarify the record that the original bill, as presented, provided a tax exemption from public pensioners like we have been talking about for an hour now without asking social security recipients to pay for them. They did testify in favor of the bill prior to the two amendments that we have. I, as one Taxation member, have not heard from the AARP or the other retiree groups suggesting to me that they are still in favor of it if we shift the burden to social security recipients.

I would just like to remind the body of one other thing. The tax burden on social security recipients, should we pass this bill as amended by Report "B," is going to increase the tax burden and reach into the pockets of senior citizens, social security recipients to the tune of \$14.1 million a year. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to tell you why I am on the Ought to Pass report. When this piece of legislation first came before the committee and the suggestion was made that we take it from social security, I thought that was the most ridiculous thing I had ever heard. I gave it some thought and the more I listened I thought there is a fairness issue here. I asked some questions from some of the lobbyists there and some of the people what the average pension was for teachers in this state when they retire? When they told me \$15,000 a year, I thought, wow. State retirees do not get large pensions. I am not talking about the people who make the big money, I am talking about

the average worker and I am talking about the classroom teacher. I am not talking about the superintendents or any of them. I am talking about the teachers who teach in the classrooms. To me, they are the front line workers. I just thought this is only fairness. I am retired and on social security. I guess I am going to tax myself. It doesn't bother me, because when you stop and think of the people we are taxing, we are not taxing the average citizen who is on social security. I don't believe that the people we are taxing are hardly going to notice it as far as their taxes are concerned.

The recipient of these taxes, the retired teachers and retired state workers and retired municipal workers, will also be living in Maine and staying here. Those people are just average income people like the rest of us and they spend too. That money will go right back into our economy and it will help our economy. When I stopped and thought this all through, I felt very strongly that it was only a fairness issue, because we knew and we did try to do it without doing it with the other tax, but the money wasn't there. We got the message loud and clear that whatever we did we had to pay for it. We had to find the money. This is the only way that we could come up with that money. If there is any of you here who have got that \$15 million or so sitting around, we would love to have it. We will use it to do this with. When you get to the bottom line of this, this is a fairness issue when you have people who don't have to pay tax on some money and others who do, it is not fair. That is why I am on the Majority Ought to Pass Report. I would hope you would join me on it too, because I don't believe you are going to hear the horror stories that you have heard here today. Those of us who have worked on taxes and who know quite a bit about our personal income tax because we follow it with our accountants, we know what you have to have before it kicks that you pay for social security. Please join me with the Majority Ought to Pass Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief, but I would like to give you some hard figures that show you the difference between a retired couple on social security and a retired couple on the public pension. By the way, I am one of those state retirees who receive a public pension and have not been receiving any kind of social security payment. I am personally affected by this bill. For a social security couple, both people 65 and over with a total income of \$38,314 they pay no taxes for Maine income tax. For a retired couple from public service with no social security with the same income pay a tax of \$1,114. For a single social security recipient with an adjusted total income of \$24,176, they pay no income tax. For a public system retiree with the same income, they would pay \$842 in income tax. Obviously there is a gross inequity in the tax burden in those two categories of retirees. This proposal is only for the high-income social security recipients who would help to fund this fairness issue. It is a progressive tax, which is the fairest form of taxation. Maine is rated high in the area of progressive taxes because we do impose a higher tax burden on the people who have more and can afford it. I urge your support of the Majority Ought to Pass Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the Majority Report. I would also like to make a few remarks. In the 118th I

sponsored this legislation. There was many pieces of legislation that year that was killed, but the thought and idea was held over and they tried to work very hard on it. I thought it was a great idea. I am someone who has been serving on the Committee on Labor, which also oversees the retirement system and have heard from numerous people drawing their retirement that they had to pay on this. I want you to know that I am very thankful that we have taxation junkies in this body. I haven't been a bookkeeper for years and numbers are not my thing anymore. I would prefer to stay as far away from it as I possibly can, but I think they have done a great job. The reason they have done a great job is they are looking at the equity. It is too bad that our State Police, public employees and retired teachers are taxed on every cent of their retirement when their retirement is some of the lowest in the nation. I think they have done a wonderful job. I think we should commend them for going to the wall and coming out with a unanimous report. For something like Labor, this is a unanimous report sometimes. I truly do think they have done a fine and outstanding job for us all this year. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I am going to try just one more time. I am probably not going to change any minds, but I have to say it again. I heard this word fairness. Every single time I have heard that word up here, I have heard fairness, equity and so forth and so on. What that seems to mean up there at least when I heard that word is tax. Every time we use the fairness word, we are taxing somebody else to do something else. We don't want to reduce our spending. Let's admit it. The \$290 million that we had in the surplus and we are scrambling around now trying to find money for new programs. We all have been involved in that process. This is \$15 million. Folks, if we can't find it and this is important enough, we should find it. If this is a good idea, how many times have I heard this during the session, don't defeat this bill just because we don't think we have the money. Send it down to the table and give it a chance to compete with the other good ideas to get funded.

The good Representative from Berwick said that if anybody can find the \$15 million, where is it? Well, it was here. It may still be here, but it is prioritization that is going to get us there. I cosponsored a bill earlier this session that we dealt with that was going to get rid of taxation on all the pensions, public and private. We didn't want to handle that. The fiscal note was too big and we had spending to do. Everybody in this state, as far as I am concerned, is taxed too high. We don't have a problem with taxing people. We don't have a problem with taxing things, because we tax everything. If it moves or doesn't move, we tax them. Let's not kid ourselves. This isn't about fairness. This isn't about not having the money. This is about not wanting to stop spending. Thank you.

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

Representative MCNEIL: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative MCNEIL: Mr. Speaker, Men and Women of the House. I understand that we shouldn't be taxing the people that are on the pensions of state workers that have been here. If enough of the Peters in the social security arena decide that they

don't think that it is fair for them to pay it and they decide to leave the State of Maine, will then the Pauls that are left, will they be taxed higher? Will it come out of the General Fund? Who will make up that difference if a lot of those people should decide to leave the State of Maine? Thank you.

The SPEAKER PRO TEM: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Mr. Speaker, Men and Women of the House. What we are attempting to do with this bill is to remove an exemption that does not exist at the federal level to help cover the cost of just a portion of the state retirement benefit. I was glad that Representative Fuller explained specifically of averages and median incomes we are talking about just so folks can put this into perspective. The median family income in this state, regardless of whether you are retired or what you are doing, generally with two people working with a couple of kids or something like that, is \$24,000. Of course, that is not your gross income. Usually when people think of incomes they think of gross salaries at their jobs and what kind of money you are talking about. What we are talking about in the social security side is the income for just social security and just a portion of that social security on a progressive scale where it starts to kick in over \$44,000 in median income on a joint return. We are talking about maybe the wealthy brother of Paul who is generating significant income to get to that adjusted gross income of \$44,000 and just a portion of that social security benefits never mind all the other income they are making and how that is taxed. I would presume, I am just guessing, is probably a small amount of that retired family's income, the social security benefits. Only 85 percent of that income could be taxed, social security income, not all of their income. It is a different issue and then it is on a progressive scale from there. In order to remove the subsidy of the people in the lowest end of the scale, those are the people who have been subsidizing the upper end of the scale and there are people who receive no social security benefits at all. A person who has been teaching their whole lives and serving their state, pitching in money to the retirement program and receiving relatively low income and retiring with a gross income of \$15,000 and paying taxes on it in this state, not paying federal taxes mind you. The feds understand the value, but we make you add a tax in this state. This is the right thing to do. I am not ashamed of it. I am proud to do it. We can bury our heads in the sand and do nothing again this year or we can do something about it. It provides some equity and some infirmity. Mr. Speaker, if somebody hasn't already asked, I would request the yeas and nays.

Representative GAGNON of Waterville REQUESTED a roll call on his motion to ACCEPT the Majority Ought to Pass as Amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. At a time when this state should be making every move that we can to attract retirees to this state, a group that would come into this state and give more than it takes from the government and bring added growth to the state, we are trying to find ways to keep them out. I think that is a serious

miscalculation. If you think this is a smart bill, then I suggest that you have made a huge mistake. If you think that just because the social security recipients didn't show up at the Taxation Committee hearing because they weren't interested in this issue, then I suggest that you have made a huge mistake. If you think that the phone has been ringing off the hook on other issues during this legislative session and that you are going to go home this weekend if you vote for this bill and have a quiet weekend, I suggest that you are making a huge mistake. If you think that this method of funding tax relief for the retired state employees will be perceived as fair by the general population of this state, I think you are making a huge mistake. If you think that a several hundred dollar tax increase to social security recipients will be perceived and greeted with joy, then I think you are making a big mistake. I think that passing this legislation could easily be the biggest mistake of the 119th Legislature. I certainly will vote against this Ought to Pass motion and vote for the Ought to Pass Amendment "B." I urge you to vote with me. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise also in opposition to the pending motion of creating yet another tax on the people of Maine. This session we have had a lot of ideas bounced around. We have somewhere around the vicinity of a \$280 million to \$290 million surplus. We have talked about now instituting a tax on the elderly on social security. We are soon going to be looking at a tax on HMOs. We have found a way to fee and tax just about everything in the state. I can say that having watched the tax policy, this is not something I can support.

Earlier in the session I had introduced LD 146, which was to provide a real equity, which my colleagues here in the House, all of you, voted to support. It would exempt pension and retirement income for all Mainers up to a certain limit. The fiscal note was slightly more than double this fiscal note, which is going to exempt a very small portion of pensions at the expense of other taxpayers in the state. I have seen so many tax policies that bother me so significantly. We hear the arguments time and time again. Establish the tax or the fee today and we won't abuse the public and later on we will reduce it. We saw the gimmick for creating the lottery. The lottery is going to fund education. It was a gimmick. It failed. The homestead tax credit is going lower property taxes. Property taxes in my community are going up. It is a gimmick. It failed. Now we are looking at another gimmick. Let's start taxing social security pensions and we will give a little bit of benefit to this one group. How many people in this chamber seriously believe that once this tax on social security is implemented on our seniors that within the next legislative session we won't be looking at lowering that threshold to taxing even more of Maine's seniors by taking more and more of their income away instead of going in the direction that we need to go, which is lowering our tax burden. How can we look our constituents in the eye and tell them that with a \$290 million surplus that we are raising taxes? This just doesn't pass the straight face test. Clearly I am not going to be taking social security anytime soon. At 32 and watching what is going on at the federal level, I know I have a better chance of seeing a UFO than I do a social security check. I don't believe that that system is going to be solvent by the time I hit there. I can tell you that a number of my constituents very much depend on social security. I know that the minute this is instituted that our tax experts, these people who are so familiar and know taxes so well in this body,

you just scare me to death. I know you know so much about the tax code that you are going to find a way to get more money out of these people. I just cannot vote to support in any way, form or shape a tax increase on Maine seniors. I urge you to vote against this and let's talk about implementing the good parts of this policy, which is the tax credit. It very much needs to be in place for me for Maine's teachers and not just Maine teachers, Maine's state employees, federal employees, but all seniors with their pensions and retirements. I thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative TRUE: Mr. Speaker, Men and Women of the House. I just want to actually thank Representative Green for bringing the information and the answer to my question. It is very valuable. If you remember what she said and gave a listing of the states, I would also like to have somebody take those states and show where they are in relation to Maine and all other taxes. I think you may find a surprise. Secondly, I am sorry that the good Chair of the Taxation Committee left because I didn't understand when he was talking about this. I think he said medium or median. Everyone has been talking average and if my math is still in this old head, I believe that if you say median, it is more than an average. You compile it differently.

I would like to speak about the average teacher's retirement is \$15,000. Ladies and gentlemen, you must in order to equate that is to know that you have three or four choices when you retire. If you want to choose one particular part, then you are actually retiring at \$30,000, but you are allowing your wife to have \$15,000 later on if something happens to you or you can take it all and be over the bracket so you are paying many taxes. Those were the questions that I wanted to answer.

The other thing that concerns me and I don't know the answer to is that if we are taxing social security on the state level, are we double taxing the money we have already earned?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: Mr. Speaker, Men and Women of the House. I will be brief. I know it is late on a Friday afternoon, but let me share with you what I view the purpose of this bill to be. It is to address the number one problem in the State of Maine. As the Representative from Fryeburg has suggested, how do we stand? We are dead last on the issue of discretionary income. Discretionary income, that is purchasing power is not a problem for the top people in this state. It is a problem for the people at the bottom. We need to do something about that. This bill does that. I expect we will do more. I hope the body will support the motion.

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

Representative MCNEIL: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative MCNEIL: Mr. Speaker, Men and Women of the House. If there are 55,000 people that we will help by this bill, how many people on the other end will be affected? Thank you.

The SPEAKER PRO TEM: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Cianchette.

Representative CIANCHETTE: Mr. Speaker, Men and Women of the House. In response to the Representative's question about who will be affected, according to information from the Maine Revenue Service, there will be 26,392 social security filers affected and it will affect the average return by \$541 a year.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative MENDROS: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative MENDROS: Mr. Speaker, Men and Women of the House. Why are we attacking the retired elderly to pay for this? If we truly want this, why didn't either report come up with an idea to raise the income tax for anybody who makes over \$60,000 a year and fund it with that. The people who can work a little more to make a little more money and pay for it instead of going after our elderly that are on a fixed income. Could somebody please answer me why we are attacking our elderly?

Representative FISHER of Brewer asked leave of the House to be excused from voting on L.D. 1268 pursuant to House Rule 401.12.

The same Representative WITHDREW his request.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 332

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chick, Clark, Colwell, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Brien JA, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin J, Tripp, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Duncan, Fisher, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, Perkins, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Chizmar, Cote, Goodwin, O'Brien LL, Pinkham, Stanwood, Townsend, Tuttle.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, with 8 being absent, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-348)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-348)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

ORDERS

On motion of Representative SAXL of Portland, the following Joint Resolution: (H.P. 1602) (Under suspension of the rules, cosponsored by President LAWRENCE of York and Representatives: BULL of Freeport, DUNLAP of Old Town, HONEY of Boothbay, MARTIN of Eagle Lake, Speaker ROWE of Portland, THOMPSON of Naples, Senators: HARRIMAN of Cumberland, KIEFFER of Aroostook, KILKELLY of Lincoln, TREAT of Kennebec)

JOINT RESOLUTION HONORING RICHARD B. ANDERSON ON THE OCCASION OF HIS RETIREMENT

WHEREAS, Richard B. Anderson is widely known and admired for his involvement with environmental issues throughout the State; and

WHEREAS, Mr. Anderson served as a biologist with the former Department of Fish and Wildlife, as the Executive Director of the Maine Audubon Society, as the Commissioner of Conservation and as a respected environmental consultant involved with issues of importance to recreational marine angling; and

WHEREAS, as the Commissioner of Conservation, Mr. Anderson was hailed by paper company officials and environmentalists as "a man who will listen to all sides"; and

WHEREAS, Richard B. Anderson has been an active member of numerous conservation-oriented groups and task forces; and

WHEREAS, Mr. Anderson's international involvement includes his work with the Montreal aquarium, which educates others on the importance of increasing the numbers of striped bass in the St. Lawrence estuary; and

WHEREAS, Mr. Anderson is also known for his efforts as the president of the International Appalachian Trail/Sentier International des Appalaches to establish an international trail that will connect the end of the Appalachian Trail on Mt. Katahdin to Mount Carleton in New Brunswick and Mont Jacques Cartier in Quebec; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session send our appreciation to Richard B. Anderson on the occasion of his retirement, for his service and commitment to Maine and its environment; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Richard B. Anderson as a tangible token of our high esteem.

READ and ADOPTED.
Sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 312)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

May 28, 1999

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted to its previous action and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service" (H.P. 235) (L.D. 339).

The President has appointed as conferees on the part of the Senate the following:

Senator Richard J. Carey of Kennebec
Senator Robert E. Murray, Jr. of Penobscot
Senator Bruce W. MacKinnon of York

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

READ and ORDERED PLACED ON FILE.

Reference is made to Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service" (H.P. 235) (L.D. 339)

In reference to the action of the House on Wednesday, May 26, 1999, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative HATCH of Skowhegan
Representative DUPLESSIE of Westbrook
Representative MAYO of Bath

ENACTORS

Acts

An Act to Designate December 3rd as Organ Donor Awareness Day

(S.P. 834) (L.D. 2234)
(C. "A" S-363)

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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

LEGISLATIVE RECORD - HOUSE, May 28, 1999

On motion of Representative McNEIL of Rockland, the House adjourned at 3:45 p.m., until 9:00 a.m., Tuesday, June 1, 1999 pursuant to the Joint Order (S.P. 851) and in honor and lasting tribute to Pauline Stevens Curtis, of Rockland.