

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

points and make sure everybody understands that we are all on the same page here.

Representative Lemke was right. We do only remember them at tax time. The only other time we remember them is when it is time to go to their doors and ask them to vote for us. We all remember them then and we all want to help them. When you are knocking on their door and saying please elect me and I am going to help you out, we sure remember who we are then. We know those middle class people vote more reliably than anyone.

Let me tell you who will not be helped by the Minority Report. A family of four making \$30,000 paying \$2,000 in property taxes, not eligible under the Minority Report. Elderly couple, two people, with \$26,000 in income and paying \$1,500 in property tax, very common in Auburn and we consider them lucky if their property bill is only \$1,500 and they are not eligible for one dime. Family of six making \$34,000 now you have that couple he works at Sears and she is a bank teller. You know them, you have been to their doors and paying \$1,800 in property tax. They are not eligible for one dime. They all were eligible before this program got cut in half two years ago. If you want to make them eligible again, if you care about anybody who makes over \$25,000 a year and has a property tax problem, you will have to support the Majority "Ought to Pass" Report.

This is relief for middle class people, not low-income people. That is what it has always been and that is what we campaigned door to door and bring those circuit breaker property tax forms with us, because we believe middle class people have been overly burdened by property taxes. If you vote for a sales tax cut, a third of it is out-of-state. If you vote for an income tax cut, that is very nice for the upper end people, but I am going to tell you loud and clear this only goes to Maine people who have been paying the bills for this government. Thank you.

Representative JACQUES of Waterville requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

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

The SPEAKER: The Representative may pose her question.

Representative LOOK: Thank you. I would ask the House Chair of the Appropriations Committee is there sufficient money within our finances, at this time, to cover the cost of Committee Amendment "A".

The SPEAKER: The Representative from Jonesboro, Representative Look has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr. The Chair recognizes that Representative.

Representative KERR: Mr. Speaker, Men and Women of the House: As we all know we do not have a budget yet. The revenues are about 3.5 billion dollars. We are just establishing our priorities. If this House

chooses to support Committee Amendment "A" you are sending us a message that this is a priority for the House and we should find the money for this program.

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

Representative MURPHY: Thank you Mr. Speaker. I would like to answer a couple of questions that were asked. It was asked how many states besides Maine have enacted a property tax circuit breaker, 22 states. It was also brought up that Vermont was much more generous. Vermont is, they have unlimited funds, but they have a formula they use that is not quite as generous as ours. There's goes by formula, not by a flat amount as we are doing here today. I would urge you to vote against Committee Amendment "A" so we can go on to accept Committee Amendment "B", which is one which we can afford. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 130

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Lovett, Luther, Madore, Martin, Mayo, McAlevy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Perkins, Pinkham, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Greenlaw, Jones, S.; Joy, Joyce, Joyner, Kneeland, Lane, Layton, Libby JL; Lindahl, Look, Lumbr, Marshall, Marvin, McElroy, Murphy, Nass, Nickerson, Peavey, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Bailey, Labrecque, Ott, Pendleton, Truman, Vigue, Yackobitz.

Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-333) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 6, 1995.

Senate Divided Report - Committee on Taxation - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (S-190) - (6) Members "Ought to Pass" as amended by Committee Amendment "B" (S-191) on Bill "An Act to Repeal Point-of-sale Fees for Future Disposal of Certain Items" (S.P.84) (L.D. 203) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

Representative DORE of Auburn moved that the House accept the Majority "Ought to Pass" as amended Report.

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

Representative DORE: Mr. Speaker, Men and Women of the House: If you will all look at page 2 of the

calendar, I want you to understand something basic about this report. Although this appears to be a partisan report, it is not. The reason is because both parties agree the fees ought to come off. Both parties agree that they ought to come off in as timely fashion as possible. How timely the fashion depends on, I guess, where you are sitting.

No one liked the Maine Waste Management Corporation. We all wanted to see a phase out of that organization and that has happened. Getting rid of the bureaucracy that manages solid waste doesn't do one important thing. It doesn't get rid of solid waste. This is one of those cases you can cut the bureaucracy, but that doesn't cut the problem. We still have solid waste problems in this state. They have done a pretty good job of getting us to market our solid waste that can be recycled making some things that can pay. This is all stuff that is difficult to do, but they have done that job successfully that it is time for them to be phased out. Now is the question comes when.

The Majority Report recognizes they need to be phased out and it phases out appliances and bathtubs on January 1, 1996. It is a little more than six months from now, all those white goods and bathtubs, January 1, 1996. Furniture and mattresses one more year, January 1, 1997. It eliminates 10 positions. We are all here to cut the bureaucracy and eliminate 10 positions. It deals with one of my personal favorites. Tire fees that haven't gone for tires in the last several years. This takes a significant portion of the tires and puts it on tires. One of the things it doesn't do is completely eliminate the fees as of January 1, 1996, but it takes six positions out of the Department of Environmental Protection and 10 positions out of the Maine Waste Management Agency.

It transfers the Municipal Assistance Programs to the State Planning Office and that is important to you because that effects your towns property taxes again. There is going to be assistance with recycling. It is going to be located in the State Planning Office. It doesn't completely eliminate these fees as fast as we would all like to see them go, but some of the positions that are preserved by these fees are necessary to manage the solid waste problems in this state. I would encourage you to know that before the next election comes around you can all say we got rid of these fees, but it is more prudent to do it slowly because we still have solid waste problems. Getting rid of fees doesn't get rid of problems.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This is probably the biggest gimmick of all gimmicks this legislature has ever done, this is the grandfather of all of them. This gets rid of an agency. We can all go home and say we voted to get rid of the Waste Management Agency, but we are keeping the tax on it. The tax or the disposal fee or whatever you want to call it, we are keeping it on.

Nobody minds keeping it on tires. It was on there long before Waste Management Agency was ever heard of. We charged \$1 a tire to dispose of it. I don't have a problem with that or the batteries. We have a problem with batteries in this state, but I think we can see the end of it. However, this doesn't see the end of the tires. The money is not going to tires.

In FY 97 there is \$180,000 gone into the clean up of tires. Remember they had 1 million dollars in this fund this year, which this legislature took and put into the budget. That million dollars would have gone a long ways of taking care of the tire problem.

Instead what we did, we charged people when they bought refrigerators, mattresses, bathtubs or furniture a disposal fee and used it to run State Government. That is not what we told them that was for. We told them it was for recycling and disposing of these things. Most towns, I know in mine has it, that when we do dispose we pay \$5 for the same items at the transfer station. No problem, but also we have down there a state called New Hampshire. Had a little furniture business in Lebanon, they couldn't compete. New Hampshire advertises no sales tax and no disposal fees. Had a little furniture store in Kittery who gave me a call one day and he said, "I'm just barely hanging on." I said, "Well I understand the Governor wants to get rid of the Waste Management Agency and that should take the disposal fees off."

Well that certainly would help because I am watching these trucks go by here everyday from New Hampshire. He has been in business for 30 some odd years and he wants to leave it to his daughter. He said there is not going to be anything left to leave. These are the people we are hurting by this. If this doesn't pass, I have to call and tell him, well we did away with Waste Management Agency, as the Governor said he would, but now they want to keep the disposal fees on. Ladies and gentlemen, what that disposal fee is going to be paying for is for six positions going into the State Planning Office. I am not going to stand here and judge whether they need them in State Planning Office or not, but I do have a personal opinion.

Anyhow, I haven't really had a chance to look into it. I say if they are needed they should go down before Appropriations Committee and give them their pitch and tell them their needs and demonstrate a need for these positions. Don't do it on the backs of the little businesses in the State of Maine and on the people buying these things. There was originally 21 positions and they cut out 16. The rest of them are going into the DEP. I don't know about everybody else, but every year since I have been here it seems the DEP always needs help. We always have to vote some positions for DEP and I don't know, but I am beginning to think that the only thing these positions are wanted for is so they can foul up business a little more in this state. Even if they are needed and they may be, they also should go down before the Appropriations Committee and demonstrate a need.

It should not be done and believe me these fees will not be off before your next election, because the furniture and mattress fees do not come off until January 1, 1997, not 1996. The appliance fees and bathtubs come off January 1, 1996, not furniture and mattresses. These are the things that they want to use this money for. It is dishonest. It is another gimmick that we are going home and tell people to feel good that we have done away with the Waste Management Agency, but we are keeping these fees on.

Ladies and gentlemen, I even tried to compromise. I agreed to keep them on until October 1, 1995, instead of doing away with them on July 1, 1995. They wouldn't even compromise one day with me. The other proposal is to keep them on until October 1, 1995. I did agree to that. I still feel it is

dishonest and those of us who do represent the border down there, it is hurting the little businesses. There is one left, the one in Lebanon, they went out of business and now there is no business there. It is just an empty little shopping mall. There is nothing there. If that is what you want to do, it is better to go home and tell the people, we did away with Waste Management, fine, but at least be honest and say, but we are keeping the fees on. We will take them off, but I am not to sure that this will ever take the fees off.

There will be another need come up for these fees. I do not have the faith that these fees will ever come off from these. I think it is dishonest to go home and tell the people that we will take the fees off and they will not come off before your next election. I hope you would vote not to accept the "Ought to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I hope you do support the Majority "Ought to Pass" Report as amended. This is one bill that I feel really strong about that we do need to pass and for many reasons.

It is true. The Waste Management Agency is being phased out or is going to go out and it is going to save the taxpayers of Maine 1.2 million dollars. We all agree that the fees should go with it, but it is a matter of when. The Minority Report recommends that they go out in October. The Majority Report recommends that they be phased out over a period of time. We are saying the appliances and bathtubs should go three months longer and be phased out in January and furniture and mattresses should go one year longer and be phased out January 1, 1997. Why do we need to have that be extended for that period of time?

It has been stated earlier that, it is true we are doing away with Waste Management Agency and we are saving 1.2 million dollars. We still have every ounce of trash to deal with that we have been dealing with in the past. We are doing away with a lot of positions in Waste Management. We are moving six over to the State Planning Office so that we can keep these recycling programs. We know that these recycling programs have been real beneficial in the past and they still are, as they are saving the towns a lot of tonnage and money from going to the incinerators.

It has been mentioned that they are maintaining some positions with the DEP. Yes, that is true, but the reason is we have a number of landfills out there still to close. We have many landfills that have illegal dumping right now that we have to take care of. There is new licensing of transfer stations and relicensing of transfer stations. I can give you a real good example of why we need these people to work, because there are so many violations out there. Tires have been mentioned. I can give you a first hand example of a tire pile within a quarter of a mile of my house with about 4 million tires that declared bankruptcy last Friday. DEP and the state have one heck of a lot of work to do to take care of it. It is their problem. They licensed it and it has gone beyond where they wanted it to.

That is just one example of the many problems across this state that we have got to face. I think by just voting for this bill and giving these fees time to phase out. We all agree they need to be

phased out, well lets do it over a period of time. I strongly urge you, if we are thinking about our town and our recycling programs, that you pass this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House: It looks to me like Committee Amendment "B" is a lot better. I have been a solid waste contractor for eight or nine years now. I won't say that the Waste Management Agency hasn't done anything. They have done some good things and they have set up some good programs. As Governor King said in his speech earlier, they have done a good thing and it is time they move on. It is time that the tax that supports them moves on too as soon as possible.

There is nothing that grates citizens more than to be taxed twice for something. When they have to pay for something up-front and then a lot of facilities charge them when they dispose of it. They pay twice. There is nothing that grates people more and nothing that discredits us more. If we keep this tax on after we get rid of that agency, it will discredit us even more. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask you to support the Majority "Ought to Pass" Report. I realize how difficult it is to talk about fees and taxes at a time like this. I also recognize that there are some things in this state that we really have to take seriously and as a Representative from Norridgewock I have had a lifetime of experiences with the solid waste issue.

I realize that there are six positions that have been eliminated from the DEP and the areas which are funded are critical to the solid waste management issues in Maine. Coming from Norridgewock, we have an extremely large commercial special waste facility, which is in the process of dealing with an expansion of the last four phases of that landfill. It is quite a technical undertaking. It requires a lot of oversight by the Department of Environmental Protection. Sawyer Facility is also at a point where they need to expand their facility. We have had a lot of input from municipality dealing with solid waste issue. With issues in their own communities and also from the paper industry.

They are all asking us to make sure we recognize the need for prompt response. Communities like Norridgewock, I know, because I have been involved there, need a prompt response when they need to understand whether there is a violation or a problem with a facility the size or Norridgewock. The paper industry and the people that are applying for expansion and permits need a prompt response. The DEP needs to get their personnel out in the field on these issues. It is extremely important. Timing is important. The whole problem with the solid waste plan that we have dealt with in this legislature before focuses on the need for oversight. We want to make sure that we have the capacity and the ability to maintain that program.

We have Carpenter Ridge which is something the state decided to fund to manage commercial waste, out-of-state waste. These are all issues which are something that we have been successful at. Although

we all realize that we need to curtail the fees, we also have to do it in a very managed way, because every community that is dealing with solid waste issues in their towns, the expense of that issue, the ongoing concerns. They need to understand that this legislature takes them seriously. The DEP needs to be able to plan in order to be able to get their personnel out in the field. I would encourage you to take that under consideration because it is an overwhelming responsibility of this legislature. Thank you.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I was surprised and, I guess, a little bit disappointed to hear the Representative from North Berwick, Representative Murphy argue in opposition to the Majority Report in this case. I would ask her and you to think back to a few years ago, I believe it was 1985 and 1986, years before which I, in fact, was in the legislature, but Representative Murphy was here. She was working very hard on behalf of her constituents and that is how I met Representative Murphy, because we were both involved working a very important issue that was facing the southern and western parts of this state. There are a number of people who, with big bucks in their eyes, were looking to develop landfills along the border part of this state, basically to serve out-of-state interests, not to serve people in the State of Maine.

Those landfills that were proposed to be built, naturally would have an environmental impact, which is why we have been moving away from landfills towards other more appropriate and environmental forms of waste disposal, especially recycling and waste reduction. As a result of what was, in fact, a terrible crisis at that time, we ended up having a moratorium on all future landfill development imposed by the Governor of this state. A study was set up within this legislature which ultimately came out with legislation that was adopted and which included the Waste Management Agency and a number of other provisions of that law.

That law has had a lot of different pieces to it. Some of it has been technical assistance to towns. Some of it has been planning and the development by the state of an alternative facility to take care of our commercial and paper company waste needs, that is the Carpenter Ridge Facility. The issue of out-of-state waste is a very difficult one, legally, to take care of. There have been a number of supreme court decisions over the years which have been quite hostile to states taking action in this area. I have spent a lot of time working on this issue. In fact, since 1985 I have been involved in it as a lawyer, as part of my profession and as an advocate for people who have been basically facing situations where people from out-of-state were coming to develop landfills which were not intended primarily for people in this state, but for people from out-of-state.

What I can tell you and this is my legal judgment, but it is also shared, I believe, by the Attorney General of this state, that is what we have here in the State of Maine, the system that we put together is probably the best thing that we can do in terms of protecting people in this state from landfills or incinerators being built willy nilly around the state without regard to what the state's needs are. That

program depends very much on some level of planning to continue to take place and some technical assistance to go to the town. That is what the Majority Report retains. It retains a very, very slimmed town version of it.

Only six positions transferred over to the State Planning Office, but I have been assured by the Executive Department and the current head of the Waste Management Agency, which will disappear under either report, that it is sufficient to maintain that planning effort that we must have in order to protect the state from willy nilly development of out-of-state waste facilities. I hope that you will take that into consideration as you cast your vote, because if you do cast your vote against the Majority Report you will be casting a vote for a very uncertain future when it comes to our ability to have any say so over out-of-state waste. This is a tricky area of the law. There are no guarantees even with the system that we have in place that we can, in fact, protect Maine's interest.

I am convinced, I spent a whole two days in the law library over Saturday and Sunday, when this proposal originally came forward, researching the issue. I am quite convinced that if there is anything that we can do we are currently doing it. It is the best system that we could possibly have. I really strongly encourage you to vote for the Majority "Ought to Pass" Report. It does phase out most of the fees over a period of time. I don't think that the fees that are left are gimmicks. They were designed to fund a recycling and solid waste disposal program and that is, in fact, what is happening here. They are going to help towns. We just spent a whole bunch of time talking about property tax relief and circuit breaker.

One of the things that is the biggest item on municipal budgets right now is the solid waste budget. That is something that has been helped to be kept under control by the continuing technical assistance over the years. We are getting rid of the Waste Management Agency, but the Majority Report does allow some continued technical assistance to towns. I think you are voting against the interest of your constituents and municipalities if you don't vote for the Majority Report. I urge you to vote for the pending motion.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The issue in a nutshell of the Majority "Ought to Pass" is that it is getting rid of the fees, but it is doing it in a, I believe, responsible and cautious manner to insure that the important functions of insuring that these items don't once again end up in the woods or the back yards of Maine irresponsibly or managed over a period of years. There was strong wishes to get rid of the fees and this does it in a manner that will address the needs. Go at it in a step by step means and ultimately end up with a more sensible way of dealing with this continuing problem.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House: I rise today in support of the Minority "Ought to Pass" Report. Having been one of those people who originally sponsored the moratorium along with Representative Murphy back in 1988. The impetus being because of out-of-state landfills

moving in here from Southern Maine. I believe it is time for repeal because there are some questions from people like myself and others of where the money was intended to go and where it is going and actually what this agency is doing.

In my humble opinion, that is why there is time for change in this policy and nothing should stay in stone forever. I do so with a heavy heart because I do remember the instances that did occur back then and I still have concerns that those problems exist, but in all good conscience I do have to support the Minority Report for those same concerns.

These fees have become particularly onerous to people of York County and Southern Maine businesses in competition with New Hampshire. I believe by passing the Minority Report we can solve these problems, essentially the difference is the time element. The Majority Report would have a two year phase out of the program, whereas the Minority Report, of which I am supporting, repeals the effective program by October 1, 1995. I hope you will support the Minority Report and hope you will understand my concerns of the solid waste as I have always had concerns as a legislator. I believe a particular mechanism, how we access fees, calling a gimmick or not, the time has come and should end once and for all. That is why I would ask that you support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I will not go over everything that has been said. I don't think you need to have it all repeated again, but there are a few points that I would like to point out and reiterate to you so you will understand where we are coming from.

First of all, the services that had been committed and done by the Maine Waste Management Act are not going to be done away with. Those services are moving into other areas. They have to be paid for if we are going to continue to do so. The way to continue to pay for those is exactly how they have been paid for since the history of this bill. This law passed in 1989. I want to point out to you that the purpose that this law was passed and these fees were put on was to operate the Maine Waste Management Agency. That is what these fees were for then and that is what the fees are going to continue to do to operate these kinds of services that are being dispersed to the State Planning Office. It isn't as if we are using these for other purposes to which these fees were intended. We are using them for the exact same purposes for which they were intended.

The other point that I wish to make concerning the DEP. It seems to be that some people seem to think that we are putting new people in the DEP and this is not true. We are cutting six people out of the DEP. The remaining people are going to be funded just as they have always been funded since this act passed by these fees. Remember now, we are cutting six people out. It is nice if we could eliminate all these fees. There is nobody, whether you live in the south or the north that enjoys paying fees. I certainly don't enjoy paying fees, but you still have responsible ways of doing things.

The responsible way to do this is to phase these services out, so they will not have a major implication upon recycling. You do this by taking and keeping these fees for the purpose for which they

were instituted. The last thing that I will say is that we never should, at least I don't feel we should, ever make any decisions based upon when an election is coming up. I think I ought to base it upon what is good for the State of Maine. Thank you.

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

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: As you can see from the calendar, I was on the Majority "Ought to Pass" as amended Report, but I want to say one thing that the Minority Report came out with a very good observation. The conversation that came out that the very fee that we put on the disposal of white goods created the very problem that the Waste Management Agency was designed to eliminate. People did not pay that fee and take those white goods to the local landfill. Those people took those white goods, their mattresses and everything else and they went on the nearest woods road, if you ever have been out walking through the woods, and they dumped their material there, because they would not pay that fee.

The reason I rise is to say that when we are making rules and regulations, we ought to monitor those things and make sure that we are not creating a fee or a tax that defeats the very purpose for what we create the tax for. Thank you very much.

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

Representative MURPHY: Thank you Mr. Speaker. My name was mentioned a couple of times of what happened in the early 80s. I certainly was up here fighting landfills in my town, the Town of Lebanon. However, if I really and truthfully thought that the disposal fees on these things would solve our problems, I would be 100 percent of it. Here is a letter that the committee received from the Maine Auto Recyclers. It goes on to say that for six years the Maine Waste Management Agency collected millions of dollars in disposal fees and not one cent has gone to the direct disposal of these products, especially the tires. I already told you they took 1 million dollars this year, the Appropriations Committee, and put it into the supplemental budget out of this and that would have gone a long way.

Remember one other thing too, Maine does not prohibit stockpiling of tires. Most of our tires are brought in from other states because we are so lenient in letting them come in. Other states have laws, especially the other New England States, that they are required to get rid of their tires and they are forced to pay a price per tire. They cannot stock pile them in any of the other states, therefore, they are brought into this state and now it is a problem of ours and we are putting it on the backs of our constituents out there. According to the National Scrap Tire Management Council, Maine is the largest importer of scrap tires in the United States and the western hemisphere. That isn't just happening, ladies and gentlemen, that is our fault.

The sad thing is even now, we have stock piles in Maine and we have a chipper in Eliot and he is bringing tires across that border down there, because he can get them cheaper than he can get them out of this state, therefore, they don't have stock piles in those other states because they are illegal. We have made stock piling tires legal and you are asking the people to pay for it. If I really truthfully thought that this money was going to go to take care of the tires in this state, I would be 100 percent for it.

It is not going to take care of the tires. It will go into running state government again and I am not voting any money to run state government in putting my little businesses out of business or stopping anybody else wanting to start a business down there. This is just what we are doing.

Lets tell the truth here and vote against this so we can go on and accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct the statement that was just made by the good Representative from Berwick, Representative Murphy. She said the tire chipper in Eliot took in all these out-of-state tires because they could get them cheaper. Well that isn't the case. It is that they pay more money, we must remember when these tires come in they pay money when those tires are dropped. These people from out-of-state are willing to pay big money to bring tires into the state and drop them here. That is one of the reasons why we do have a problem and one more reason why we do need the DEP and have personnel that is going to be on top of this subject.

The other thing that I would like to say is through the past years, through Maine Waste Management Agency and their personnel, one of the reasons why our recycling programs have been so successful is that our markets, they have worked on markets. That has not been mentioned here today, but right now the cardboard market is over \$200 a ton. I remember when it was \$15 a ton. It is amazing the markets that they have secured for us to get out there and help offset some of our costs. These are all worthwhile programs and that is one of the reasons why, I think, we should vote for the Majority "Ought to Pass" Report and phase out these fees over a reasonable amount of time. Thank you.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I am sure while we have been discussing fees, it is very clear that the members of the Taxation Committee are not experts in the area of solid waste. We have had to take a crash course in solid waste and understand to the limited extent that we can, what the solid waste debate is about. I want to make clear to you here today as we have struggled with either side of that issue.

I want to commend Representative Murphy and Representative Tuttle they have done a very good job of representing their district and their interests. I believe it is true from that particular southern part of the state. It has hurt the furniture industry. We agree. What we disagree about is how fast can it come off. I think they have done an excellent job of making their point. Let me just read to you a letter from the Town of Gorham. Before I read to you I want to explain, this bill is a companion piece. L.D. 203 is a companion piece to L.D. 229. The only way to pay for L.D. 229, which is the bill before Natural Resources is with L.D. 203, there is no other money. You know we keep talking about tax cuts. We are broke, there is no other money. You want to pay for the environmental concerns in 229, 203 Majority "Ought to Pass" is the way to pay for it.

Let me just read you this letter. "Dear Representative Dore: I am writing to urge you and members of the Natural Resources Committee," [This is his mistake, I am the Taxation Committee, but we were dealing with fees,] "to support L.D. 229, "An Act to Abolish the Maine Waste Management Agency in the form that is proposed by Governor King. Handling of solid waste in the State of Maine is one of the most critical and costly functions that we perform." [I think by, we, he means the town.] "Governor King's proposal would provide a responsible and orderly transition to the elimination of the Maine Waste Management Agency. It would also continue the state's commitment to achieve a 50 percent recycling rate and continue the states partnership with municipalities in the recycling area. His proposal would also phase out recycling assistance over several years," [actually it is only two years]. "yet continue to provide essential solid waste services that are needed. My understanding is that his proposal would save Maine citizens approximately 1.5 million in 1996 and 2 million in 1997. Thank you for your consideration of this matter." Sincerely, David Cole, Town Manager.

We don't have enough time to have it distributed on the floor. We were going to. I apologize for that. I want you to understand the we have a relationship with the municipalities and we have made a financial commitment to assist them in dealing with solid waste. The only way to get out of this problem is to continue to fund that commitment while we phase down over the next couple of years. I would urge you to support the Majority "Ought to Pass". Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House: The difference between these is apparently just the timing of when we are going to get rid of this tax. Committee Amendment "A" we are talking about a temporary tax. Does that sound familiar?

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Ever so briefly, because this has been debated at great length and with great professionalism. There is no question that there are two reports here that recommend "Ought to Pass", so there is not a philosophical difference. I am troubled that many of the comments seem to have left in your mind the thought that the agency or agencies charged with taking care of this waste would be reduced to a hollow shell if you pass Report B.

I will call your attention only to the Maine State Government report which we all got a copy of earlier in the year for 1993-94 and two numbers from that which you should keep in mind. In the Bureau of Hazardous Materials and Solid Waste Control there were 172.5 positions and in the State Planning Office there were 36.5 positions for a total of 214. I would submit to you that the elimination of five or six new positions a few months earlier will not leave us open to terrible consequences in a matter of controlling solid waste. I urge defeat of the pending motion.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Having served 16 years on the

Energy and Natural Committee which had the great pleasure and privilege of dealing with the moratorium from southern Maine because all these dumps were coming and they were going to start locating in the state. Under federal law they could bring anything and everything they wanted, they could dump it in the State of Maine and there was nothing Maine could do about it.

The solid waste law that is in the State of Maine was one of the first in the nation and it came about over many years of deliberations both by the committee and this legislature. Yes, it is a moving and evolving thing and changes should be made. I said that six years ago when I was sitting in seat 143 and people talked about fees and what direction we were going and what was going to happen. I want you to understand one thing that is very important, each and every one of you campaigned on economic development, business opportunity and expansion in this state. Understand this, that for any business to expand or locate in this state there has to be provisions for dealing with its waste.

You can say that only cutting four, five or six positions will not have a dramatic impact, that is not the case. As we met with CEOs and people who make the decision whether to invest or expand in Maine, they told us things over and over again. We want certainty in the environmental laws and we want quick turnarounds of our permits. If you do not give us those, we will go somewhere else. If anything occurs to slow down the licensing, relicensing, expansion or location of transfer stations or landfills in this state, business economic activity will cease to exist in this state. Make no bones about it and remember what was said here. My biggest concern is I don't think we can afford to gamble on the scenario that was just laid out by the good Representative from Falmouth. The simple fact of the matter is, if anything happens to slow that process down, you cannot expand or locate businesses in this state, because disposal of waste is the biggest problem they have to deal with as a business.

We have done a lot of things around that, but the simple fact of the matter is, if anything happens and someone is not there to process those permits, to give those expansions, to give those extensions, because, quite frankly, many of them are opening now as unlicensed landfills. The minute that stuff starts showing up in the neighbor's wells, you have some serious problems. If a business has been contributing to that, that business has some serious problems. These fees should be done away, absolutely. As everything that we charge everyone of our people, should be done away with. We should be able to live in this state for absolutely nothing. We should be able to live here for free.

I want to tell you, I went and bought a new mattress last summer and it cost me \$389. The guy said you have to pay this fee on top of that. I said, "Look if I have to fork over \$389 for one mattress the extra \$10 isn't going to bother me at all." He said, "You folks put it on. I don't know where it goes, but I am going to charge it you." I said, "I am not going to worry about paying it. I am paying \$389 for a mattress." It is \$85 bucks for a tire and \$89 for a battery. Just understand the impact of taking those fees off to the businesses that you all campaigned on. It is not going to happen folks. Talk to the people who make the decisions.

One of the quickest things, the Representative from Norridgewock pointed out, you have two facilities in Maine, Sawyer and C.W.S. The rest end up going to an incinerator some where. You need transfer stations and you need some dumps. We have just started down this road and yes it should be changing, but be careful you don't change it so quick that you go back to where we were 10 years ago. I tell you, the taxpayers in your towns aren't going to like that. You are going to be paying \$50 or \$60 a ton and the trash is going to go up, instead of down, but just tell them you did something for them, you saved them \$3 on the battery they bought. Thank you. I request the yeas and nays.

Representative JACQUES of Waterville requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

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

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

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It is amazing that so many members could endure a debate about waste and taxes through their lunch hour. I think I will add to that debate because it is fascinating. It is fascinating to watch the pleas for keeping an agency that half the people have stood up and said it isn't working well. It is fascinating to watch the arguments to keep these taxes and fees in place to do a job that isn't working or to not do a job at all.

A summary of the positions in the Maine Solid Waste Program, some of which are funded by these solid waste fees, many of which are to be continued. We currently fund nine positions out of the general fund. We fund 21 positions of the Maine Waste Management fund. We fund nine positions out of the Environmental Protection Fund. We get three more out of the federal fund of some type or another. All of which go to contribute to the number that the Representative from Falmouth just told you about of 214 positions. I realize probably that each one of us could argue with a certain amount of passion about keeping every one of these positions. Most of the arguments that I have heard today say that these folks haven't really done the job yet and that is kind of amazing that we still want to keep them going as they are. It seems that half the arguments are being made to keep the agency and neither report keeps the agency.

Both are proposing to do away with the agency in 25 days. The office that they used to have in the Key Bank building downtown paying the highest rent in Augusta, will be gone. I think they have moved from there now, I hope. The director, who is a very nice gentlemen, who has been working with me and my legislation that addressed this subject along with the administration's proposal will be officially gone. Folks will be put somewhere. The question is do we do away with an agency and keep the fees and as the Representative from Greenville said make sure that they disappear in time for the next election or do we do as Report B suggests and do away with the

fees on October 1. This is really the basic difference.

The rest is constructed later in another piece of legislation. Obviously we have to decide whether we need the services that the fees provide. We need more of the same or we need some additional services or we need some realignment. I was pleased to hear the Representative from Waterville condemn the transfer of waste between states is a major federal issue, because, I understand the new congress is addressing that subject and may, in fact, be various proposals to ban the transfer of waste or at least be able to control it between states. It sort of strikes me that even with current law which bans new commercial landfills, which has nothing to do with the argument today, that DEP is licensing these tire piles that are accumulating in some people's back yards under current law and with all these folks in place right now. They are here doing their job creating the mess that the money we are collecting now isn't going to solve.

There hasn't been a dime of the tire fee going to addressing the problem. I think both proposals are suggesting that we realign that process. There must be a reason why people are so intent to keep these fees in place. There are certainly those who argued that DEP may need even more people, in addition to the 214. There are various other people out around in the state bureaucracy that are supported by these fees. I am sure you all realize that. There is a position or two in the Treasurer's Office and there are more here and there. They are all supported by this continuation of the fees. We do want to make sure those fees keep coming in. Those folks clearly think they are needed. I have to admit that we have gone a long way from the original proposal, the executive, which was that we do away with the agency and keep the fees forever.

I think the legislature has made and the administration and Mr. Williams came in with a revision of that proposal when it began to look like we were going to change directions. This is an important decision about spending. These fees do have an impact and it is beyond the \$10 for a mattress. When the proposal was first submitted, I received a letter from a major furniture manufacturer in this state which detailed an argument he had with the tax folks in this state that required him to attach this fee to his products. This is having a major impact on the ability of a major manufacturer in this state to compete with other states. He begged us to remove those fees as soon as possible. Maybe phasing them out over a year and a half is going to make it all right for him, but we can do it sooner. We can do it by Report B.

I think we can live with the realignment of the consequences of that action. We can allocate more money for the tire problem. We can require DEP to realign their positions. The state planning office is going to gain positions and they can continue to work with communities. We have an opportunity before us to look at a structure that collects fees for a job we will no longer be doing. It just makes common sense and be honest with our constituents to eliminate those fees at the earliest possible date and Report B does that.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Just to make sure that everybody did not misunderstand. I never said that the Waste Management Agency has done a terrible job, a poor job or hasn't done their job. You should talk to your local officials to find out and you will certainly hear from most of them that they have been able to achieve a great deal of success and lower the property taxes in communities a great deal by what was done by the Waste Management Agency.

One of the problems with tires in this state, ladies and gentlemen of the House, is because we keep changing the laws. Very few people are willing to make the investment to get into the process. Champion Paper did it three or four years ago. They are trying to take care of our tire problem, but we make it more and more difficult for other agencies to do that, because we keep moving the rules of the game. We keep changing the players. We have no one that has been in these agencies longer than two years. The minute they get some experience, they go out and work for private enterprise. I am not standing here defending a bureaucracy or keeping the numbers of that bureaucracy high. I am just telling you based on 16 years of observation that the minute that one of these businesses in your district applies for a permit to deal with landfills and they are told, we are sorry it may be a year or year and a half before we get to you, because those people aren't here anymore, you are going to hear about it.

We are giving them one more excuse to delay these things from happening, because contrary to what you may believe, when you start talking about licensing transfer stations and landfills, Carpenter Ridge has taken five years to get to the point where it is now. That is one that was owned by the state, licensed by the state and checked out by the state. Just think what chance your little business, Hartland Tannery, would have trying to do the same thing. Get rid of some more people there and you will see what happens. That is my only plan. I don't want to defend bureaucrats, expanding a bureaucracy or creating a bureaucracy.

The simple fact of the matter is, from what I saw if you do this and you completely phase it out now, you will all feel good and you can all go back and say you did something, but when those same businesses come back and say sorry, we can't let you locate here because you don't have an approved landfill. You don't have a landfill you can go to. You don't have a transfer station you can use, then you will see what the real economic impact of that is. We have changed the law for specific businesses. We have changed the law on solid waste for paper companies to try to work in there to allow expansions and licensing to occur. We have done it for companies like Keyes Fiber in the Waterville area. We have tried to keep moving to keep up with technology and the pace.

I don't care how you vote, just remember what I said when the time comes that you can't license and relicense these facilities. Many of them are not licensed now, the lawsuits will be coming because there won't be anybody out there monitoring those things and checking them. The neighbors are going to get involved. You are going to have neighbor against neighbor and neighbor against industry. If that is what you want for a years difference in this fee schedule, fine go ahead and vote for it, but that is what is going to happen. I can guarantee it.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: Just a few quick points, first of all, neither report continues the agency. Let me repeat that since you may be confused from previous debate, neither report continues the agency, both phase is out. The difference is that Report A, which is what we have before us in this motion, will continue a few positions over at the state planning office to continue a technical assistance to towns and there are hundreds of towns that have benefited from this previous agency. Don't let people get up here and say that it is just a whole big waste of money and bureaucracy. It is not. Hundreds of towns have gotten lots of money and technical assistance from the state in order to do recycling. They have benefited from it and your taxes have benefited from it.

Secondly, the function that will not happen if you do not vote for Report A is that the planning function that is essential if we are to control in anyway out-of-state waste from being used to build new landfills and incinerators, that function will not happen. Thirdly, as the Representative from Waterville said that is a function which is also very important for the businesses of this state. That is why in 1988 and 1989 when this law was first passed, it was strongly supported by the business community. They knew that they had to have adequate funding, support and planning for solid waste in this state or they would not get ahead as businesses.

Finally in terms of the positions that exist in other parts of state government concerning hazardous and solid waste. One of the things that has been so good about the program that we have had, which even I am supporting taking down to this skeletal level, is that it has been out there in front providing help to towns in advance, as opposed to going out and cleaning up the messes afterward. What you are doing here if you do not support the Majority Report is that you will be following an approach that we have had in previous years which we have been trying to get away from, which is that we should be pro-active. We should be helping towns and businesses do things right in the first instance.

This is, in fact, one of the few parts of state government which is not primarily a regulatory function. It is, in fact, a function going out there to help towns. I think that that was expressed when the hearing was first held on this bill, the companion piece that would have gotten rid of the entire function, no one showed up to support it from any of these towns. They all showed up to oppose it. For that reason a compromise was worked out and that compromise can only be funded if you continue some of the fees. I was the first person to get up and say I think it is a shame to keep all the fees and get rid of all the functions. I still agree with that.

Report A keeps a few of the fees phasing them out so that we can go into a transition period to continue to provide vital services to our communities and ensure that we do not become the dumping ground for the rest of the Northeast. I think if you go home and check with your constituents on this, they will slowly support your support here of Report A.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I am going to support Report A today, but I guess maybe I am not going to support it based on some of the things that have been said in the previous statements. I will tell you this, I have been dealing with this issue as another part of my duties when I am not here, since 1989. I've got to tell you that when we were involved in DEP and we got involved with Maine Waste Management, it was a vast improvement. I want to make one statement clear that Maine Waste Management has not saved us any money. When you say to our towns that they have saved us money on our tax bills, that is not correct. Today the second largest bill that we have is taking care of our solid waste problems, next to education costs. Don't tell me Maine Waste Management has saved our town any money, because it hasn't.

The problem that I have dealing with Report B is that I do believe we need some people in there to help us through our final phases. Our transfer station opened a year ago this August after starting in 1989. With the help of Maine Waste Management, we were able to do that. The problem I have is that I want to keep them working with us I have had an application in for a demolition decree since a year ago last February and I hope to God if we keep it in place, we will get it approved before the summer is over. Thank you.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate your indulgence. I just thought it ought to be clear to the members of this body that even Report B does not leave us without any funding. It provides a funding stream of 2 million dollars or very near that amount for a year. Back where I come from you can hire a few folks for a couple million bucks. I think it is within the capabilities of a committee of this legislature to align their priorities to meet the greatest needs. Neither report is talking about eliminating all the fees.

Report B talks about eliminating some of the fees on appliances, mattresses and other things quicker. We are still leaving fees on special waste which is a major amount of their revenue stream. Everybody wants to leave fees on tires and batteries and most of us want those fees to go to solve the problem. I don't think we need to worry about eliminating all the money. There may be some folks who are currently there who will not be, if you don't support the motion before us. There is still quite a bit of money involved here and it can do whatever the wish of the legislature is in terms of addressing major issues. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 131

YEA - Adams, Ahearn, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Fitzpatrick, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemaire, Lemke, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nickerson, O'Gara, O'Neal, Paul, Poulin, Pouliot, Povich,

Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Stone, Strout, Thompson, Townsend, Treat, Tripp, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Cameron, Campbell, Carleton, Chick, Clukey, Donnelly, Dunn, Farnum, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Murphy, Nass, Peavey, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Simoneau, Stedman, Taylor, True, Tufts, Tuttle, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Bailey, Buck, Chizmar, Fisher, Gamache, Labrecque, Lemont, Luther, Nadeau, Ott, Pendleton, Truman, Vigue, Yackobitz.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-190) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, June 6, 1995.

On motion of Representative MITCHELL of Vassalboro the House recessed until 4:30 p.m.

(After Recess)

The House was called to Order by the Speaker.

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

The Chair laid before the House the following items which were tabled earlier in today's session:

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96" (EMERGENCY) (H.P. 701) (L.D. 959) which was tabled by Representative MARTIN of Eagle Lake pending adoption of Committee Amendment "A" (H-336).

Representative MURPHY of Berwick presented House Amendment "A" (H-368) to Committee Amendment "A" (H-336) which was read by the Clerk and adopted.

Committee Amendment "A" (H-336) as amended by House Amendment "A" (H-368) thereto was adopted.

The Bill was assigned for second reading Tuesday, June 6, 1995.

An Act to Authorize Municipalities to Pay Employees Biweekly (S.P. 259) (L.D. 695) which was tabled by Representative CARLETON of Wells pending the motion to suspend the rules for reconsideration.

Subsequently, the rules were suspended.

On motion of Representative HATCH of Skowhegan the House reconsidered its action whereby L.D. 695 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-343) which was read by the Clerk.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: This particular amendment exempts from the biweekly pay schedule established in the bill, those municipal employees who are members of a collective bargaining unit, unless a less frequent pay schedule is agreed to by the collective bargaining unit. All this will do, the existing agreements that are already made will still be enforceable under this. That is about all it does.

House Amendment "A" (H-343) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-343) in non-concurrence and sent up for concurrence.

The following item was taken up out of order by unanimous consent:

MATTER PENDING RULING

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-244) - Committee on Taxation on Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid" (H.P. 550) (L.D. 746)

TABLED - May 18, 1995 by Speaker GWADOSKY of Fairfield.

PENDING - Ruling of the Chair.

The SPEAKER: I have under consideration L.D. 746 with respect to a ruling requested by the Representative from Falmouth, Representative Reed. Representative Reed has requested a ruling as to the germaneness of Committee Amendment "A". The question as to germaneness of an amendment is more properly asked at the point of adoption. Since we have yet to accept the Minority "Ought to Pass" Report, the Chair is not in a position to rule on germaneness of Committee Amendment "A" at this time. The Representative from Falmouth, Representative Reed or any other member is, of course, free to request a ruling if Committee Amendment "A" is before the body at that time. The pending motion before the House is to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Briefly since it has been some time since this bill was before us, I am sure you will recall this is a 9 to 4 "Ought Not to Pass". The reason for that is not because the committee feels this is not an important issue, but because the nine members who voted in the "Ought Not to Pass" mode on this bill were aware and remain aware of the fact that by statute the Committee on Taxation is required to make this review and that cite, in case you are interested, is title 36, section 650, which says the Taxation Committee must do this review.

I think the question before you is simply whether or not you want to spend about \$8,000 to create a commission to do what the Taxation Committee is already required to do or not. It is as simple as that. You make the decision. The review will be done, it is required by statute to be done. You can get it done by the committee or you can pay \$8,000 to get another report in your folder, of which we all have many. You will decide how you want to do that.

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