

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

Representative ROSEBUSH from the Committee on State and Local Government on Bill "An Act to Update and Clarify Administrative Procedures" (H.P. 907) (L.D. 1283) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-496)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-496) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Ought to Pass as Amended

Representative DAVIDSON from the Committee on Business and Economic Development on Bill "An Act to Prevent Master Electrician License Fee Payment Duplication" (H.P. 1044) (L.D. 1463) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-497)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-497) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Divided Report

Eleven Members of the Committee on Natural Resources on Bill "An Act to Abolish the Maine Waste Management Agency" (H.P. 181) (L.D. 229) reporting in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-487)

Signed:

Senators:

LORD of York
 RUHLIN of Penobscot
 GOULD of Greenville
 POULIN of Oakland
 SAXL of Bangor
 BERRY of Livermore
 MERES of Norridgewock
 GREENLAW of Standish
 DAMREN of Belgrade
 NICKERSON of Turner
 MARSHALL of Eliot

Representatives:

One Member of the same Committee on same Bill reporting in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-488)

Signed:

Senator: HATHAWAY of York

One Member of the same Committee on same Bill reporting in Report "C" that the same "Ought Not to Pass"

Signed:

Representative: SHIAH of Bowdoinham

Was read.

Representative GOULD of Greenville moved that the House accept Report "A" "Ought to Pass" as amended.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I stand to support the Majority "Ought to Pass" Report. To thank the good committee chair and the members of that committee for working so long and hard on the piece of legislation that I submitted originally. This is, as you noted on your desk, a 40-page amendment that, in effect, in 14 days, ends the Maine Waste Management Agency as we know and reassigns the tasks to two other divisions of government. Although I am not entirely pleased with everything that happened in the process, this represents a reasonable compromise and I think it deserves our support. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I really didn't think I was going to get one more chance at this. If you will notice, you have Report "A," "B" and "C." Believe me, the title of this would make one think that we were acting to abolish the Maine Waste Management Agency as of July 1, 1995, this is not so. We are abolishing the title and that is what we should say. We are not abolishing the fees. We are not taking the tax off our constituents out there and that is my problem.

If you look at Committee Amendment "B," you will notice that the fees come off your refrigerators, white goods, bath tubs, furniture and mattresses all on January 1, 1996, instead of spreading it out another year. I don't believe if they are spread out, they will ever come off because everybody will forget it and you will say we need the money because we need these positions here in state planning and everywhere else. I have a problem with not taking off the fees when you do away with an agency, so I can go home and say yes, we did away with an agency. I am going home and say, "We did away with a title, we kept the fees."

We all believe that the fees should be kept on tires and batteries. We have had fees on tires and batteries in my town for a long time and it is no problem. Refrigerators, stoves, washing machines, bath tubs, mattresses and furniture, furniture that you probably will never throw away and you are in hopes your kids aren't going to throw them away, because they will become antiques. Some of the antiques you have you hope will never be thrown away. That is what this bill does, it just gets rid of a name. It does nothing else.

Please vote against Committee Amendment "A" so we can go on to accept Committee Amendment "B." I request a division.

Representative MURPHY of Berwick requested a division on the motion to accept Report "A" "Ought to Pass" as amended.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I do hesitate to get up to speak because some of you may think I am an antique myself. I will get up and speak anyway.

I am not sure if you call removing 16 positions retaining a title or not, but it would seem to me in any way that I calculate anything, removing 16 positions, getting rid of an agency and taking what is remaining of good services to municipalities and to the state and putting them in other areas, is getting rid of an agency. It is doing something good. It is saving about 1.2 million dollars. I wish I had that because I would like to be able to save 1.2 or 1.5 million dollars very frequently. If we did, we would solve all the state's problems. I think this is an excellent step. It doesn't solve all the problems, as the good Representative said, but it does make a good start. I hope that you will continue to support our efforts to help cut state government. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am on the Minority Report "C." My basic concern with this bill

is I have yet to hear a good reason to do away with this agency. Its work is far from finished. It has had an admirable start in the six years it has been in existence. I think the focus of this agency is still needed and we are going to, if the Majority Report is accepted, disperse the tasks throughout state government. I think it will not only tend to lose its focus, but in future years, with potential budget cuts again, I just worry that these services that are so valuable will be on the chopping block first.

I also just want to go on record as saying I want to thank the staff of the agency. I know it is probably going to be history in a few weeks, but for the fine work that they have done for all the towns of Maine, even those that haven't directly benefited from the grants. It has helped build the recycling efforts in this state. I know now the market is driving a lot more of the recycling efforts in Maine, that is wonderful, but we still, I believe, have a long way to go. I wish we could keep the agency together. I know it is going to be difficult with this report and the Executive's Office behind this report, but I would urge you to vote against this and to keep the agency. Thank you.

Representative UNDERWOOD of Oxford requested a roll call on the motion to accept Report "A" "Ought to Pass" as amended.

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 Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't know where on the lists of those lists this is. I didn't intend to speak on this this morning, but I find myself speaking. I support the Committee Chair, Representative Gould on Committee Amendment "A." We put a lot of time in it. I agree it is not perfect, but not many of us have seen anything perfect around here. I thank you.

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

ROLL CALL NO. 177

YEA - Ahearne, Aikman, Ault, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevy, McElroy, Meres, Mitchell EH; Morrison, Nadeau, Nass, O'Gara, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rotondi, Rowe, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor,

Thompson, Townsend, Tripp, True, Tufts, Tyler, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Buck, Cameron, Dunn, Heesch, Johnson, Jones, K.; Joyce, LaFountain, Look, Murphy, Samson, Saxl, M.; Shiah, Stevens, Treat, Tuttle, Underwood, Volenik, Watson.

ABSENT - Adams, Bailey, Farnum, Fisher, Fitzpatrick, Mitchell JE; Nickerson, Paul, Plowman, Poulin, Richardson, Rosebush, Saxl, J.; Sirois, Truman, Winsor, Yackobitz.

Yes, 115; No, 19; Absent, 17; Excused, 0.

115 having voted in the affirmative and 19 voted in the negative, with 17 being absent, Report "A" "Ought to Pass" as amended was accepted.

The Bill was read once. Committee Amendment "A" (H-487) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, June 19, 1995.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-492) on Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone" (H.P. 609) (L.D. 819)

Signed:

Senators:

LORD of York
RUHLIN of Penobscot
HATHAWAY of York

Representatives:

GOULD of Greenville
SAXL of Bangor
BERRY of Livermore
MERES of Norridgewock
SHIAH of Bowdoinham
GREENLAW of Standish
DAMREN of Belgrade
NICKERSON of Turner
MARSHALL of Eliot

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

Signed:

Representative:

POULIN of Oakland

Was read.

On motion of Representative GOULD of Greenville, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-492) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, June 19, 1995.

Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477) on Resolve, Establishing the Task Force on Alcoholic Beverage Sales (EMERGENCY) (H.P. 1075) (L.D. 1514) (Governor's Bill)

Signed:

Senators:

STEVENS of Androscoggin
MICHAUD of Penobscot
FERGUSON of Oxford

Representatives:

BUCK of Yarmouth
LABRECQUE of Gorham
NADEAU of Saco
TRUE of Fryeburg
GAMACHE of Lewiston