

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

against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Increase the Compensation of Members of the State Claims Commission (H.P. 536) (L.D. 732) (S. "A" S-371 to C. "A" H-159)

An Act to Provide Road Maintenance to Baxter State Park (H.P. 783) (L.D. 1100) (S. "A" S-372 to C. "A" H-207)

An Act to Increase the Formula Used for ATV's and Snowmobile Reimbursement (H.P. 802) (L.D. 1119) (S. "A" S-370 to C. "A" H-297)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund (H.P. 630) (L.D. 855) on which the Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs was read and accepted in the House on May 3, 1995.

Came from the Senate with the Bill and accompanying papers recommitting to the Committee on Appropriations and Financial Affairs in non-concurrence.

Representative KILKELLY of Wiscasset moved that the House Adhere.

Representative DONNELLY of Presque Isle moved that the House Recede and Concur.

The Chair ordered a division on the motion that the House Recede and Concur.

Representative ROSEBUSH of East Millinocket requested a roll call on the motion to Recede and Concur.

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 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. 272

YEA - Aikman, Ault, Bailey, Bigl, Buck, Cameron, Campbell, Carleton, Chick, Cross, Daggett, Damren, Desmond, Donnelly, Dunn, Farnum, Fisher, Gamache, Gieringer, Gooley, Greenlaw, Hartnett, Heino, Jacques, Jones, S.; Joy, Joyce, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lumbra, Madore, Mayo, McAlevey, McElroy, Mitchell EH; Nadeau, Nass, O'Gara, Ott, Peavey, Perkins, Pinkham, Plowman, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Tufts, Tuttle, Underwood, Waterhouse, Whitcomb, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Davidson, Dore, Etnier, Fitzpatrick, Gates, Gerry, Gould, Green, Hatch, Heeschen, Johnson, Jones, K.; Joseph, Kilkelly, Kontos, Martin, Mitchell JE; Morrison, O'Neal, Paul, Pendleton, Richardson, Rowe, Samson,

Saxl, J.; Saxl, M.; Shiah, Thompson, Townsend, Treat, Tripp, Truman, Watson, Wheeler.

ABSENT - Barth, Birney, Clark, Cloutier, Clukey, Dexter, DiPietro, Driscoll, Guerrette, Hichborn, Joyner, Keane, Kerr, Kneeland, LaFountain, Lemaire, Lemke, Lemont, Look, Lovett, Luther, Marshall, Marvin, Meres, Murphy, Nickerson, Poirier, Poulin, Pouliot, Rotondi, Sirois, Stevens, Stone, Tyler, Vigue, Volenik, Winglass, Winn, Yackobitz, The Speaker.

Yes, 67; No, 44; Absent, 40; Excused, 0.

67 having voted in the affirmative and 44 voted in the negative, with 40 being absent, the motion to Recede and Concur did prevail.

ENACTORS

Emergency Measure

An Act to Amend the Laws Governing Child Support (S.P. 556) (L.D. 1516) (Governor's Bill) (S. "A" S-382 to C. "A" S-317)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife (S.P. 562) (L.D. 1530) (S. "A" S-390 to C. "A" S-311)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Funds for the Building Alternatives Program (H.P. 1120) (L.D. 1564) (S. "A" S-383 to C. "A" H-529)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 8 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

ENACTORS

Emergency Mandate

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997 (H.P. 700) (L.D. 958) (Governor's Bill) (S. "A" S-398 to C. "A" H-656)

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

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I have no intention of doing anything other than placing a couple of remarks on the record tonight.

This program, which is symbolic support for business in Maine is obviously resonating very well with this body, but the details of it are vital and there was a divided report with me in the minority, that came out of Taxation on it. This is the program that last night put 4.8 million dollars taken from a variety of accounts, some lapse money from MCFIC, construction money that was available and put real money toward a program of benefits in personal property reimbursements for reductions for businesses in Maine and begins us on a program that is estimated to be over 20 million dollars a year before the end of the decade and approach 60 or 70 million dollars when it comes into full position. There is some amendment in the language in the Transportation Committee, double dipping was eliminated, RTC and reimbursement for personal property exemptions can not be taken on the same equipment, but let me point out that there is triple dipping there still.

You had on your desk hours ago, and long since hit your wastebasket, an article about 100 percent TIF for the Scott Paper Plant, 47 million dollar investment in Winslow. That is the Scott Paper Plant receives back 100 percent of those monies as a part of that TIF program. Arguably, there is triple dipping with a STF program as well, if that program is implemented. That possibility for benefit is there. The executive from Scott Paper Company, when he appeared before our committee, wouldn't indicate the amount of profit that the plant was making, that was confidential. Of course, we do not know about the amount of taxes they're making, that is also confidential. Not in all states, but it is in Maine, so we don't know the extent of the real need there.

There is no language in this to protect people from investments that actually decrease the amount of jobs. There is no prorater and this was an issue that was seriously dealt with. There is just a statutory ability for the company, in effect, to reach in and take the money. It's not as if we've created a pool of money out of which there is a prorated share from those who are eligible for the program. Companies can simply reach in and take their money.

The most serious problem in my view is that shortly the state is about to embark on an evaluation of the economic impacts of these incentives. The pollution control credit that was adopted in a previous legislature wasn't funded and I think some sense of that was that we didn't really know what the impact of these were because we had so little data available, but we simply were going to provide the money and we're doing that tonight. It's come in the part, Part II of the budget, behind the language. I certainly wasn't aware of that until yesterday, which is perhaps a function of my nativity, but the reality is we are embarking on a commitment here for a major financial involvement without a lot of limitations with no real knowledge of its impact or its need and just before we are to embark as a state on an

evaluation of the economic impact of the various incentive programs that we do.

I wanted to lay those remarks on the record because I think it is a major mistake in policy. The rationale that I've heard has been in the sense in which we wanted to get a signal to businesses about government, and although the signals are positively received, we must keep clear that we are taking tax money from some businesses and individuals and giving it to others. I believe there is one county where something like 40 percent of the personal property is located in three mills.

I would remind you that paper mills, which are a prime beneficiary, although certainly not the only one of this, now pay 8 million as against 36 million a very few years ago, into the state treasury. I think I have nothing further to add. I certainly don't intend that there be any kind of questioning of the ultimate resolution. I recognize when something has happened, but I think we're embarking on a major policy without knowing where we are going and I think it is a serious, serious, financial hemorrhage that calls into question our ability to meet on the one hand the tax reduction goals that we talked about in other language and other parts of the budget on one hand and on the other hand to meet the necessary needs of the people of the State of Maine.

Representative JACQUES of Waterville requested a roll call on passage to be enacted.

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 pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 273

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Benedikt, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Hartnett, Hatch, Heeschen, Heino, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kilkelly, Kontos, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lumbra, Madore, Martin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stedman, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Underwood, Waterhouse, Watson, Wheeler, Whitcomb, Winsor, The Speaker.

NAY - Berry, Richardson.

ABSENT - Barth, Clark, Cloutier, Clukey, Dexter, DiPietro, Driscoll, Guerrette, Hichborn, Keane, Kerr, Kneeland, LaFountain, Lemaire, Lemke, Lemont, Look, Lovett, Luther, Marshall, Marvin, Meres, Murphy, Nickerson, Poirier, Poulin, Pouliot, Rotondi, Sirois, Stevens, Stone, Tyler, Vigue, Volenik, Winglass, Winn, Yackobitz.

Yes, 112; No, 2; Absent, 37; Excused, 0.

112 having voted in the affirmative and 2 voted in the negative, with 37 being absent, 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, the Mandate was 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.

ENACTORS
Emergency Measure

Resolve, Establishing a Commission to Study the Trespass Laws (H.P. 954) (L.D. 1343) (S. "A" S-387 to C. "A" H-344)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Create a Task Force on Tax Increment Financing (H.P. 858) (L.D. 1189) (S. "A" S-396 to C. "A" H-339)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Increase Venture Capital Access to State Businesses (H.P. 920) (L.D. 1296) (S. "A" S-380 to C. "A" H-272)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTORS

An Act to Improve the AFDC Program (S.P. 548) (L.D. 1496) (Governor's Bill) (H. "D" H-650, S. "B" S-348 and S. "C" S-385 to C. "A" S-322)

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

Representative JACQUES of Waterville requested a roll call on passage to be enacted.

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 pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 274

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kilkelly, Kontos, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lumbra, Madore, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Underwood, Waterhouse, Watson, Wheeler, Whitcomb, Winsor, The Speaker.

ABSENT - Barth, Bunker, Clark, Cloutier, Clukey, Dexter, DiPietro, Driscoll, Gieringer, Hichborn, Joseph, Keane, Kerr, Kneeland, LaFountain, Lemaire, Lemke, Lemont, Look, Lovett, Luther, Marshall, Martin, Marvin, Meres, Murphy, Nickerson, Plowman, Poirier, Poulin, Pouliot, Rotondi, Sirois, Stevens, Tyler, Vigue, Volenik, Winglass, Winn, Yackobitz.

Yes, 111; No, 0; Absent, 40; Excused, 0.

111 having voted in the affirmative and 0 voted in the negative, with 40 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

An Act to Revise the Maine Turnpike Authority's Powers with Respect to Commuter Tolls (EMERGENCY) (S.P. 139) (L.D. 325) (H. "C" H-654 to C. "A" S-85) which was tabled by Representative DONNELLY of Presque Isle pending passage to be enacted. (Roll Call Requested)

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 pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 275

YEA - Ahearne, Aikman, Ault, Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Jacques, Jones, S.; Joy, Joyce, Joyner, Kilkelly, Kontos, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lumbra, Madore, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.;

Saxl, M.; Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, Tripp, True, Truman, Tufts, Tuttle, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor, The Speaker.

NAY - Adams, Chartrand, Chase, Chizmar, Gerry, Green, Heesch, Johnson, Jones, K.; Shiah, Townsend, Treat, Watson.

ABSENT - Barth, Clark, Cloutier, Clukey, Dexter, DiPietro, Driscoll, Hichborn, Joseph, Keane, Kerr, Kneeland, LaFountain, Lemaire, Lemke, Lemont, Look, Lovett, Luther, Marshall, Martin, Marvin, Meres, Murphy, Nickerson, Poirier, Poulin, Pouliot, Rotondi, Sirois, Stevens, Tyler, Vigue, Volenik, Winglass, Winn, Yackobitz.

Yes, 101; No, 13; Absent, 37; Excused, 0.

101 having voted in the affirmative and 13 voted in the negative, with 37 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

Representative **STROUT** of Corinth moved that the House extend until 10:00 p.m., pursuant to House Rule 22.

A vote of the House was taken. 84 voted in favor of the same and 0 against, subsequently, the House extended until 10:00 p.m.

On motion of Representative **JACQUES** of Waterville, the House recessed until 9:15 p.m.

(After Recess)

The House was called to order by the Speaker.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory" (EMERGENCY) (H.P. 270) (L.D. 372) (C. "A" H-24) which failed of enactment in the House on April 4, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-24) and Senate Amendment "B" (S-393) in non-concurrence.

The House voted to Recede and Concur.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Improve Highway Signing Information" (H.P. 691) (L.D. 942) has had the same under consideration and asks leave to report:

That the Senate recede from indefinite postponement; accept the Unanimous "Ought to Pass" as amended Report of the Committee on Transportation; read Committee Amendment "A" (H-491); read and adopt Committee of Conference Amendment "C" (S-401) to Committee Amendment "A"; adopt Committee Amendment "A" (H-491) as amended by Committee of Conference Amendment "C" (S-401) thereto; and pass the bill to be engrossed as amended by Committee Amendment "A" (H-491) as amended by Committee of Conference Amendment "C" (S-401) thereto.

That the House recede and concur with the Senate.

Signed:
Senators:

SMALL of Sagadahoc
ABROMSON of Cumberland
McCORMICK of Kennebec
O'GARA of Westbrook
LINDAHL of Northport
GWADOSKY of Fairfield

Representatives:

Came from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-491) as amended by Committee of Conference Amendment "C" (S-401) thereto.

The House voted to accept the Committee of Conference Report.

On motion of Representative O'GARA of Westbrook, the House voted to Recede and Concur. Ordered sent forthwith.

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

COMMUNICATIONS

The following Communication: (H.C. 256)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

June 29, 1995

The Honorable Jeffrey H. Butland
President of the Senate
The Honorable Dan A. Gwadosky
Speaker of the House
117th Maine Legislature
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the First Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Unanimous Reports	41
Ought to Pass	1
Ought to Pass as Amended	7
Ought Not to Pass	31
Re-referred	2
Divided Reports	9
Carry Over	10
Pursuant to Joint Order	3
Total number of bills	63

Respectfully submitted,

S/Dana C. Hanley S/George J. Kerr
Senate Chair House Chair

Was read and ordered placed on file.

ORDERS

On motion of Representative **KILKELLY** of Wiscasset, the following Joint Order (H.P. 1147)

ORDERED, the Senate concurring, that "RESOLUTION, Proposing an Amendment to the Constitution of Maine Creating a Unicameral Legislature," H.P. 863, L.D. 1194, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

A two-thirds vote being necessary, a total was taken. 59 voted in favor of the same and 39 against, subsequently, the Joint Order (H.P. 1147) failed passage.