

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 14, 1996 to April 3, 1996

SECOND CONFIRMATION SESSION

August 1, 1996

SECOND SPECIAL SESSION

House of Representatives

September 5, 1996 to September 7, 1996

Senate

September 5, 1996 to September 7, 1996

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE

After Recess
Senate called to order by the President.

In Senate Chamber
Saturday
September 7, 1996
Senate Called to Order by the President, Jeffrey
H. Butland of Cumberland.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Resolution, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests

H.P. 1390 L.D. 1892
(H "B" H-931; H "D"
H-933; S "C" S-606;
S "B" S-605 to C "A"
H-924)

Tabled - September 6, 1996 by Senator HANLEY of Oxford.

Pending - FINAL PASSAGE

(In Senate, September 6, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924), AS AMENDED BY HOUSE AMENDMENTS "B" H-931 AND "D" H-933, and SENATE AMENDMENTS "B" S-605 AND "C" S-606, THERETO, IN NON-CONCURRENCE.)

(In House, September 6, 1996, FINALLY PASSED.)

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator BEGLEY: Thank you, Mr. President. Prior to any vote, I would like to make a comment or two, concerning the amount of money that is going to be responsible, through the general fund, in a legislature a year, or two, or three, or four, or five, or six, down the road. The current proposal, there is money set aside, either \$30,000 or \$76,000, so there will not be a major appropriation the first year. In looking at the proposal in the bill, it is estimated that after that time, annually, or in some fashion, whatever time you want to consider, there will be half a million dollars recommended from the general fund. I have asked the Administration, they have complied, at least in the point of view, yes, they are interested in letting the public know in, or before, November, what the cost is going to be down the road, not next year, but down the road, \$400,000 to \$500,000 of general fund money. I believe it is the responsibility, and they will, I am sure, accept this responsibility for the Administration and the Legislature to inform the public, not necessarily through the newspapers. In my opinion it should be done far more formally. I'm not sure how. We have done it on bond issues. It cannot, from what I understand, be put on the ballot in fear of prejudicing the position. But, unless the Administration and the Legislature, and whoever else is supporting this, informs the public, it is my opinion that you are not doing your duty.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you, Mr. President, Men and Women of the Senate. Very quickly, yesterday I expected more talk on various portions of the compact. Specifically, I was waiting for talk about the audit. I was waiting for an opportunity to stand up and say there is something very special about this audit program. Very quickly, let me just say that there is a company in our state, Seven Islands, that has had an audit program that has been internationally recognized. It is recognized as a well-managed forest. They have done a successful third-party audit program. I would just like to say that part of this audit provision recognizes, and

Prayer by the Honorable Albert G. Stevens, Jr. of Androscoggin.

SENATOR STEVENS: Good morning. I found a short poem for the last day of the 117th.

"Great is the power of the might and mind,
But only love can make us kind.
All we are, or hope to be,
Is empty pride and vanity.
If love is not a part of all,
The greatest person is very small."

Let us pray. We thank you, Lord, for this September day, which probably will be the final day of the 117th. We count our blessings and hope for Your blessing in finishing up the session by noontime. Thank you.

Reading of the Journal of Yesterday.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act to Authorize the Department of Human Services to Accept Federal Funds and to Make Certain Expenditures

H.P. 1394 L.D. 1895
(C "A" H-939)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

Senator AMERO of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator LAWRENCE of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator BERUBE of Androscoggin, RECESSED until the sound of the bell.

grandfathers, this type of audit program. It's a very good thing, for the record. Thank you.

On motion by Senator KIEFFER of Aroostook, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is **FINAL PASSAGE**.

A vote of Yes will be in favor of **FINAL PASSAGE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, BUSTIN, CAREY, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL

NAYS: Senators: AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, PENDEXTER, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: CIANCHETTE, ESTY
Senator AMERO of Cumberland requested and received Leave of the Senate to change her vote from **YEA** to **MAY**.

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, this Resolve was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Secretary of State.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator BEGLEY of Lincoln, **RECESSED** until 1:00 o'clock this afternoon.

After Recess
Senate called to order by the President.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Law Concerning Tax Increment Financing

S.P. 775 L.D. 1894
(C "A" S-603)

Tabled - September 6, 1996, by Senator HANLEY of Oxford.

Pending - **ENACTMENT**

(In Senate, September 6, 1996, **PASSED TO BE ENGROSSED, AS AMENDED.**)

(In House, September 6, 1996, **PASSED TO BE ENACTED.**)

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED, AS AMENDED.**

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-603).

On further motion by the same Senator, Senate Amendment "A" (S-608) to Committee Amendment "A" (S-603) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you, Mr. President. I understand that both caucuses have had an opportunity to review the proposed amendment which did receive the unanimous support of the Appropriations Committee. The amendment before you changes this from a tax policy issue regarding companies that retain more than 100 jobs in the State, to set up a special, non-lapsing account, for a total amount that would fund the \$1.5 million over the course of ten years. We have utilized the net present value and have a fund established with \$1.25 million. The funds would be taken from the Rainy Day Fund and set up into a special account, of which the special account, up to \$150,000 could be utilized for those companies which retain more than 100 certified and qualified employees during that time period. The language in this amendment tracks the language proposed by the Joint Standing Committee on Taxation and their definition of certified retained business, as well as their definition of qualified employees, specifically section 2. Furthermore, it also keeps the time, the window of opportunity, the same as put forward by the Taxation Committee. The companies who fulfill this criteria would have until February 28, 1997 in order to apply to be involved in this program. One of the differences in the amendment is that it is not tied to the income tax revenue stream and does not put in jeopardy the income tax cap that this Legislature passed and the Governor signed into law. In fact, it creates a much cleaner bill, which will help out, for instance, the Hathaway manufacturing plant in Waterville, as well as any other businesses throughout the entire State, as had been some of the concerns voiced by members of this Chamber. The monies not utilized, and as I said, the amendment allows for up to \$150,000 per year, any monies not utilized each year would stay in the fund to provide, or to ensure that the net present value of the \$1.5 million is maintained intact; but at the end of the ten years that this program is still in place. Any monies not utilized would go directly back into the Rainy Day Fund. The special account is an interest-bearing account as well.

On one last note, and I hope that there will be other speakers elaborating on this; but it was the intent of the Appropriations Committee, in specifically section 3, part 2 of section 3, in this amendment, to give criteria to the Commissioner of the Department of Economic and Community Development to use his discretion in allocating the funds, and provide more monies for those companies which retained over 100 jobs. So, if a company is retaining 450 jobs, probably the high end of the \$150,000 would be utilized. If a company is only retaining 100 jobs, one would hope that it would be less.

Once again, I would like to thank the members of the Taxation Committee who have participated in the discussion and has helped us along to create what, I believe, is an even stronger bill for job retention here in the State. Once again, I will state that it was a unanimous committee report and would ask for your adoption.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.