

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

The House recessed until 11:15 a.m.

(After Recess)

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon, with the exception of matters being held, were ordered sent forthwith.

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

ENACTORS

An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated (H.P. 168) (L.D. 223)

An Act to Classify Vehicular Homicide as a Class A Crime (H.P. 176) (L.D. 231)

An Act Concerning Defendants' Ability to Attack Orders of Restitution (H.P. 227) (L.D. 291)

An Act to Amend the Laws Governing Banking Institutions (S.P. 239) (L.D. 808)

An Act to Amend the Laws Pertaining to the Boarding of Dogs (S.P. 289) (L.D. 940)

Resolve, to Name the New Bridge over the Fore River in Portland (H.P. 720) (L.D. 984)

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill)

PENDING - Adoption of Committee Amendment "A" (H-15)

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I want to take the time, at this point, to discuss what is in Committee Amendment "A." Up until now we have been dealing with a series of amendments discussing what is or is not in or what we feel should not be in or should be in, but I want to take the time to say that I feel that this is a very good committee amendment. It is a good budget that I can stand behind and that I think is worth passing now.

This amendment does address the issue of tax relief. It creates a tax relief fund from future revenues to be distributed in a way determined by the policy committee, the Committee on Taxation. It addresses a number of immediate concerns. It continues along the road that we established two years ago of paying our bills, meeting our responsibilities. This amendment reimburses communities for tree growth, for community corrections, municipal revenue sharing and corrects the debacle that was passed early in the 1990s on the gross receipts tax. This budget contains additional monies for General Purpose Aid

to Education, including a \$6 million cushion over two years for those communities hardest hit by the formula. It contains forest fire control. It addresses the issue of teacher retirement so that that burden will not shift back to property taxes.

It meets a number of immediate needs that we heard from Maine citizens that are very important to them. This continues the program which allows citizens to attend medical school and reserve seats for them in order that they be able to do that. It continues funding for the Magnet School. It continues and increases funding for the university and technical colleges. A good significant increase that they have needed for some time. It contains funding for capital repairs. Unfortunately, one of the by-products of the hard times that we have been through in the 1990s is that we have done very little in the past few years to repair our buildings. We have all heard the impact in the highway fund of not repairing our infrastructure, the very same impact exists in state government. We need to take care of our facilities. I assure you that if we do not, they will cost us more in the long run. This budget makes an attempt to deal with capital.

This budget continues the Circuit Breaker Program, an important form of property tax relief for our citizens. One that I certainly heard loud and clear about in my campaign. It funds tourism, an aggressive tourism campaign for economic development for the state. It continues to meet the needs of Maine citizens. It will address a predicted shortfall in the area of child protection. It continues to provide Meals-on-Wheels and funding for long-term care for our most vulnerable citizens. This is a responsible budget and I think it is important that we pass it now so that we may assure our communities that they will receive their General Purpose Aid to Education and that we will be paying our bills to them. We can assure the technical college and the university that they will receive adequate funding. It is a responsible course and one that I feel extremely confident about and that I urge your support for. Thank you

Representative WATERHOUSE of Bridgton presented House Amendment "O" (H-51) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. During the committee hearing when the Attorney General's Department came before our committee, there was a request for 13 positions, assistant DAs throughout the state. It was not in the Governor's budget. The Governor decided not to fund this. It was the general consensus, almost a majority, I think, except for one Representative to not fund this because we didn't have the money. This did not get taken before the Appropriations Committee because the process that was set up in the 117th seems to not work in this session. We didn't have a subcommittee going back to the Appropriations Committee to give the committee recommendations on this issue and on several other issues. It may be a good idea to fund these two positions. I don't think so. Therefore, I hope that you will support this amendment. Thank you very much.

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

Representative PAUL: Thank you Madam Speaker. I was able to obtain some information from the York County District Attorney's Office and this is dated June 28, 1996. "In regards to the two positions of County District Attorneys, these positions are very, very critical to the York County District Attorney's Office. Here are some figures for you to consider. The following statistics involving the cases of the York County DA's Office in 1995, they handle approximately 11,000 cases in Superior Court, Springvale District Court and the Biddeford and York Courts. They collected in fines and fees over \$2 million. They handle in

three courts, Springvale, Biddeford and York over 1,400 cases. There were 129 extraditions, detainers and fugitives from justice. They had appeals amounting to 32 in the Law Court, Superior Court and civil cases. Probation and revocation hearings were 200 in Superior Court. The above cited statistics do not include the thousands of traffic of motor vehicle civil infractions prosecuted by that office. Last year they prosecuted over 5,000 traffic cases which resulted in the collection of over \$652,000 in fines. Of great concern is the growing number of juvenile offenses referred to the District Attorney's Office. Not only are the numbers increasing through out York County, but they prosecuted 400 more juvenile cases in 1995 over and above the number in 1994, but the crimes are of a more serious nature. All to often, weapons are involved and more and more teenagers are resorting to violence to carry out their crimes. According to police, drug use and alcohol consumption among juveniles is on the rise. The arrest of youthful offenders in York County grew almost 9 percent in 1995. You can imagine it is a lot more than that now. Bringing those arrests to over 35 percent above the state average. The number of juvenile sex offender cases referred to the office of the District Attorney has risen dramatically over the past few years. Six years ago there were 23 juvenile sex offender cases referred to that office. In 1995, that number rose to 57. The fact that the rate of juvenile crime in York County is rising more rapidly than in the rest of the state is a problem. This is made worse by a lack of resources to meet this increase. This heavier case load has not been matched with an increase in the number of prosecutors. If York County is to respond adequately to this surge in juvenile crime, more resources will have to be devoted to address the problem." Thank you.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I am not questioning the need for these two positions. There is a lot of need. There was 11 other positions that were requested that were not filled. What I am saying is that we should prioritize and send these two positions or this recommendation to the Appropriations Table to compete with other needy measures. We have a lot of needs in this state. That is not the reason for this amendment. I am a very strong supporter of law enforcement. I have a record on that from the 117th Legislature on the Criminal Justice Committee. To me, this has nothing to do with that particular need. It has to do with a lot of needs. All these needs should be competed with on the Appropriations Table. Madam Speaker, I ask for a roll call on this please.

Representative WATERHOUSE of Bridgton requested a roll call on adoption of House Amendment "O" (H-51) to Committee Amendment "A" (H-15).

Representative BERRY of Livermore moved that House Amendment "O" (H-51) to Committee Amendment "A" (H-15) be indefinitely postponed.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to indefinitely postpone House Amendment "O" (H-51) to Committee Amendment "A" (H-15).

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "O" (H-51) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 21

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson,

Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Jabar, Jones SL, Joyce, Joyner, Kane, Kerr, LaVerdiere, Lemaire, Lemke, Lemont, MacDougall, Mailhot, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Ott, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Honey, Jones SA, Joy, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Nickerson, O'Brien, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Jones KW, Kontos, Pendleton.

Yes, 91; No, 56; Absent, 4; Excused, 0.

91 having voted in the affirmative and 56 voted in the negative, with 4 being absent, House Amendment "O" (H-51) to Committee Amendment "A" (H-15) was indefinitely postponed.

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

The House Recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill)

PENDING - Adoption of Committee Amendment "A" (H-15)

On motion of Representative SAXL of Portland, tabled pending adoption of Committee Amendment "A" (H-15) and later today assigned.

Bill "An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services" (H.P. 1112) (L.D. 1555)

(Committee on **Legal and Veterans Affairs** suggested)

TABLED - March 18, 1997 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Reference.

On motion of Representative TUTTLE of Sanford, the Bill was referred to the Committee on **Natural Resources**, ordered printed and sent up for concurrence.

Expression of Legislative Sentiment recognizing the Calais High School Lady Blue Devils (HLS 176)