

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 19, 1998 - March 31, 1998

Second Special Session

April 1, 1998 - April 8, 1998

Appendix
House Legislative Sentiments
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An Act to Limit Mandatory Overtime

(S.P. 789) (L.D. 2116)
(S. "B" S-627 to C. "A" S-518)

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

On motion of Representative CAMPBELL of Holden, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 553

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bruno, Buck, Bumps, Cameron, Campbell, Cianchette, Clukey, Dexter, Donnelly, Fisk, Foster, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bigl, Bragdon, Cross, Dutremble, Honey, Joyner, Kerr, Lemont, Mitchell JE, Pinkham WD, Poulin, Tessier, True.

Yes, 79; No, 59; Absent, 13; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 13 being absent, 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**.

The House recessed until 7:45 p.m.

(After Recess)

The House was called to order by the Speaker.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1098)** on Bill "An Act to Make Supplemental Appropriations and Allocations for the

Expenditures of State Government and Changes to 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. 1397) (L.D. 1950)

Signed:

Senators:

MICHAUD of Penobscot
CLEVELAND of Androscoggin

Representatives:

KERR of Old Orchard Beach
POULIN of Oakland
BERRY of Livermore
TOWNSEND of Portland
STEVENS of Orono
LEMAIRE of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1099)** on same Bill.

Signed:

Senator:

BENNETT of Oxford

Representatives:

WINSOR of Norway
KNEELAND of Easton
MARVIN of Cape Elizabeth
OTT of York

READ.

Representative KERR of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative DONNELLY of Presque Isle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 554

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, 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, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Bigl, Cross, Dutremble, Fisk, Honey, Joyner, Meres, Pendleton.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1098)** was **READ** by the Clerk.

Representative KERR of Old Orchard Beach **PRESENTED House Amendment "E" (H-1109) to Committee Amendment "A" (H-1098)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. This amendment takes \$5 million from the Rainy Day Fund and provides \$2 million to the Maine Public Broadcasting Corporation to assist with the corporations federally mandated conversion to digital broadcasting and takes \$3 million for the acquisition of land to be targeted for recreational science, scenic, natural or wildlife value in accordance with the criteria developed by the Land For Maine's Future Board. I urge your support.

Representative SAXL of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-1109) to Committee Amendment "A" (H-1098).**

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 adoption of House Amendment "E" (H-1109) to Committee Amendment "A" (H-1098). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 555

YEA - Ahearne, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Campbell, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, Mailhot, Marvin, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Neal, O'Neil, Ott, Paul, Peavey, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Buck, Bumps, Carleton, Dexter, Foster, Goodwin, Jones SA, Joy, Joyce, Kasprzak, Layton, Lindahl, MacDougall, Mack, Madore, McElroy, Nass, O'Brien, Perkins, Pinkham WD, Plowman, Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Winn.

ABSENT - Barth, Bigl, Cross, Dutremble, Fisk, Honey, Joyner, Lane, Meres, Pendleton.

Yes, 112; No, 29; Absent, 10; Excused, 0.

112 having voted in the affirmative and 29 voted in the negative, with 10 being absent, **House Amendment "E" (H-1109) to Committee Amendment "A" (H-1098) was ADOPTED.**

Representative TRIPP of Topsham **PRESENTED House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Madam Speaker, Men and Women of the House. This amendment provides language to the budget. It decreases the homestead exemption from \$7,500 to \$7,000,

which allows the tax package to stay within the available ongoing money in the surplus. It includes the increased income tax exemption. As you recall, this body passed a similar bill, 130 to 6 last week. Thank you.

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098).**

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

Representative DONNELLY of Presque Isle moved that **House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. If you remember, only a few days ago, the number of hours that people have been putting in, both in committee and on the floor of the House, talking to our constituents, walking around the hallways and finding out what is in that massive document that landed on our tables this morning. You probably forgot that this is less than what we voted for just last week. Last week the homestead exemption was \$7,500. It wasn't too long ago that I talked to and I mentioned on the floor of the House during the first homestead debate that there were states across the country in which we made inquiries on their type of homestead reduction and they said that anything less than \$10,000 was a willow wisp. It wouldn't even keep up with the increases that the schools, the roads and the other important functions of local government put on the communities. It was only a matter of a year or two before the homestead, the moderate or the small homestead exemptions like this one. It was only a brief matter of time before they were negligible and the spending caught up with the item on the tax bill.

I move Indefinite Postponement of this knowing full well that property tax relief, which is actually more accurate for what we can do from this chamber, is a priority of this chamber, bipartisanship. I do so with the full knowledge that there may be something else for us to talk about shortly that I would be ruled out of order to talk about now that may provide more tax relief than this item. It may be more targeted and not give tax relief to millionaires. We may have an opportunity to speak about it later, but only if we defeat this item now. The majority budget in front of us has a lump of money and it is in there for tax relief. It is not yet molded. There are 151 artists in the chamber. We will all have an opportunity to put our fingerprints in that clay and to go home and tell our constituents what we thought the best creation we could do to return their money to them would be. I hope that you will support the motion to Indefinitely Postpone so we can go on to vote on a different package that may reflect more accurately the values of both the Democrats and the Republicans in this chamber. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I would urge you to support the Indefinite Postponement motion. As the good Representative from Presque Isle just stated, this program here is going to affect the primary homeowner whether he or she makes \$20,000 or \$80,000. It doesn't hit the people that really need it. The accountability of this program is a very hard tool to implement. When you put this burden onto the towns and all that they will have to go through to determine who is a primary homeowner, if they have been a resident of the state for a certain period of time and whether they move and when they move, it is a lot of a burden on the municipal officials. I heard from a number of municipal officials this weekend and I will admit that most of

these towns with a selectman/assessors type of town government, but they said, don't ever burden us with that headache. Assessing season is coming up and April 1 is here and that is when you start the new assessments in these small towns and for them to determine who was a primary homeowner and all that goes with it, it is a burden. I would urge you to strongly support the Indefinite Postponement motion. Thank you and go on to something better before we are done.

Representative RINES of Wiscasset **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098)**.

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 "G" (H-1111) to Committee Amendment "A" (H-1098). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 556

YEA - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lovett, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, 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, Winn, Wright, Madam Speaker.

ABSENT - Barth, Bigl, Cross, Dutremble, Fisk, Honey, Joyner, Meres, Pendleton.

Yes, 63; No, 79; Absent, 9; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, with 9 being absent, the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098) FAILED**.

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is Adoption of House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 557

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lovett, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, 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, Winn, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Bruno, Bumps, Cameron, Campbell, Carleton, Cianchette, Clukey, Dexter, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Barth, Bigl, Cross, Dutremble, Fisk, Honey, Joyner, Meres, Pendleton.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, **House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098) was ADOPTED**.

Committee Amendment "A" (H-1098) as Amended by House Amendment "E" (H-1109) and House Amendment "G" (H-1111) thereto was ADOPTED.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1098) as Amended by House Amendment "E" (H-1109) and House Amendment "G" (H-1111) thereto and sent up for concurrence. ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order: (H.P. 1672)

ORDERED, the Senate concurring, that all matters in the possession of the Legislature, including working papers and drafts in the possession of nonpartisan staff offices and gubernatorial nominations, at the time of adjournment of the Second Regular Session of the 118th Legislature are held over to the next special session of the 118th Legislature.

READ.

Representative DONNELLY of Presque Isle **REQUESTED** a division on **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. To quote a great Representative from Waterville, quoting a great President, "Here we go again." There you go again. Just a year ago we broke a 30 year tradition and went through the process of playing a manipulation game of going out of session and calling ourselves back in the next day. It is a pretty impressive maneuver. What this Joint Order does is it will carry all the bills forward so we can play that game again. To put this order forward is to say that you are not interested in talking any further. It says that anyone who is in honest negotiation and seriously trying to improve the budget, thanks, but no thanks. I suppose what I said last year, that this was the slippery slope and this is where it is going to be from now on and people said it will be just this one time. I just didn't expect that it would be so soon. We over collected \$300 million from the taxpayers and we are going to charge them a premium to let them have some of their money back and we are going to spend in a period of two years half a billion dollars more. The largest single increase in the budget in the history of the state. Not only