

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 16, 1997 - June 20, 1997

**Second Regular Session**

January 7, 1998 - March 18, 1998

Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joy, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Pendleton, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Berry DP, Buck, Campbell, Foster, Gerry, Honey, Jones SA, Joyce, Kasprzak, Labrecque, Layton, MacDougall, Mack, Marvin, McElroy, Nass, Ott, Perkins, Pinkham RG, Pinkham WD, Snowe-Mello, Treadwell, Underwood, Vedral, Waterhouse.

ABSENT - Belanger DJ, Cianchette, Davidson, Lane, Peavey, Plowman, Poulin, Winsor.

Yes, 116; No, 26; Absent, 8; Excused, 0.

116 having voted in the affirmative and 26 voted in the negative, with 8 being absent, the Joint Order was passed in concurrence. Ordered sent forthwith.

#### ENACTORS

An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens (H.P. 1357) (L.D. 1904)

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

On motion of Representative SAXL of Portland, 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. 388

YEA - Ahearne, Bagley, Baker CL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Carleton, Chartrand, Chick, Cianchette, Clark, Colwell, Cowger, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Gooley, Green, Jabar, Jones KW, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lindahl, Lovett, Madore, Mailhot, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Paul, Perkins, Pieh, Pinkham RG, Powers, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Bodwell, Bragdon, Buck, Campbell, Chizmar, Clukey, Cross, Fisher, Fisk, Foster, Gerry, Goodwin, Hatch, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Layton, Lemke, Lemont, MacDougall, Mack, Marvin, Meres, Nass, Nickerson, Ott, Pendleton, Perry, Pinkham WD, Povich, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winn, Winsor.

ABSENT - Belanger DJ, Bunker, Davidson, Jones SL, Lane, Peavey, Plowman, Poulin, Quint, Saxl JW.

Yes, 90; No, 50; Absent, 10; Excused, 0.

90 having voted in the affirmative and 50 voted in the negative, with 10 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 Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation (S.P. 678) (L.D. 1902) (Governor's Bill) (H. "B" H-774) which was tabled by Representative SAXL of Portland pending passage to be engrossed.

Representative MACK of Standish presented House Amendment "C" (H-775), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. This bill that we are seeing before us is the circuit breaker program. My amendment makes a sort of technical change to the circuit breaker program. The circuit breaker program was originally designed as a rebate to help people pay their property taxes. People who have paid their property taxes to get a rebate if they are elderly, low income or need assistance. A rebate on the property taxes that they have paid. What has happened in a lot of cases, small towns and large towns, it affects the small towns a lot is that people are not paying their property taxes, put in for the rebate, they get the rebate and pocket the rebate money on their property taxes and their taxes go unpaid. What my amendment says is that if they have not paid their property taxes, the rebate money goes to the town to which the property tax is due as a partial payment of their property taxes. The towns will get money that they should have and the people will get money to help them pay their property taxes, but not as a check to put in their pocket. Thank you and I urge support of this amendment.

Representative TRIPP of Topsham moved that House Amendment "C" (H-775) be indefinitely postponed.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to indefinitely postpone House Amendment "C" (H-775).

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 "C" (H-775). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 389

YEA - Ahearne, Bagley, Baker CL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Skoglund, Spear, Stanley,

Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Desmond, Dexter, Donnelly, Dutremble, Fisk, Foster, Frechette, Gagne, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Shannon, Sirois, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Davidson, Jones SL, Lane, Peavey, Plowman, Poulin.

Yes, 67; No, 77; Absent, 6; Excused, 0.

67 having voted in the affirmative and 77 voted in the negative, with 6 being absent, the motion to indefinitely postpone House Amendment "C" (H-775) did not prevail.

Subsequently, House Amendment "C" (H-775) was adopted.

On motion of Representative KONTOS of Windham, tabled pending passage to be engrossed as amended by House Amendment "B" (H-774) and House Amendment "C" (H-775) and later today assigned.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn who wishes to address the House on the record.

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. Roll Call 91, LD 535, date April 14, 1997, I would like the record to reflect that I voted yea, yes.

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

**ENACTORS**  
**Emergency Measure**

Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine (S.P. 679) (L.D. 1905)

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I want to raise the same concerns I raised earlier. I simply feel it is inappropriate for us to single out individual bills to be reconsidered when hundreds, probably a thousand bills died earlier this year. They could all be resurrected this afternoon if we would choose to do that. I think that we ought to concern ourselves with issues that we expected to be dealing with today and I will be voting against Final Passage. I hope you will join me. I want to add also that there has been a great deal of discussion about study committees. A number of you have objected to study committees and the payment of legislators on them. Yet, here we have another study committee, perhaps a little summer job for someone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. This is extremely important. We have an association NFIB of 6,500 small businesses in the State of Maine. This is the backbone of job creation in the state. If we

are going to be serious about bringing the state back into the 21st Century. We must create jobs, good jobs, for the people that we supposedly represent. Ladies and gentlemen, I ask you to support the passage of this emergency measure. I thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

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. 85 voted in favor of the same and 53 against and accordingly the Resolve failed of final passage and was sent up for concurrence. Ordered sent forthwith.

**SENATE PAPERS**

Resolve, Appropriating Funds to the Maine Franco-American Center (EMERGENCY) (S.P. 676) (L.D. 1900)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Resolve read twice and passed to be engrossed as amended by Senate Amendment "A" (S-443).

(The Committee on Reference of Bills had suggested reference to the Committee on **Appropriations and Financial Affairs**.)

Representative BOUFFARD of Lewiston moved that the Resolve and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Madam Speaker, Ladies and Gentlemen of the House. Several weeks ago we approved LD 1602, which came out of the committee unanimous, I believe. It went to the Appropriations Table and was funded. What this bill would do would be to take the \$50,000 funding and give it all to the Franco-American Center and redirect \$2,650, which was originally intended to go to a legislative study committee. That study Committee has been funded by the Appropriations Table. I am not sure what has changed in the past couple of weeks. I don't think anything has. I frankly would hope that everyone here would support my good friend from Lewiston, Representative Bouffard, and several of us who worked together quite hard a few minutes ago to look at this and determine what was different and new and there wasn't anything. I hope that we can indefinitely Postpone this bill and all its papers. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. I would like to stand and second Representative Brooks' fine remarks. The committee worked very hard combining several bills to come up with this piece of legislation, namely LD 1603, which Representative Brooks of Winterport spoke about. It is the culmination of much effort by the committee and the direction both bodies decided to take, including Appropriations through its funding thereof. I urge you to support the motion to Indefinitely Postpone LD 1900 and all its papers.

Representative MADORE of Augusta requested a roll call on the motion to indefinitely postpone the Resolve and all accompanying papers.

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 to Indefinitely Postpone the Bill and