

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

Report of the Committee on Marine Resources on Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Law" (Emergency) (S.P. 539) (L.D. 1628) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 624) (L.D. 1836)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time and passed to be engrossed in concurrence.

Ought to Pass in New Draft

Report of the Committee on State and Local Government on Bill "An Act to Establish the Bureau of Intergovernmental Drug Enforcement within the Department of Public Safety" (S.P. 527) (L.D. 1579) reporting "Ought to Pass" in New Draft (S.P. 626) (L.D. 1837)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time and passed to be engrossed in concurrence.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the State Retirement Laws" (S.P. 617) (L.D. 1818) (S. "A" S-184)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative Hickey of Augusta, the House reconsidered its action whereby Senate Amendment "A" (S-184) was adopted.

Representative Hickey of Augusta offered House Amendment "A" (H-335) to Senate Amendment "A" (S-184) and moved its adoption.

House Amendment "A" to Senate Amendment "A" was read by the Clerk and adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was adopted.

The bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

SENATE PAPER

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-193) on Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (S.P. 512) (L.D. 1536)

Signed:

Senators: TWITCHELL of Oxford

DOW of Kennebec

Representatives: DUFFY of Bangor

NADEAU of Saco

DORE of Auburn

SWAZEY of Bucksport

CASHMAN of Old Town

MAYO of Thomaston

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-194) on same Bill.

Signed:

Senator: SEWALL of Lincoln

Representatives: SEAVEY of Kennebec

INGRAHAM of Houlton

JACKSON of Harrison

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-193)

Reports were Read.

Representative Swazey of Bucksport moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose that motion and I would like to explain the reason why. I would hope that you people would listen very carefully.

There was only one area that we disagreed on this administrative change in the bill and that was the provision giving tax information to Legislative Research at their request. It is my opinion and I think I am speaking for the members of the Minority Report that that is a seriously confidential position and we would not want to see that breach occur.

Currently, the Bureau of Taxation provides the Committee with all the statistical data that is needed. It has been done for as long as I have been here and the people that I have discussed this with say as far back as when we first started as a state. That information has always come from the Department of Taxation whenever the request was made by legislators or by individuals who were concerned. I think it is proper that it stay there. I think that the support that that department has given this legislature is appropriate.

So, I hope today that you would vote against the Majority Report and accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: It is absolutely true there is only one small difference between the two reports. I would hope that you would support the Majority "Ought to Pass" Report.

What the Majority Report does is that Legislative Research (and I hope you people can appreciate how much work the staff does for us in Taxation) wanted to get tax information but it would be absolutely confidential. There would be no Social Security numbers, there would be no names, there would be no references and this would only apply to individuals. It would not apply to getting information on corporations because we have so few corporations and maybe somebody could put two and two together. This information would make it easier for the staff to compile all the data we have. I hope you go along with the Majority "Ought to Pass."

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: The previous speakers have been exactly correct on this. There is one fairly minor change between the Majority Report "A" and the Minority Report "B" on this bill.

The provision that Report "A" contains that "B" does not is the provision of information which is specifically related to individual tax returns. Currently, the Taxation Committee of the Legislative Branch obtains its information solely at the mercy of

the Executive Branch. We do not believe that is necessarily a good practice. True enough in the past, we have had very excellent cooperation from Tony Neves, the State Tax Assessor and other members of the Executive Branch in providing us equal information. However, we are solely basing this opinion on individuals. Who is to say that Tony Neves' successor, whoever he or she may be in a few years, will have that same individual policy. There is nothing to say that that person must comply with our request and demands. If the State Tax Assessor, if the administration basically wants to say no, there is nothing in statute which says that they are not in power to do so.

The Majority Report is saying the Legislative Branch should have access to the same types of information as the Executive Branch, no more, no less.

As Representative Duffy appropriately pointed out, there would be no names, no addresses, no Social Security numbers involved. We are talking generic terms such as tax return number 3,164, no other information than that, strictly for informational purposes, strictly on statistics.

I urge you to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: The system, as it presently is working and has for quite a while, seems to be quite satisfactory. I feel if this part goes into the bill, it can jeopardize confidentiality. Personally, I like confidentiality as far as my tax returns are concerned and I am sure you would too. I hope you defeat this motion.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Swazey of Bucksport that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 56 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-193) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (C. "A" H-295) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1288 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-336) and moved its adoption.

House Amendment "A" (H-336) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Authorize the State Bureau of Identification to Charge Fees to Nongovernmental Agencies for Services" (S.P. 631) (L.D. 1852)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Transportation.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Enhance the Certification of Educational Personnel Law" (H.P. 1353) (L.D. 1847)

Signed:

Senators:

ESTES of York

KANY of Kennebec

Representatives:

O'GARA of Westbrook

HANDY of Lewiston

KILKELLY of Wiscasset

PARADIS of Frenchville

GOULD of Greenville

BOST of Orono

MATTHEWS of Caribou

NORTON of Winthrop

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representatives:

SMALL of Bath

LAWRENCE of Parsonsfield

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

You have before you the Minority Report of the Committee on Education unchanged from the original which was defeated in this House two weeks ago. We have on our desks to be considered later in this evening's session the Majority of the Education Committee's compromise on the Teacher Certification. I would imagine that you all by now should have a fact sheet which we, as a majority of the committee, have circulated to explain in detail that compromise report.

It is, therefore, that I urge you to accept the Majority "Ought Not to Pass" Report so that we can get on with the compromise bill.