

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)

Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

First Special Session (Continued)
May 20, 1997 to June 20, 1997

First Confirmation Session
October 6, 1997

Second Regular Session
January 7, 1998 to March 24, 1998

Pages 981 - 1977

An Act to Amend the Veteran's Estate Tax Exemption
H.P. 312 L.D. 434
(C "A" H-243; H "A"
H-373)

Tabled - May 30, 1997, by Senator **MICHAUD** of Penobscot.

Pending - **PASSAGE TO BE ENACTED**

(In Senate, May 12, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243) AND HOUSE AMENDMENT "A" (H-373)**, in concurrence.)

(In House, May 15, 1997, **PASSED TO BE ENACTED.**)

Senator **MICHAUD** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **BENNETT:** Thank you Mr. President. First, I will request the yea's and nay's and continue to speak from there.

Senator **BENNETT** of Oxford requested a Roll Call.

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

Senator **BENNETT:** Thank you. I hope you vote against the pending motion. Let me just explain, for those of you who may have forgotten or never have paid attention to this bill, what this bill would do. The first and most important thing that I believe this bill would do is essentially expand the period of the Vietnam War to allow the Vietnam War to, as defined in Maine statute, consist with that of federal law currently. What this means is that we will, if we enact this legislation, be moving the beginning date of the Vietnam War from August 4, 1964, where it is currently in statute in Maine, to February 27, 1961 which is where the Federal Government recognizes for the purposes of its laws. There's another part of this bill which I think bears consideration and that is that there's a change in the definition of birth dates for veterans. The new language suggests that in the year that a veteran reaches 62, they will be eligible for the exemption, which complies with the new April cutoff for those veterans with regard to this program. There's no question that this bill will require some funding. I believe the fiscal note on it is in the tens of thousands of dollars. I will tell you exactly that it is, according to the office of Fiscal and Program Review, give me a moment, the fiscal note will require additional General Fund Appropriations of \$28,560 annually.

If we do nothing else with this piece of legislation, I would suggest that we keep it alive to at least conform the Vietnam veteran war dates with that of federal law even if the secondary piece is too costly for the state to bear at the present time. And so, I encourage you to please vote against the pending motion so that we can either go on to enact the bill in its current form or reconsider it for one of these aspects of this meritable bill to be considered. Thank you very much.

On motion by Senator **PINGREE** of Knox, **TABLED** Unassigned, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**. (Roll Call Requested)

The Chair laid before the Senate the following Tabled and Later (5/30/97) Assigned matter:

An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy
H.P. 541 L.D. 732
(C "A" H-604)

Tabled - May 30, 1997, by Senator **MICHAUD** of Penobscot.

Pending - **PASSAGE TO BE ENACTED**

(In Senate, May 23, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**, in concurrence.)

(In House, May 28, 1997, **PASSED TO BE ENACTED.**)

Senator **MICHAUD** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

Senator **BENNETT** of Oxford moved to **TABLE** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

At the request of Senator **PINGREE** of Knox a Division was had. 12 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **TABLE** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

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

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

Senator **BENNETT:** Thank you Mr. President, fellow members of the Senate. This is a bill which made its way through the Legislature and wound up on the Appropriations Table. Unlike many other of the Judicial and Corrections bills that have been considered by the Appropriations Committee, which had very ephemeral fiscal notes, fiscal notes that we really couldn't determine, the Fiscal Office couldn't determine because of the nature of trying to decide, you know, it's just impossible to predict how many new crimes may be committed because of this bill. Some schools of thought suggest that passing some of these bills may actually deter crimes which may actually save state money by reducing the number of prisoners. Others suggest that increasing the penalties might increase the cost to the state to house prisoners because of the additional sentences

and the upgrade of class of crimes. So consequently, the Office of Fiscal and Program Review has a very difficult time. It's impossible, really, to put a fiscal note on these types of bills. This bill, like all of the others that we've considered, has no real fiscal impact that can be determined. We have already debated and passed a number of these other items that change the classes of crime. I would suggest that the Appropriations Committee took into account more, in this particular matter, the policy issues behind the legislation rather than the fiscal impact, and in that way I think it unfortunate that it ended up on the indefinite postponement list of the Appropriations Committee. There are certainly policy implications here. I just want to bring these concerns to your attention so that you don't mistakenly, if you like, vote against this bill and vote to indefinitely postpone it on the basis of the fiscal note. I encourage you to look at the policy implications behind it, not be concerned with the fiscal note and decide on that basis whether or not you favor the indefinite postponement of this bill. I encourage you to vote against the indefinite postponement of this bill. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, NUTTING, O'GARA, PARADIS, SMALL

ABSENT: Senators: ABROMSON, BENOIT, BUTLAND, MACKINNON

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator MICHAUD of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/30/97) Assigned matter:

An Act Regarding the Obligation of the State to Fund Adult Education
H.P. 629 L.D. 854
(C "A" H-306)

Tabled - May 30, 1997, by Senator MICHAUD of Penobscot.

Pending - **PASSAGE TO BE ENACTED**

(In Senate, May 6, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306)**, in concurrence.)

(In House, May 9, 1997, **PASSED TO BE ENACTED.**)

Senator MICHAUD of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE.**

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator MICHAUD: Thank you Mr. President. If this bill is passed, what it will do is cause a structural gap in the next biennial budget, so therefore I hope you'd vote to indefinitely postpone this bill.

THE PRESIDENT: The Chair recognized the Senator from Oxford, Senator Bennett.

Senator BENNETT: Thank you Mr. President, fellow members of the Senate. I, again, ask for the yea's and nay's at the outset so I don't forget at the end, Mr. President. I find it unfortunate to be disagreeing with my good friend, Senator Michaud of Penobscot, so early this Sunday morning. It doesn't seem like a particularly holy thing to do, but I will suggest that on this particular matter, there's strong reasons to vote against the pending motion of indefinite postponement and for the bill. I hope we can enact this bill.

The fiscal note does, as the Senator from Penobscot suggests, possibly imply an increase in the structural gap, but let me be clear about what this bill does. This bill would link directly the percentage increase of adult education spending by the state to that of general purpose aid to education. So the structural gap in our appropriations process is determined by looking at the amount of money that should go under the current statute to general purpose aid to education as well as all of the other appropriations of state government if all the current statutes were maintained. Certainly general purpose aid to education has been one of the areas that, because of its size and significance in our budget, has been one of the areas that invariably is scrutinized with respect to the budget. All this bill will do is tie adult education to the fate of general purpose aid to education with respect to the increase per year. I know many of the people in this chamber, myself included, are strong supporters of adult education. It's imperative, I think, that the adult education providers and services across this state are adequately provided. I think adult education is just as important as general purpose aid to education, local school assistance. I think it only fair that adult education receive the same percentage increase as the general purpose aid. The structural gap issue, to me, is one of choosing of the next legislature. They're going to determine the amounts in both the general purpose aid and the adult education line anyway. Why not say to them here that we believe that general purpose aid and adult education are of equal value and their fates should be intertwined. So for those reasons I encourage you to vote against the pending motion of indefinite postponement so we can go on, enact the bill, and send a good message of support to adult education providers across this state. Thank you very much.