

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

An Act to Implement the Recommendations of the Department of Human Services Study Group on Prosecution of Crimes against the Elderly (H.P. 1214) (L.D. 1714) (C. "A" H-622)

An Act to Allow the Maine Harness Racing Commission to Issue Conditional Licenses (H.P. 1315) (L.D. 1866) (Governor's Bill) (C. "A" H-608)

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

An Act to Modernize Maine's Cigarette Tax Laws (H.P. 1150) (L.D. 1615) (C. "A" H-599)

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

On motion of Representative GERRY of Auburn, was set aside.

The same Representative requested a division on passage to be enacted.

The Chair ordered a division on passage to be enacted.

Representative VIGUE of Winslow 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: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Men and Women of the House. What I would like to know is what this does. There is none of us here in this corner that has any idea what's going on, so I'd appreciate it if somebody would tell us.

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

Representative TRIPP: Madam Speaker, Men and Women of the House. I'm sorry. We've been running up and down with the BIW hearing and sorry I was out back. This bill makes significant changes to Maine's cigarette tax laws. It's a bureau bill that comes to us in Taxation. It eliminates unnecessary definitions, creates new licensing provision with increased fees, provides for the importation of unstamped cigarettes by individual or personal use, provides both seizure and forfeiture of contraband cigarettes and poses specific record keeping requirements on cigarette dealers. So, basically, it's a technical change in our law that currently stands.

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

Representative MACK: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MACK: Madam Speaker, Men and Women of the House. I heard him say that there were fee increases. How much are the fee increases?

The SPEAKER: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. The amendment (H-599) says increase in license fees will increase general fund revenues by \$8,190 in fiscal year 97-98 and \$9,000 in fiscal 98-99. I'm not sure if the dollar amount of the individual increase is indicated in the bill or not, but revenue will again increase in fiscal year 2000 and 2001 by an estimated \$7,500. Also, along with it, there is an increase in the penalty for certain crimes, from class D to class C crimes, resulting in a shift of costs from the counties to the State. Sentences of more than 9 months for class C crimes must be

served in a State correctional institution at the cost of \$53,033 per sentence, based on an average length of stay of one year and 10 months. Thank you.

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

ROLL CALL NO. 294

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Chartrand, Chick, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, 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, Underwood, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Buck, Campbell, Carleton, Chizmar, Clukey, Cross, Dunlap, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, Murphy, Nass, Nickerson, Ott, Perkins, Perry, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Usher, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bunker, Jabar, Madore, Meres, Plowman.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the negative, with 5 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Allow Agricultural Workers to Bargain Collectively (H.P. 1177) (L.D. 1654) (C. "A" H-550)

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

On motion of Representative HATCH of Skowhegan, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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

Representative DAVIDSON of Brunswick assumed the Chair. The House was called to order by the Speaker Pro Tem.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act Regarding the Self-governance of Biddeford Pool" (H.P. 640) (L.D. 865)

Signed:

Senators: GOLDTHWAIT of Hancock