

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

city. It was a town for 111 years previously and this summer, either this month or next month, it is not really known definitively, it will be the 390th Anniversary of the first ship being built, or known ship being built, in this country. The Virginia, which was built on the Kennebec River somewhere between what is now Bath and what is now Fort Popham. I would urge support of this Joint Resolution so that I may present it at an appropriate time to the City Council. Thank you.

Was adopted and sent up for concurrence. Ordered sent forthwith.

The Chair laid before the House the following items which were tabled earlier in today's session:

Bill "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" (EMERGENCY) (S.P. 678) (L.D. 1902) (Governor's Bill) which was tabled by Representative SAXL of Portland pending passage to be engrossed.

Representative GOODWIN of Pembroke presented House Amendment "A" (H-771), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. At the end of May this House passed legislation for the circuit breaker, which was to alleviate some of the problems of our taxpayers back home. We will have an excess of \$40 million on June 30, 1997. Seventy percent of the \$40 million was to be set aside according to what we voted on on the budget. It means that \$30 million of the \$40 million would be used for tax relief back home. The circuit breaker that passed here on June 1st included Part A, \$5,261,000 for property tax relief. Part B was \$2,629,512 for custom computer software programs, \$34,000 was for commission studies, \$118,000 for sales tax exemption on research and development, a low-income tax credit for \$2,382,000 and a new hire in the bureau to determine and collect all of the monies. The totals for 1997 coming out of the surplus was \$10,474,512. In the year 1998, we would be spending from surplus \$9,135,068. Giving us a two year total of \$19,609,580. That total subtracted from the \$30 million that we will have leaves \$10,390,420. This amendment will strip off \$5,099,441, leaving us with a new total of \$15,489,000. With the \$10 million left, that is the difference between \$30 million and \$40 million.

January 1, 1998, this legislative assembly will have \$25,489,861 in which to give tax relief to our folks back home and to do some additional things in programs through entitlements and to alleviate some of the problems with the young folks who do not have insurance. This is the purpose of the amendment, is to save this money so that when we come back here in January of 1998, we will have the additional revenues in which to work. I thank the Speaker.

Representative DONNELLY of Presque Isle moved that House Amendment "A" (H-771) be indefinitely postponed.

The same Representative requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-771).

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 House

Amendment "A" (H-771). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 384

YEA - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Desmond, Dexter, Donnelly, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Jones SA, Joy, Joyce, Jöyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Murphy, Nass, Nickerson, O'Brien, O'Neil, Ott, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Snowe-Mello, Spear, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Madam Speaker.

NAY - Baker CL, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Driscoll, Dunlap, Gagne, Goodwin, Lemke, Morgan, Muse, O'Neal, Perry, Plowman, Powers, Saxl JW, Shiah, Sirois, Skoglund, Stanley, Usher, Volenik, Wright.

ABSENT - Davidson, Jabar, Lane, Paul, Peavey, Poulin.

Yes, 118; No, 26; Absent, 6; Excused, 0.

118 having voted in the affirmative and 26 voted in the negative, with 6 being absent, House Amendment "A" (H-771) was indefinitely postponed.

The Bill was passed to be engrossed in concurrence. Ordered sent forthwith.

Bill "An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens (H.P. 1357) (L.D. 1904) which was tabled by Representative KONTOS of Windham pending reference.

Under suspension of the rules, the Bill was given its first reading without reference to any committee.

Under further suspension of the rules, the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative MACK of Standish presented House Amendment "A" (H-772), which was read by the Clerk.

The same Representative requested a roll call on the motion to adopt House Amendment "A" (H-772).

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 Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. What my amendment does is it strips the tax increase and the new programs from the bill, but what it does do is it puts tougher penalties on merchants who sell tobacco to minors and minors who buy tobacco. Currently there are no fines or penalties for a minor to purchase tobacco or to use a fake ID when buying tobacco. There isn't even anything on the books in the law against a minor smoking tobacco in public. If we want to make it so kids don't smoke, we shouldn't make it legal for them to smoke in public.

My amendment has tougher penalties for the merchant who sells to the minor, tough penalties for the minor to be in possession of tobacco, to have purchased tobacco with a fake identification or to smoke in public. If we want to crack down on youth smoking, we should take the tobacco out of the hands of the youth. Regardless of what we do with the cigarette tax, the cigarettes will still be out there. The United States Senate, last night, passed a 20 cent increase per pack of cigarettes. Something is being done to raise the cost of cigarettes to make less people buy tobacco, but what we really need to do is have penalties for the youth to buy tobacco. Right now, there is no disincentive for them if they try to buy tobacco. There is not even a little slap on the wrist for them to illegally buy tobacco. Their merchant can be fined and as we see from the large boxes on our desks today, the merchants are doing a lot to try to keep underage children from buying tobacco. I think there should be tougher penalties to merchants who do sell to children, but the merchants cannot be the only ones held responsible.

The children who buy tobacco illegally know they are doing something illegal and we should have penalties against what they are doing. Thank you.

Representative MITCHELL of Portland moved that House Amendment "A" (H-772) be indefinitely postponed.

Representative MACK of Standish requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-772).

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 House Amendment "A" (H-772). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 385

YEA - Ahearne, Bagley, Baker CL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Cianchette, Clark, Colwell, Cowger, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Lovett, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Perkins, Perry, Pih, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Campbell, Chick, Chizmar, Clukey, Cross, Donnelly, Fisk, Foster, Gieringer, Honey, Jones SA, Joy, Kasprzak, Kneeland, Labrecque, Layton, MacDougall, Mack, Madore, Marvin, McAlevey, Meres, Nass, Nickerson, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winn, Winsor.

ABSENT - Davidson, Dexter, Lane, Lemke, Lindahl, Paul, Peavey, Poulin.

Yes, 92; No, 50; Absent, 8; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, with 8 being absent, House Amendment "A" (H-772) was indefinitely postponed.

The Bill was passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

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

ENACTORS

An Act Regarding the Restructuring of Contracts between Public Utilities and Qualifying Facilities (S.P. 674) (L.D. 1899)

An Act to Extend the Authorization for Federally Funded Positions to Establish a Military Rebuild Site at the Former Loring Air Force Base (S.P. 677) (L.D. 1901) (Governor's Bill)

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. Ordered sent forthwith.

ENACTORS

Emergency Measure

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)

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

On motion of Representative O'NEAL of Limestone, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "B" (H-774) which was read by the Clerk and adopted.

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

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

ENACTORS

Emergency Measure

Resolve, Regarding Payments to Legislators during Special Session (H.P. 1356) (L.D. 1903)

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

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. I am a little confused after all this time off. I really don't think this bill is what I expect it is, but I will tell you what I think it is. I think this is a bill to make sure we don't get paid for coming all the way up here today. I don't think we passed anything that says anti-worker as this bill does, in this whole session. I am really surprised to see this. A lot of us have jobs that we have been working on for two or three weeks now and we need to support a family. To be called up here to