

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

(S.P. 289) (L.D. 940) Bill "An Act to Amend the Laws Pertaining to the Boarding of Dogs"

(H.P. 318) (L.D. 440) Bill "An Act to Require Responsibility of the Employers of Persons who Collect Signatures"

(H.P. 46) (L.D. 71) Bill "An Act to Return a Certain Parcel of Land to Hartland from Pittsfield" (C. "A" H-6)

(H.P. 58) (L.D. 83) Bill "An Act to Amend the Laws Requiring Notification for Public Hearings Concerning Ordinance Changes" (C. "A" H-7)

(H.P. 210) (L.D. 274) Bill "An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land" (C. "A" H-5)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

ENACTORS
Emergency Measure

An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages (S.P. 207) (L.D. 666) (C. "A" S-12)

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. 133 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session (H.P. 180) (L.D. 235)

An Act to Amend the Fee Schedule for Probate Filings (S.P. 138) (L.D. 417) (S. "A" S-13)

An Act to Amend the Employee Leasing Company Registration Process (S.P. 147) (L.D. 426)

An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian (S.P. 165) (L.D. 494)

An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws (H.P. 395) (L.D. 540)

An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien (H.P. 421) (L.D. 571)

An Act to Expand the Methods of Service of Disclosure Subpoenas (H.P. 526) (L.D. 717)

An Act to Amend the Small Claims Court Laws (S.P. 249) (L.D. 818)

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.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

HOUSE DIVIDED REPORT - Majority (11) "**Ought Not to Pass**" - Minority (2) "**Ought to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Amend the Law Regarding the Sale of Alcohol on Golf Courses" (H.P. 467) (L.D. 638)

TABLED - March 13, 1997 by Representative TUTTLE of Sanford.

PENDING - Acceptance of Either Report.

On motion of Representative TUTTLE of Sanford, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

On motion of Representative CROSS of Dover-Foxcroft, the House recessed until 6:00 p.m.

After Recess

The House was called to order by the Speaker.

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill) pending adoption of Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Ladies and Gentlemen of the House. I speak to you tonight as not the Chair of the Appropriations Committee, but a member of this House to work with you and with the Governor to present a budget to meet the needs of the citizens of this state. The budget document that is before this House, this evening, was put together for a large number of people through several months of work in the Appropriations Committee room. The people who put their efforts into this budget were the members of my party, members of the Republican Party and members of the King administration. This budget, like every other budget that has succeeded it, is not complete in the minds of each of us as individuals. It is an honest effort of consensus based on resources that this state has available to bring a balanced budget for the operation of Maine State Government.

The committee that worked on this bill is not made up of just two political parties, but of many different philosophical opinions. However, it does, in my opinion and I hope in yours, reflect the needs of the citizens of this state. It addresses not all the needs, but generally, most of the needs for general purpose aid to education. It addresses, but not all the needs, but generally most of the needs of the university system and technical college system. It addresses not all the needs, but most of the needs in the area of mental health and human services. It addresses not all the needs, but generally most of the needs of the Judicial Branch of government. It addresses not all the needs, but generally most of the needs of the Corrections Department. Other areas this budget addresses, but I am sure not to the complete satisfaction of everyone in this chamber, is funding for tourism, funding of the Magnet School, funding of the Medical Access Program, funding of tree growth, circuit breaker, and research and development for the University of Maine.

Considering the economy of this state, the revenues that we generate, the budget demands that we have, through the good efforts of the members of this Legislature, the efforts of the Appropriations Committee and its staff, along with the support of

the King Administration represents general consensus of needs. I ask you as a member of this chamber to support this budget tonight. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Thank you Madam Speaker. A point of parliamentary inquiry. Is this at the point where we present amendments?

The SPEAKER: The Representative has posed a question. This is the point where it is appropriate to present House Amendments. Once we adopt Committee Amendment "A," we would have to reconsider to get back to that point.

Representative DONNELLY: Thank you. May I ask a second question? Have all the amendments been distributed?

The SPEAKER: We have distributed 13 amendments of the 43 that we are expecting. Does Representative Wheeler have his amendment available?

Representative WHEELER of Bridgewater presented House Amendment "A" (H-24) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Thank you Madam Speaker, Men and Women of the House. I stand before you today to fulfill a commitment that I made to my constituents concerning state obligations. One of those obligations was to pay the full commitment to the tree growth. I have suggested in the amendment that we take the money from the Maine Economic Improvement Strategy. I personally feel that we should pay our commitments to those issues that the state has committed to in the past before we make or implement any new programs. For example, the tree growth funding means a great deal to my area. I come from Aroostook County, for those of you who don't know a lot of our areas are covered by the Tree Growth Law. If we don't fully fund this program, I think we should repeal the tax and let the towns evaluate the property at its full value and collect the taxes in a way that they will realize full funding.

In Oakfield, because of the tree growth, they lose about \$28,500. In Merrill, they lose \$27,700. The Town of Smyrna is \$41,878. I am not going to stand up here and give you a long speech. I am just asking you to support what I have made for a commitment to my constituents and I think that most of you have. Thank you Madam Speaker.

Representative BERRY of Livermore moved that House Amendment "A" (H-24) to Committee Amendment "A" (H-15) be indefinitely postponed.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "A" (H-24) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. We will be talking about a lot of big changes to the proposal in front of you this evening. A lot of things that have been talked about already by the chairman of the committee are living up to some obligations we had trying to meet needs. What Representative Wheeler is presenting tonight is an opportunity to fill a hole in the budget that is presented to a commitment that hasn't been lived up to for a long time. It is a commitment to an agreement that the state and municipalities with areas of tree growth entered into quite a while ago. It is living up to a commitment that we have. I would urge you to vote against Indefinite Postponement and vote for living up to our commitments. Thank you.

Representative BUCK of Yarmouth requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-24) to Committee Amendment "A" (H-15).

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 Biddeford, Representative Joyce.

Representative JOYCE: Madam Speaker, May I pose a question through the Chair to Representative Wheeler?

The SPEAKER: The Representative may pose his question.

Representative JOYCE: Thank you. It seems like a lot of us ran on property tax relief. Wouldn't this help property tax relief back in the municipalities?

The SPEAKER: The Representative from Biddeford, Representative Joyce has posed a question through the Chair to the Representative from Bridgewater, Representative Wheeler. The Chair recognizes that Representative.

Representative WHEELER: Thank you Madam Speaker. The answer is yes.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. A budget is a little bit like a stew. There has to be a little bit in it for everyone involved. There are many pieces in this budget that I personally do hold to be of high priority. I personally would not vote to continue the funding of the Magnet School. The purchase of Sears Island is not a priority of mine. Nevertheless, I understand that to reach compromise and pass a budget, which will satisfy not only the majority of this body but the majority of the citizens of the State of Maine, that we sometimes have to vote for pieces of a budget, which we don't like.

It is true that the state has not been meeting its obligation in the area of tree growth for a long time. This budget goes far farther than any budget in recent memory to address that issue by putting in an additional \$6 million falling short by only \$1 million. At the same time, this budget does nothing to address the needs of the 1,000 children out there who need mental health services and are on the waiting list for mental health services. This budget does nothing to address the waiting list of 690 young adults and children who require day services to treat their mental retardation. This budget is far from a perfect document, but I would suggest that if we want to pass a budget at all, each one of us will have to compromise. I would ask you to join me in Indefinitely Postponing House Amendment "A."

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-24) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 12

YEA - Ahearne, Bagley, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont,