

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

Bill "An Act to Increase Sanctions for Passing School Buses that Have Red Lights Flashing"

(H.P. 634) (L.D. 884)

Presented by Representative POWERS of Rockport.

Cosponsored by Representatives: CHIZMAR of Lisbon, MUSE of South Portland, POVICH of Ellsworth, SANBORN of Alton.

Bill "An Act to Require Identification for Hearing Impaired Persons"

(H.P. 646) (L.D. 896)

Presented by Representative SNOWE-MELLO of Poland. (BY REQUEST)

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BOUFFARD of Lewiston, BROOKS of Winterport, COLLINS of Wells, FOSTER of Gray, MacDOUGALL of North Berwick, O'BRIEN of Augusta, PLOWMAN of Hampden, SHIELDS of Auburn.

Bill "An Act to Limit Load Weights on State Roads"

(H.P. 652) (L.D. 902)

Presented by Representative POWERS of Rockport.

Bill "An Act to Require Reflectors on the Front of Utility Trailers"

(H.P. 673) (L.D. 929)

Presented by Representative STANLEY of Medway.

Cosponsored by Representatives: BRYANT of Dixfield, CARR of Lincoln, CLARK of Millinocket, DUPLESSIE of Westbrook, RINES of Wiscasset, Senator: DAVIS of Piscataquis.

UTILITIES AND ENERGY

Bill "An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities"

(H.P. 626) (L.D. 876)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Senator MILLS of Somerset and Representatives: BAGLEY of Machias, FRECHETTE of Biddeford, JOY of Crystal, MENDROS of Lewiston, O'NEIL of Saco, SAXL of Portland, WHEELER of Eliot, Senator: NUTTING of Androscoggin.

Bill "An Act to Facilitate Price Comparisons for Utility Service"

(H.P. 644) (L.D. 894)

Presented by Representative BERRY of Belmont.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BRYANT of Dixfield, COLWELL of Gardiner, DAVIDSON of Brunswick, DUNCAN of Presque Isle, LaVERDIERE of Wilton, McGLOCKLIN of Embden, ROSEN of Bucksport, SAVAGE of Buxton.

Submitted by the Office of Public Advocate pursuant to Joint Rule 204.

JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT AND EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Research Internship Opportunities for Teachers and Students"

(H.P. 674) (L.D. 930)

Presented by Representative LEMONT of Kittery.

Cosponsored by Senator MacKINNON of York and Representatives: BELANGER of Caribou, HONEY of Boothbay, MURPHY of Berwick, ROWE of Portland, SCHNEIDER of Durham, STEVENS of Orono, Senator: KONTOS of Cumberland.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative DAIGLE of Arundel, the following Joint Order: (H.P. 655)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources is authorized to establish a stakeholder's group to explore options and alternatives to MTBE and reformulated gasoline.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative GAGNON from the Committee on **TAXATION** on Bill "An Act to Provide a Tuition Exemption for Certain State Residents"

(H.P. 100) (L.D. 113)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

ENACTORS

Emergency Measure

An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1999

(H.P. 36) (L.D. 50)

(C. "A" H-18)

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I would like to commend the Appropriations Committee. They followed a process that was open communication. There was an early seeking out of common ground. They built a budget which respected each parties priorities. As we look at priorities within this supplemental budget, we see the BETR Program. The increase which addresses an unfair local tax. It encourages reinvestment, modernization. It has as its goal making Maine businesses more competitive by expanding the possibility of employment and in many cases saving jobs. It also in a small tiny little step addresses that chipping away of that unfunded liability of the Maine State Retirement System. A priority for us with seniors within this supplemental budget on the provisions for the home-based health care and the Alzheimer funding.

There is some money that is uncommitted within this budget. There are \$1.7 million cuts and \$1.2 million from not raising the rainy day from 5 percent to 6 percent. We have addressed probably one of the last paying the bills, paying the shifting costs to other levels of government with reimbursement for county corrections. I think at this point there has been a party that hasn't been invited to the table yet. That would be the Maine taxpayers. There is almost \$13 million set aside out of this \$33 million supplemental budget. As we now begin to fund part I and part II regular budget, I would like to see every member of this House, both parties, look at that \$13 million as money that is squirreled away, a first small step in terms of getting money back to the taxpayers. If you follow the news, Maine economists are revising their projections of the income growth or the income gains for the average Mainer. If you saw on the news the other night, while spending was real strong nationally in December, consumers nationally did that by going into debt and going to their savings. If there ever has been a need in our economy allowing citizens to keep their money and to reinvest that money into the Maine economy, this is the time.

I think as we look at this \$13 million and we look at the part I and part II budget, we really need to redefine tax relief, direct tax relief, not just moving dollars around from one level of government to another government, but eliminating a tax and not collecting the money in the first place or reducing the tax. The other concern as we start part I and part II a \$4.5 billion budget is too much for the Maine people. I think as we address this next step after this first step of the supplemental budget, we need to reduce that cost. We need to rearrange the priorities within that budget to the common ground areas that are developing already. We need to stop the practice of tax relief being defined as robbing Peter to pay Paul. We need to put money to allow money to remain in the local economy.

I commend the committee. They did excellent work. They worked together. They understood that building a budget requires respecting each sides priority. I would encourage you to support the supplemental budget today. Mr. Speaker, I ask when the vote is taken, I request a roll call.

Representative MURPHY of Kennebec **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 Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I am pleased to add my voice to the chorus of those supporting this supplemental budget. I, too, as Democratic Leader in the House, want to compliment the bipartisan effort of the Appropriations Committee to spend less and do more than the Chief Executive in his supplemental budget. This is a great beginning for this upcoming session. As we did it two years ago, I hope that this bill passes overwhelmingly on the floor of the House today. Again, I want to thank the Republican and Democratic members of the Appropriations Committee and hope that this is a base upon which we can build a solid budget this next session.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to somewhat support what the members of leadership on both sides of aisle have said. Understanding that members of leadership, regardless of party, are always just half right. I would like to indicate to you some concerns that I have

about this supplemental budget. It was something that Representative Murphy eluded to when he talked about how we are starting to get it right in terms of how we are addressing the issue of returning some of the money that we overtaxed the citizens of this state, back to them immediately. I have been around here long enough to understand and I must admit that it has taken me a while to do this, but regardless of whether you are on that side of the aisle or this, on most of the major issues we agree. Where we disagree is the method by which we get there. My concern with this supplemental budget is as we have done in the last several budgets, we have delayed the implementation of any kind of a significant reduction in taxes. If we look at the revenues coming into this state in the last four years, it is unprecedented. Yet every attempt we have made to make significant reductions in taxes hasn't really happened. It hasn't happened, I think, because we have always found other priorities. I realize there were priorities in prior years. We fixed the gimmicks in state government that have long hounded us. We have started generously funding public education, something that is long overdue. Something that we keep putting aside every time that we have a budget is some kind of a commitment to return taxes to the people that pay them.

My concern with this supplemental budget is, let me give you a couple of examples. We are now starting to add back massive numbers of public employees in the Department of Revenue Services in this supplemental budget. There is a proposal to add 53 new positions in the Department of Revenue Services. The problem I have with that is if you look at the budget that we will be voting on in two or three months, there is an additional 30 or 35 people added to that list. I can tell you right now that when the Executive Branch comes to us with their request for that budget, they are going to say, you already funded most of this in the supplemental budget and it is not as many positions as we asked for in that budget, so it is part of that ongoing program, so we need you to fund it. This is the trap that we continue to fall in for one reason or another, particularly with supplemental budgets. We don't have time for some thoughtful debate on these issues.

I would submit to you that I would be more comfortable with a supplemental budget that just dealt with items that had to be addressed between now and the end of the fiscal year. That will give us time on both sides of the aisles to look at what I consider significant amount of money that we have available to either spend or give back in tax reductions, but lets have the time so that we can thoroughly debate those particular issues before we commit ourselves now to the programs outlined in the supplemental budget. Thank you very much.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 9

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Glynn, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl,

MacDougall, Madore, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Carr, Clough, Gerry, Gillis, Goodwin, Joy, Kasprzak, Mack, Marvin, Pinkham, Shields, Trahan.

ABSENT - Gamache, Green, Lovett, Martin, Perry, Plowman, Tracy.

Yes, 131; No, 13; Absent, 7; Excused, 0.

131 having voted in the affirmative and 13 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 28, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

COMMUNICATION - Governor's nomination of James W. Tracy as a member of the State Harness Racing Commission (S.P. 264)

- In Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

TABLED - January 28, 1999 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **REFERENCE** in concurrence.

Subsequently, the Communication was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State"

(H.P. 587) (L.D. 827)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative TOWNSEND of Portland.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders"

(H.P. 571) (L.D. 811)

(Committee on **JUDICIARY** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative BULL of Freeport.

PENDING - **REFERENCE**.

On motion of Representative THOMPSON of Naples, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE**, ordered printed and sent for concurrence.

Bill "An Act to Require Counties to be Reimbursed for Medical Expenses Incurred by Prisoners from Other Jurisdictions"

(H.P. 575) (L.D. 815)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act to Revise Maine's Trespass Laws"

(H.P. 531) (L.D. 738)

(Committee on **CRIMINAL JUSTICE** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE**, ordered printed and sent for concurrence.

On motion of Representative SIROIS of Caribou, the House adjourned at 4:03 p.m., until 10:00 a.m., Wednesday, February 3, 1999.