

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

let's support it.

Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I also would encourage receding and concurring. I do it with some reluctance because I recognize that members of my caucus have been in a lot of effort to try to achieve the Department of Children and Families through a much more carefully measured approach. I understand that and I would support that but I have become convinced, over the course of the last few days, that that is not going to come about and I care more to see this Department of Children and Families be established even if it is established in a way that I consider to be not quite as carefully thought out, not as carefully done, not as carefully undertaken as I would like, so I would join in asking for receding and concurring.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: We all care about children but we need to do the right thing. We must see that as we reorganize five different departments and one division and call that a Department of Children and Families that it is done carefully and correctly.

I could read to you, as I spent a lot of this evening, morning, highlighting commission reports, which basically the Committee on State and Local Government used as their outline as they took three pieces of legislation and drafted and crafted one very responsible piece of legislation. We want to provide services more effectively and more efficiently to the children and families of the state.

There is a second piece of this, we are taking the remaining functions of the Department of Human Services and from the Department of Mental Health and Retardation and we are putting those functions and responsibilities into a Department of Health and Developmental Services. All of these services are services that touch the people of Maine, the clients of state government more closely than any other services that we provide.

I ask you to vote against the pending motion and adhere to our position. What sense does it make to put two pieces of legislation on the Chief Executive's desk? I don't understand.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Scarborough, Representative Pendexter, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 426

YEA - Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutillier, Butland, Carleton,

Carroll, J.; Cathcart, Clark, M.; DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Gurney, Hanley, Heino, Hepburn, Hussey, Kerr, Ketterer, Kutasi, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Murphy, Nash, Nutting, O'Dea, O'Gara, Ott, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Ruhlin, Saint Onge, Savage, Skoglund, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Vigue, Whitcomb.

NAY - Adams, Aliberti, Bell, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Kontos, Lawrence, Lemke, Macomber, Manning, Martin, H.; Mayo, McHenry, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Rand, Rydell, Sheltra, Simonds, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

ABSENT - Anderson, Bowers, Hastings, Hichens, Jalbert, Luther, Mahany, McKeen, Parent, Powers, Rotondi, Salisbury, Simpson, Small.

Yes, 67; No, 70; Absent, 14; Paired, 0; Excused, 0.

67 having voted in the affirmative and 70 in the negative with 14 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws (H.P. 1547) (L.D. 2185) (H. "L" H-1216; H. "N" H-1219; H. "Q" H-1222; H. "T" H-1228; H. "U" H-1230; H. "FF" H-1252; H. "OO" H-1275; H. "QQ" H-1319; H. "RR" H-1320; S. "E" S-708; S. "H" S-720; and S. "M" S-755 to C. "A" H-1192)

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

Representative Tracy of Rome requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 427

YEA - Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Gean, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Kontos, Larrivee, Lawrence, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Richardson, Ricker, Ruhlin, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Vigue, Waterman, Wentworth, The Speaker.

NAY - Adams, Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Gurney, Hanley, Heeschen, Heino, Hepburn, Holt, Hussey, Ketterer, Kilkelly, Kutasi, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, McHenry, Merrill, Michael, Murphy, Nash, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Plourde, Rand, Reed, G.; Reed, W.; Richards, Saint Onge, Savage, Spear, Stevens, A.; Stevenson, Tracy, Treat, Tupper, Whitcomb.

ABSENT - Anderson, Bowers, Hastings, Hichens, Ketover, Luther, Mahany, McKeen, Parent, Powers, Rotondi, Salisbury, Simpson, Small.

Yes, 69; No, 68; Absent, 14; Paired, 0; Excused, 0.

69 having voted in the affirmative and 68 in the negative with 14 being absent, 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 requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Representative Jacques of Waterville Recessed at 4:20 a.m. until three o'clock in the afternoon.

(After Recess -- 4:40 p.m.)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

ENACTOR

As Amended

(Reconsidered)

An Act to Encourage the Development of Business

and Infrastructure through the Extension of State Tax Increment Financing (S.P. 974) (L.D. 2460) (S. "A" S-750)

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

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby L.D. 2460 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-1328) and moved its adoption.

House Amendment "B" (H-1328) was read by the Clerk and adopted.

Representative Poulin of Oakland offered House Amendment "A" (H-1325) and moved its adoption.

House Amendment "A" (H-1325) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I rise to urge the House not to adopt House Amendment "A" and I would like to explain why. I think House members have probably been lobbied on this bill enough. Of all the bills I have seen in ten years here, it is the one bill that doesn't need any further debate.

I just have to point out that this is, of course, son of STIF. The original bill dealt with the same subject matter, met an untimely demise earlier this week or late last week (can't remember which now) because the two bodies ended up in non-concurrence. I said from the beginning of the debate on this issue that this is a very important bill for a lot of reasons. If you read the Statement of Fact, it establishes four definitions in law that need to be established in order to allow the STIF program to work. Whether retail sales are involved or not, this bill needs to pass. My fear is, if this body adopts House Amendment "A" as is being proposed, that son of STIF will meet the same untimely death that the original bill met.

Mr. Speaker, I would like to move the indefinite postponement of House Amendment "A" and I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, I would urge you to oppose the motion to indefinitely postpone this measure. I want to agree with my colleague from Old Town, Representative Cashman, that this is a bill that has clearly taken on a life of its own and has actually been reborn in the last day and a half. As you may remember, the STIF program from our earlier debate was actually enacted last year but because of some of the language, it wasn't being used to the point it could have been used.

Representative Kerr submitted a bill this year to attempt to work out a bill so that people could use it. Representative Kerr is to be commended for the efforts that he has made to provide the type of financing mechanisms his district needs so desperately at this point, particularly in the area of downtown retail. He has advanced this proposal to the Taxation Committee and they have embraced this proposal. The hearing on the original bill was earlier this month, then there were several work sessions. Somewhere during the process, DECD and