

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
2nd Legislative Day
Friday, December 21, 1990

The House was called to order by the Speaker.
Prayer by Reverend Robert Hargreaves, St. Mark's
Episcopal Church, Augusta.
Pledge of Allegiance.
The Journal of Wednesday, December 5, 1990, was
read and approved.

COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

Commission to Study Maine's Oil Spill
Cleanup Preparedness

December 5, 1990

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study Maine's Oil Spill Cleanup
Preparedness is pleased to send you this copy of its
report. The report has been submitted to the
Executive Director of the Legislative Council and the
Joint Standing Committee on Energy and Natural
Resources pursuant to P.L. 1989, c. 868.

Sincerely,

s/Sen. Joseph C. Brannigan,
Senate Chair

s/ Rep. Susan Farnsworth
House Chair

Was read and with accompanying report ordered
placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

December 5, 1990

The Honorable Charles P. Pray, President of the Senate
The Honorable John L. Martin, Speaker of the House
Members of the 115th Legislature

It is my pleasure to transmit the Preliminary
Report of the Select Committee on Comprehensive Tax
Reform.

We have concluded our initial review as required

by statute. We used a subcommittee process that
recognized the individual and collective talents of
nearly 50 people, not counting all of the interested
parties that came before us with their comments,
criticisms and concerns. The full Committee of 13 is
now prepared to take this document, along with any
additional ideas you may have, and complete its task
by the end of January.

The administration has promised to work with us
in two specific areas. They will be providing us
with an up-to-date analysis of the income tax system
because this information was not available during our
preliminary review. They will also be talking with
us about the impact of the budget shortfall on future
budgets of the State, counties and municipalities. A
significant number of future cost bills were passed
last session and this issue must be addressed.

In the course of our review and most pointedly in
the last few days, the magnitude of the current
fiscal year crisis was identified. While the
Commission expressed some early concern about this
issue, we specifically refrained from looking at it
closely during the subcommittee phase of our work.
We may no longer be able to avoid it and if it is
your wish, we are ready to use our remaining time as
the basis for addressing this crisis situation.

On behalf of myself, the Committee members and
the subcommittee members who so willingly served, I
want to thank you for the opportunity to look at tax
reform. We look forward to continuing this work and
providing you with a number of useful recommendations
in our final report.

Sincerely,

s/Sen. John E. Baldacci
Committee Chair

Was read and with accompanying report ordered
placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMISSION TO STUDY THE USE OF HERBICIDES

November 27, 1990

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study the Use of Herbicides is
pleased to submit its report to the Legislature
pursuant to 1989 Resolve c. 98.

Sincerely,

s/Rep. Michael H. Michaud

Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF EDUCATION
State House Station 23
Augusta, Maine 04333

December 14, 1990

TO: Edwin H. Pert, Clerk of the House

FROM: s/Eve M. Bither, Commissioner

RE: Report on Habitual Truants for the 1989-90
School Year

In accordance with 20-A M.R.S.A. section 5051, I am pleased to submit our annual report of the number of habitual truants identified by school superintendents during the 1989-90 school year. An habitual truant is defined as "a student under age 17 who has attained the equivalent of 10 full days of nonexcused absences or 7 consecutive days of nonexcused absences during a school year." The total number of identified habitual truants has increased slightly from the previous school year. This increase reflects a redefinition of habitual truancy under the statutes.

Additional information regarding this report can be obtained from Frank Antonucci in the Office of Truancy, Dropout and Alternative Education at 289-5110.

Was read and with accompanying report ordered placed on file.

The following Communication:

Passamaquoddy
Tribal Government
Indian Township
Box 301, Princeton, Maine 04668

December 12, 1990

Honorable Edwin H. Pert
Clerk of the House
State House, Station 2
Augusta, Maine 04333

Dear Clerk Pert,

This is to certify that the majority of Passamaquoddy Tribal Members at Pleasant Point and Indian Township duly elected their first Native American Woman, Madonna M. Soctomah, as Tribal Representative to the Maine State Legislature in a term of four years commencing October 1, 1990 to September 30, 1994.

Tribal Elections were held at Pleasant Point

Reservation and Indian Township Reservation according to the Tribal Interim Election Laws. On September 4, 1990.

Sincerely,

s/Nora J. Deschaine
Tribal Clerk

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 7, 1990

The Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to 38 M.R.S.A., Section 341-C (5), this is to notify you that Eugene Gendron's term on the Board of Environmental Protection is being extended, to ensure fair consideration of the mining task force hearings currently being held before the Board, as well as the agenda of the December 12, 1990 regularly scheduled meeting. Mr. Gendron's term will terminate upon final Board decisions on the above-named items.

Sincerely,

s/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF EDUCATION
State House Station 23
Augusta, Maine 04333

December 13, 1990

TO: Joy O'Brien, Secretary of the Senate
Edwin Pert, Clerk of the House
G. William Buker, Bureau of the Budget

FROM: s/Eve M. Bither, Commissioner

RE: Certified Funding Level for Adult
Education - FY92

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606-A, I am required to certify prior to December 15, 1990 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

FY92

All Other Category 6300 \$5,339,542.00
- Grants to cities and towns.
(This includes grants to programs for high school completion, adult literacy, general adult education, adult handicapped, adult vocational education, and administration)

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HEALTH POLICY ADVISORY COUNCIL
State House Station 141
Augusta, Maine 04333

December 14, 1990

Hon. John Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to 5 MRSA Pt. 22, enacted in Chapter 498 of the Laws of 1987, I am pleased to transmit the Fourth Annual Report of the Health Policy Advisory Council. This document represents the collective effort of consumers, providers, and people in government to achieve the goal of serving the interests of the people of Maine in attaining better health and health care by defining and objectively investigating significant health policy issues.

Recent health system reform in this state has focused on acute health care financing and hospital regulatory change. The Council in 1990 has taken a complementary focus on organization and content of services, examining integration of health promotion, risk reduction, long term care and mental health care with the acute care delivery system. Because many issues of access, affordability and quality cannot be resolved until value conflicts are examined and resolved by communities, the Council has also focused on the ethical aspects of resource allocation decisions.

In accordance with statute, this report presents a five year forecast of emerging issues that will continue to challenge policy makers and leaders and stimulate questions about how we as a state should proceed. Perhaps the greatest challenge lies in how we can continue our tradition as a national leader in health matters in the face of a looming national health crisis and in the face of a turbulent national and regional economy. The Council stands ready to help in this effort.

Looking ahead to the coming year, the Council plans to pursue a central goal of designing a model health system for Maine. This process will involve major health providers, consumers, government and

payors in a systematic analysis of issues pertaining to access and availability, the continuum of health services, and the roles, structure and functioning of the health care system. The development of the Council's collaborative working approach over the past three years provides a firm basis for framing this vision. As we proceed to design the system for Maine, we hope to widen the circle of participants so that there is both solid analysis of these issues and true consensus about their resolution.

This report describes the Council's deliberations and findings in several key health policy areas. The final section of the report is a series of articles that describe the Council's activities and findings on issues studied this year. These include conclusions about needs for a basic level of health care, public health, hospitals, chronic care, and mental health. The Council's findings regarding the state's health budget, health planning and ethical aspects of allocating health care are also described in this section.

We welcome your comments, your questions and your continued involvement in what promises to be a significant year in health policy formulation.

Sincerely,

s/Ronald G. Thurston
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 45)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

December 14, 1990

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to House Rule 1, I have today made the following appointments to the Joint Standing Committee on Appropriations and Financial Affairs:

- Carter of Winslow, House Chair
- Chonko of Topsham
- Pouliot of Lewiston
- Carroll of Gray
- Michaud of East Millinocket
- Rydell of Brunswick
- Paradis of Frenchville
- Foss of Yarmouth
- MacBride of Presque Isle
- Reed of Falmouth

Sincerely,

s/John L. Martin
Speaker of the House

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 46)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

December 13, 1990

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to House Rule 1, I have today made the following interim appointments to the Joint Standing Committee on Aging, Retirement and Veterans:

- Mayo of Thomaston, House Chair
- Jalbert of Lisbon
- Dutremble of Biddeford
- Cashman of Old Town
- Mitchell of Vassalboro
- O'Dea of Orono
- Stevenson of Unity
- Ault of Wayne
- Merrill of Dover-Foxcroft
- Marsano of Belfast

Sincerely,

s/John L. Martin
Speaker of the House

Was read and ordered placed on file and sent up for concurrence.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

December 6, 1990

Mr. Paul McCann, Chairman
Commission on Governmental Ethics
and Election Practices
State House, Station 101
Augusta, ME 04333

Dear Chairman McCann:

I am pleased to transmit to the Commission on Governmental Ethics and Election Practices pursuant

to M.R.S.A. Section 1008, sub-section 1 and 2 the enclosed copy of Petition to the 115th Legislature of the State of Maine on the seating of Sumner H. Lipman of Augusta, which was read and referred to the House Committee on Elections and to the Commission on Governmental Ethics and Election Practices in the House on December 5, 1990.

Sincerely,

s/Edwin H. Pert
Clerk of the House

Was read and with accompanying papers ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

December 6, 1990

Honorable Paul F. Jacques, Chairman
House Committee on Elections
State House Station 2
Augusta, ME 04333

Dear Chairman Jacques:

I am pleased to transmit to the House Committee on Elections pursuant to House Rule 6, the enclosed copy of Petition to the 115th Legislature of the State of Maine on the seating of Sumner H. Lipman of Augusta, which was read and referred to the House Committee on Elections and to the Commission on Governmental Ethics and Election Practices in the House on December 5, 1990.

Sincerely,

s/Edwin H. Pert
Clerk of the House

Was read and with accompanying papers ordered placed on file.

The following Communication:

114TH MAINE LEGISLATURE

November 26, 1990

Hon. Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to our authority under Title 24-A, section 2072, we have appointed Ned McCann of South Portland to the Special Select Commission on Access to Health Care. He will serve as that Commission's labor representative.

Sincerely,

s/Charles P. Pray
President of the Senate

s/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
INTER-DEPARTMENTAL MEMORANDUM

December 17, 1990

TO: Governor John R. McKernan, Jr.
FROM: s/H. Sawin Millett, Jr., Commissioner
Department of Finance
RE: General Fund Revenues

Based on the fact that our General Fund revenue collections for the first five months of this fiscal year have fallen \$8.8 million below projections and since recent forecasts prepared by the New England Economic Project and Wharton Economic Forecasting Associates project a continuing decline in the Maine economy over the next several months, it appears to me that our overall anticipated income and other available funds of the State will not be sufficient to meet the expenditures authorized by the Legislature for the 1991 fiscal year. I am informing you of my conclusions in this regard, pursuant to Title 5, MRSA, Section 1668, in order that you may give formal consideration to the need to temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income and other available funds. I will be happy to discuss this information further with you at your request.

Was read and ordered placed on file.

The following Communication:

115TH MAINE LEGISLATURE

December 13, 1990

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to our authority under Chapter 887 of the Public Laws of 1988, we have appointed Marc Nadeau of Hallowell to the Maine Commission on Mental Health.

Sincerely,

s/Charles P. Pray
President of the Senate

s/John L. Martin
Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Aging, Retirement and Veterans

Bill "An Act Concerning Retirement Benefits for Retired Veterans" (H.P. 35) (L.D. 49) (Presented by Representative NORTON of Winthrop)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Limit the Liability of Sponsors of Equine Activities" (H.P. 41) (L.D. 57) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator TITCOMB of Cumberland, Representative PINES of Limestone and Senator THERIAULT of Aroostook)

Resolve, Directing the Department of Agriculture, Food and Rural Resources to Establish Accurate and Verifiable Standards of Measurement for Fuel Wood (EMERGENCY) (H.P. 40) (L.D. 56) (Presented by Representative TRACY of Rome)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Require Proof of Insurance in Order to Register an Automobile" (H.P. 16) (L.D. 19) (Presented by Representative TRACY of Rome) (By Request)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Require that Measurable Material Sold at Retail Be Less Expensive Per Unit of Measurement as the Package Size Increases" (H.P. 11) (L.D. 14) (Presented by Representative LUTHER of Mexico) (By Request)

Bill "An Act to Expand the Lemon Law to Include Recreational Vehicles" (H.P. 18) (L.D. 21) (Presented by Representative TRACY of Rome)

Bill "An Act Regarding the Improper Installation of Chimneys and Fireplaces" (H.P. 27) (L.D. 30) (Presented by Representative LARRIVÉE of Gorham)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Establish a Permanent Fishing License System for Older Citizens" (EMERGENCY) (H.P. 33) (L.D. 43) (Presented by Representative ALIBERTI of Lewiston) (Cosponsored by Representative JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Waste Transfer Station Setback Requirements" (H.P. 12) (L.D. 15) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Ensure Smoke-free Areas in the Workplace" (H.P. 13) (L.D. 16) (Presented by Representative TRACY of Rome) (Cosponsored by Representative MANNING of Portland)

Bill "An Act to Expand the Elderly Low Cost Drug Program" (H.P. 26) (L.D. 29) (Presented by Representative LARRIVEE of Gorham)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Laws Governing Parental Rights and Responsibilities in Domestic Relations Matters" (H.P. 42) (L.D. 58) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Senator GILL of Cumberland)

(Committee on **Human Resources** was suggested)

On motion of Representative Manning of Portland, was referred to the Committee on **Judiciary**, ordered printed, and sent up for concurrence.

Judiciary

Bill "An Act to Repeal the Sunset on Immediate Wage Withholding for Child Support Awards" (EMERGENCY) (H.P. 20) (L.D. 23) (Presented by Representative PARADIS of Augusta)

Bill "An Act Concerning Equine Activities" (H.P. 30) (L.D. 33) (Presented by Representative TRACY of Rome) (By Request)

Ordered Printed.
Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Offset Costs of Probation Services" (H.P. 37) (L.D. 53) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative MacBRIDE of Presque Isle and Representative GREENLAW of Standish)

(Committee on **Judiciary** was suggested)

On motion of Representative Melendy of Rockland, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Limit Judicial Immunity in Certain Domestic Relations Matters" (H.P. 38) (L.D. 54) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Senator GILL of Cumberland)

Ordered Printed.
Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Ensure That Young Adults Are Treated as Adults for Failing to Appear for Hearings Held in Connection with Juvenile Crimes" (H.P. 39) (L.D. 55) (Presented by Representative MELENDY of Rockland)

(Committee on **Judiciary** was suggested)

On motion of Representative Melendy of Rockland, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Change the Age for Gross Sexual Assault" (H.P. 47) (L.D. 67) (Presented by Representative TOWNSEND of Eastport)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend the Laws Governing Disposition of Lost Goods" (H.P. 24) (L.D. 27) (Presented by Representative LIBBY of Kennebunk)

Bill "An Act to Strengthen the Operating-under-the-influence Laws" (EMERGENCY) (H.P.

32) (L.D. 42) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator VOSE of Washington)

Bill "An Act to Remove Residency Restrictions from the Office of Registrar of Voters" (H.P. 43) (L.D. 62) (Presented by Representative MARSH of West Gardiner)

Bill "An Act to Authorize Trained Police Officers to Take Blood Samples in Operating-under-the-influence Cases" (EMERGENCY) (H.P. 50) (L.D. 70) (Presented by Representative MERRILL of Dover-Foxcroft)

Resolve, Authorizing Mark Tamecki to Bring a Civil Action against the State (H.P. 21) (L.D. 24) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Senator GILL of Cumberland)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning the Franklin County Budget" (H.P. 15) (L.D. 18) (Presented by Representative TRACY of Rome)

Bill "An Act to Limit the Volume of Proposed Legislation" (H.P. 25) (L.D. 28) (Presented by Representative LIBBY of Kennebunk)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Concerning Capital Improvements and Impact Fees" (H.P. 44) (L.D. 63) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative BUTLAND of Cumberland and Representative HASTINGS of Fryeburg)

(Committee on State and Local Government was suggested)

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Energy and Natural Resources, ordered printed, and sent up for concurrence.

Taxation

Bill "An Act to Establish an Excise Tax Exemption for Veterans" (H.P. 17) (L.D. 20) (Presented by Representative TRACY of Rome)

Bill "An Act to Modify the Sales Tax Exemption for Ambulance Corps" (H.P. 23) (L.D. 26) (Presented by Representative FARNUM of South Berwick)

Bill "An Act to Exclude Public Pension Payments for People 62 Years of Age or Older from Taxation" (H.P. 29) (L.D. 32) (Presented by Speaker MARTIN of

Eagle Lake) (Cosponsored by Representative NADEAU of Saco, Senator PEARSON of Penobscot and Representative CASHMAN of Old Town)

Bill "An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities" (EMERGENCY) (H.P. 34) (L.D. 44) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsored by Representative DAGGETT of Augusta, Representative CASHMAN of Old Town and Senator BOST of Penobscot)

Bill "An Act Concerning the Property Tax Circuit Breaker" (H.P. 49) (L.D. 69) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator McCORMICK of Kennebec, Representative CASHMAN of Old Town and Representative GRAY of Sedgwick)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Concerning the Use of Headlights in Inclement Weather" (H.P. 14) (L.D. 17) (Presented by Representative TRACY of Rome)

Bill "An Act Discouraging Littering of State Highways" (H.P. 19) (L.D. 22) (Presented by Representative FARNUM of South Berwick)

Bill "An Act to Require That Children Riding in the Back of Pickup Trucks Be Secured" (H.P. 22) (L.D. 25) (Presented by Representative LUTHER of Mexico)

Bill "An Act to Provide Identification for Persons Using Handicapped Parking Privileges" (H.P. 28) (L.D. 31) (Presented by Representative SHELTRA of Biddeford)

Bill "An Act to Reduce Roadway Debris Hazards" (H.P. 31) (L.D. 41) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative CARROLL of Gray, Senator McCORMICK of Kennebec and Representative LORD of Waterboro)

Bill "An Act to Amend the Laws Concerning Registration of Camp Trailers" (H.P. 36) (L.D. 50) (Presented by Representative McKEEN of Windham)

Bill "An Act Concerning Traffic Control for Road Construction Projects" (H.P. 48) (L.D. 68) (Presented by Representative MERRILL of Dover-Foxcroft)

Ordered Printed.
Sent up for Concurrence.

(At Ease)

The House was called to order by the Speaker.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Refinance a Portion of the Teacher Retirement Payments for the Fiscal Year 1990-91" (EMERGENCY) (H.P. 9) (L.D. 12)

Signed:

Senators: TITCOMB of Cumberland
CLARK of Cumberland

Representatives: JALBERT of Lisbon
O'DEA of Orono
MITCHELL of Vassalboro
MAYO of Thomaston
DUTREMBLE of Biddeford
CASHMAN of Old Town

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-5) on same Bill.

Signed:

Senator: CAHILL of Sagadahoc

Representatives: MARSANO of Belfast
STEVENSON of Unity
MERRILL of Dover-Foxcroft
AULT of Wayne

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought to Pass" as amended Report.

I am sure that motion surprised many of you but it is my intention today to focus the debate on the Governor's proposal, to have an up or down vote on the Governor's proposal.

I am going to proceed to give you comments as to why you should reject the motion that I just made. I want it clear that if you support this proposal, you will be voting yes and punching your green light; if you do not support the Governor's proposal, you will be voting no and punch your red light.

At the beginning of my remarks, I would like to lay out to you the groups of Maine citizens who came before my committee, the committee to which I have been temporarily appointed to, and expressed strong opposition to this legislation. Some of these groups expressed strong reservations, they were concerned about it, but they were also concerned about what the implications of not passing it were. The groups include the Maine Elementary Principals' Association, the Maine School Board Association, the Maine Superintendents' Association, the Maine Secondary Schools Association, the Maine Teachers Association, the Maine Municipal Association, the Maine Association for Public School Adult Education, the Maine State Employees Association, the Maine AFL-CIO, the Maine Association of Retirees, the Maine Association of Retired Teachers and, most importantly ladies and gentlemen of this House, the Board of Trustees of the Maine State Retirement System. These

groups represent very diverse Maine citizens and they all spoke with one voice, that L.D. 12 gives them very serious concerns, that it was not in the best interest of the State of Maine. Mostly they said that we should reject it out of hand.

I want to provide to you some background before we enter into some more detailed discussion of this plan. We have heard today the number of 500 layoffs, regardless of whether or not this bill passes. I submit to you that 500 fewer members of the Maine State Retirement System is going to affect that system anyway because those employees will no longer be making contributions to the system. Many of those employees who are not vested will want to withdraw the contributions that they have already made from the system and when they do that, they are entitled to an interest payment. The system is going to suffer simply because of that fact alone, regardless of anything we do.

The Governor also presented a new proposal to us today (one of many) that called for state employees to work ten days and only get paid for nine. This, too, will result in a 10 percent reduction in the employee contribution side of the retirement fund before you even start to talk about employer contributions. On top of that today, the Governor is recommending that we deappropriate \$83 million now — 83 — the first figure I heard was something less than that, but 83 now to be deappropriated from the employer contribution to the system.

I have been thinking back a lot to my first term in this legislature. When I was sworn into the House in 1983, May 26 as a matter of fact, I took a seat on the Aging, Retirement and Veterans Committee, the seat that my father had occupied. I was very happy to go on that committee because I figured it was a good way for me to learn a little about state government and to get my feet wet. In 1983, the unfunded liability of our pension system was \$1.1 billion, today it is \$1.3 billion. We are going in the wrong direction and this legislation will take us further down that road.

I want to read to you an excerpt from a Bangor Daily news story. Wilshire Associates Incorporated from Santa Monica, California said, "Maine has set aside only 39 percent of the funds it will need to meet projected benefit obligations. Only the District of Columbia has a smaller pool of assets, 37 percent of expected liabilities. Put simply, the shortfall developed because the pension fund was not adequately financed by the state and its workers", according to Claude Perrier, the Executive Director.

I want to read into the Record the Constitution of the State of Maine, "All of the assets, and proceeds or income there from, of the Maine State Retirement System or any successor system and all contributions and payments made to the system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes."

I know that the good lawyers in this House who are Constitutional experts, and I am not one, will rise and say that there is a loophole around that provision of the Constitution, but ladies and gentlemen of the House, my reading of that in plain English is the intent of the people who drafted it was for the State Legislature and the Chief Executive of this state to leave the Retirement System alone.

This bill may not violate the letter of the law but it is this legislator's opinion that it violates the spirit of the law.

I want to read to you a letter I received and I have received lots of letters as you might imagine — just a section of it — "I do point out to you that Section 503 of the Internal Revenue Code does contain prohibited transaction rules which apply to state retirement plans. These rules prohibit the lending of trust funds to any substantial contributor without the receipt of adequate security and an adequate rate of interest. The provisions also prohibit the plan for making substantial purchase of securities from any substantial contributor for more than adequate consideration. I am concerned that the proposed borrowings will not be adequately secured and that the pension trust will pay more than their fair share for state bonds and notes. I understand that the proposal may seek to accomplish this borrowing indirectly by failing to make required contributions to the fund. A private employer is generally not allowed to fail to make required contributions to a retirement plan and becomes subject to enormous penalties for doing so. A waiver of funding requirements is only permitted upon demonstration to the satisfaction of the Internal Revenue Service, that the employer is subject to a substantial and temporary business hardship. The state's current shortfall is not sufficient justification for failing to make required contributions to pension benefits."

Here again, I am sure that the tax attorneys present, if there are any, will suggest that there is a loophole around that Internal Revenue Code section and I would suggest to you that the intent is clear to this legislator.

I would call to your attention the condition of the West Virginia Teacher Retirement Plan — some one or some group, I assume it was the legislature in cooperation with the Governor, decided that they would not fund prospectively their retirement plan. They pay as you go, if you can believe that. Today, that teacher retirement fund is bankrupt. Do we want to start down that slippery slope, rip our retirement plan to a position where we are going to pay as we go, not knowing from one month to the next whether we have enough money in the account to pay the retirement checks that are due to the retirees? I say that we do not.

Finally, I want to restate to you what I consider to be one of the more eloquent statements that was said to us last Saturday at our public hearing. It was to the committee by Bob Johnson of Belfast. Mr. Johnson said, "I have sat in this auditorium all day long, I listened to everything, I never left and not one person has come before this committee to say that this is a good idea to pass this bill." He said that it was a bad bill and that we should reject it out of hand and come up with a better alternative.

I urge this House to reject this terrible proposal out of hand so we can all sit down together, Democrats and Republicans, members of the House and members of the other body, to come up with a proposal that is acceptable to us and acceptable to the people of the State of Maine.

Mr. Speaker, when the vote is taken today, I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I must say that this motion

doesn't really strike me by surprise. In fact, I think this whole process has been one of a lot of twists and turns but not a lot of surprises. I think it is very upsetting in one sense but not entirely unexpected.

I was hoping that the presentation by Commissioner Millett, which I think everyone would have to agree was a very thorough attempt to help all of us better understand where we are at this point in time in Maine state government and make a difference but I guess now perhaps I need to be more realistic in seeing that one chapter is about to end.

I think it probably won't surprise the good Representative from Thomaston that our caucus has decided that if the legislature cannot sit down and agree on this issue that we are not going to go ahead and support a proposal that we know full-well is very unpopular. So good Representative from Thomaston, I am encouraging this caucus and my caucus will to do what each individual pleases and follow your light.

Let me say before I sit down that I am very, very much disappointed. I am not suggesting that we make this move because I don't agree with his position at all. There is not one person who is going to be hurt by that piece of legislation that dealt with the fund for the retirement. We are, instead, going to pursue a path that gets, minute by minute, closer to making cuts in state government that are disastrous.

We had initial information proposed to us when the Governor spoke to us on the swearing-in ceremony, the information was provided to all leadership, which we circulated to our caucus, that talked in general terms about the nature of the problem. Mr. Millett stood before us a few minutes ago for a long period of time trying to detail that further but it still strikes me, do we have yet to come to grips with the reality of what those kinds of cuts, \$75 million dollars worth of additional cuts, mean when they go into effect January 2nd? We recognize full-well that this was not a popular proposal but this was a proposal that allowed the people of Maine their opportunity to see government continue to function in a rational manner. We are getting very, very close to a position where government may not continue in that manner.

We heard (and I sat through the whole day as well on Saturday, along with the good Representative from Thomaston and the people who serve on that committee) the good Representative from Yarmouth, Representative Foss who presented the bill, and listened to a lot of angry people. They had been told, directly or indirectly, that we were taking money out of their retirement fund. I disagree with the Representative from Thomaston when he says we are taking money out of the retirement fund. This legislature decides with the appropriations process to put that money in. That, along with every other aspect of state government, is now going to be subjected to disastrous cuts. We are on a dangerous course. I think prior today we were on a course that was not very pleasant, but it was not dangerous.

There have been suggestions and comments made by some people — "What about a tax?" Several of you have scurried around and kind of caught me on the side and said, "What about a tax, what about a tax?" Kind of like an addiction in a sense. We have got issues that are going to be before us dealing with the next biennium that will make this issue before us today look pale. We are talking about state government different than any of us have ever seen,

at least in my exposure to the process, and maybe anyone here.

We can spend a lot of time blaming people but we are here today to deal with the issue before us. It is apparent that that issue is not to pass. I know full-well when the person from this corner stands up, we are not going to change the minds of the people in the other caucus. Fine. If that is the way you want it, that's the way it will be. Thank you.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be voting against the pending motion on the floor to accept the Minority Report because acceptance of the Minority Report is not the right thing to do, pure and simple. You heard Representative Mayo talk about the problems with the State Retirement System and why we shouldn't be raiding it because it is the second worst funded system in the country. Aside from that, the sheer faulty logic that goes into borrowing your way out of debt should be enough to convince you not to support a proposal that will do that.

I really stand and address the House because I can't believe the words I just heard from the other corner. First of all, I guess I find it a little amazing that the gentleman would expect us to have all been convinced how the state's financial picture, because we spent an hour or two with Commissioner Millett, the same Commissioner who a few months ago told us that everything was fine, but now we are supposed to accept everything he says as the gospel but more important than that, and the more dumbfounding statements that I heard, if I heard the gentleman correct, he feels that the proposal from the Governor's Office is the proper thing to do, the right thing to do, the right proposal to adopt. However, he just stood here and told me and the rest of this House that he is going to vote against it because it is not popular. Anybody who feels that this is the right thing to do, you ought to vote for it. If you don't think it is the right thing to do, then vote against it, but if you are voting against it because it is not the popular thing to do, I don't know if you belong in the House.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: It never seems to end. I become more and more amazed as every day goes by. Representative Whitcomb — this is not the way that I want it at all, what I want so dearly is an administration that will stand up and tell me what the story is, to not change it every two minutes, to not redo the numbers every other day, to play a shell game with the people. I am insulted, I am absolutely insulted that a proposal be brought to this House by the Chief Executive of this state and his party would lead us to believe that they supported it through the whole process we went through and then to hear "no" because of political reasons — I don't have the courage to vote for what I brought to this House. That is not what I have served here for eight years for, ladies and gentlemen. I have stood my ground when it wasn't popular, I have brought tax increases to this floor that were not popular before because it was the right thing to do at the time.

The rhetoric of this situation since July has never matched the facts. This summer I heard that Maine will never become another Massachusetts —

well, a lot of us are may be wishing we were Massachusetts because things aren't so bad down there now. I heard, "no new taxes" the very same day the Chief Executive introduced a bill that raised \$13 million in income taxes, the very same day. I intend to vote for that bill because it is a conformity bill, I have always voted for income tax conformity but I am not going to try to fool the public by saying that I am not proposing any new taxes, that is hogwash, we all know it.

I have heard a budget Maine people can afford — isn't that a nice statement? The Chief Executive of this state this morning presented a package to us, finally, the final one we have gotten today, which called for deferment of \$96 million, cuts of \$40 million and supplemental appropriations of \$40 million. Is that government that Maine people can afford, the net change in the state bureaucracy being proposed by this Governor? The net change in dollar outlays in the middle of this crisis is zero, absolutely zero. Is that government Maine people can afford in the middle of a billion dollar financial crisis?

The people of this state have been kept in the dark long enough. I am tired of finding out that the proposal is changed by \$10 million more this morning from the retirement fund and the Executive Director of the Retirement Fund found out about it only because he was sitting in that gallery — he didn't even know that that proposal was coming. That is amazing.

I have heard at least sixteen different figures for the Department of Corrections in terms of its cuts. I got so overwhelmed by all the numbers thrown at me, that changed on an hourly basis, I decided in order to keep my sanity, that I would latch on to one department and follow what they were going to have done to them. I just spoke to the Commissioner of Corrections downstairs — he doesn't even know. That is no way to run a Navy.

Let's stop playing games Representative Whitcomb, let's stand on our principles, let's reject this legislation and let's move on but don't drag something into this House and make me wait my time and then, at the last possible minute because you couldn't take the pressure from back home, say that you are not going to vote against it.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In all my years that I have been involved, either in state or local politics, this is the first time that I have had a threat from any one saying, "You do this or we will do that to you."

As Representative Mayo said, a few years ago we found out that certain states had gone hog wild, especially the state of Michigan under the directorship of Governor Williams who bled the retirement system to death. They were in trouble so the state had a referendum which was passed overwhelmingly by the people of the state that stated exactly the way Representative Mayo stated it and that is to keep from raiding the retirement system. Again, they said they found a loophole regardless of what the people of this state said, they got one little word in there. If you look at the proposal "notwithstanding" — that famous little word that means cut everything else out.

I came on six years ago and I was appointed to

the Committee on Aging, Retirement and Veterans. I have been on it for six years. For six years, the one thing we had in our minds which was unanimous and, if you will look at the record, the committee had so few Divided Reports because both sides of the aisles said that there was only one thing that we care for and that is the integrity of the Retirement System. When I got on that committee I found out that it was being raided just like the Social Security System. Everybody and his uncle were getting their tentacles into it. Through legislation we passed, we closed one loophole after another. We adopted the legislative retirement system to prevent people from serving in the House, leaving, and getting a nice fat cushioned job with the state and later on in years retire at the average of the last three years which might be \$40,000 plus the number of years that they had been in. They sat up the Judicial Retirement System, we closed one loophole after another. We found that there were school systems in the state that were putting everybody and his uncle on the payroll as teachers in order to get into the Retirement System. We gave benefits to the veterans by giving them military time but the state never funded it.

When the system was adopted in 1947, they took in the teachers who had been teaching prior to that, that was never funded. We have come to the point now that we are down to almost 42 percent of the assets that you need to control your system.

Let's look at the figures. For the seven months, this month plus the next six months, the revenue coming into the Retirement System will be \$184 million. The Retirement System will have to pay out \$118 million. If you take \$83 million from \$184, you will not have the \$101 million to pay back so that's why this morning when Sawin Millett was here I asked him the question if they had contacted the Retirement Trustees to find out what would happen with the shortfall.

We are talking about laying off people, that has nothing to do with it, the only thing we want here is, do we want to protect the Retirement System for these people that built their hopes and dreams that some day they would be able to retire and live a decent life? I am one of those. For years I worked under the Retirement System, not paying any Social Security — you take the Retirement System away from these people and they have nothing. They say we will not take into the Retirement System for the people who are to receive it. If you pay out \$118 million and only have \$90 million, someone will not receive a check. The next thing they said was, let us use the income from it — that is exactly what we have tried to prevent the last six years. If you have income from your investments, you may cut the unfunded liability.

I say, one of these days, it is going to keep going and what is to be the next thing? Once before, the legislature was talked into borrowing \$5 million by a previous Governor, the only thing that has been paid back is the principal, no interest. Remember one thing, in spite of moral commitment that we may make, when 1994 comes around, no one legislature can commit another legislature and they might say, I don't want to pay it and what do you have?

Let's not tamper with the hopes and dreams of the people who have worked for years and years to have a decent life when they retire.

The SPEAKER: The Chair recognizes the

Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I want to emphasize the fact that I speak here today as a Representative from Belfast and Northport, I do not speak in my capacity as a Republican Floor Leader. I want to make one point clear, I listened to as much of the debate on Saturday as the Representative from Thomaston did and I appreciated the opportunity to work with him on the committee which heard this bill but I think this bill is a good idea.

I am here today to speak for the children of Maine. When I first came into contact with the problems that existed in this state as a result of the fiscal irresponsibility of legislators, historically, I thought that the responsibility lay with the commitment that we made for K through 12 and, as I have evaluated what has unfolded, it has become clear to me that the attempt to sequester this bill and make believe that it lies as a separate part of the logic of this legislature is nonsense, pure and simple. This is a good idea and it is a good idea because it is the only way we will save K through 12 education from being disastrously underfunded and will be a way in which we can save the taxpayers of Maine at the property tax level from being beaten into submission by budget meetings which either seek to borrow money or there will be cuts in programs at the K through 12 level, which I am convinced will leave our children underprivileged. I do not believe that there is one single retired person or person who will retire that feels that they will lose one single dollar, not Representative Jalbert or any other retired representative, though retired school teachers really think that they are going to lose money — this is simply a political issue with respect to that.

Let me tell you that I believe it is a disgraceful fiscal situation in which legislatures in times past have placed the present financial system and I am amazed that the Representative would tell you about loopholes that he closed while he was spending money that should have been appropriated to deal with the unfunded fiscal reserve, that was totally ignored as we spent money like sailors on shore on a Saturday night.

What we need to focus upon this afternoon is the need of the children of Maine and the only way in which we can do that is to look ourselves in the eye and recognize that of the choices available to us, this is by far the best. With respect as to how ideas exist in this legislature, it is a good idea.

Do I think this legislature has the courage to commit itself in the future to funding this on a fiscally responsible basis? I have my doubts. I have seen the way this body funds things fiscally. I have seen the way it attempts to disgorge money in droves and I have seen program after program funded in the hope that the future will be better than the past and I agree with Representative Jalbert that it should not be done. He is correct in suggesting that we ought to address it.

I was impressed with the logic by the Commissioner of Finance who suggested that what we should do is put it into a law because we are not trustworthy, so that the next time this comes up, we won't have to repeal a law that says we will pay it, not just part of the appropriations budget. Let's not fool ourselves, what we are doing here is we are trying today to protect our alternatives with respect

to monies that will be deappropriated so that a budget can be submitted but the alternative, I am satisfied, is the catastrophic cut to K through 12 that will occur in my poor districts. I don't know what the figures are but I know what will happen in my district. I know that there are some potentials to some of the rural districts in this state where there will be shutdowns for as much as a month. I know that there will be an elimination of all of the winter programs that entertain people in the school districts and bring our people into the community schools that we so much need to have if our children are to have a chance. So I say, unequivocally, as I stand here today as a Representative from Belfast and Northport, so that anybody in the state who wants to know, that I think this is a good idea. I also hope that fiscal responsibility is something that you will remember in the years to come because we need it desperately.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is always a pleasure to listen to my good friend, Representative Marsano, and I am glad to hear that the Representative feels that this is a good bill and that he intends to vote for it. As I said last time I was on my feet, if you think this is a good bill, you ought to vote for it and if you think it is a good bill and you are not voting for it, you're probably in the wrong place. It tickles me a little bit to hear him talk about fiscal responsibility because he, like myself, was here to see the original budget that we are still carving, cutting and playing around here with, with only six months left of the biennium. He was here to see that budget submitted by this Governor and it tickles me a little bit to point the finger blame at the legislature, not that we are blameless because we share that blame, but let's go over the history a little bit, let's go over where the revenue projections came from that got us into this mess in the first place. Let's go over the budget that was submitted two years ago that spent all but \$300,000 of a projected \$3. whatever billion dollars in revenues, projections that never came to pass, projections that were questioned by legislators of this body when they were submitted (including myself) in committee. We questioned the validity of those projections and we were assured by the economic experts in the administration that the money would be there. This is at least the third major revision to that budget, that budget that was spent with all but \$300,000 by the man on the second floor.

The particularly galling part of this whole process to those of us who sit in this body is, we were saying 8 months ago that it was time to address this shortfall, we were saying that when there was 14 months left in the biennium and the Representative from Belfast knows that. We were assured for those 8 months, just as we were assured when this budget was submitted, that the revenue figures were fine, everything was rosy, and the gloom and doom was getting tiresome. Well, the gloom and doom is up to our necks now. Now we have six months to address the problem. Who has been irresponsible in getting us into this mess? It is probably not as relevant as what we are going to do about it.

The Representative who spoke before talked about the kids and we have got to protect our children and we are here to serve our children — well, I will

tell you this, this is one legislator who is not going to vote today to put a \$165 million dollar debt on the backs of my children.

If we have a problem and we have caused it, and this legislature certainly helped to cause it, and I sat here while we helped, then let's solve it, let's put our cards on the table, let's get together with the Executive Branch of this government and let's work toward a solution that makes some sense. What we have here is a bill that is being driven down our throats and offered as the only alternative from the Executive Branch of government. It is not the only alternative, there are other ways out of this problem and, as soon as we get by this intransigent feeling from the second floor and start talking about this problem and talking about solutions, maybe we will solve the problem.

I was sworn into this legislature December 5th, I was appointed to the committee that heard this bill the Thursday before the hearing, I was given the bill Saturday morning of the hearing — that's a whale of a process to be dealing with trying to solve a problem of this magnitude. I am not having this bill driven down my throat and I am not going to put my children in debt for the mistakes made by the legislature and the Governor of this state.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: Representative Marsano from Belfast, I want to address this to you specifically, I cannot believe the gall with which you suggest to me the choices between borrowing from the Retirement Fund of the state that is the worst funded of all of the retirement funds in the United States. I cannot believe what is going on in the media and from the rhetoric coming out of the second floor, that you are pitting our children, our needy elderly, our mentally ill, low income, municipal services, all up against this and saying, if you don't borrow from the future, if you don't take care of today's debt with more borrowing, that what we have to do is cut out services to those most in need and we have to cut out education for our children, that is unbelievable to me. There are more options available and you know it and I know it. When you face continuing declining revenues, you have to look at all the options and you can't say, all of the options but this are off the table, that is not a responsible way to govern.

It has been extremely offensive that you have demagogued children and education and that you have pitted our elderly citizens out of their retirement pension plan against the children of Maine. I don't think you ought to scare either group. I don't think you ought to scare parents of young children and I don't think you ought to scare the elderly. I think we have had enough of frightening people and it is time to get down to the work of making the hard choices. I hope that you are going to turn to do that soon.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It really tickled me to hear the Representative from Belfast talk about fiscal responsibility since the Governor from his party has not only written a new segment on fiscal responsibility, he wrote a new chapter in the book on fiscal responsibility and that chapter is entitled

Chapter 11.

I am not galled or appalled by what is being proposed here today because it is fully what I expected. I will tell you that the people in my district expected it too. What I am really amazed at is that the press has not written a formal written apology to the citizens of this state for their part (and they played a big part) in this cruel hoax that has been perpetrated on the people of this state.

When they get up and tell me that the only way we can solve this problem is to become a robber, we don't have the mask and we don't have the gun, but that's about the only difference that there is, in robbing their retirement, it really makes me concerned. It really makes me concerned that something that is so outrageous, so morally wrong, so questionably legal, that it be the only alternative put forth by the greatest so-called self-proclaimed leader the State of Maine has ever had. That is what he said and I got news for you Representative Marsano — I was at a senior citizens Christmas party last week, 850 senior citizens from all walks of life and from all political persuasions, and they, without exception, made it very clear to me that they would be very disappointed if I would support the robbery of the State's Retirement System or the Teachers' Retirement System to get us out of this mess that they were assured and guaranteed, right up until the night before the election by the Chief Executive officer of this state, that that was not a problem. They made it very clear to me, and to tell me that I have to go along with this hairbrained, lamebrain, poor excuse of a solution for a problem or that I will punish my school children, I just find it truly amazing.

In my term here, I have had to listen to the incessant speeches of your floor leaders like former Representative Murphy who talked about band-aid approaches to solving our problems in this state. Over and over and over again the same speech of band-aid, short-term, stop gap solutions to our problems. At the same time, I had to listen to speeches of a former member of this body, Representative Charles Webster who is now serves in the other body, who used to tell us about tax and spend, tax and spend, that's all we are going to do. You people would like to write a new chapter to that, we are going to borrow and spend, borrow and spend. The band-aid approach has been taken to a new limit, we are going to borrow from a fund that is underfunded to start with on the assumption that the economy is going to get better (I don't see that happening, the press doesn't see that happening, the political leaders of the state doesn't see that happening, the people who are economists doesn't see that happening) — so what are we going to do?

I worked for a company like that once, W.T. Grant — they were in the hole one year, they borrowed to pay their bills, they couldn't get the money to pay the money they borrowed, never mind the money they owed, so they borrowed again to pay their bills the third year — well, they went from the second largest chain in the country to bankruptcy in three years because they had the same kind of fiscal mentality that is being perpetrated across this state today.

I sat here and listened to Representative Murphy and I sat here and listened to Senator Webster and I remember it well and I am sure if Representative Murphy was here and I am sure the other member in the other body will be getting up and expressing his

equal outrage to this band-aid approach, borrow and spend, borrow and spend.

After all of this we have heard today, I watched the Governor on Maine Watch last night and he made it very clear that he would support no tax increase to solve this problem. Maybe I am not the brightest light bulb in this hall, I will admit that, but when you are looking at a \$750 million shortfall in less than six months, and Representative Garland you can laugh if you want, I don't think it is a joke, I think it is cruel and unusual punishment to give everybody that believed we were going to solve the problem by stealing from the retirement fund in the State of Maine. It isn't fair, it isn't right, I don't have to accept it, I am not going to accept it and the people in the State of Maine are going to find out, once and for all, where the Governor's priorities lie. He has been, according to him, a friend to everyone. It is about time for the Governor to stand up and say where he is going to cut and what he is going to do. It is his budget, I have no say in it. Those of you who have been here before know that there is a rule that when the budget comes out of the Appropriations Committee, we can offer no amendment. As a matter of fact, they didn't even like to have us ask any questions. I asked one once and I paid for it for three months. I want to hear what the Governor has to say, which I hadn't up until two days ago.

When I was out working this summer and I do work for a living, I waited in July, I waited in August, I waited in September, I waited in October for us to be called in here because the revenues weren't coming in the way they were supposed to be. You don't have to be a genius to know that. I have friends in the car business and they were telling me, when you go from selling 200 to 300 new cars a months and you are down to 12, something is not working right. I have friends in the construction business and when you are not building new homes, something is not working right. I find it ironic that the man who leads this state, that blamed every single problem in the state of Massachusetts on Governor Dukakis when he was running for President, who did not put one bit of the blame on the economy or a regional thing, said since Michael Dukakis was Governor and it was his fault, that right now we would blaming everybody from Saddam Hussein to the retired teachers in this state. I wouldn't vote for Michael Dukakis for dog catcher but at least he was man enough to stand up and say, "Yes, I have some of the responsibility for what's happening" and he was smart enough to know that he could not make his way out of it and he chose not to run. I still wouldn't vote for the guy for dog catcher but at least he had guts enough to admit that some of it was his fault but I have yet to hear the man downstairs take one bit of the blame for this mess that we are in. We are going to solve the mess, we usually do, but I don't think we should be solving it by robbing one select group of people in this state. I find it outrageous, I find it morally wrong, we put people in prison for doing the same thing. If a company was out to rob or borrow from a pension or retirement fund to put in a new paper machine, this entire legislature would be outraged but I guess it depends on whose ox is being gored.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I am little embarrassed to

continue this discussion because I don't think we are even debating ourselves. However, it seems to me that we have had a bit of history brought into this so-called discussion and so I would like to add, from my perspective, just a bit more.

I am pleased to hear the Representative from Waterville discuss about how the legislature ought to follow maybe the way business is run. I have heard that from a number of other legislators, not always in his party, but I guess the point I want to make is that this sort of thing can be expected in terms of the debate we have had today, if that's really what it is. We have been through a campaign that was highly charged, we have been through a campaign that I didn't understand either candidate for Governor to suggest that there would not be new taxes, although it has been implied here today but, again, I want to bring back into focus the larger problem.

This piece of legislation, as you clearly said in the informal caucus, that it is not going to pass. No one understood the depth of the problem of the Maine economy. The good Representative from Old Town tells us from time to time that he saw the problem coming way back last Spring — if he did, he has had that much longer than the rest of us to think about a solution and we have yet to hear a viable alternative to the proposal in front of us. I am personally hopeful in the discussions that may follow that one does arrive because the cuts will have to be made.

I remember clearly the discussions that we had over the last year about projections — if you recall correctly from me, the discussion began with criticism for the Governor that he was projecting too low. Then the criticism changed that he was projecting too high and now the criticism continues that projections are way off. The same consultant that the legislature hired on matters of taxation and budgetary matters missed on their projections and my understanding from various comments that I read in the press is that 30 states have missed their projections led by people in both political parties. This comment is being made to help us better understand that and, once we get some of the rhetoric out of our system, we still have to deal with the problem of a sagging economy and how to run state government without most severely impacting the people back home. I hope as we leave here today that that is the thought on minds of everyone.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Last Saturday over at the Civic Center, I want to quote from one of the comments that I made. I originally planned to reintroduce most of the text of my speech and discuss some of the details of the amendment that is on your desks and also one that I had drafted last night but based on today, I am just going to read a portion of that and make a few comments about this debate.

Last Saturday I said, "Ladies and gentlemen, the people of this state are watching us today to see if we have the political courage and bipartisan strength to make hard and probably unpopular decisions to solve our financial dilemma. They want action, not political rhetoric. They want ideas, not foot dragging and they want, I believe, deferments before \$110 million in cuts are implemented in an equitable fashion."

What have we had this week? We have had no other proposals except one junk bond. There has been only

criticism about this proposal and where are the alternatives from the people who claim they knew about the economic downturn for over a year? Surely, they have been giving this some thought and have some other ideas. There has been enough posturing and enough political rhetoric on this issue. I am concerned, most of all, about the unnecessary frightening of our retirees about our underfunded retirement system, about how their benefits are in jeopardy, about how we are robbing them. Enough is enough.

This proposal would not hurt the benefits of one retiree. One historical perspective that hasn't been mentioned in this debate, and I think it is critical — when the original bill was introduced, two legitimate concerns were raised, (1) teachers appeared to be singled out and (2) where is the guarantee to repay? As mentioned by the Representative from Lisbon, Representative Jalbert, there is no permanency to funding, it is up to every legislature. Those concerns made sense to some of us, that was how the Minority Report was developed. The base was broadened to include state employees, judges and legislators; therefore, we felt the signal was given to the teachers that we were willing to include all retirement benefits in the refinancing plan to show, not only that we thought it was sound, but that we were committed to repaying it.

The other issue about repayment, I have given a lot of thought. In fact, I had a new amendment drafted (which was delivered to my desk) to start repayment in the second year of the biennium. We all know the kind of cuts that we will be facing in the next biennial budget but I wanted to make it clear to the retirees of this state that I as one legislator am committed to repaying this and by putting it in the next biennial budget, it would be the action of this legislature.

Listening to the debate today, however, it has become clear that you will vote this down and I think that puts the responsibility clearly where it belongs right now — right here. The legislature will own the problem of trying to figure out how to soften the cuts scheduled to go into effect January 1st. Citizens will be looking to us for some answers and that is an appropriate function for us. As one legislator, however, since I do not see any other reasonable alternative in front of us, and I have done weeks and weeks of research, I will vote for this proposal as a proposal of last resort to ward off cuts of thirty-seven and a half million dollars in aid to education and to ward off cuts of \$12 million to the University and our vocational-technical colleges and cuts to other critical programs. I don't see that we have any other choice if we want to avoid cutting education and critical programs beyond what they can be.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Men and Women of the House: As a number of you may know, I had the pleasure of serving on the Joint Committee on Aging, Retirement and Veterans. Last week, I heard the testimony for many hours from experts on the State Retirement System, experts within the administration and others. I went home and thought about this bill long and hard. It has been very interesting now to hear the comments from the other side of the aisle that the Retirement System is not in jeopardy, that Maine's retirees will be taken care of — look around

the countryside people and look at three-quarters of the states, they are in the same boat that we are in and, for the first time, states are broke and the federal government is broke — where is this going? For ten years, we have listened to the empty rhetoric out of Washington about something called fiscal federalism, pass the burdens to the states. Now the states are going broke and I don't understand for the life of me how somebody who purports to be a friend of the Retirement System can stand up in good faith and say the system is not in trouble if we borrow from it. Where are we going to be in two or three years — financially? I pose that to you and I ask you to think about it in the terms of just where we have come in the past three or four years and the damage that has been done to the fiber of this country. You look at the conditions the old people are enduring, the homeless are enduring, that the young people are enduring and the state of higher education in this country, it is a disgrace.

I will tell you this, you look at this proposal of raiding this retirement fund and you call it a good proposal on the part of good government and something that you can be proud of? Well, good luck to you. It is not good government, it is bad government. This proposal will help ease the pain between now and the end of June, but on July 1 when the next fiscal year starts, we are in even more trouble. We need to decide as a legislature, as a state government, as a people, whether or not the programs that we fund and we maintain in state government are worthwhile. If they are worthwhile, then we need to fund them legitimately. Raiding the teachers' retirement fund is not a legitimate way to fund it. If they are not worthwhile, then it is incumbent on us to cut those programs. I will ask you — which ones? I will tell you this, the people at the University of Maine, the students, the staff, the faculty, the people in the mental health institutions and the people in the court systems and the correctional facilities around the state have their ideas about what important state services are. That is something that we need to think about. If the services are worthwhile, then let's fund them in a responsible manner; if they are not worthwhile, then let's cut them.

Representative Foss, I would ask you to please recognize that it is the responsibility of the Governor to work closely with us with regard to this problem. I would not call what has happened in the past month a good faith effort from the administration. I would urge my colleagues to please think about this, ask yourselves if this is the way you want to go back to the people in your districts and tell them you are funding state government. It is wrong and we shouldn't do it. It is that simple.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I have sat and listened and probably all has been said but I think there a few things that need repeating.

I have been away from this body for six years and I felt like Alice in Wonderland who fell down the rabbit hole. I refer you to the back of your calendar — Senator Cahill, Representative Marsano, Representative Stevenson, Representative Merrill, Representative Ault all thought that this was a super idea. Their floor leader stands up today and says

"Never mind, we really didn't mean it." It goes along with Sawin Millett's testimony to our committee in the Civic Center. He presented his testimony (and I have to say that I ripped it up a bit) and he talked about all the wonderful options that the Governor of this state considered before he came up with this doozy. He talked about tax increases, he talked about across-the-board cuts in all areas in an amount even greater than 15 percent. He talked about substantial reductions in General Purpose Aid to Education, deferral for spending obligations in subsequent years and refinancing obligations. Deep into the body of his testimony, guess what? Sawin said, "Deferrals were considered to be totally unacceptable, both from a sound fiscal approach viewpoint and in further recognition that the next two year biennium budget would require additional cuts simply to stay within the relatively flat revenue trend that we foresee." The Governor doesn't like it, you don't like it, why is it taking us so long to kill this piece of legislation and get on with some real solutions?

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: As a Freshman legislator, I come up with some trepidation in addressing you on such an important issue. However, it looks like L.D. 12 is dead, there is no question about it and we can sit here and beat it and beat it and beat it. We have two choices, we can go home and throw this mess back into the Governor's lap or we can try to come up with a solution. I think there are enough creative minds in this House, perhaps excluding me, that we ought to come up with a solution, we ought not to walk away from this mess. We have a responsibility, we were elected and I think we owe it to our constituents to try to come up with a solution.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I think it is appropriate to reinforce from the perspective of our caucus what our intentions are in dealing with this crisis because I think we share the concerns of many people here as to what direction we are going to take in the next week and the next six months. We are dealing with a budget circumstance that clearly is going to have intensive devastating consequences within the current fiscal year. We are going to deal with a two year budget cycle and a shortage of cash, the likes of which most members here have never seen before. It is going to require some creative solutions and some tough choices and some priorities. We also are going to have to build ourselves in a cushion, we are going to have to develop some time in which to do this. It is nice to talk about the issue of downsizing state government, it is appropriate to talk about having a state government which we can all afford, but you can't downsize state government, ladies and gentlemen, in two days. You can't downsize state government in five days, it is a long, long process and there are alternatives. There are better alternatives, quite simply, it is called honesty in state government, it is called paying for services when you get them. It has been the traditional practices of governors and legislatures, be they Democratic or Republican, throughout our great history.

As to this particular proposal, I guess there is no surprise as to what is going to happen and I think it is probably appropriate. The concept and the thought about borrowing some \$73 (now \$83) million of Teachers' Retirement Fund, paying back some \$140, \$160, \$180 million clearly is not in the best interest of the majority people here. It is not something that people back home think is in the best interest of this state and clearly it is probably appropriate that we are going to finish it at this point.

We have seen where such practices as borrowing have gone in the federal government. Representative O'Dea suggested that in the 1980's the Republican administration was telling us that, if you only hope and believe in us, we will grow out of this deficit, economically we can grow if we offer enough incentives to the businesses and other corporations that we can, in fact, grow out of our deficit. Since then, we have read lips, we have had budget summits, we have Graham-Rudman and, lo and behold, the budget and the federal deficit is higher than it was ever before.

The prospects of this Governor of this state introducing a "buy now, pay later" plan for state government is clearly inappropriate. I think Maine people and legislators here today are accurate and correct in saying, "no." He wants to pass on the current debt to the next Governor, to the next legislature, — he says that the state economy will be much stronger then but let's face it, the Governor's track record and forecasting of revenues for the last two years, particularly this last Fall, have not been particularly reassuring. If that is the case then and this isn't the bill, then what are the answers? It isn't clear. There are alternatives, there are solutions, they are being discussed, they are being analyzed. Our commitment as the Democratic Party and let's face it, there are those who would suggest that if it wasn't for the convening of this legislative session that we would not be in receipt of the information that we received today. There are many people who believe and I believe too that, if it weren't for the convening of this legislative session today, we would still not have the information that was provided us today by the administration. We need to continue to push to get that information, we need to get the information that is appropriate as we can, but I don't think any of us want to be in a situation where we play the blame game, where we toss ultimatums, where we begin to say that you are going to be responsible for 15 percent cuts or I am going to be responsible for 15 percent cuts because there is not a member of this body who wants to see those types of draconian cuts take effect across-the-board in state government. We need to buy ourselves some time to be able to take a thoughtful and intelligent approach to this problem.

We will work with the Governor of this state to find a realistic solution, that is our commitment to Maine people but we will not, in the words of Representative Mayo, be accomplices to any shell game schemes that just transfers the money to a future generation because, quite frankly, Maine people deserve much better than that.

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 the motion of the Representative from Thomaston, Representative Mayo, that the House accept the Minority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 1

YEA - Foss, Marsano, Reed, G..

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heesch, Heino, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlman, Rydell, St Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Boutillier, Clark, M.; Hepburn, Kontos, LaPointe, McKeen, Paradis, P.; Pines.

Yes, 3; No, 140; Absent, 8; Paired, 0; Excused, 0.

3 having voted in the affirmative and 140 in the negative with 8 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, I now move that the House accept the Majority "Ought Not to Pass" Report and further request that when the vote is taken, it be taken by the yeas and nays.

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 the motion of Representative Mayo of Thomaston that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 2

YEA - Adams, Aikman, Aliberti, Anderson, Anthony,

Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, St. Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Boutillier, Clark, M.; Hepburn, Kontos, LaPointe, McKeen, Paradis, P.; Pines.
Yes, 143; No, 0; Absent, 8; Paired, 0; Excused, 0.

143 having voted in the affirmative and none in the negative with 8 being absent, the motion did prevail. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (S.P. 44)

115TH LEGISLATURE
AUGUSTA, MAINE 04333

MEMORANDUM

TO: Members of the 115th Maine Legislature
FROM: Honorable Charles P. Pray, President of the Senate
Honorable John L. Martin, Speaker of the House
DATE: December 10, 1990
RE: Legislative Session

This is to notify you that pursuant to the Joint Order, S.P. 23, relative to adjournment, the 115th Legislature will meet in Session at 10:00 a.m. on Friday, December 21, 1990.

If you have any questions, please call our offices at 289-1500 or 289-1300.

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 14)

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

December 18, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 36, I have made the following appointments:

Joint Standing Committee on Judiciary:
Hon. N. Paul Gauvreau, Chair

Joint Standing Committee on Appropriations:
Hon. Michael D. Pearson, Chair
Hon. Joseph C. Brannigan
Hon. Ruth S. Foster

Pursuant to the same authority, I am making the following temporary appointments:

Joint Standing Committee on Aging, Retirement and Veterans:
Hon. Bonnie L. Titcomb, Chair
Hon. Nancy Randall Clark
Hon. Pamela L. Cahill

If you have any questions, please contact me.

Sincerely,

S/Charles P. Pray
President of the Senate

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (S.P. 43)

DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

December 13, 1990

The Honorable Charles P. Pray, President of the Senate
The Honorable John L. Martin, Speaker of the House
Senator Judy C. Kany, Chair
Representative Michael H. Michaud, Chair
Joint Standing Committee on Energy & Natural Resources
State House Station 3
Augusta, Maine 04333

Dear President Pray, Speaker Martin, Senator Kany & Representative Michaud:

Attached are three amendments to the Commission's Standards and a new fee schedule adopted over the past year.

The first involves the creation of a new subdistrict within the Standards specifically intended to protect the working coastal waterfronts within the Commission's jurisdiction - the (D-MT) Maritime Development Subdistrict. The adoption of this new zone was the result of a petition from the Assessors on Monhegan Plantation. In general, this new zone helps ensure that coastal fishermen's access to the coast is not eliminated by the conversion of fish houses in certain shoreland areas to residential or other uses which effectively removes them from use as fishermen's supply or bait storage houses. This new zone and the application of it to certain areas along the Monhegan waterfront was supported by the vast majority of Monhegan residents and landowners.

The second, was the adoption of a comprehensive lakes management program for the 1500 great ponds located in unorganized areas of Maine. This process included amendments to the Commission's Standards, and to the Commission's Comprehensive Land Use Plan. These amendments, adopted after extensive landowner and public input, essentially provide measures that will protect important lake values and direct development toward those lakes best suited to accommodate new development. Attached is a three-page summary of the lake's program, for your reference.

The third set of changes to the Commission's Standards are a result of P.L. 1989, c. 584 which amended the Commission's subdivision definition and resulted in changes in the extent of the Commission's regulatory control over large lot land divisions. That legislative amendment imposed a limit to the number of excepted 40 plus acre lots and extinguished the previously enacted 500 plus acre lot exemption from the definition of subdivision. As a result, many divisions of land into lots, previously exempted, are now legal subdivisions, and subject to regulatory review by the Commission. These changes to the Standards and the accompanying new Chapter 16 of the Commission's rules provide a workable framework for affected subdivisions. These rules have resulted in a more predictable and streamlined process and were generally accepted by the regulated community while still meeting the criteria set forth in the Commission's enabling statute and relevant provisions of the Comprehensive Land Use Plan.

12 M.R.S.A. Section 685-A(8) specifies that

amendments to the Commission's land use standards, upon adoption, shall become effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect.

This submission is to fulfill the Commission's requirements under 12 M.R.S.A. Section 685-A(8).

While technically not an amendment to the Standards, we also adopted a new fee schedule this year pursuant to the recommendations of the Peat Marwick study and amendments to the Land Use Regulation Law last Legislative Session.

If you have questions as you review these amendments, please do not hesitate to call me at 289-2631. I would be happy to discuss the amendments with you in some detail.

Sincerely,

S/David E. Boulter
Director
Maine Land Use
Regulation Commission

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Amend the Retirement Laws" (S.P. 24) (L.D. 34)

Bill "An Act to Increase the Flexibility of Survivor Benefit Laws" (S.P. 35) (L.D. 51)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Were referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

Bill "An Act to Amend the Elderly Low-cost Drug Program" (S.P. 34) (L.D. 48)

Bill "An Act to Provide Funds for Women with Substance Abuse Problems" (S.P. 40) (L.D. 64)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Were referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Freeze the Interest on Credit Cards" (S.P. 26) (L.D. 36)

Bill "An Act Related to Life Insurance Coverage" (S.P. 37) (L.D. 59)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Were referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Ensure Access to Boards of Directors" (S.P. 38) (L.D. 60)

Came from the Senate, referred to the Committee on **Business Legislation** and Ordered Printed.

Was referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act to Require the Earlier Determination of State Aid to Education" (S.P. 39) (L.D. 61)

Came from the Senate, referred to the Committee on **Education** and Ordered Printed.

Was referred to the Committee on **Education** in concurrence.

Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (EMERGENCY) (S.P. 32) (L.D. 46)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Was referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Change the Date for Statewide Primary Election" (S.P. 25) (L.D. 35)

Bill "An Act Related to Pool Enclosures within 150 Feet of a Lake or Stream" (S.P. 27) (L.D. 37)

Bill "An Act to Permit Certain Retailers to Conduct Games of Chance" (S.P. 28) (L.D. 38)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Were referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Change the Scalloping Season"

(S.P. 36) (L.D. 52)

Came from the Senate, referred to the Committee on **Marine Resources** and Ordered Printed.

Was referred to the Committee on **Marine Resources** in concurrence.

Bill "An Act to Make the Director of the Office of Substance Abuse a Position Requiring Legislative Confirmation" (S.P. 41) (L.D. 65)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Increase the Property Tax Exemption for Disabled Veterans" (S.P. 29) (L.D. 39)

Bill "An Act to Amend the Laws Regarding Nonresident Income Taxes" (S.P. 31) (L.D. 45)

Bill "An Act to Amend the Property Tax Exemption for Veterans" (S.P. 33) (L.D. 47)

Came from the Senate, referred to the Committee on **Taxation** and Ordered Printed.

Were referred to the Committee on **Taxation** in concurrence.

Bill "An Act to Require Proof of Insurance to Register a Motor Vehicle" (S.P. 30) (L.D. 40)

Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on **Banking and Insurance** in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Limit the Liability of Sponsors of Equine Activities" (H.P. 41) (L.D. 57) which was referred to the Committee on Agriculture in the House on December 21, 1990.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

On motion of Representative Martin of Eagle Lake, Recessed until 7:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-6) on Bill "An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues" (EMERGENCY) (H.P. 10) (L.D. 13)

Signed:

Senators: PEARSON of Penobscot
BRANNIGAN of Cumberland

Representatives: CARTER of Winslow
CHONKO of Topsham
MICHAUD of East Millinocket
PARADIS of Frenchville
POULIOT of Lewiston
CARROLL of Gray
RYDELL of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-7) on same Bill.

Signed:

Senator: FOSTER of Hancock
Representatives: MacBRIDE of Presque Isle
REED of Falmouth
FOSS of Yarmouth

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" as amended Report.

Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this evening to urge you to join me in doing what is only the right thing to do at this stage of the game. I have served in this branch for many years and I have served on the Appropriations Committee for a long period of time. I think this is my 21st year. I have never seen anything like this before and I hope I never see anything like this in the future.

We are supposed to be a co-equal branch of government but for the last several months I have had the feeling that I was being treated like a mushroom, kept in the dark, and fed horse pucky. You know, we are part-time legislators and there are some people who expect us to come down here and overnight to come up with solutions that have been brewing for months. We need, as a legislative body, the time to look at other options and other proposals. This bill will give us the time that we need to find other proposals. There are many options available that have not been looked at.

We have heard all types of debate earlier in the day and I agree with many of them, that we don't have to rob Peter to pay Paul, because eventually you have to pay Peter.

We need to deliberate, solicit opinions from different groups, from each one of you here if you have any ideas and I am sure that many of us do, but we haven't had the opportunity to express them. We have heard the word "cooperation", the need to cooperate and you have heard me say many times that the only way that the Appropriations Committee can properly function is by achieving unanimity on budgetary matters.

As long as I have been serving on that committee, this is our prime objective. We have to cooperate if we are going to put any kind of a budget together. Cooperation is a two-way street, it is not a game that you play according to the rules that you wish, it is a two-way street. I shudder when I am given a plan like I was given this morning and given an option on the very same day, take it or leave it, this is it, this is the court of last resort, there is no other avenue available, you either buy this or you can face a 15 percent cut across-the-board.

This morning was the first time that I had seen the Governor's figures. I had read more in the newspaper than I have heard officially from the Executive Branch. This is no way to run a governmental body.

The figures that we saw this morning don't really do much, as has been astutely pointed out by the Majority Whip of this House, Representative Mayo. The Governor is cutting his proposal cuts \$40 million and \$40 million of new monies that were appropriated as a supplemental appropriation.

I am telling you that there are funds available, one need only look. If you don't vote for this bill, you are voting for a 15 percent cut across-the-board. This afternoon, while we were working on this bill, it came to light that there was an error conducted across the yard and, lo and behold, there is \$20 million sitting there. That's right, \$20 million bucks. I asked around and I know now that there is another \$20 million — now that is \$40 million bucks in half a day. Just think of what

we could do if we had the time to look and not be railroaded into buying a product that we know nothing about.

I am asking for cooperation, I urge each and every one of you to support this bill, give this co-equal branch of government the opportunity to do its work. I am completely convinced that you will not be disappointed.

Mr. Speaker, when the vote is taken, I would request the yeas and nays.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: I hope you will join me in voting against the Majority Report so we can go on to accept the Minority Report, which is Committee Amendment "B" and essentially the original bill.

The intent of L.D. 13, as introduced, was to allow the State Treasurer, for this fiscal year only, to borrow up to \$120 million in a short-term to address the current cash flow problems. By borrowing at the more favorable rate of 6 percent through tax anticipation notes instead of the current rate of 8 percent, what we are in essence paying through using the state's cash reserve is we allow the General Fund to receive over \$200,000 a month in investment income. It is a fiscally prudent course and there is general agreement on both sides of the aisle within the committee to this borrowing. However, we on the Minority Report, part company with the Majority signers over the issue of prohibiting the Governor from beginning the cutting process by taking away his power to curtail allotments until January 31st. The signers of the Minority Report believe that it is fiscally irresponsible to allow state government to lurch ahead for another 40 days spending at its present clip, when we all know full-well what is happening to the economy. Every day that we delay, the problem gets worse.

I believe that the citizens of Maine want us to start now facing up to the fiscal realities and they want us to start reducing our spending, just as they have in their own homes. Every citizen on the street is feeling the pinch of the economy and we have no right to pretend for another 40 days that the state can continue to spend as if these were ordinary times. We will end up having to find more cuts in less time.

The legislature demonstrated earlier today that we are unable to make tough, unpopular decisions. What makes anyone think that political courage will magically grow between now and January 31st.

The Majority Report is not only fiscally irresponsible but it upsets the delicate balance between the three branches of government by having the Legislative Branch infringe on the power of the Executive Branch. The minority signers find that unacceptable and, therefore, ask that you vote against the Majority Report so we can go on to consider the Minority Report.

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

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do have some figures here that I would like to have you consider when voting on this issue.

The amount of money that will be spent between December 21st (today) and February 1, 1991 would be

\$165 million. The savings lost due to this amendment, \$165 million times 15 percent is \$22 million. The cuts required in order to balance the budget after February 1, 1991 without supplemental would be 19 percent, that is up from the 15 percent cuts we are talking about. I think we should really give a good deal of consideration before we burden our taxpayers in our state with these additional figures.

I hope you will vote against this proposed amendment.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would join with us on the Majority Report to do something that is fairly fiscal responsible. Forty days is the time that goes to January 31st. The assumption is being made by the minority signers that we are going to take that much time to resolve the issues and come up with alternatives — I don't think it will take that time because a commitment in this body to resolve this crisis and this mess is to move ahead into the future. That is what we are asking for — just a little bit of time for all of us to make some decisions.

The interesting thing about political courage in making tough decisions and upsetting delicate balances is that there has not been a real balance up to this point. We received numbers today, a proposal that turned out not to be a proposal, an idea and a plan that turned out not to be an idea nor a plan. It was issued to us today and we rejected that.

When times are tough in my house, we reduce spending. We do that after careful consideration and we do it systematically. We don't do it across-the-board because there is no way I can take 15 percent off my mortgage payment, 15 percent off my electrical bill or 15 percent off my insurance payments. Those are due.

If we allow the cuts to take place across-the-board equitably on January 1st and do not curtail allotments, what we are saying is that everything will be cut 15 percent, that is not fiscal responsibility, that is taking the easy way out. The tough decisions will be made as we sit down and look at this carefully over the next few days, the next few weeks and we will move ahead.

I urge you to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, I would like to pose a question through the Chair.

Has there been any thought as to whether this is constitutional, whether we can borrow money constitutionally? I believe that we in the State of Maine have to balance the budget and not put the people of the State of Maine in debt. Is this constitutional? If so, how?

The SPEAKER: The Representative from Madawaska, Representative McHenry, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman's question, yes it is constitutional. It

is a function that rightly belongs to any government. On the local level, we used to do this and some of us abused the system, we used to borrow money in tax anticipation, invest it at a higher rate of interest than what we were paying to borrow and, consequently, made some money with it. The federal government came along and said the use of these types of funds is no longer legitimate. But when you have legitimate fiscal problems like the State of Maine has been experiencing since the month of August, I am surprised that this was not done sooner because they have every right to do this. It should have been done months ago and, instead of earning just \$1.2 million, it would have earned much more than that. It is a legitimate function, it is not unconstitutional, it is good government and we should support this bill.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the hour is getting late but I do want to urge my support for passage of the Majority Report. I think that Representative Carter and Representative Carroll have done an outstanding job in detailing what this bill will do.

Clearly we all recognize the advantage of using tax anticipation notes as a way to raise some additional monies, not a lot, given the dollars and cents that we need to find money during the six months, but certainly a little bit of money toward that purpose.

The amended version of this bill, the Majority Report, goes a step further however. Representative Foss told about being equal partners, a delicate balance, respecting the separation of powers — from my perspective, I think this allows us to become partners in that process. I think that we are willing to become partners in that process. Those of us who voted against, the overwhelming majority in this House, the retirement option now do have an obligation, an obligation that we take seriously to work toward a solution. That statement applies to the Democratic Party and it applies to the Republican members who also opposed the retirement option today. Each of you also have an obligation now to try to develop a solution to the problem.

The bill before us allows us a cushion of time, a window of opportunity until January 31st in which we can work appropriately with the Governor to develop a realistic solution to the problems that confront us. Today, as each of you know, some six months into this fiscal year, this state legislature, as well as the citizens of Maine, have seen for the first time a sketch of the Governor's proposal. As you know, that proposal in writing will not be available prior to January 2nd. I think every member of this body realizes that any solution that we deal with is going to involve a consideration of cuts, perhaps \$40, \$50, or \$60 million and that goes clearly without saying. I would suggest, however, that the legislature may have an entirely different set of priorities from the administration when it comes to those \$40, \$50, or \$60 million dollars worth of cuts and we will need the time the Majority Report will give us to develop a consensus among our perspective caucuses.

If the Majority Report is not accepted, then the alternative should be made quite clear. If you

believe that the Governor should have carte blanche authority, unilateral authority come January 1st to cut state government by 15 percent, if you believe that 15 percent cuts in General Purpose Aid to Education is appropriate, if you believe that 15 percent cuts in our mental health institutions is appropriate, if you believe that 15 percent cuts in corrections is appropriate, if you believe 15 percent cuts to the institutions of higher education are appropriate, if you believe that 15 percent cuts to our technical colleges are appropriate, then you can oppose this bill in its amended form because that is what you are doing. If you choose to oppose the measure here today, you are giving the Governor carte blanche authority to unilaterally create 15 percent cuts on the 1st of January. If you choose to work together, if you decide that there is the ability of this legislature to work with the administration, Democrats and Republicans, if you believe that there is an opportunity, then don't we have a responsibility to attempt that process?

The Majority Report as amended provides us with that opportunity. It gives us time to become players in this process. To choose not to do it is to allow inevitable cuts that I don't think each of us want to bear the responsibility of.

I would urge you to join Representative Carter and the majority members of the Joint Standing Committee on Appropriations in supporting this important bill.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: The amendment which has been proposed and debated by Representative Carter and Representative Gwadosky is "business as usual" for this House. It should come as no surprise to you that it is a continuation of the "spend, spend, spend, spend and spend" policies for which we are famous. It is a spend, spend, spend, spend policy without any real attention paid to what revenues are because that is what we have historically done. It is a warped creature because, conveniently, it is a figure of \$125 million that is mentioned, which has really nothing to do with what we are confronted by as we face the issue of whether or not we are going to irresponsibly spend, spend, spend, and spend.

You can listen to all of the pleasant talk about what the choices are and that is up to you. You didn't have the courage this afternoon to face the fact that there is only one source of money which you could deappropriate so it could be spent for something else that you might want to spend it for, that you could create the window of opportunity (as that phrase has been used here) with a fiscal basis. No, you did not choose to do that for all the reasons which were argued. Now, back comes this other bill with the specious amendment, the sole purpose of which is to emasculate a bill which was passed by another legislature which was probably confronted by exactly the same sort of circumstances by which we have found ourselves confronted today. They recognized, as this body apparently does not, that we are not capable of controlling ourselves. We aren't like the people in Representative Carroll's family who can't manage money but want to be heard at the kitchen table when the family resources are being carved up.

The law which we purport to amend has this specific phrase in it "The Governor may temporarily

curtail allotments equitably" — what some legislature was wise enough to do years ago was to create a scheme which allowed the Executive to manage when the Legislature could not and that is exactly the situation that we are in today and that is exactly what this bill stops us from doing.

It may very well be that that is what you want to do but the equitable nature of the Governor's management is what we yielded when we became aware (those who went before us) that we could not do it ourselves and so I say to you this evening, we should not pass this bill because we ought to be fiscally responsible, that is what you indicated you wanted to be this afternoon. You ought to continue it. You ought to have the courage to let the system act and you must rely, because you have not had the courage to do otherwise, on the Governor's interpretation of what is equitable.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Representative Marsano — prior comments that you made about spend, spend, spend are all demagoguery and they have no place here. This is not a spend policy that we are recommending, it is prudent behavior in light of a crisis that has been revealed, but not outlined or examined. The proposal to limit the Governor's discretion in regarding cuts is prudent behavior. Your suggestion amounts to surgery before the x-ray.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I simply would like to respond to the suggestions from the Representative from Belfast that we are being irresponsible by supporting the Majority "Ought to Pass" Report because I find it offensive, as a matter of fact.

I have a number of state employees in my district and it is very clear to me that the way that these cuts were proposed, which of course are not clear enough yet for any of us to be told the details of, was not planned in any sort of rational fashion, but rather abruptly. I had a number of people tell me that they could have found a lot more money had they had been asked. They could have found a lot more money had they been given a little bit more time and they could have found a lot more money without having to lay off people. I had supervisors tell me that they would not have laid off the people that are being laid off if they were going to keep their operations at a reasonable level. I find that really upsetting because that is not a matter for just this district that I represent, it is a matter for the people of the State of Maine and how the services are offered.

I also would like to comment that I think that the real job that we face has proportions of a magnitude that we have never had before, when looking at the \$700 million and the whole point here is to retain our options so that we can tear down state government to the level that we are going to have to pare it down to in an intelligent fashion.

I think that this 15 percent cut is the equivalent of cutting fat by amputation. It does not leave us the option to diet or plan a regimen that will allow us to keep functioning while we proceed to trim.

The SPEAKER: The Chair recognizes the

Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This is not a spend, spend, spend, spend bill. Quite the contrary Representative Marsano — it is an attempt to use a scalpel instead of a meat cleaver. This, incidentally, is the Governor's budget to correct here that has gone astray, it is not mine. Prior to the election, I kept thinking "I must be wrong, is it possible that the Governor, in order to get elected, promised everything that he could in the budget and now that he has been safely re-elected, he wants to put the meat axe to his own budget?"

Government cannot run in that fashion, you can't operate like a business. Government provides services to the people. If you put the meat axe to it, you are going to disrupt some very needy people, people with mental illness, people that are homeless, people that are on welfare, people that are in the correctional institutions and on and on.

This bill is an attempt to correct a cash flow problem. You can smile Representative Marsano but let me call this to your attention — at the beginning of this fiscal year, there was a surplus of \$60.3 million. There was also a cash flow fund of \$17 million, that is a total of \$77.3 million. Yesterday, the deficit was \$170 million. Add those two together, that is \$257 million in the hole.

This bill is going to provide a reasonable cash flow fund. You won't have to rob the Retirement Fund, you won't have to borrow from any other fund, you can legitimately use these dollars for cash flow purposes and operate government the way you should. For a government to operate the way it should in this state, you have heard from Representative MacBride, you need \$165 million a month for 12 months. If you are \$257 million in the hole, how can you run government? You can't run government on accounts receivable, you need cold cash.

You heard me earlier talk about feeling like a mushroom — let me give you some reasons why. The cash flow problem surfaced in August of this year and we were told in the estimates that we received during the month of August (and incidentally this was dug out through the Freedom of Information Law) that the Accounts Receivable in the month's revenue amounted to \$70 some odd million, I believe it was \$77 or \$79 million, compared to the previous August a year earlier where it was \$40 million. The Accounts Receivable doubled in the month of August. I tried to get some information from the Executive Branch, I wanted to compare an entire quarter, make a fair comparison because I don't believe in playing politics with the budget. I wanted a fair comparison before I made a judgment. I was told, even though we spent \$11 million on computers, \$8 million for consultants, they couldn't give us that information. This is no way to cooperate with a co-equal branch. There are some other areas that I was up against in the same fashion, trying to get information from the Executive Branch — I tried to find out how many bills were being paid within 30 days, how many bills were being paid within 60 days and how many bills were being paid within 90 days. I got the same old baloney, we can't do it. Eleven million dollars worth of computers and we can't do it. It is unbelievable.

This bill, if you do not pass it, you are supporting the meat axe approach to a budget — 15 percent cuts across-the-board and some small

agencies won't be able to hack it, it will wipe them out and if this is what you want to do without giving the legislative committee's charge to work in this area, the Appropriations Committee, if you don't let them try to correct this budget, then vote against this bill. But when you go back home, make sure and tell the people that it is not the Democratic legislature that did this to them.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of getting up this evening but I think I would like to speak for my district. What really bothers me is when I hear someone, as Representative Marsano said, spend, spend, spend. Famous words. Very easy words to use. I don't know if any of you have been reading the editorials lately, I think the people are really speaking out there. In my district, they are not saying spend, spend, spend. They are saying, Representative, be responsible. We are tired of hearing lie, lie, lie, dishonest, dishonest, dishonest. I don't know what papers you have been reading Mr. Marsano, I don't know what coffee shops you are going in, but the coffee shops that I have been going in (and I cannot repeat the word on the floor of this House) but it is shameful to think, I have never heard in all the ten years that I have served in the legislature, the words that are now being said against the Executive Branch. It is shameful.

I know one thing, I am going to support the Majority Report because it is the thing to do as the Chairman of my committee has stated to you. We were sent here to be responsible, all of us, and until you have the facts, I defy anyone to tell me that he is being responsible because that is the problem in my district, people have really had it, they are fed up with being lied to. If I was to be irresponsible, then they will hold me accountable. I don't think the people of Maine are going to come after me for trying to be responsible and let's just put a hold on this for 40 days. This Governor had until the months of August, September, October and November — our leadership asked him to come in here in September — where was he? Was it all politics? It is now.

Remember one thing, ladies and gentlemen of the House, you can do a lot of things in politics. You can vote wrong on a bill, you may vote this way or the other way, sometimes we can come back but there is one thing I found, never deceive the voter nor try to lie to him. I am not saying that he lied, just read the letters to the editor. Have you ever seen that many? I am not saying it, people in my district are.

I would urge you this evening to support the Majority Report and act responsible.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Men and Women of the House: I will be very brief. I will agree with many of the earlier speakers that it would be nice if we were not here this evening late on a Friday night just before Christmas but we are here and it would be nice if we did not find ourselves facing a major financial problem, but we do. It would be nice if all of our stores and malls were crammed tonight with shoppers laden with packages spending more than they had before and generating

record revenues and therefore revenues for the state, but they are not. It would be nice if all of our shops and our mills were running full and had "help wanted" signs out and there was no, as we say in the paper industry, short time, but there is.

The reality is that employers all across the state of all sizes are experiencing one of the most dramatic economic downturns that they have seen in many, many years. The reality is that unemployment in the state is up and headed higher, I fear. The reality is that in the major industry of which I am familiar, short time has become the rule. I have spoken to my colleagues here in the House who are in the same industry and it is true where they work as well. The reality is that major reductions in defense contracts are going to impact negatively on major employers in our state. The reality is that it is not "business as usual" all across the State of Maine and, in my opinion, that it ought not be "business as usual" for the legislature either. To continue spending at current rates for 40 more days is irresponsible.

An earlier speaker alluded to the fact that we have a cash flow problem and I would agree with that and I would point out that the bill, as amended, simply allows the cash to flow for 40 more days and, therefore, we should not pass it.

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 the motion of Representative Carter of Winslow that the House accept the Majority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 3

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Lawrence, Lemke, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Boutillier, Clark, M.; Dutremble, L.; Hepburn, Kerr, Kontos, LaPointe, Larrivee, Macomber, McKeen, Paradis, P.; Pines, Ricker, Rydell.

Yes, 86; No, 51; Absent, 14; Paired, 0; Excused, 0.

86 having voted in the affirmative and 51 in the negative with 14 being absent, the Majority "Ought to Pass" as amended Report was accepted, the Bill read once.

Committee Amendment "A" (H-6) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following Joint Order: (H.P. 51)

WHEREAS, revenue forecasts have varied significantly during this fiscal year and present forecasts remain uncertain; and

WHEREAS, it is now clear that the State faces a major shortfall in revenues during this fiscal year and will be unable to meet present appropriated expenditures; and

WHEREAS, the Governor has not yet officially reported that anticipated income will not be sufficient to meet authorized expenditures nor instituted temporary allotment curtailments to meet that insufficiency; and

WHEREAS, the Governor has not provided a report to the Legislature and people of this State of his intended curtailments or reductions in expenditures to meet the revenue shortfall; and

WHEREAS, there is a clear and immediate need for detailed reliable information on revenue forecasts and on possible curtailments or reductions, which information is not presently available; and

WHEREAS, with the short period remaining in the fiscal year, the Legislature can no longer wait for the detailed reliable information it needs to act responsibly to be supplied by others; now, therefore, be it

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall convene at 10:00 a.m. on December 26, 1990, in Room 227 of the State House, Augusta, Maine, for the purpose of carrying out the duties of

this Joint Order; and be it further

Ordered, that the committee shall thoroughly study the anticipated revenues and incomes of State Government and all of its departments, agencies, authorities, bureaus, offices or other bodies or officials, whether independent agencies or departments, from any sources and all presently appropriated or anticipated expenditures; and be it further

Ordered, that the committee shall accept and review any information on this subject presented by the Governor; and be it further

Ordered, that the committee shall report to the Legislature its findings as a result of this study, together with any proposals and proposed legislation; and be it further

Ordered, that the committee shall have all of the authority and powers of an investigating committee provided in the Maine Revised Statutes, Title 3, chapter 21, and has the specific additional powers to administer oaths, issue subpoenas, compel attendance of witnesses and the production of any papers, books, accounts, documents and testimony and to cause the deposition of witnesses as provided in Title 3, section 165, subsection 7.

Was read by the Clerk in its entirety.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the Representative from Belfast, Representative Marsano, that it is no longer time for "business as usual." We have seen today where the Governor's proposal was rejected, not only by the Majority Party, but by all but three members of the Minority Party, who also abandoned the Governor's position making it clear that in both legislative bodies the members of both parties rejected the Governor's position. It made it clear that it was objectionable to all. That is the way I read the vote. I will not choose to say it was a political move on the part of the Republican Party because that really is beneath them, that they voted that way just because they didn't want to stand up and be counted. So, I am not going to make the accusation nor am I going to make the accusation that the reason we got into this situation as late as we did was because of an election but, men and women of this House, I know and I can prove that as early as February of last year, the Governor told his cabinet and members of the cabinet who were assembled there that there were three things he needed to do to be re-elected, (1) to get the legislature home quickly, (2) pass the budget and (3) make sure that the expenditures did not exceed the revenues prior to the election. Nine months later that was accomplished and the people of Maine are now seeing the results.

For most of the Fall, many of us (and you can go back and read the article) suggested that we, along with other states, were falling in the same line, like what was happening in Massachusetts and New York and all of the eastern coast, it was not a surprise. The decision was to postpone it. Let us

not try to say that that was political because what difference does it make? The election has come and gone, you and I are here, the Governor was re-elected and that is with whom we need to work, at least that is what I thought.

Some people have been amazed by the fact that I have been so quiet in the press up until now. I was because I had hoped that the Executive Branch of government would come clean, would give us the facts, but I now know that that is not possible.

This legislature begins its legislative session today and we are told that this is the plan and nothing else. A few minutes ago, we got a letter addressed to the ten members of leadership saying that we will meet in the cabinet room at 9:15 to hear your alternative plans on how we are going to fund the problem. It is difficult to be here one day, hearing the information provided to us today which is different from what was provided to me yesterday and the day before and the day before that, Tuesday — I stop there because there was nothing provided us prior to that time at all. Yet, I heard the Chief Executive tell the University of Maine students today that he had been talking to the legislature for 30 days. I don't know with whom he was speaking but it wasn't me. I know that it wasn't members of the Democratic Leadership and I know that it wasn't members of my party. I hope it was members of the Minority Party.

The Representative from Winslow, Representative Carter, pointed out, eloquently, the fact that we do not have the information available to us nor is it being provided nor was it provided. Frankly, I figured out that we are not going to get 101 votes (and I can count pretty well) to pass this bill that we had before us earlier, to get the necessary time to get the information upon which this legislature can perform its responsibility pursuant to the Constitution of this state. I am a realist but I also know that if the Chief Executive in the Executive Branch of government won't give us the available information, then we must get it.

This Order provides for the ability of the Committee on Appropriations and Financial Affairs to subpoena the records of this state of the various commissioners and force them to tell the truth, not what they have been told to say by the Executive or the Commissioner on Finance or the budget officer. That will provide the basis upon which this legislature can get the necessary information to put its program together because I see no other way.

Let me tell you just a couple of incidents that have come to life. The Representative from Winslow, Representative Carter, has already pointed out that there are ways to find about \$40 million without raising a penny. Has anyone asked where? Does the Governor know where it is? Can we trust the figures when they are provided? Frankly, because of the problems that face us in terms of respectability, honesty, integrity, and reliability of information, there is doubt. This will provide the ability to document.

I might point out another bit of information, the Commissioner on Education decided to take 600 positions, 600 slots I am told, teachers aides that were formerly under Social Security, and rolled them into the Teachers' Retirement Fund about a month ago. How many of you knew that? What is the potential liability to the state? What is the cost? Can you tell me why it was done and what the

potential liability to the Retirement Fund is in addition to the regular budget? Remember, the State of Maine pays the matching portion, the employer share, it is not paid at the local level and that is going to be substantially more than what Social Security would be.

I can go on and give you example after example but you know what? Ask the Commissioners — some of them, you will get an attorney's response, I can't figure out what it means after I have gotten it.

Consultation becomes important and information becomes important to our ability to put together a proposal. If this is not possible to get and we do not have a commitment from the Executive Branch, then we must figure out a way to do it.

We do not have an overall package, there is only one copy of the recommended cuts from the various departments and it is housed in the Bureau of the Budget. Ask what the positions are — we are not sure, we don't know where they are — can this legislature put together a package that will convince the people of Maine that it has acted responsibly? I do not believe so.

I don't know if you are aware of it but I'm told today (again) that we have not been appraised that this has happened but I have already received four phone calls from state employees who say the Governor signed an Executive Order today saying that state employees will not be paid for one day out of every pay period between now and June. The Governor raised that issue with us this morning and I said to him, "Do you have the authority to do that?" The contract says that you can do three days under an emergency situation." The response was, "As long as we do it one day at a time, we can do as many as we want to." I doubt that but let's assume that it is true. What does this do to the Pineland Decree, what does it do to the AMHI Decree that we are under because of federal court? What is the impact? Has anyone bothered to find out? I know the answer to that question and it is, no. I have been informed that the Governor wants to stop prefunding Workers' Compensation for state employees injured on the job and, basically, not establish money in the budget to pay claims. What and how would a private employer be treated if that were done?

The question we have is very simple. I heard it tonight from the Representative from Yarmouth, Representative Foss — "It is your responsibility now, you had the ability to make the decision this morning and now I wash my hands of it." Men and Women of the House, it is the responsibility of the entire legislature and the Chief Executive to solve the financial crisis that has been brought upon us without attempting to lay blame as to who did it. I would be happy to discuss that for the next hour if you want me to but it has happened, it is here, the time has come and we must deal with it. We can only do it with the material and information and documents that we need. This Order provides that mechanism and I would advise members of the Minority Party that it is one that they cannot block by a 101 votes nor can the Chief Executive block with a veto because it is a legislative order. It requires a majority vote in this body and a majority vote in the other body. To spell it out to the Freshman members and in particular to the minority, the time has come to deal with the problems of this state and get off the dime and make it clear that it is no longer "business as usual."

This legislature, at least the Majority Party, doesn't want any more lies, it doesn't want any more smoke and mirrors, it doesn't want any more threats, it doesn't want any more accusations — it wants facts and it wants to solve the problem. So tonight, I ask members of the Minority Party to join me as the presiding member in this body in providing leadership to lead this state out of the greatest financial crisis that this state has ever seen in its history.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, a parliamentary inquiry? I would like to ask if this Order is in order as a result of Rule 54? As I read Rule 54, one day's previous notice shall be given and it has not been given and I suggest that it is not properly before the body.

(At Ease)

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: In reference to the question posed by the Representative from Belfast, Representative Marsano, the Chair would advise the Representative that Rule 54 deals with suspension of rules and is not proper for this particular motion.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, I would like to pose a question through the Chair.

Next to the last paragraph, it says the Committee shall report to the legislature its findings. My question is, due to the timeliness of this, is there an oversight that there is no date there as to when the report has to be back?

The SPEAKER: The Chair would advise the Representative that the Order is drafted in that fashion.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It has been a long day for all of us I think and apparently it is the intent of some that this is the conclusion of the day. We have been informed that this is about to pass. We were informed earlier today that the potential for a solution to this problem was about to die before us at the hands of the Majority Party.

I guess the comments that I will make will be more of a general nature because it seems to me that this is no more than, again, an effort to divert our attention from the financial problem that we must deal with and deal with quickly. It appears to me that this is an attempt to send the whole legislature home, to put this matter in the hands of a committee that has a great interest in taking over the role of the Executive.

I have to question a couple of the comments that were made a few minutes ago about not knowing anything about the problem that we face because I was in on briefings the first day that we were here where the issue was outlined to us in terms as they were best known at that point in time. The point that we have tried to make, time and time again today, is that this problem is unlike any other that Maine government, or as we read the words of the Speaker that he was issuing from Washington when he was there during our first week of opportunity to work on this problem, that this is happening in state after state. I recall his words, "30 states." He suggested to us that the problem in Maine was one of the worst.

The point is being characterized here as something deliberate on the part of the administration but it is a factor of the times that we are in. Why would an administration try to create this kind of problem? There is no logic to that conclusion. This is not a creation, this is the best attempt that people with sound financial minds and responsibility have presented to us.

We have seen today several attempts to delay, to avert attention away from the problem, to suggest that this somehow can be solved in a normal course of action. Now we finally have an item before us to suggest that there is somehow a cover up here. We are being asked, well not being asked (for the Minority Party), we are being told, that this Order will pass with subpoena powers and other powers allowed in Maine statutes to force the administration to provide some secrets that they hold, some tactic that has been devised and a suggestion made as far back as February. Well, I wish you well. There are no secrets, these are honest men and women trying to handle a situation that they did not ask for, that we did not ask for, that we have got to deal with in a reasonable manner.

I was sitting down in the Executive Office a few minutes ago when someone said, "There is a letter laying out here." It was a request from the Joint Leadership of the Democratic Party that we have a meeting to talk about alternatives and of where we were going with the issue. The press, when I stepped outside, said the letter had been sitting there for an hour and a half. I don't know, it was found on a desk to be honest with you. So, we proceeded to initiate the contract. In fact, the Majority Floor Leader just asked me a few minutes ago when I told him that I thought it meant we were going to continue the discussion of where we were going from here. Apparently, it is a continuation of a rhetorical answer to a serious problem. It was not a question of where we are going from here, the Order was printed, it was up in front of us as he asked me that personal question. It is left in my mind if this whole day has been driven with this known conclusion.

We have been encouraged by the sponsor of this piece of legislation to all join him in this effort. This is one legislator that will have no part of it.

This legislature has the ability to work together when it finally settles down and deems that it is necessary. I would suggest that the passage of this Order does not achieve that objective. I urge the defeat of this Order before us.

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

Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: You have undoubtedly just heard the most pathetic excuse for not getting the truth out that I have ever heard. I mean that it is pathetic. In 16 years of political service, I have always done what I could to convince the people of this state that elected officials have integrity, honesty and will put their people above and beyond their personal gains and, in one fell swoop, the Governor of this state flushed that whole thing down the toilet. That is what I have got to deal with back home.

I sat here and listened to Sawin Millett today, and with all due respect, I didn't believe a word he said and I will tell you why. He has changed his tune as the sun rose and set in the State of Maine.

The good Representative says that there is no cover up — all you have is good, decent, hard-working people trying to do their job in a financial crisis. He wants us to afford those people that respect and that ability — what about us Representative Whitcomb? When is someone going to afford us the very same respect and ability to let us do our job by telling us the truth, once and for all? Is the Minority Party afraid of the truth? Believe me, I hope you all vote against this Order, you have been a Minority Party for 12 years that I have been here and if you keep going at the rate you are going, you are going to be the Minority Party for 12 more.

To even suggest that after six months of baloney that we come down here in one day (and we don't need to be reminded of how serious this problem is) — in one day listen to the gobbledygood that was fed this caucus and then solve this problem in one vote or a couple of votes in one day it just defies logic, imagination and even a semblance of saneness.

Unfortunately, it seems to me, as one Representative from Waterville, that the only way we are going to be able to find out what the real facts are is to go along with this Order. I really, sincerely hope that every member of the Republican Party votes against it. I really do. It will sure help me back home.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I just want to respond to one comment from the good Representative from Waterville. It interests me that, immediately after the briefing that all legislative leadership had at the Blaine House on the first day we were here, that our caucus asked and immediately received, as would anybody who asked and received, the same briefing. I understand the frustration that maybe you and your caucus have by not receiving the information. Our caucus asked for it and got what was available for financial material at that point in time. I can't help that but I can tell you, in fact we kind of bragged to our caucus, the caucus will remember it, we said, "You are all receiving the same briefing that the joint leadership of both bodies in both parties just received over in the Blaine House", as the facts were known at that point in time. I think the Freshmen in our caucus were pleased to think that they were being brought into the situation as much as it was known at that point in time.

The Governor has indicated to me and to any number of individuals, commissioners have been in

the halls all day long as they have been available for close to a month and I am sorry that members of your caucus didn't have the opportunity to be brought up to date to the information that was available on the first day that we were here. That is not our fault.

I would still urge rejection of this Order.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The hour continues to get later and later and the rhetoric exchanged is piled as high as I need to see it personally but one suggestion that was mentioned earlier about communications, honesty, and dealings with each other and what those circumstances are — Representative Whitcomb suggested that a letter that was sent jointly by Democratic leadership had been lying on a desk for an hour and a half in the Governor's Office before they noticed it and that was the explanation for the delay; in fact for the response. I have been advised that that letter was hand delivered by an officer of the Maine State Senate, there were three people in the Governor's Office at that point in time including Bob Moore and there should have been no doubt as to what that letter was and whom that letter was from. I guess my point is, if there is disagreement and there is dishonesty on these types of issues, what else can we expect from the big issues that confront us?

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I don't know where this Order came from, I do know that it incorporates some provisions of Title 3, Chapter 21 and it also incorporates Title 3, Section 165 — it doesn't tell you what those are. I have been attempting to read quickly through the rules and these statutes. I have also been attempting to read through the Joint Rules and find no reference in the Joint Rules which we adopted with respect to Joint Orders. I do think, therefore, that Rule 54 applies which, as I read before, says and I read it into the Record "No rule or Order of the House shall be altered or repealed....."

The SPEAKER: The Representative is out of order. The Chair would advise the Representative that the matter was decided some time ago. If he wanted to challenge the Chair, he should have done so at the time. Does the Representative have anything further to add?

Representative MARSANO: The Representative does Mr. Speaker and I believe I have a right to read at least this language since it deals with Orders and that is all I am suggesting because it is relevant to the matter to which I am attempting to debate. I am attempting to debate it with reference to notice and nothing else. I recognize that you have already ruled without recognizing the language on which I relied and I am perfecting happy to accept your ruling Mr. Speaker.

On the other hand, I am entitled to debate with reference to rules.....

The SPEAKER: The Representative may continue to read.

Representative MARSANO: Thank you Mr. Speaker. "Nor shall any new standing rule or Order be adopted

ROLL CALL NO. 4

unless one day's previous notice thereof be given each case and such notice shall be entered in the Journal." I haven't had enough time, Mr. Speaker, to evaluate what Title 3, Chapter 21 says and I haven't had time to really understand the input and significance of Title 3, Section 165. Yet, I am supposed to take this on faith though nobody else takes anything on faith around here. What bothers me about all of this is it seems to me as though this is in the order of a witch-hunt.

We have been told by the Majority Party that for months they recognized a problem — every time a problem arises in this House, I am attacked because I don't know something about the rules or the history or this or that. All of these learned long-time people know all about these things but then suddenly with a problem of the sort that this House is supposed to have had knowledge of, the Democrats in this House, for all this period of time, with all this expertise, all these years of tradition and knowledge about this House, they don't know anything about how to solve it. They don't know anything about how to read the figures and they don't know how to do anything with it. The question is, is the purpose of this to accomplish what we are talking about? If so, why is the first time I am confronted by it is when I get a copy of it and then see the Speaker of the House leave, call the Representative from Fairfield to the rostrum, and I am told that I should do it in the best interest of this House? I must tell you, Mr. Speaker, that I am surprised that you would ask me to vote for it under those circumstances and I would urge all members of this House to reject it until we have had an opportunity to think about it. I suggest that a day would be a proper amount of time.

The SPEAKER: The Chair would advise the Representative from Belfast, Representative Marsano, and members of the House that this issue is not new to the Representative from Belfast, Representative Marsano, since he and I discussed this on three separate occasions prior to this. He knows full-well the Title which is being referred to since he debated the issue at least twice before the members of the Legislative Council.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would say, in response to the fine Representative from Belfast, that yes, he may not have had time to digest this Order and I would say that this legislature has not had time to digest the numbers, the magnitude, and the scope of the problem to deal with it in an intelligent, reasonable and rational manner. I think we should put this forward so we can move ahead and solve this problem.

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 of H.P. 51. Those in favor will vote yes; those opposed will vote no.

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Lawrence, Lemke, Lord, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Reed, G.; Reed, W.; Richards, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Boutilier, Clark, M.; Dutremble, L.; Hepburn, Kerr, Kontos, LaPointe, Larrivee, Macomber, McKeen, Paradis, P.; Pines, Ricker, Rydell.

Yes, 89; No, 48; Absent, 14; Paired, 0; Excused, 0.

89 having voted in the affirmative and 48 in the negative with 14 being absent, Joint Order (H-51) was passed and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 47)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, January 3, 1991, at 4 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Gwadosky of
Fairfield,

Adjourned at 11:59 p.m. until Thursday, January
3, 1991 at 4 o'clock in the afternoon pursuant to
Joint Order (S.P. 47)
