

# MAINE STATE LEGISLATURE

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**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  
16th Legislative Day  
Thursday, February 7, 1991

The House met according to adjournment and was called to order by the Speaker.

Prayer by Dr. William C. Imes, First Parish Congregational Church, United Church of Christ, Brunswick.

The Journal of Wednesday, February 6, 1991, was read and approved.

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

COMMUNICATION

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

February 7, 1991

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Fifteenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 86 and 90 at the Special Elections held on February 5, 1991, according to a review of the returns made by the Governor, to fill the vacancies that existed in the districts as follows:

District 86

Mary L. Morrison, Winslow	670
Marc J. Vigue, Winslow	1,266

District 90

Daniel B. Hickey, Augusta	1,210
Sumner H. Lipman, Augusta	1,308

s/Bill Diamond  
Secretary of State

Was read and ordered placed on file.

COMMUNICATION

STATE OF MAINE

Office of the Secretary of State

February 7, 1991

To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Fifteenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that Special Elections were held on February 5, 1991, in Representative Districts 86 and 90, for the purpose of electing Representatives to the One Hundred and Fifteenth Legislature: Marc J. Vigue of Winslow received a plurality of all votes cast in District 86 and Sumner H. Lipman of Augusta received a plurality of all votes cast in District 90, as contained in a report to the Governor dated February 7, 1991, appear to have been elected Representatives to the One Hundred and Fifteenth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this seventh day of February in the year of our Lord, One Thousand Nine Hundred and Ninety-One.

s/G. William Diamond  
Secretary of State

Was read and with accompanying papers ordered placed on file.

At this point, the Speaker announced the presence in the Hall of the House of Representatives-elect MARC J. VIGUE of Winslow and SUMNER H. LIPMAN of Augusta. The Speaker appointed the Representative from Augusta, Representative PARADIS, the Representative from Augusta, Representative DAGGETT, and the Representative from Waldo, Representative WHITCOMB, to escort Representative-elect LIPMAN to the Office of the Governor to take and subscribe the oath necessary to qualify him for the discharge of his official duties.

The Speaker further appointed the Representative from Waterville, Representative JOSEPH, the Representative from Waterville, Representative JACQUES and the Representative from Fairfield, Representative GWADOSKY to escort Representative-elect VIGUE to the Office of the Governor to take and subscribe the oath necessary to qualify him for the discharge of his official duties.

Subsequently, Representative GWADOSKY of Fairfield reported that the necessary oaths had been taken by the Representatives to qualify them to enter upon their official duties.

At this point, the Speaker announced that Representative RUHLIN of Brewer would be assigned Seat 77, Representative HANDY of Lewiston would be assigned Seat 76, and Representative HICHBORN of Howland would be assigned Seat 122.

At this point, the Speaker announced that Representative LIPMAN of Augusta would be assigned Seat 75 and Representative VIGUE of Winslow would be assigned Seat 126.

(At Ease)

The House was called to order by the Speaker.

**SENATE PAPERS**

Bill "An Act to Authorize the State, Counties and Municipalities to Buy Employee-deferred Compensation Plans from Financial Institutions" (S.P. 164) (L.D. 376)

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

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

Bill "An Act Related to Licensing Requirements for Landscape Architects" (S.P. 162) (L.D. 374)

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 Prevent Ongoing Erosion Damage to the Environment by Allowing Preventative Repair" (S.P. 161) (L.D. 373)

Bill "An Act Relating to Solid Waste Management" (S.P. 165) (L.D. 377)

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

Were referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Prohibit the Use of All-terrain Vehicles in State Parks" (S.P. 166) (L.D. 378)

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

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

Bill "An Act to Establish a Crisis Intervention System for Children and Families" (EMERGENCY) (S.P. 163) (L.D. 375)

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

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

Bill "An Act to Increase the Funding Level for Congregate Housing" (S.P. 167) (L.D. 379)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Aging, Retirement and Veterans.**)

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

Bill "An Act to Amend the Appointment Process for the Panel of Mediators" (S.P. 168) (L.D. 380)

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

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

**Reported Pursuant to Resolve**

Report of the Commission to Study the Level of Services for Maine's Elderly Citizens, pursuant to Resolve 1989, chapter 58 ask leave to submit its findings and to report that the accompanying Bill "An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers" (S.P. 169) (L.D. 403) be referred to the Joint Standing Committee on **Human Resources** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Human Resources** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **Human Resources** and ordered printed in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Ensure Proper Funding for County Jails" (H.P. 227) (L.D. 318) which was referred to the Committee on **Judiciary** in the House on February 5, 1991.

Came from the Senate referred to the **Joint Select Committee on Corrections** in non-concurrence.

The House voted to recede and concur.

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

February 6, 1991

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 my authority under 5 M.R.S.A., Section 19292, I have today reappointed Rep. Charlene Rydell, of Brunswick, to serve on the Committee to Advise the Department of Human Services on AIDS.

Pursuant to my authority under 5 M.R.S.A., Section 251, I have also reappointed Rep. Mark Lawrence, of Kittery, to serve on the Maine-New Hampshire Boundary Commission.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

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**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills, Resolves and Resolution 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 to Increase Allowable Earnings under the Disability Retirement Laws" (H.P. 284) (L.D. 405) (Presented by Representative MANNING of Portland) (Cosponsored by Representative JALBERT of Lisbon and Representative HANDY of Lewiston)

Bill "An Act Concerning Repayment to the Retirement System" (H.P. 286) (L.D. 407) (Presented by Representative MANNING of Portland) (Cosponsored by Representative HANDY of Lewiston and Representative JALBERT of Lisbon)

Bill "An Act to Require 10 Years of State Service for Retirees to be Eligible for Paid Health Insurance" (H.P. 308) (L.D. 438) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsored by Representative DONNELLY of Presque Isle, Representative AULT of Wayne and Representative STEVENSON of Unity)

Ordered Printed.  
Sent up for Concurrence.

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**Banking and Insurance**

Bill "An Act to Ensure Fair Insurance Practices" (H.P. 288) (L.D. 409) (Presented by Representative GARLAND of Bangor) (Cosponsored by Senator KANY of Kennebec, Representative KETOVER of Portland and Representative RAND of Portland)

Bill "An Act to Amend the Automobile Insurance Anti-group Laws" (H.P. 312) (L.D. 442) (Presented by Representative RAND of Portland) (Cosponsored by Senator BUSTIN of Kennebec, Representative KETOVER of Portland and Representative CARLETON of Wells)

Ordered Printed.  
Sent up for Concurrence.

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**Education**

Bill "An Act Concerning Impact Aid Funds" (H.P. 289) (L.D. 410) (Presented by Representative PINES of Limestone) (Cosponsored by Senator ESTES of York, Representative CLARK of Brunswick and Senator BRAUN of Knox)

Bill "An Act to Increase the Probationary Period for Teacher Employment" (H.P. 310) (L.D. 440) (Presented by Representative MARSANO of Belfast) (Cosponsored by Senator COLLINS of Aroostook, Representative SKOGLUND of St. George and Representative BAILEY of Farmington)

Ordered Printed.  
Sent up for Concurrence.

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**Energy and Natural Resources**

Bill "An Act Regarding Relicensure of Transfer Stations, Stump Dumps and Recycling Centers" (H.P. 285) (L.D. 406) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative MURPHY of Berwick)

Bill "An Act Concerning Overboard Discharge Inspection Fees" (H.P. 299) (L.D. 420) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative JACQUES of Waterville, Representative LORD of Waterboro and Senator ESTES of York)

Bill "An Act to Reclassify Spenser Stream" (H.P. 307) (L.D. 437) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative POWERS of Coplin Plantation and Representative TRACY of Rome)

Bill "An Act Concerning Waste Management" (EMERGENCY) (H.P. 318) (L.D. 448) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative COLES of Harpswell and Senator TITCOMB of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

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**Fisheries and Wildlife**

Bill "An Act to Amend the Laws Regarding Archery Hunting Licenses" (H.P. 296) (L.D. 417) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative DUFFY of Bangor, Senator GOULD of Waldo and Representative ROTONDI of Athens)

Bill "An Act to Protect Scuba Divers and Boaters" (H.P. 301) (L.D. 422) (Presented by Representative MANNING of Portland) (Cosponsored by Senator MILLS of Oxford and Representative LAWRENCE of Kittery)

Bill "An Act to Allow the Introduction of the White Amur into Maine Waters" (H.P. 309) (L.D. 439) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative CLARK of Millinocket and Representative ERWIN of Rumford)

Bill "An Act to Create a Wildlife Management Area in the Town of Gray" (H.P. 320) (L.D. 450) (Presented by Representative CARROLL of Gray) (Cosponsored by Senator RICH of Cumberland and Senator CLEVELAND of Androscoggin)

Bill "An Act to Provide Free Hunting, Trapping and Fishing Licenses to Members of the Armed Forces" (H.P. 321) (L.D. 451) (Presented by Representative ROTONDI of Athens) (Cosponsored by Senator MATTHEWS of Kennebec and Representative ERWIN of Rumford)

Ordered Printed.  
Sent up for Concurrence.

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**Human Resources**

Bill "An Act Concerning Requests for Medical Records" (H.P. 298) (L.D. 419) (Presented by Representative MANNING of Portland) (Cosponsored by Representative PENDLETON of Scarborough and Senator GAUVREAU of Androscoggin)

Bill "An Act to Ensure Patient Access to Medical Records" (H.P. 300) (L.D. 421) (Presented by Representative DORE of Auburn) (Cosponsored by Representative JACQUES of Waterville, Representative PFEIFFER of Brunswick and Senator GAUVREAU of Androscoggin)

Bill "An Act to Amend the Laws Governing Disclosure of Information in Medical Support Recoupment and Child Support Cases" (H.P. 302) (L.D. 423) (Presented by Representative MANNING of Portland) (Cosponsored by Senator GILL of Cumberland, Representative PENDLETON of Scarborough and Representative SIMONDS of Cape Elizabeth)

Ordered Printed.  
Sent up for Concurrence.

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**Judiciary**

Bill "An Act to Enhance Protection of Children in Court Proceedings" (H.P. 303) (L.D. 424) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative CATHCART of Orono and Representative DAGGETT of Augusta)

Bill "An Act to Increase the Penalties for Career Criminals" (H.P. 317) (L.D. 447) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative KETTERER of Madison and Representative O'DEA of Orono)

Ordered Printed.  
Sent up for Concurrence.

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**Labor**

Bill "An Act to Amend the Laws Pertaining to Leaves of Absence for a Legislator" (H.P. 294) (L.D. 415) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative TRACY of Rome, Representative MAYO of Thomaston and Senator CONLEY of Cumberland)

Bill "An Act to Exempt Illegally Employed Minors from Worker's Compensation Coverage" (H.P. 297) (L.D. 418) (Presented by Representative RAND of Portland) (Cosponsored by Representative McKEEN of Windham, Representative McHENRY of Madawaska and Senator ESTY of Cumberland)

Bill "An Act Related to Workplace Safety Incentive Programs" (H.P. 304) (L.D. 434) (Presented by Representative PINEAU of Jay) (Cosponsored by Representative RAND of Portland, Senator CONLEY of Cumberland and Representative TRACY of Rome)

Ordered Printed.  
Sent up for Concurrence.

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**Legal Affairs**

Resolve, Authorizing Arthur Slotsky to Bring a Civil Action against the State (H.P. 290) (L.D. 411) (Presented by Representative MANNING of Portland) (Cosponsored by Representative JALBERT of Lisbon and Representative PLOURDE of Biddeford)

Resolve, Authorizing David Boone to Bring a Civil Action against the State of Maine (H.P. 292) (L.D. 413) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Senator VOSE of Washington)

Ordered Printed.  
Sent up for Concurrence.

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**State and Local Government**

Bill "An Act to Make the Wild Blueberry the Official State Berry" (H.P. 291) (L.D. 412) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative NORTON of Winthrop, Senator VOSE of Washington and Representative FARREN of Cherryfield)

Bill "An Act to Require State Audit and Review of Quasi-municipal Corporations Granted by State Charter" (H.P. 293) (L.D. 414) (Presented by Representative DUFFY of Bangor) (Cosponsored by

Representative LARRIVEE of Gorham, Representative TOWNSEND of Eastport and Senator BERUBE of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring the Governor-elect to Receive More than 50% of the Votes Duly Cast (H.P. 319) (L.D. 449) (Presented by Representative MAHANY of Easton) (Cosponsored by Senator CONLEY of Cumberland, Representative HEESCHEN of Wilton and Representative ADAMS of Portland)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Authorize a Local Option Sales Tax" (H.P. 311) (L.D. 441) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representative HOGLUND of Portland)

Bill "An Act to Amend the Maine Residents Property Tax Program for Elderly Households" (H.P. 315) (L.D. 445) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Representative CARROLL of Gray)

Bill "An Act to Change Property Tax Valuation from Best Use to Current Use Standards" (H.P. 314) (L.D. 444) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator LUDWIG of Aroostook, Representative MURPHY of Berwick and Representative AULT of Wayne)

Ordered Printed.  
Sent up for Concurrence.

Transportation

Bill "An Act to Fund the Replacement of a Passenger Ferry of the Casco Bay Island Transit District" (H.P. 295) (L.D. 416) (Presented by Representative RAND of Portland) (Cosponsored by Senator BRANNIGAN of Cumberland, Senator CONLEY of Cumberland and Representative ADAMS of Portland)

Bill "An Act to Establish Special Designating Registration Plates for Veterans of Iwo Jima" (H.P. 313) (L.D. 443) (Presented by Representative MANNING of Portland) (Cosponsored by Representative HALE of Sanford)

Bill "An Act Relating to the Dissemination of Driver Record Information" (H.P. 316) (L.D. 446) (Presented by Representative DORE of Auburn) (Cosponsored by Representative HEESCHEN of Wilton, Representative O'DEA of Orono and Senator MILLS of Oxford)

Bill "An Act to Amend the Law Regarding the Display of Legislative Plates" (EMERGENCY) (H.P. 322) (L.D. 452) (Presented by Representative O'DEA of Orono) (Cosponsored by Representative CARROLL of Gray and Representative RUHLIN of Brewer)

Utilities

Bill "An Act to Protect the Health and Safety of Nuclear Waste Site Workers" (H.P. 287) (L.D. 408) (Presented by Representative HOLT of Bath) (Cosponsored by Representative MCHENRY of Madawaska, Representative COLES of Harpswell and Senator TITCOMB of Cumberland)

Bill "An Act to Require Telephone Companies to Include Emergency Numbers for Sheriffs' Departments in Directories" (H.P. 305) (L.D. 435) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative JACQUES of Waterville, Representative O'GARA of Westbrook and Senator MATTHEWS of Kennebec)

Bill "An Act to Increase the Limit of Indebtedness of the Newport Water District from \$1,500,000 to \$3,500,000" (EMERGENCY) (H.P. 306) (L.D. 436) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator EMERSON of Penobscot)

Ordered Printed.  
Sent up for Concurrence.

Reported Pursuant to Statute

Representative ERWIN for the Joint Standing Committee on Audit and Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase Revenues to the General Fund by Streamlining Collection Methods for Use Taxes on Snowmobiles and All-terrain Vehicles Pursuant to the Maine Sunset Act" (EMERGENCY) (H.P. 283) (L.D. 404) be referred to the Joint Standing Committee on Audit and Program Review for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Audit and Program Review, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MACOMBER from the Committee on Transportation on Bill "An Act Discouraging Littering of State Highways" (H.P. 19) (L.D. 22) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

(At Ease)

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The House was called to order by the Speaker.

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On motion of Representative Rotondi of Athens, the House reconsidered its action whereby Bill "An Act to Prohibit the Use of All-terrain Vehicles in State Parks" (S.P. 166) (L.D. 378) was referred to the Committee on Fisheries and Wildlife in concurrence.

On motion of the same Representative, was referred to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

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**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (EMERGENCY) (H.P. 192) (L.D. 274)  
TABLED - February 5, 1991 by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and later today assigned.

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The Chair laid before the House the second item of Unfinished Business:

JOINT RESOLUTION SUPPORTING THE UNITED STATES PRESENCE IN THE PERSIAN GULF (S.P. 113)  
- In Senate, Read and Adopted.  
TABLED - February 5, 1991 by Representative GWADOSKY of Fairfield.  
PENDING - Adoption.

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

Representative GWADOKSY: Mr. Speaker, I would like to pose a question to the Chair, please.

I would like to pose a question as to whether or not the Resolution before us is in violation of the rules?

On motion of Speaker Martin of Eagle Lake, tabled pending a ruling from the Chair.

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The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Amend Revenue Sharing" (S.P. 121) (L.D. 223)  
- In House, Referred to the Committee on Energy and Natural Resources on February 2, 1991 in non-concurrence.  
- In Senate, that Body having Adhered to its former action whereby the Bill was Referred to the Committee on State and Local Government.  
(Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)  
TABLED - February 6, 1991 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Further Consideration.

On motion of Representative Jacques of Waterville, the House voted to adhere.

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The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act to Amend the Workers' Compensation Laws to Encourage Safety in the Workplace" (H.P. 175) (L.D. 260)  
- In House, Referred to the Committee on Labor.  
- In Senate, Referred to the Committee on Banking and Insurance in non-concurrence.  
(Committee on Reference of Bills had suggested reference to the Committee on Labor)  
TABLED - February 6, 1991 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Further Consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and later today assigned.

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The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Encourage Prompt Resolution of Workers' Compensation Cases" (H.P. 270) (L.D. 390)  
(Committee on Reference of Bills had suggested reference to the Committee on Labor.)  
TABLED - February 6, 1991 (Till Later Today) by Representative McHENRY of Madawaska.  
PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and later today assigned.

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**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Repeal Legislative Salary and Benefit Increases Granted in 1989" (S.P. 157) (L.D. 369)  
-In Senate, Referred to the Committee on State and



**Local Government**

TABLED - February 6, 1991 by Representative JOSEPH of Waterville.

PENDING - Reference in concurrence.

Subsequently was referred to the Committee on State and Local Government in concurrence.

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On motion of Representative Mitchell of Freeport, the House reconsidered its action whereby Bill "An Act to Protect Scuba Divers and Boaters" (H.P. 301) (L.D. 422) was referred to the Committee on Fisheries and Wildlife.

On further motion of the same Representative, was referred to the Committee on Marine Resources, ordered printed, and sent up for concurrence.

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(At Ease)

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The House was called to order by the Speaker.

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The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (EMERGENCY) (H.P. 192) (L.D. 274) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Tammaro of Baileyville offered House Amendment "A" (H-11) and moved its adoption.

House Amendment "A" (H-11) was read by the Clerk and adopted.

Representative Cashman of Old Town offered House Amendment "B" (H-12) and moved its adoption.

House Amendment "B" (H-12) was read by the Clerk and adopted.

Representative Michaud of East Millinocket offered House Amendment "D" (H-14) and moved its adoption.

House Amendment "D" (H-14) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: In the spirit of compromise, what we did the other day was take some concerns that some legislators had, both from the Majority and the Minority Party, and put some of those concerns in House Amendment "D." I will quickly go over them.

In the first section of the bill, it removes the Certificate of Need language for the doctors. As the Minority Bill was originally drafted, L.D. 108, it abolished the Public Advocate's Office.

In the Majority Bill, we decided to move the Public Advocate's Office over into the Attorney General's Office. This amendment will strike that out and leave the Public Advocate position where it is right now.

When we merged SPO and DECD, we eliminated a Director of Energy Policy and Planning — we are

reinstating that position within that merger.

Under the vacant positions, we asked the Commissioners if there were any vacant positions that we eliminated that they wanted restored, and if so, to please let us know what they were.

The Workers' Compensation Commission had one vacant Legal Secretary position and that is being restored under this amendment.

On the Alcohol and Drug Abuse Prevention — when we moved that over to the Executive Department, Office of Substance Abuse, this language would move that position over as well.

On page 5 of the amendment, 5-4, under the Maine Health Care Program, the February 8, 1991 date was in there which would prohibit any new adult applicants from applying under that program. Since we will not be able to get the bill passed and down to the Governor to be effective, we are amending that so the cutoff date will be five business days after the effective date of the Act.

Section DD-5 — it is my understanding that this provision would require the Department of Economic and Community Development to assist the people in that area which I believe makes the assistance ongoing. Currently, they say they have no money so this would allow the department to use federal money, if available; if not, up to \$20,000 under the State Contingency Account.

Finally, part GG, under the 108 where they eliminated several positions and pink slips have gone out — in the Majority Report, we reestablished some of those positions. What this language will do is, any of those employees who got a pink slip will be able to go back to the position if this budget bill passes and that position is restored. They will be able to go back into their particular slot.

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

Representative FOSS: Mr. Speaker, I would like to pose a question through the Chair to Representative Michaud. That special provision for Biddeford was never discussed in committee. I think all of us throughout the state are having problems with the closing of businesses. You indicated "ongoing help" — what is the current status of that and do you have any report on that?

The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the Representative from East Millinocket, Representative Michaud, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer it but you would probably be better off if someone from that particular area answered it.

It is my understanding that the group of workers would like to keep the plant running and that they have made contact with the Department of Economic and Community Development but that particular department has no money available to assist them in their efforts. Basically, that is what this particular provision of the amendment is trying to do.

I think it is very important for this legislature and this state as a whole to try to keep the current businesses operating and running that we currently have. This was brought to my attention last night by the good Senator, Senator Dutremble, and that is the reason why this particular amendment is here today.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This amendment just indicates what a disgraceful process we are embarking upon. I have particular difficulty with the provision to which the gentleman just spoke.

I will call the House's attention to the expressed language. I will read it, "Shall work with and provide resources to any group conducting a preliminary assessment of the advisability of a comprehensive study that explores the feasibility of having a company or group, including the present work force, purchase a clothing manufacturing plant in the city of Biddeford and continuing in operation." I would suggest that all of you who have unemployed people somewhere in this state immediately put together a group which would be a group that would be provided resources, from God knows where, because there is nothing to indicate that this isn't going to have a fiscal impact so we can have many groups and these groups will (somehow) get funded by this giant which we have, which is totally out of control.

We are given this amendment at the very last minute and told that it is kind of a helpful way of dealing with some of the problems that have arisen during the course of the budget debate. I suggest that it is anything but.

Let me talk again with respect to Section Y-4, the effective date. Section Y-4 is an example of what we do and do not do in this House. I was present at the Appropriations Committee when the question of funding of this part of the Health Care Program was discussed and there was great emphasis made about how the Commissioner of Human Services (under the language) was supposed to have some kind of power when we ran out of money, which we have apparently done, to cut off programs. There was a lot of discussion about that, especially from the Speaker of the House, who suggested that that was his understanding of the intent.

There was a question about an Attorneys General opinion that the Department of Human Services had obtained, that said it couldn't be done, it had to go through the Administrative Procedures Act on at least a three-prong basis and that there wasn't any problem with making us, as a legislature, put into a statute a concept that it could be cut off, so what do we see here today? Well, we see "business as usual" for this legislature. Here we are talking about not acting responsibly with respect to a program which apparently is out of control fiscally, if you believe the people whom I have heard speak about it, and I do. Instead, what we are talking about is curtailing that, not in the immediate future, but to see us go continuously and hopelessly farther into debt until the fifth business day after the effective date of this Act.

Ladies and gentlemen, we cannot continue to try and manage the affairs of the State of Maine by amendments, complicated amendments, complicated bills and procedures of this sort. At some point, this legislature has got to assert itself, recognize the problems, and deal with them. This procedure is not working.

Mr. Speaker, when the vote is taken on this amendment, I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the section to which the good Representative from Belfast,

Representative Marsano, just referred to is to eliminate new applicants, new enrollees, to the Maine Health Care Program who are adults prior to the time that is the recommendation of the Commissioner of Human Services. As it stands now and under the rulemaking procedure, adults could continue to be enrolled in this program until March 1st of this year.

We do not feel that that is appropriate since we need to make a total assessment of the cost of the program and to make a determination to how we are going to continue the program for adults. Therefore, we are proposing that that date be brought forward. The problem with making it February 8th is, (we all know that that is tomorrow) if this budget does not seem to be able to be passed tomorrow, there will be applications in the mail enroute to the office at the time the budget is passed and we wish to offer those applications, and only those applications, to reach the appropriate office of the Department of Human Services.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Brunswick addresses a point which, in my view, is inaccurate. If the good Representative from Brunswick had wished to have February 8th as the day for the closure of the applications of adults to that program, it could have been done with specific reference to the amendment of the law, which is already on the books. We do that all the time, we have no difficulty when we want to make a legislative intent that was supposed to be included last year but wasn't so we do it with a special bill. We don't put it in this kind of language, which will not accomplish that. I would suggest that that is what should have been done if we had been going to address this program as the Representative would have you believe that she wanted it to be done. I do not believe that that is what is intended. This is one of those kind of carrot type things that is an illusion. It has no basis. In fact, it is a way to continue to spend sums that we do not have, money that the people of the State of Maine cannot afford.

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 adoption of House Amendment "D" (H-14). Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 8

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Heeschen, Hitchborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau,

Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Cashman, Crowley, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Handy, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Kerr, Ketterer, Kutasi, Lebowitz, Lipman, Look, Lord, Luther, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tardy, Tupper, Whitcomb.

ABSENT - LaPointe, Libby, McKeen, Pendleton.  
 Yes, 87; No, 60; Absent, 4; Paired, 0;  
 Excused, 0.

87 having voted in the affirmative and 60 in the negative with 4 being absent, House Amendment "D" (H-14) was adopted.

Representative Carroll of Gray offered House Amendment "C" (H-13) and moved its adoption.

House Amendment "C" (H-13) was read by the Clerk.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Amendment "C" changes some reorganization language in the Majority Bill (once again in the spirit of compromise) to try to make that major change we were envisioning in the Majority Report in the Department of Human Services, Mental Health and Mental Retardation by creating the Department of Families and the Department of Health and Rehabilitation.

This amendment establishes and maintains the Commission and the Governor will appoint eleven members to that Commission. The presiding officers jointly will appoint ten members. They will report back the plan to the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs on May 1st with some preliminary language on what they are looking for in restructuring and reorganization. They will come back again in December with a further plan to those committees to recognize and try to reorganize government in both the legislative branches, departments and agencies and units of state government.

I would urge your support.

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

Representative FOSS: Mr. Speaker, I request permission to pose a question through the Chair.

Could I ask the sponsor of this — I have tried to put this in the Majority Report context and it is unclear to me whether this amendment means that all restructuring proposals are out of the Majority Report pending results of the study or, as we discussed last Saturday, does the single page proposal — for example, where we eliminate the Department of Human Services and we eliminate the Department of Mental Health and Mental Retardation and create new departments and then fill in the blanks? Is that what this does? Does it fill in the blanks of already taken legislative action?

The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the

Representative from Gray, Representative Carroll, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment deals exclusively with what was going to be the Department of Families and the Department of Health and Rehabilitation. It maintains a commission that is now called the Special Commission on Government Restructuring and it will deal only with the areas that were in the Majority Report under Section X — exclusively in those two areas.

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

Representative FOSS: Mr. Speaker, I would like to pose another question.

A clarification — I understand what the commission would be charged to do but my question was, does the Majority Report continue to abolish the Department of Human Services and the Department of Mental Health and Mental Retardation and recreate new departments without any of these details being worked out?

The Representative from Yarmouth, Representative Foss, has posed an additional question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The answer to that question is no.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I rise to speak with respect to Section 2 on page 2 of this bill and again call your attention to the disgraceful fiscal policies that this House embarks upon. You will notice that we intend to create a slush fund under Section 2 and any balance of the monies that are appropriated to that commission are going to continue and continue and continue. I notice that there probably is an error (I assume) which says, "No lapse" in line 28 and I assume, at some point, the Representative from Baileyville will get his committee together and correct that so we can make sure that that money just continues to build up.

Then if you will notice in Section B, beginning at line 32, you begin to see how we want to make sure that this bureaucracy is burdened to the extent that it is possible for us to do it and they don't do that for free, ladies and gentlemen of the House.

What Section B does is it makes a mandate to the Department of Mental Health and Mental Retardation — "shall to the extent possible." No language of any sort that helps us with respect to that issue and so, as usual, this House embarks upon a course of spend, spend, spend. This amendment should be defeated as well.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: To clarify Section 2, the reason that these funds are not lapsing is because, as you know, the fiscal year expires June 30th so we are asking the commission to continue their work and to report back so we can make some policy decisions for the next biennium. They will not be reporting back until December of 1991, which would be in the next fiscal year of this state.

Representative Whitcomb of Waldo requested a roll call.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-13). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 9

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

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

ABSENT - LaPointe, Libby, McKeen, Pendleton.

Yes, 94; No, 53; Absent, 4; Paired, 0; Excused, 0.

94 having voted in the affirmative and 53 in the negative with 4 being absent, House Amendment "C" (H-13) was adopted.

Representative Strout of Corinth offered House Amendment "F" (H-16) and moved its adoption.

House Amendment "F" (H-16) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I present House Amendment "F" today in good faith on the part of the citizens of the State of Maine.

For the last two or three years, we have heard from our superintendents and our municipal officials that we need to do something about the mandates, either defer them or do away with them.

I understand very clearly what I have heard today that there may be some problems with this amendment. Let me say to you, if this amendment is adopted, trust me people that it can be worked on. I have been here long enough to know that when we pass legislation and we put amendments on they may not be

correct. It is a very good possibility, I am not an attorney, but there may be some legal questions on this amendment. Fine, if that is true and we adopt this amendment, I am sure somebody here in this House that has more legal knowledge than I do can offer an amendment at a later date to correct this.

I will tell you this much, from where I am coming from, the people out there want this amendment and I would ask that we have a roll call when the vote is taken.

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

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

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

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

I am very confused about this amendment. It starts out with school budgets and ends up dealing with salt sheds. I don't see how they go together. You can't vote for one without the other?

The SPEAKER: The Chair would advise the Representative from Mexico and all members of the House to look at the title of this bill, Bill, "An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government for Fiscal Year ending June 30, 1991 and to Change Certain Provisions of the Law."

The Chair would advise the Representative and members of the House that anything can go in here, including the kitchen sink, and anything dealing with the titles of Maine state law, in any order which the legislature chooses to do so.

Representative LUTHER: You have to vote for both together?

The SPEAKER: Correct.

The pending question before the House is adoption of House Amendment "F" (H-16). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 10

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, Dipietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Holt, Hussey, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro,

Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Coles, Gray, Handy, Heeschen, Hoglund, Jacques, Kerr, Luther, Michaud, O'Dea, Pineau, Richardson, Simonds, Simpson, Treat.

ABSENT - LaPointe, Libby, McKeen, Pendleton.

Yes, 132; No, 15; Absent, 4; Paired, 0; Excused, 0.

132 having voted in the affirmative and 15 in the negative with 4 being absent, House Amendment "F" (H-16) was adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "C", "D", and "F." Sent up for concurrence.

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

Representative FOSS: Mr. Speaker, I move that the House reconsider its action whereby L.D. 274 was passed to be engrossed as amended and I request a roll call.

Mr. Speaker, Ladies and Gentlemen of the House: As most of you know, we debated this issue in depth for several hours on Saturday but I would like to make a couple of comments.

Despite having worked together in a committee since December 26th to find some middle ground, many, many issues still do divide us in the budget. Several are minor and probably would fall into place if the larger issues could be resolved but fundamental, philosophical differences still do remain. I would like to briefly describe my primary two objections to this Majority Report.

First is the funding source, which would recover any restored cuts and I perceive that as a raid on the General Purpose Aid to Education and it is really unacceptable for two major reasons, the first of which is to postpone the need to cut, thus making our biennial problem that much bigger. I am concerned about the cash flow problem at the beginning of the next fiscal year.

Although there has been much discussion about the lukewarm support of Maine Municipal and Maine School Management, I know that Maine Municipal is hoping that we would repay the \$44 million during the next biennium, which means we would have to do 25 payments in 24 months. I also understand that the superintendents would hope that we would make payments in 12 months. I know that that is not the intent of the signers of the Majority Report but I do think that the superintendents and municipal officials out there would prefer it that way and I don't think any of us really believe that we have an extra \$44 million in the next two years.

I also think an equally important problem is that, in the Majority Report, it does not make any real long-term significant cuts in entitlement programs, which have spiraling costs and I think will eventually bankrupt this state. Also there is no attempt in here to really deal with the long-term costs of the Maine Health Care Program and we all know that that cost is spinning out of control. In fact, what really concerns me at this point in time is no one can even define what that future cost is. I think that is fiscally irresponsible. We also believe there are further cuts that could be made in the Legislative Branch and the Judicial Branch so, for those reasons, I hope you will vote against

engrossment.

Subsequently, on motion of Representative Foss of Yarmouth, the House reconsidered its action whereby L.D. 274 was passed to be engrossed as amended.

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

Representative MAYO: Men and Women of the House: I wanted to rise today to address two issues that I believe are fundamental to this debate. First of all the funding source — there have been a lot of people coming up to me since the last time we debated this for an explanation of the funding source and I wanted to give one more for the Record in case there is anybody else out there that still had some nagging questions.

The Majority Report would delay to the first day of July the June payment. There was some discussion about when the June payment was going to be made and I have yet to see any language from the Commissioner but I understand it was to have been made by the 19th of June. We provided language in the Majority Report to allow school districts to accrue that payment back to this fiscal year. They will get in effect 12 payments this fiscal year and 12 payments the next fiscal year. In other words, they will be made whole in terms of their total payments that are due them. In addition to that, we provide for language in the Majority Report that gives to the school districts an additional \$880,000 over and above what was previously appropriated for the school funding this year to make them whole for their lost interest income in effect because the Commissioner of Education, by her Order, and this legislature by changing that last date, are moving the payments. \$880,000 is to make up out of their lost interest to cover the costs that they incurred because those checks were delayed. The school districts are made whole completely with the Majority Report.

In the Minority Report, though that last payment is not shifted from June to July, they are losing the interest income that they would have gotten normally if Commissioner Bither had not issued an Order and withheld those checks for ten days under her Order for five months, 50 days. Let me say that again, the Majority Report is putting school districts whole, leaving them unhurt by any actions of this legislature with respect to this.

Let me speak briefly as well about the point that has been made over and over and over again about cash flow. Yes, it is true that the cash reserves of the state are low in the first of the month but I submit to you that that is the state's problem, it is the state's budget that is in a mess and we shouldn't attempt to balance the state's budget on the back of the school districts by delaying their checks for ten days or any other means. Yes, it may be difficult for the state to borrow funds on the first day of the month to pay that \$44 million but that is a cash flow problem, it is not a budget problem, it doesn't affect anything beyond that. Let me make that perfectly clear, it is a cash flow problem. As we all know, the state has been experiencing a negative cash flow for some period of time. It does not change the number of checks that the schools will be credited for in each of the next two fiscal years, the one that we are in now and the one that is coming.

As I explained in my remarks before, this problem only becomes a problem when God does the final audit, somewhere way out in the future, way, way beyond when any of us here or any of our children are going to

have to worry about it because I assume that when God does do the final audit, he will be the only one around.

Let me respond to one other issue that I have heard again and again and again about spiraling costs, about costs out into the future. The Majority Report, in good faith, has put the language in that basically caps the Maine Health Program with the current people that are participating in it so we can get a handle on those costs and come back and look at the program. I believe that that was a good faith effort on the part of my party to try to assist with the funding of this program. We recognize that there may be some questions about costs so we put a cap on the program with an effective date five days beyond when we pass this bill. Remember, if we do nothing, current law stands, the program stays on the books. Allow us to come back in a few weeks with an assessment from the department so we can get a handle on the program and then make the adjustments necessary at that time, which is more appropriate in my opinion. We passed a tax increase to fund this program. We owe it to ourselves to make sure that that tax increase that we passed specifically for this program goes to the purposes for which it was designed at that time. I think that that is a reasonable good faith effort on the part of the Majority Party to get a handle on the Maine Health Program. Let's not forget the differences between these two reports is not that great.

There has been a good faith effort here today to put some amendments on this bill to make it more palatable and we will continue through the process.

I intend to vote on the Record for engrossment of this bill and I would urge you to do the same.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Members of the House: I believe that we are placing the state's credit rating in jeopardy when we think about moving dates of payment, deferral, if you will, which is an accounting procedure which raises no new money. Taxing to spend is out, taxing to pay our bills is not.

I have trouble supporting a bill which does not raise tax money to pay our way. It would tell the financial institutions that this state does business and that we are, indeed, serious about dealing with our financial status.

I should have made, and I apologize to anybody willing to listen at this point, this speech when we were at the pre-legislative conference. I probably would have been out of order. I have made it before in my own caucus, I believe that we need to show a gesture at least by raising tax money. I think we have known that for some time. I have no plan right now to do it. I don't know how to do it, I don't know how late we are but I have an idea that, if you turned the spigot on now, there will be more water in the bathtub come July 1st, though you wait until July 1st to turn it on.

I will tell you another thing, it may come from a downeast philosophy but I know that taxes are never a popular item but the same factors that place a tax situation as being okay for the next biennium are present right now as we address this minor problem when compared to what we are going to be up against in a very short time regarding the next biennium. I don't consider what I am saying as anything profound but I feel better for having said it.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: We have had lengthy discussions on this matter, both today and a prior day, and I do not believe that it would be either prudent or productive to engage in further lengthy discussion so I promise you I will not.

However, I do have two fundamental concerns which I feel compelled to express to you. First, I must respectfully disagree with the Representative from Thomaston and express to you that I feel that the proposal before us has a proposed source of funding which is fundamentally, fiscally, and philosophically, flawed. I do not agree that an accrued entry is cash that these districts can spend and I think that that is a terrible weakness. When I think of that proposed source of funding, I am reminded of the old song, "What a difference a day makes" and by simply moving this obligation by one day that we have somehow addressed a serious financial problem, which escapes me. I cannot believe that we truly believe that. It is inconceivable to me that we believe that that is sound fiscal policy.

On the second matter where I have a deep concern is, in my opinion, the proposal's failure to take significant and unpopular steps to address the long-term costs of a number of service programs, most specifically AFDC, the Maine Health Plan, and Medicaid. Medicaid itself, I am told by Representatives of the Department of Human Services, whom I trust, will in the next biennium expend a combination of state and federal dollars slightly over \$1 billion. It is a tremendously expensive program because it provides overly broad and very expensive services whose costs are escalating at a frightening rate. For those two reasons, I must oppose this proposal and I would submit to you ladies and gentlemen that, if we put this budget to bed in its present condition, which I believe to be critical, we will in the biennium receive a financial wakeup call and we will not like the message.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise simply to point out a flaw in the arguments just presented by the previous speaker. He says he doesn't like the idea of using an accrued method of accounting for the school department whereby this money is accrued and they spend it before they receive it. The alternative that has been presented to that proposal is that the state count an accrued payment from telecommunication companies that would be accrued in May of 1991 and would not be paid until May of 1992, 12 months later, yet we were to count that accrued money in this biennium. I think that is a major flaw in the objections raised by the gentleman.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: On that particular issue, and I will restate again publicly as I did Saturday, that both budgets have shifts in money that are probably unacceptable for some of us but you can see the difficulty we have had with finding \$40 million dollars worth of cuts. The alternative to some of the funny money proposals would be further cuts. I don't see that as being a realistic goal this session.

As far as the telecommunications tax, it is my understanding, and I am sure the Representative from Old Town knows that that money has always been booked that way and not paid. However, because of the issue of whether it is yet another funny money, it is my understanding now (and I have talked with the Representative from State Planning and as I have said on the Record) that will be paid, the \$12 million, in this fiscal year.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I feel it necessary to remind people what a vote against this bill means. It means no more money for people who need to move from hospitals to nursing homes and who need to remain in the hospital awaiting a nursing home placement. It means no more money for your hospitals.

It also means that persons living in nursing homes who are ineligible for Medicaid, but whose incomes are low and who have used up all of their assets, will not have any means to pay for the nursing home care that they need.

A vote against this bill also means that the hospitals that are expecting to receive money from the Hospital Shortfall Fund will not receive that money and I remind you that for some hospitals, for example the Aroostook Medical Center, it means \$250,000 from that fund. If we are talking about the hospital in Blue Hill, \$160,000 goes to that hospital from that fund. If we are talking about Redington-Fairview Hospital in Skowhegan, it is \$133,000 that will not go to that hospital. If we are talking about the hospital in Caribou, the Cary Medical Center, it is \$53,000. If we are talking about St. Joseph's Hospital in Bangor, it is \$55,000. If we are talking about the hospital in Houlton, it is \$24,000. The loss of that money combined with the loss of the funds for the Days Waiting Placement combined with the repeal of the sunset on a hospital excise tax would mean a shift to our hospitals. That hospital excise tax brings in approximately \$1.65 million. We have promised the hospitals that that will sunset this year and that it will not be continued without further consideration.

We are talking about a tax, men and women of the House, on our hospitals which will be passed on to the businesses and individuals in your districts. The effort to continue the components of the Maine Health Program is an effort not to place that tax on your hospitals, on your small businesses, on your individuals who are purchasing health insurance and paying for their health care. Yes, we do have to assess the effect of the Maine Health Program, we do need to figure out how we can cut costs and we do know that there are some ways we can do that. We can institute more managed care, we can go after more federal funds, we can reconstruct the program in a slightly different fashion if necessary and, therefore, we have placed a cap on it by not allowing further adult applicants. We cannot, I repeat we cannot, deny to our hospitals, our businesses, and consumers the purchase of health insurance and health care, the relief that they so desperately need, and we cannot continue to collect a tax from the people of the State of Maine on cigarettes, on liquor sold in bars and restaurants, on the sale of used boats, we cannot continue to collect that tax which was attached to the bill on the Maine Health Program unless we are committed to continuing that program.

I also want to tell you that, in the Majority Report, we are making some changes in Medicaid, we are deappropriating from the Medicaid a payment to provide as accounts a certain amounts of money, almost \$1.5 million for the rest of the fiscal year, from implementing fee schedules, from moving into second opinions, from getting pharmaceutical discounts, but we are not eliminating any services. We are streamlining programs, we are attempting to make it more efficient and to better serve the people of Maine. We are committed to taking a look at all programs as we move into the discussion of the next biennial budget. We are not committed and we will not remove services from people in the middle of the winter and in the middle of the service for which are now receiving help. We cannot take away medical care from people right in the middle, perhaps, of their hospital stay. We can't do that and we need to take the time to look at our programs and to make sure that when we make changes they are appropriate and they do not do harm to individuals.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I rise to discuss, not the Minority Report which sounded a little bit like the discussion of the previous speaker, but simply to express my objections to the Majority Report.

I have heard from the good Representative from Thomaston that there have been good faith efforts to make the Majority Report more palatable for the entire body. I simply suggest that we have in good faith, perhaps, applied band-aids to a bad injury. In fact, the Majority Report, even as amended, is fundamentally flawed and still contains fundamental differences as to how we proceed with Maine government.

I stand and urge this body to reject the Majority Report simply because it continues to spend at a rate that Maine taxpayers cannot afford.

I understand that the incoming members of this body heard yesterday that legislation never dies in this place — if that is the case, then my brief history here would suggest that that may be. I can suggest to members of this body the rejection of the Majority Report today does not bring about any of the suggestions of the previous speaker but in fact the rejection of the Majority Report allows a process to continue.

I do not pretend to debate as one of the financial heavyweights of this body but only to remind this body that we have a responsibility in looking at this budget to also project the costs of what we do into the problem that we have in the already before us in printed form in the biennial budget. It is our clear objective, those of us who speak as the Minority, to bring the costs of this Supplemental Appropriation, to a level that we can afford, to a level where we can proceed to tackle the much more difficult job of finding a way to make our biennial budget balance.

I urge rejection of the report before us.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: My concern, as voiced earlier, was reiterated in a statement or article in the Portland Press Herald this morning regarding any of these budgets and particularly are more exacerbated by the Majority Report in that the deferral of money

from one fiscal year to another most likely will change the bond rating of this state. We are one of nine states having the highest bond ratings currently. States who have this highest rating are not expected to defer their payments from year to year so as to make do in a given year. That cost, if we only go down one rating, is about \$13 to \$15 million and it would take about 15 years or more to rebuild our credit worthiness in the market place. If we go down two rating positions, that is closer to \$26 to \$30 million per year.

We talk about Maine Health Care and who can be against it. We are talking money that we may jeopardize the state to have to pay in the future with this proposal. We have to, under our Constitution, meet our obligations and to do it with a shell game is clearly not what money people out there want to hear. You can vote it but think in the future that you have cost this state that kind of money.

I would urge you to consider your vote today carefully and see if we can't work out something that would void this kind of jeopardy to the state. Keep in mind that the federal government now spends 30 percent of its money each year paying interest. Do we want to get in that kind of boat?

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I didn't want to rise prior to the previous speaker but I have heard this issue and I do want to speak to it. First of all, I am sure Representative Hastings is talking about increases that would reflect a change in the interest rate of the current debt that the state has. As we all know, the debt, once issued, has a fixed rate of interest and would not change. He, of course, is speaking about any new debt that might possibly be issued after, if our bond rating was affected.

I have had several discussions with people about the bond rating in the State of Maine. As we all know, we are quite proud of the fact that it is Triple A. I spoke specifically with the State Treasurer yesterday or the day before, I can't remember which, about accounting gimmicks (so called) or accounting maneuvers. The State Treasurer has been on the phone practically on a daily basis with the bond houses and I believe he spoke to Standard & Poor's and described the provision that is in the Majority Report. He asked if that would downgrade our bond rating. The response he got was that Standard & Poor really isn't looking at what is done in this budget so much as what will be done in the next budget so to suggest, out of hand, that any action we take in the Majority Report, any single action that we take, is going to be in and of itself responsible for the downgrading of our bond rating, I think, might be overstating the case slightly.

Obviously, this legislator would have preferred not to have had these type of maneuvers in the bill but they are here in both reports.

I congratulate the Representative from Winthrop, Representative Norton, for his forthright statements. I am not necessarily endorsing them, but we all know that we would prefer to handle our budget problems with either cuts in spending or increase in taxes. What has come from the committee is not that and I am ready to accept what I think is the best report of the two offered before us. Let's not vote against it today because we are under the impression

that our bond rating is going to go down immediately and that the interest costs to the State of Maine are going to go up immediately by \$30 million because that clearly, clearly is not the case.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I think there are many more than 101 people in this body today who would like to see us resolve this situation and do so by full agreement.

I would like to speak particularly to those people who are troubled as I was when I left here when we discussed this bill before about the \$43 million. It was very difficult for me, to be very honest, to understand how it was that we were not shorting the school systems from that amount of money out of this fiscal year and how we were not doing, as has been suggested, a deferral to next year. There were two or three points that I finally absorbed in talking with a number of people and talking with a CPA that helped me understand what I think the members of the Appropriations Committee (in particular) and others who immediately understood this whole situation were able to see. I also have understood that there has been assurances received from Standard & Poor and, as was just mentioned the State Treasurer, that it is clear that we do not have any reason to believe that our credit rating will be affected so I am satisfied on that point as well.

I understood this proposal when the Speaker explained about it being like a house mortgage — what I had trouble with was, if that is the case, then where does the extra payment go? What I finally understood was that this is like a house mortgage in a sense that we continue to make the school subsidy payments — the difference is, we have no end point in mind for the school subsidy program. It is not a 20 year mortgage or 30 year mortgage. As far as we are concerned, there is no expectation that that program will end next year. If it were to end next year or the year after that, we would have to come up with the \$43 million but this is an ongoing payment. If there is anybody here who knows of an expected end point to that, then they could say so, but I don't and I certainly don't advocate one. That made a big difference to me because it explains why you can stop worrying about where the extra payments comes from because it will be next century or something to that effect. The real issue is the timing of payments.

My next question was — all right, then does that mean all school systems have to adjust their fiscal year in order to not have a problem in coming up with the full amount they were supposed to get for this fiscal year? The CPA that I ran into on the street said, "No, they will call this an "Accounts Receivable" and that helped me a lot because it means that this year, although if their fiscal year is from July 1, 1990 to June 30th of this year, they will not in that 12 months actually receive all the payments. The last payment would be an "Accounts Receivable" just like some of their other income may well be, but they will receive early in July and it will be considered part of this year's payment. Similarly next year, essentially what we have said is that they will get 12 payments for the next fiscal year and they will be paid on the first day of the month following the month that they are for. That means that next year at the end of the year, there will be an "Accounts Receivable" again for another \$43



million. I found that really important and helpful to allow me to understand.

I honestly believe from having spoken to several members of the Minority Party as well as my own that there are people who are still struggling to figure out how it is that we are not hiding this \$43 million and I only go through this in hopes that it will help some people be comfortable with supporting the Majority Bill which is not perfect by anybody's standards but it is, in my opinion, far better than anything else we have. I believe that most people here have reason to want to be able to support it if they just could get rid of that discomfort and I would urge people to vote for 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 Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Back in December, the 21st, we soundly defeated 140 to 3 the Governor's proposal to defer payments into the Teacher Retirement System. To me, this deferral of \$43.3 million from this fiscal year to next fiscal year, although the numbers may differ, the method of payment may differ, philosophically it is the same thing. I cannot support the Majority Report on that.

It begs the question that we must begin and we must begin now (not wait until the biennial budget) to process the downsizing of state government.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I was moved to stand up by the previous speaker's comments. I think there is a very critical distinction between the proposal we rejected in December and the proposal before us today.

The proposal in December would have involved payment over a number of years in the future which is well beyond the control of this legislature. The proposal in the Majority Report is totally within the control of this legislature. It has to be dealt in the next biennial budget, which we control completely.

I would also like to make one brief comment on the Minority Leader's well-meant concern about responsible cutting of costs. It is one thing to cut costs, it is another thing to simply cut state contributions to costs. To reduce the state's contributions to the Health Care Program, to reduce the state's contribution to AFDC, does not cut the costs involved. It shifts those costs.

The Representative from Brunswick made this point in some ways but I wanted to reemphasize it because it is not responsible budget policy for the state budget to simply cut its own contributions to costs that did not disappear. The only way we can responsibly reduce the state budget is to actually reduce the costs, not simply shift them to the local property taxpayers, to help insurance payers which include local government's and local property taxpayers.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I guess the reason why I am rising is to vent some of the frustration I have been having over the last 40 days and some of the frustration that I think has been echoed within my district. I would first like to say that I really applaud and I appreciate the hard work that the Appropriations Committee has put in in this 40 days and 40 nights. I was reminded that it is still raining outside and luckily the water is not coming over the window jams.

However, I have had some very grave concerns over the last 40 days in dealing with the politics that entered into this whole scheme of negotiating a budget, this \$160 million dollars, the grave concerns where I label the politics as being political muckery. Those people that would take gain and advantage for this period of time to make statements — for instance, that the Republicans won't agree or that we want to make state government smaller but the Republicans don't agree.

I was driving my daughter to school this morning about seven-thirty and, to her protest I was listening to NPBN, and a statement was made that the Republicans won't agree. My daughter and my son has heard my wife and I talk about the problems in the state. Every time I come home, my wife asks me, "Well, what is going on?" I try to explain to her what is going on but I always end by saying that the political process is not properly working because of the level of politics that is involved at this point. While driving my daughter to school, she asked me, "Why won't the Republicans agree?" I wanted to say, "Well, the Democrats want to paint the Republicans as being the prodigal child" but I am not sure she would have understood that. What I merely said is that "It is an easy way to say that the Democrats won't agree with the Republicans and they are passing the buck to us."

I guess I want to further say that I will vote no on the Majority Report and will continue to vote no on the Majority Report because I think there are some serious problems that need to be addressed. I don't see a package that is before this body that everyone dislikes and everyone likes and that is a true compromise. That compromise has not ripened and I feel where the process works is that it would go back to Appropriations to address the concerns and come out with a compromise.

As far as the \$44 million jeopardizing bonds, I think that that is a legitimate concern. Perhaps it is not a legitimate concern, as the Representative from Thomaston has indicated, because taxes might be raised and if you generate \$80 million, perhaps half of that will be made up so you have lost a potential revenue of \$44 million that could be used for something else if we trim state government, if we are committed as a body to trim state government. Then again, if we do trim state government and we don't free up the monies that we need, we have potentially lost revenue if we are going to pay off this \$44 million.

We are also taking and passing on to the next biennium further cuts, which means that we are further delaying costs to the future.

I guess I would like to end by saying something that perhaps might be constructive to all of us and it is a quote out of a book that I have been reading called, "Love and Will", which I never knew existed until about three months, ago written by Rollo May in

1969. He also wrote other books, "Freedom and Destiny" and "Man's Search for Himself." He is writing another book called, "A Person's Knack for Saying What Really Isn't" — this book deals with interpersonal relations, with individuals and us as we get along in society together and basically tries to work toward a consensus of ideas. This quote, which I think is in line with the politics that has been introduced here for the last 40 days is, "Our error was that we let our convictions limit our perceptions."

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended by House Amendment "A" (H-11), "B" (H-12), "C" (H-13), "D" (H-14), and "F" (H-16). Those in favor will vote yes; those opposed will vote no.

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On motion of Representative Vigue of Winslow,  
Adjourned at 2:12 p.m. until Friday, February 8,  
1991, at ten o'clock in the morning.

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ROLL CALL NO. 11

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

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

ABSENT - Farnum, LaPointe, Libby, McKeen, Pendleton, Tardy.  
Yes, 97; No, 48; Absent, 6; Paired, 0;  
Excused, 0.

97 having voted in the affirmative and 48 in the negative with 6 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

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The House was called to order by the Speaker pro tem

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(Off Record Remarks)