

# 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  
25th Legislative Day  
Thursday, February 28, 1991

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

Prayer by Major Walter Douglass, Salvation Army, Augusta.

The Journal of Wednesday, February 27, 1991, was read and approved.

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**SENATE PAPERS**

Bill "An Act Promoting Cranberry Cultivation in Maine" (EMERGENCY) (S.P. 317) (L.D. 855)

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

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

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Bill "An Act to Amend the Maine Lemon Law" (S.P. 315) (L.D. 853)

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

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

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Bill "An Act Relating to Restructuring Maine Schools" (S.P. 314) (L.D. 852)

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

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

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Resolve, to Extend the Reporting Date of the Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact Between Maine and New Hampshire (EMERGENCY) (S.P. 320) (L.D. 858)

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

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

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Bill "An Act to Modify the Law Relating to Continuing Deliberation by a Civil Jury in the Face of Disagreement" (S.P. 313) (L.D. 851)

Bill "An Act to Clarify the Confidentiality of Public Employee Disciplinary Records" (S.P. 322) (L.D. 878)

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

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

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Bill "An Act to Permit Predetermination of Independent Contractor Status" (S.P. 312) (L.D. 850)

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

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

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Bill "An Act to Clarify the Definition of Resident Trust" (S.P. 316) (L.D. 854)

Bill "An Act to Increase the Authority of Municipalities to Levy Service Charges on Certain Tax Exempt Property" (S.P. 318) (L.D. 856)

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

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

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Bill "An Act to Amend the Augusta Sanitary District Charter to Comply with Federal Sewerage Pretreatment Requirements" (EMERGENCY) (S.P. 321) (L.D. 877)

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

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

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**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
STATE HOUSE STATION #11  
AUGUSTA, MAINE 04333

February 25, 1991

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

Dear Speaker Martin:

Pursuant to my authority under Chapter 831 of the Public Laws of 1990, I am pleased to submit the final report of the Advisory Committee to the Board of Substance Abuse Counselors.

Sincerely,  
S/Sylvia Lund  
Chair

Was read and with accompanying report ordered placed on file.

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**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills 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 Amend the Maine Judicial Retirement System Laws" (H.P. 631) (L.D. 901) (Presented by Representative JALBERT of Lisbon) (Cosponsored by Senator GAUVREAU of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

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**Agriculture**

Bill "An Act to Prevent Damage to Agricultural Crops, Beehives and Livestock Caused by Wildlife and to Compensate Agricultural Producers for Losses" (H.P. 637) (L.D. 907) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative NUTTING of Leeds, Senator TWITCHELL of Oxford and Senator WEBSTER of Franklin) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

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**Business Legislation**

Bill "An Act to Cover Replacement Vehicle Costs" (H.P. 629) (L.D. 899) (Presented by Representative GEAN of Alfred) (Cosponsored by Representative NADEAU of Saco, Representative NUTTING of Leeds and Senator CONLEY of Cumberland)

Bill "An Act to Change the Membership Requirements of the Board of Registration in Medicine" (H.P. 633) (L.D. 903) (Presented by Representative PARADIS of Frenchville) (Cosponsored by Representative RAND of Portland, Representative PENDLETON of Scarborough and Representative GWADOSKY of Fairfield)

Ordered Printed.  
Sent up for Concurrence.

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**Education**

Bill "An Act Concerning Home Schooling" (H.P. 618) (L.D. 888) (Presented by Representative PINES of Limestone)

Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (H.P. 634) (L.D. 904) (Presented by Representative MAHANY of Easton) (Cosponsored by Senator McCORMICK of Kennebec, Representative HANDY of Lewiston and Representative KILKELLY of Wiscasset)

Ordered Printed.  
Sent up for Concurrence.

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**Energy and Natural Resources**

Bill "An Act to Allow Certain Lime Quarries to Be Used for Nontoxic Disposal Sites" (H.P. 624) (L.D. 894) (Presented by Representative MELENDY of Rockland)

Bill "An Act to Compensate Landowners for Property Value Losses Due to Wetlands Regulation" (H.P. 626) (L.D. 896) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representative GOULD of Greenville, Representative CARROLL of Southwest Harbor and Representative POWERS of Coplin Plantation)

Ordered Printed.  
Sent up for Concurrence.

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**Human Resources**

Bill "An Act to Amend the Rules Dealing with Laundering Services for Cloth Diapers Used by Day Care Centers" (H.P. 619) (L.D. 889) (Presented by Representative CATHCART of Orono) (Cosponsored by Representative LARRIVEE of Gorham, Representative TREAT of Gardiner and Representative PENDLETON of Scarborough)

Bill "An Act to Require the Department of Human Services to Have a Regular Presence in Every County of the State" (H.P. 620) (L.D. 890) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative MANNING of Portland, Senator HOLLOWAY of Lincoln and Representative SPEAR of Nobleboro)

Bill "An Act to Provide Funds for the Mid-State United Cerebral Palsy Center" (H.P. 622) (L.D. 892) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BUSTIN of Kennebec, Representative ST. ONGE of Greene and Representative CHONKO of Topsham)

Bill "An Act Concerning Availability of Income Between Spouses in the Determination of Medicaid Eligibility for Care at the Nursing Home Level" (H.P. 625) (L.D. 895) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator TITCOMB of Cumberland, Speaker MARTIN of Eagle Lake and Representative MANNING of Portland)

Bill "An Act to Establish a Prospective Reimbursement System for Residential Care Facilities"

(H.P. 630) (L.D. 900) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative MANNING of Portland and Representative BOUTILIER of Lewiston)

Ordered Printed.  
Sent up for Concurrence.

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**Judiciary**

Bill "An Act to Clarify the Obligation of District Attorneys to Pay for Physical Examinations of Certain Crime Victims" (H.P. 621) (L.D. 891) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative GWADOSKY of Fairfield, Representative GOODRIDGE of Pittsfield and Representative PARADIS of Frenchville) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

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**LATER TODAY ASSIGNED**

Bill "An Act to Provide for Medical Cost Containment in Workers' Compensation" (H.P. 632) (L.D. 902) (Presented by Representative BUTLAND of Cumberland) (Cosponsored by Representative PINEAU of Jay, Representative HASTINGS of Fryeburg and Representative REED of Falmouth)

(The Committee on Reference of Bills had suggested the Committee on Labor.)

On motion of Representative McHenry of Madawaska, tabled pending reference and later today assigned.

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**Labor**

Bill "An Act to Increase Penalties for Child Labor Law Violations" (H.P. 635) (L.D. 905) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator ESTY of Cumberland, Representative LUTHER of Mexico and Representative McHENRY of Madawaska)

Ordered Printed.  
Sent up for Concurrence.

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**State and Local Government**

Bill "An Act to Provide Funds for the Purchase of a Fire Truck" (H.P. 628) (L.D. 898) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BUSTIN of Kennebec and Representative PARADIS of Augusta)

Ordered Printed.  
Sent up for Concurrence.

**Taxation**

Bill "An Act to Increase the Proportion of the Real Estate Transfer Tax for Counties" (H.P. 627) (L.D. 897) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative MERRILL of Dover-Foxcroft, Senator VOSE of Washington and Representative FARREN of Cherryfield)

Ordered Printed.  
Sent up for Concurrence.

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**Transportation**

Bill "An Act to Amend Certain Commercial Motor Vehicle Laws" (H.P. 636) (L.D. 906) (Presented by Representative MACOMBER of South Portland) (Cosponsored by Senator TWITCHELL of Oxford, Representative STROUT of Corinth and Representative BAILEY of Farmington)

Ordered Printed.  
Sent up for Concurrence.

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**Utilities**

Bill "An Act Concerning Utility Projects in an Existing Right-of-Way" (H.P. 623) (L.D. 893) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator CARPENTER of York, Senator VOSE of Washington and Representative MORRISON of Bangor)

Ordered Printed.  
Sent up for Concurrence.

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**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative TRACY from the Committee on Banking and Insurance on Bill "An Act Establishing a Procedure for Calculating Actual Cash Value under Automobile Insurance Physical Damage Coverage in the Event of Total Loss" (H.P. 138) (L.D. 198) reporting "Ought Not to Pass"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act to Expand the Lemon Law to Include Recreational Vehicles" (H.P. 18) (L.D. 21) reporting "Ought Not to Pass"

Representative BELL from the Committee on Agriculture on 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) reporting "Ought Not to Pass"

Representative ALIBERTI from the Committee on Agriculture on Bill "An Act to Amend the Laws Governing Superintendents of Pulling Events"

(EMERGENCY) (H.P. 137) (L.D. 197) reporting "Ought Not to Pass"

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

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**Unanimous Leave to Withdraw**

Representative O'DEA from the Committee on **Aging, Retirement and Veterans** on Bill "An Act to Change the Time Required for Purchase of Armed Forces Service Credit" (H.P. 96) (L.D. 137) reporting "Leave to Withdraw"

Representative O'DEA from the Committee on **Aging, Retirement and Veterans** on Bill "An Act Concerning Retirement Benefits for Retired Veterans" (H.P. 35) (L.D. 49) reporting "Leave to Withdraw"

Representative CLARK from the Committee on **Fisheries and Wildlife** on Bill "An Act to Amend the Laws Regarding Archery Hunting Licenses" (H.P. 296) (L.D. 417) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Amend the Penalty Provisions for Theft of Motor Vehicles" (H.P. 115) (L.D. 160) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act Regarding Court Security in Cumberland County" (EMERGENCY) (H.P. 177) (L.D. 262) reporting "Leave to Withdraw"

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

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**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 118) (L.D. 163) Bill "An Act to Amend the Shellfish Licensing Laws" (EMERGENCY) Committee on **Marine Resources** reporting "Ought to Pass"

On motion of Representative Coles of Harpswell, was removed from the Consent Calendar, First Day.

Whereupon, the Committee Report was read and accepted, the Bill read once and assigned for second reading the next legislative day.

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(S.P. 105) (L.D. 202) Bill "An Act to Improve the Enforcement of the Maine Insurance Code" Committee on **Banking and Insurance** reporting "Ought to Pass"

(S.P. 106) (L.D. 203) Bill "An Act Relating to Medicare Supplement Insurance" Committee on **Banking and Insurance** reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of the next legislative day under the listing of Second Day.

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(At Ease to Gong)(11:40 a.m.)

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The House was called to order by the Speaker.

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

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

**SENATE PAPERS**

Bill "An Act to Provide for Notice of Termination of an Insurance Agency Appointment" (S.P. 324) (L.D. 880)

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.

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Bill "An Act to Establish a Northern Maine Regional Juvenile Detention Facility" (S.P. 329) (L.D. 885)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Was referred to the **Joint Select Committee on Corrections** in concurrence.

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Bill "An Act to Amend the University of Maine System Charter" (S.P. 325) (L.D. 881)

Bill "An Act to Amend the Laws Concerning Certification of Educational Personnel" (S.P. 326) (L.D. 882)

Bill "An Act to Establish a Budget Authority within School Administrative Districts" (S.P. 330) (L.D. 886)

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

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

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Bill "An Act to Prevent Multiple Assessments of Patients at the Augusta Mental Health Institute"

(S.P. 323) (L.D. 879)

Resolve, to Establish a Respite Care Demonstration Project (S.P. 327) (L.D. 883)

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

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

Bill "An Act to Protect Access to Medicare, Medicaid and Social Security Benefits and Maintain Insurance Premiums" (S.P. 328) (L.D. 884)

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 Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (EMERGENCY) (S.P. 319) (L.D. 857)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Energy and Natural Resources**.)

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

#### **Unanimous Ought Not To Pass**

Report of the Committee on **Business Legislation** reporting "**Ought Not to Pass**" on Bill "An Act to Ensure Access to Boards of Directors" (S.P. 38) (L.D. 60)

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

#### **Unanimous Leave to Withdraw**

Report of the Committee on **Banking and Insurance** reporting "**Leave to Withdraw**" on Bill "An Act to Freeze the Interest on Credit Cards" (S.P. 26) (L.D. 36)

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

#### **COMMUNICATIONS**

The following Communication: (S.P. 332)

115TH LEGISLATURE

February 27, 1991

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

The Honorable Clifford O'Rourke of Camden for appointment as Active Retired Judge of the Maine District Court.

The Honorable F. Davis Clark of Dover-Foxcroft for reappointment as Active Retired Judge of the Maine District Court.

The Honorable Courtland Perry, II of Augusta for reappointment as Judge of the Maine District Court, District VI.

The Honorable Ronald A. Daigle of Fort Kent for reappointment as Judge of the Maine District Court, District I.

The Honorable Michael N. Westcott of Damariscotta for appointment as Judge of the Maine District Court, District VI.

Pursuant to Title 4, MRSA Section 157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

The Honorable Ian MacInnes of Bangor for reappointment as Active Retired Justice of the Superior Court.

The Honorable Thomas E. Delahanty, II of Lewiston for reappointment as Justice of the Maine Superior Court.

The Honorable Paul T. Pierson of Caribou for reappointment as Justice of the Maine Superior Court.

Pursuant to Title 7, MRSA Section 1, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Judiciary**.

Was Read and Referred to the Committee on **Judiciary** in concurrence.

(At Ease to Gong)(7:10 p.m.)

The House was called to order by the Speaker.

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

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 93) (L.D. 178) Bill "An Act to Authorize Flag Plates on Motor Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-24)

On motion of Representative Macomber of South Portland, was removed from the Consent Calendar, First Day.

Whereupon, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-24) was read by the Clerk and adopted.

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(H.P. 263) (L.D. 383) Bill "An Act Regarding Judgment Notices in Small Claims Proceedings" Committee on Judiciary reporting "Ought to Pass"

There being no objection, the above item was ordered to appear on the Consent Calendar of the next legislative day under the listing of Second Day.

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

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require Deposits on Large Oil Containers" (H.P. 116) (L.D. 161) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative CROWLEY from the Committee on

Education on Bill "An Act Concerning Transferral of Cumulative Grade Point Averages of University of Maine System Students" (H.P. 266) (L.D. 386) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Facilitate Physician Access to Ambulatory Surgical Facilities" (H.P. 233) (L.D. 324) reporting "Leave to Withdraw"

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

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 14) (L.D. 17) Bill "An Act Concerning the Use of Headlights in Inclement Weather" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-19)

There being no objection, the above item was ordered to appear on the Consent Calendar of the next legislative day under the listing of Second Day.

**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has 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)

- In House, passed to be engrossed as amended by House Amendments "A" (H-11), "B" (H-12), "C" (H-13), "D" (H-14) and "F" (H-16) on February 7, 1991.

- In Senate, passed to be engrossed as amended by Senate Amendment "I" (S-21) in non-concurrence.

TABLED - February 26, 1991 by Representative MAYO of Thomaston.

PENDING - Motion of Representative CHONKO of Topsham to Recede and Concur. (Roll Call Requested)

Representative Chonko of Topsham withdrew her motion that the House recede and concur.

On further motion of the same Representative, the House voted to recede.

On further motion of the same Representative, House Amendment "A" (H-11) was indefinitely postponed.

On further motion of the same Representative, House Amendment "B" (H-12) was indefinitely postponed.

On further motion of the same Representative,



House Amendment "C" (H-13) was indefinitely postponed.  
 On further motion of the same Representative, House Amendment "D" (H-14) was indefinitely postponed.  
 On further motion of the same Representative, House Amendment "F" (H-16) was indefinitely postponed.  
 Senate Amendment "I" (S-21) was read by the Clerk.  
 On motion of Representative Chonko of Topsham, Senate Amendment "I" (S-21) was indefinitely postponed.

Representative Cashman of Old Town offered House Amendment "H" (H-20) and moved its adoption.

House Amendment "H" (H-20) was read by the Clerk.  
 Representative Cashman of Old Town offered House Amendment "A" (H-21) to House Amendment "H" (H-20) and moved its adoption.

House Amendment "A" (H-21) to House Amendment "H" (H-20) was read by the Clerk and adopted.

The SPEAKER: The pending question before the House is adoption of House Amendment "H" as amended by House Amendment "A" thereto.

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 "H" as amended by House Amendment "A" thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 14

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Goodridge, Gould, R. A.; Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; 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, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

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

ABSENT - Carleton, Constantine, Donnelly, Gean, Graham, Gurney, Ketterer, Libby, Lipman, Mahany, McKeen, Mitchell, J.; Parent.

Yes, 92; No, 46; Absent, 13; Paired, 0; Excused, 0.

92 having voted in the affirmative and 46 in the

negative with 13 being absent, House Amendment "H" (H-20) as amended by House Amendment "A" (H-21) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "H" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize Flag Plates on Motor Vehicles (S.P. 93) (L.D. 178) (C. "A" S-24)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 8 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Manning of Portland, the House reconsidered its action whereby Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (EMERGENCY) (S.P. 319) (L.D. 857) was referred to the Committee on Utilities.

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

(At Ease to Gong)(7:28 p.m.)

The House was called to order by the Speaker.

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

ENACTOR

Emergency Measure

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 (H.P. 192) (L.D. 274) (H. "A" H-21 to H. "H" H-20)

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

The SPEAKER: The Chair recognizes the

Representative from Old Town, Representative Cashman.  
 Representative CASHMAN: Mr. Speaker, Men and Women of the House: Before I begin, I would like to request the yeas and nays.

When I arrived at the State House this afternoon, I was amused by a column that I read in one of the state's newspapers. It said that "Representative Cashman was involved in a planning of coup to oust Speaker Martin." It says in the article, "He's done it by drawing on a large number of willing Republicans to support him." Mr. Speaker, I guess I would reference a vote of earlier this evening to show people just how much support I get from the willing Republicans.

Barely 30 hours ago, we left the Taxation Committee room downstairs, a group of 13 kindred spirits who were drafted to try to work out a bipartisan compromise on what has been a very thorny issue. We were told in the debate on the floor of this House, I think Tuesday, that the three big items that separated the negotiators of Sunday of last weekend, were that the Minority Party and the Governor's Office did not like the \$43 million transfer in school funding, that the Minority and the Governor did not like \$7.1 million to the Maine Health Care Plan and the Minority and the Governor did not like the restructuring proposals in the Majority Report. I guess I was left with the impression after listening to the debate that if those three issues could be resolved, that this stalemate could be resolved. I really didn't volunteer to serve on this committee, I was drafted, but that's okay I did it willingly because I guess I had a desire to try to be part of the solution to this problem, rather than being part of the problem.

At four-thirty yesterday, we walked out of the Taxation Committee with a unanimous report. The vote was taken at exactly 4:30 p.m. and the vote was 13 to 0. We came up here to this House Chamber to explain what we had done. I guess my heart was warmed a bit by the fact that we were actually given a standing ovation on the floor of the House. I tried to remember if I had ever seen that before and I don't think I had. I think the euphoria of the moment was being expressed because the members of the House truly understood that the 13 of us worked very hard to try to resolve these issues, to try to find middle ground, to try to pass a budget, something that we have (shamefully) been unable to do.

What has happened since, I don't really know, I guess you would have to answer that for yourself but I watched the board and I looked at the roll call that was taken earlier and some of the very people that were giving us a standing ovation voted against it. Has the report changed? No, it hasn't. I guess I don't know what some people have been told but let me bring up a few things that were brought up last night in the Joint Caucus but maybe they have been confused or forgotten.

The compromise package that we present to you here for enactment tonight does not, absolutely does not include a tax increase. I guess I would ask anybody who wants to differ with that statement to stand up and tell me where that tax increase is because there is not a rate increase anywhere in that budget — NONE!

I have heard the argument that the changing of the collection for the Corporate Income Tax and Insurance Premium Tax would be extremely harmful to business in this state, it's going to drive business

from the state and everybody is going to lose their jobs, the river is going to dry up and there will no more Anheiser-Busch products. I don't believe that and I think I stood on the floor of this House over the past 8 years that I have been here and I would compare my record on business-related issues and jobs creation issues to anybody in this House in either party. I sponsored things like the Investment Tax Credit, I have sponsored things like the phase-out of the Sales Tax on Energy, I have sponsored a lot of bills to help business, I am in business. If I thought for a minute that this proposal was going to hurt business and cost jobs in this state, I would never have floated it, believe me.

The curious thing about it, I guess, is that in the original reports out of the committee and, indeed, the Governor's original budget proposal to this legislature, there have been provisions consistently that change the dates when employers have to mail in their tax withholdings from employees. Does that cause a cash flow problem for business? Probably, probably as great as this, certainly as great as this and nobody seemed to object to that but yet this is suddenly a tax increase and it is going to drive everybody out of the state and nobody is going to work anymore. Well, I guess I don't buy that.

We also recommended in this report, instead of moving 13 1/2 mills out of the 27 mills that is assessed on telecommunications into this biennium, which was the Governor's recommendation, not mine, I didn't even like it, as a matter of fact, I stood on the floor of this House two months ago and said it was a gimmick at least as bad as moving the school funding. I think you all remember that. I didn't like it. Okay, we agreed to that and we went a step further — instead of moving 13 1/2 mills, we moved 17 mills. We did not change the rate, the rate is still 27 mills. Is that going to have a drastic effect on telecommunications business in this state? I had a member of the Minority caucus tell me today that he spoke with the Director of New England Telephone Company and they don't have a problem with it, they are not worried about it, they pay it. If they are not worried about it, I guess I am not either.

Then I heard the argument that we didn't cut enough, there aren't enough cuts in this proposal to satisfy the needs of cuts in state government. Well, men and women of the House, I guess that that baffles me a little bit as well because I asked the staff in the Office of Fiscal and Program Review who staffs the Appropriations Committee and was kind enough to staff our ad hoc Committee to do an analysis for me of the deappropriations and spending cuts involved in the various proposals. Let me read this to you, this comes from the staff, this isn't me, I asked for this — "In the Governor's original bill, L.D. 108, deappropriated a cut of \$44.9 million. The Minority Report on L.D. 275 cut or deappropriated \$44.7 million." The proposal before you cuts \$42.5 million — we are talking here, ladies and gentlemen of the House, about \$2 million. I know that the entire debate about this issue has been cloaked in rhetoric, sometimes obnoxious rhetoric, from both sides. I am not pointing fingers and I think I have bent over backwards as a person who can be partisan to be non-partisan in this whole affair. Both sides have had their share of cliches and we have talked about downsizing government and we have talked about

building a government that the Maine people can afford but, when all the rhetoric is over here tonight, the cuts involved here are all about the same. The \$44 million dollar level that the Governor submitted to us in December was good then but, all of a sudden, \$42.5 million is unacceptable. Think about that for a minute because there is something inconsistent with that.

I said a minute ago that I tried very hard to be non-partisan, I tried very hard to work with the members of the committee on both sides of the aisle, and we gave a number of concessions — did the Majority, did the Chair? Let me tick off a few of them for you. We eliminated the language that exempts the Lewiston-Auburn College from legislative approval for a University Bond. That was a position in the Majority, as I understand it. We took it out. We deleted completely the language on reorganization of Community Services, a big sticking point, one of the three items I mentioned when I first stood up that we had to wrestle with. Reorganization — the Governor didn't want it, the Minority didn't want, we did, it is out. All three provisions are out.

By the way, the tinkering with the GPA formula, that's out, something else the Majority wanted, the Minority didn't, it is out.

The third item was on the Maine Health Care Plan. The Majority position was at \$7.1 million, the Minority position at \$6 million — we decided at \$6.8 so we did gain a little concession there but, on two of the three major issues, we gave. I will tell you quite frankly, I don't think there is any better way to cut the cost of state government than reorganization, none, zero. I would vote on the floor of this House today to eliminate completely the Office of State Planning. I would have done it when Joe Brennan was Governor. I don't think it should ever have been created and I can name you ten more departments I would vote to eliminate but that's okay, we didn't want to get into reorganization, we took it out. I could go on with concession but I think if you look at the side-by-side comparisons of the original Governor's bill, the Majority Report from Appropriations and the Minority Report, the Report before you tonight bears a striking resemblance to the Minority Report out of Appropriations, a much closer resemblance than it does to the Majority Report. We have taken more things out that were in the Majority Report than we have the Minority Report.

So how do we end up where we are? How do we end up where we have gone from less than 24 hours from a standing ovation to an impasse again? I don't know the answer to that, you have to answer that for yourself, but I know this, whatever happens to this bill tonight, my conscience is clear. I tried to be part of the solution, I tried to work in committee, I tried to work for a unanimous report, I bent, I twisted, I broke. We got a unanimous report, we came up here and presented it to you and I guess before you vote tonight, I would ask you to ask yourself this — have you been part of the problem or part of the solution? Because if all you have done in this entire debate is cast a series of no votes, I think you have to ask who you are representing because the people back home want a budget. They are tired at the finger pointing, they are tired of the cliches, they are tired of the partisan bickering and so am I. They want a budget, I want a budget, I gave in at

every turn to try to accommodate that. I think my co-chair who is a member of the Minority will agree with that. I ask you men and women of the House — let's stop the partisan bickering, let's stop the cliches, we can do it forever, I have a whole basket full of cliches I could throw on you, let's stop. The people of Maine want it stopped, they want a budget, let's pass one.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Men and Women of the House: I rise for the first time to address this body and I do it in response to the good Representative Cashman's statement. I would like to let everyone in the entire body know that at least one-third of this body was excluded from being part of the solution to this problem and, for that reason, I would urge all Freshman in this body to vote no against this piece of legislation.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I've got to say it has been quite an experience and I felt proud to take part as one of 13 to try to come to some resolution and put this budget problem to rest. I've got to say that I don't doubt that all 13 people went in there with good intentions and I don't doubt for a minute that we wound up with good intentions.

However, I think in the quick nature of putting this together, we might have lacked a little organization, we might have lacked some preparatory talk on how to put this committee together and how we were to act. Late, 30 hours ago, it was ramrodded into the process.

That comes to the point that nobody gave me a specific mission statement as to what I was to accomplish and how it was to proceed so I guess we all had our ideas without discussing as to what that mission was. My mission was not to exclude the rest of the members in this House, and being a Republican on that committee, I felt that I represented the Republican in our caucus as I think the other four members of that committee also felt. I felt that whatever came out of that should come out in a unanimous package and we did. I also know that it was understood with that unanimous vote that we would go back to our caucuses and, for mine, I would go back and see what was acceptable to them.

Part way through the process, we started talking about cuts and I have to say that we both made concessions, we both hemmed and hawed, we lamented a little bit, got a little edgy at points, calmed down but yet throughout the whole process, we were able to talk and communicate. We did that very well, only up to the point when we adjourned a few hours ago. Then we started talking the following day, I guess it was left that I know where to find \$12 million which eventually came to \$17 million and I tried thinking all night — I knew it some kind of an accounting gimmick so I waited until the next day and we started talking about cuts and lo and behold, the idea was brought up. We were going to raise \$17 million instead of \$12 by taking and moving ahead 35 percent of the withholdings on a quarterly basis for the first two quarters of the year, so that is 35-35-15-15, that was the original proposal. At first, the money sounded good but I guess I had a little caution in my thinking as to what this was

going to do to businesses. I think everybody was concerned about that. John Lafaver was invited down to speak with us and I believe the Secretary of State, Bill Diamond, was there and one of the things that was said is, "I don't believe it is going to affect small business, I believe it is not going to affect business at all." That may be true, but I didn't have a chance to find that out for myself. I don't think the other 12 people had a chance to validly find that out for themselves.

It was represented that most corporations are S Corporations and you are an S Corporation, what you do, you are going to escape that type of a quarterly payment plus S Corporations count the income you make to your individual taxes, just like if you have a partnership. Bill Diamond, Secretary of State, was in the back and he was asked a question — "How many Corporations (percentage) are S Corporations?" Ten percent so that meant that 90 percent of all corporations would be affected by this. How many big corporations versus small corporations?

John Lafaver was down and the facts he could give us off the cuff, being there at the beckoning of giving us some information, I am not sure how much time he had to prepare, said, "Well, first you have to realize that tax receipts are slow. There are also some delinquencies." Is that a sign of the times? "Yes, it very likely is." What types of businesses would be affected? How big a business? Are we just talking about big business, are we talking about the Ma & Pa stores on the corner? Are they going to have to do this? We didn't have those figures. I guess we really didn't have time to get those figures because we had to get this out in 24 hours, I guess we were given 48 hours but we had to get it out in 24 hours.

I was willing to go back and explore those things to really understand the impact. I felt that it was an impetuous decision to go forward and ramrod it through before we made a decision on it. That got lost somewhere, I guess, in the fact that we were at some point later trying to negotiate some middle ground which started out with 28.5 and came up to 30, that was played off against the \$8.3 million furlough and the payments.

The other thing that we talked about was the Maine Health Care Program. We asked, I believe, Fran Finnegan, if I have the name correct, from the Department of Human Services, which I believe many people respect for his figures and he is the person that is on top of what this plan costs, and we were dealing with \$7.1 million versus \$6 million. My understanding going into that negotiation was that we were going to start off from where we left off. I understood that there was a \$5.4 million versus a \$7.1 million — it actually started out zero, came up to \$5.4 and \$7.1 million and I don't know all the particulars about that, that's all I know. Then I understood that there was a concession of \$6 versus \$7.1, not too far apart, \$1.1 million.

We asked one of the lobbyists for information about the plan and I guess they picked a figure out as to what it would cost but really didn't have too much detail. We asked Fran Finnegan and he came over the next day and he told us that, as of right now, the plan needed around \$7.6 million. Much to the displeasure of our caucus, we went up to \$6.8 million. That was a little gut-wrenching to us because I think we all realized, from the debate that we had earlier, that we had created this wooly

mammoth that we have lost all research on how to feed and we had to define how to feed it but we don't have the information. Despite that, the figures that Fran Finnegan tried to give us was easily discarded and pushed aside as — well, everybody is picking numbers out of their pocket.

At that point, I guess I became a little bit cynical as to what are we really trying to accomplish here in 24 hours. Are we really equipped to make the decision, the mission, we were asked to do? I felt — no. So in my mind going through this, I felt it was important to get something out, unambiguously, something that we could all agree on, something that we could go back to our caucuses and perhaps use that as a bouncing board to get somewhere. I have to say that the group, right to the end, we communicated well.

I talked to Representative Cashman today and I indicated that our caucus was concerned that we weren't making enough cuts. Last night I brought, maybe it was today, I am not even sure, but it was at one of those meetings where I brought up the fact that the unpalatable cuts dealing with the GAP, AFDC, Mental Health, Community Services, all those things that have been debated in the past — well, I guess I got halfway through the list and that was absolutely off the Table. Fine. At least I knew they were off the Table and that was not an item that we could negotiate. As I indicated to Representative Cashman, why don't we go back somewhere in this budget and find enough money so this \$8.3 furlough program, which is also distasteful to me, can be done away with. Let's find \$8.3 million, let's find an additional \$10 million somewhere else. Let's come up with a proposal each that may involve some looking at, maybe reorganizing state government if it makes sense in a short-term to do that and really make good understandable decisions — we didn't have time, we had to ramrod this thing through. We had to put it before this body so it would fail here and ultimately go down into the press making more heyday, making our constituents more frenzied at us, getting stopped six times in a grocery store and asking, what's going on? Then pass the blame around again for another week.

I thought it was a very good suggestion to go back and look for more cuts but that was not acceptable. I think that that lacks the fact that we are looking at a two year budget and we are going to have to make some cuts up to the tune of \$900 million dollars and we are dealing with a \$160 million here. We are looking at \$15 million in cuts that we might be able to identify? I don't think we are going to pass a budget for the next biennium. If we can't do it here with some negotiations and some fairness and some time in the process to get information and act as an Appropriations Committee, this ad hoc committee, which we did not, then we are never going to pass a budget for the next two years. I guess we all had better invest in Maalox because we are going to need plenty of it.

I have got to go back to say that Representative Cashman, whom I respect, believes that it is not going to hurt businesses. He may be right but I don't know, my caucus doesn't know and I don't know if the other 11 members of that committee know. Before I make a decision to go out and put that extra straw on the camel's back and break it, I want to say, with good taste, that I knew I was going to break their back but I had to do it.

As far as changes in the budget, the last couple of items. we had a \$200,000 cut from the Attorney General's Office that automatically turned to revenue based on some settlement that is going to happen somewhere in the future — well, I guess there was no sense arguing about that today when we looked at the final language in the bill which, by the way, we ramrodded through again and really didn't have a chance to look and read all the language because we had to get out of there, we had to put it before this body today so we can have this for the circus.

We also had an agreement last night indicating that the \$500,000 from the Governor's Contingency Fund would be matched by \$500,000 in Legislative cuts. Well, I guess that was brought up about four or five times. I think it was mentioned after receiving a copy of a budget that we could at least identify \$1 million that we could cut. It never got to that, but we did get to a vote, then we went back to our caucuses. At least I went back to my caucus, and they voiced some objections. On that mission I felt to go back to this group and further open it up — again, that was impossible.

As far as the mill rate change, again, Representative Cashman may be right, but I don't know.

One of the things I take great offense to is that earlier this evening as I was sitting talking to one of the lobbyists, (who I feel is a friend, who has been a former Representative of this body) somebody walked by and said, "What is the matter, no guts?" Let me tell you if there are any guts in this House, we would have had a budget through here about a month ago.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I want to tell you that over the past couple of days that this is the first time that I had the opportunity to work as a co-chair with Representative Cashman. Tonight I want to say that, from the beginning to the end, this man conducted the process, in my opinion, with an open mind for both parties. He treated me very fairly and, as I drove home those two nights in a row, I tried to look at what the differences were between the two parties on this budget process. It was very clear to me, the more that I reviewed this, that both of us gave and took. I must tell you here tonight that, regardless of what one party says to me or the other, as far as I am concerned (and I could be wrong), Representative Cashman gave more than this Representative did. A lot of people may disagree with me but as he spoke earlier this evening, there were three issues, the General Purpose Aid, I had no problem with. As one member of the Minority Party, I talked with my superintendents and my people back home and they had no problem with that. But, because this was an issue, we were able to take that out.

The other issue was the Health Care issue. Granted, when we went down there on Tuesday evening, there was a \$6 million and \$7.1 million difference. Yes, we gave \$800,000 but, in doing so, we had to make some concessions on the restructuring.

Over the period of the last month, I saw where one party in this House did not like that reorganization or restructuring of government and I had to agree with them. We succeeded in taking those out of the bill. That is part of the process — that you give and you take.

Maybe some of the members on that committee will

say that we didn't have a format or there wasn't any guidelines. Maybe it was easier for me because I have been through some of these situations in the past. For the two days, I treated this committee similar, only that we had a larger number of members, as you would treat a Committee of Conference. I have been through these since I have been a member of the legislature and I went in with the idea that, as we approach this process, and if we could come to an unanimous agreement, this is something that we report back to the full House.

As far as the budget process is concerned, maybe it was easier for me as we dealt with these issues. Philosophically, I have dealt with this type of issue for the past 20 years on a smaller scale but the philosophy is the same. When you go through a process with public officials, you have to give and take.

I felt that we did fairly well. There were other revenue issues that were floated to us that I could have taken. The one on the \$12 million issue with the University of Maine of making the payment in July instead of June, if that had been satisfactory to those members, I could have taken that. But the Representative from Old Town came up with a proposal that seemed to fit the need. What I saw happen was that all of the 13 people there could accept it and that was satisfactory to me.

I guess I did my best. I offered the other night, as many of you know, I stood up here and said that I would be willing to volunteer to resolve this issue. I felt strongly on Tuesday night that we could do it. I am optimistic that we can still do it.

Over the years that I have been here, I believe — again you can disagree with me — I believe that the time is here, March 1st tomorrow, I don't know about the rest of you, but I represent about six municipalities and I am very close to those municipalities and municipal government and I attend all of their municipal meetings and they will all be coming up within the next 30 days. I don't know about you but I know when I vote tonight, I am going to be able to walk out of this chamber and I can face any of my municipalities and I can tell them what I have done for them because I believe the issue here is that the State of Maine has to pass a budget. It has to get out to those municipalities and those SAD's so they know what they can plan on, at least through June 30th, and we have to worry about the next two years later.

Over the last two days, I don't know whether it is still accurate or not, maybe somebody can answer this for me before we vote tonight, but it is my understanding (anyone can correct me if it is wrong) if a budget is not passed, I believe that we are still going to lose 2.25 percent in General Purpose Aid to the SAD's. That bothers me. I repeat, when I agreed Tuesday night, that I went into that committee with a strong feeling that in a bipartisan way, we could solve this. I hope that we have not failed. I would ask you all to join with me tonight and move this budget out of this body into the other body.

My final comment is, earlier this evening, I had lunch with a couple of Representatives and went out to the Chinese Tea House, outside of Augusta, and as you know, once you get through eating, they have fortune cookies. When I opened my fortune cookie, this is what it said, this is the truth, anyone can see it, it says, "A good time to finish up old tasks."

The SPEAKER: The Chair recognizes the

Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: It was a privilege to serve on the ad hoc committee. I have done a lot of this type of work before by serving on personnel committees when we were dealing with unions and what not, so the area of the work was not new.

There was some frustration, I think, between some of the members. As Representative Richards said, he didn't feel he had enough information and he actually, I think, wanted to become an Appropriations Committee. That was not our job, we had a specific task to take care of, to try to solve. Both sides gave things up. Some of the things we gave up on my side, I swallowed awfully hard, but the main thing I wanted to leave with you people this evening, is the impact on your communities. As you know, I have had many years in city government and the small communities (starting next week) are having their annual town meetings, we are holding them at bay. The school budgets — they don't know whether they are coming or going, we are holding them at bay. The money for the hospitals, shortfalls, they're in trouble, we are holding them at bay.

Someone told me today that the State Welfare Reimbursement Fund — now you people who have never had anything to do with city or town government maybe don't know what it is, the state pays 90 percent of welfare. The people come to your office and you help them out on welfare and the state reimburses 90 percent — that fund is broke. If this budget doesn't pass, there is no money to reimburse your towns, you can go home and tell your people that. The Persian Gulf War has come, the Persian Gulf War has gone, and our Supplemental Budget is still here.

I don't know how you are going to face your constituents when you go home. I know mine are fed up, they want to know what the heck we are doing down here, and it is hard to explain to them that we can't even pass a compromise or Supplemental Budget. The compromise that we finalized is not perfect, both sides lost something, but when you go into negotiations, that is what negotiations and compromise are, you don't keep all your marbles, you have to lose some. I think, based on negotiating I have done in the past, we both came out of this fairly well. At least we can get the budget off the ground and get our butts off the chair and get this thing moving because when they open the doors after the budget is done and that biennial monster comes at us, we are talking about budget cutting now, we are going to find out what budget cutting is.

I would urge all of my fellow Representatives, as you decide when you vote this evening, don't look at us here, look at your home community, look at what it is going to do to your community. When you vote, keep that in mind.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House. I had other comments to make earlier, around seven o'clock when it appeared that we were going to debate and then we didn't, so I have other comments I would like to make instead.

First of all, I do want to remind everybody what one of the co-chairs have already said, that we came out of that meeting with a unanimous vote, 13 to nothing.

I want to remind you that an ad hoc committee by its very title, a committee serving for one purpose

only, was to solve the budget problem and I think we did.

Secondly, I find it impossible to accept the argument from Representatives Lord, Pines and Richards that they didn't understand what our assignment was since it was clearly stated by the Representatives who motioned it on this floor, it was clearly framed by the Speaker of this House and it was explained fully by the two chairs when we met in the Taxation Committee as we began our work.

Thirdly, although it is tempting to suggest otherwise I believed, because I wanted to believe, that the 13 of us gathered in the Taxation room, ironically at the Governor's level, we gathered there in the spirit of compromise in order to accomplish our task.

Before I go any further, let me remind you of what Webster says about the meaning of compromise, to compromise means "to make an adjustment of rival courses, opinions or principles by concessions, conversely to be uncompromising is to be unyielding or inflexible."

At the beginning, much to my distress, there were signs that compromise wasn't what some had on their minds and we struggled for most of the evening and left with not much really accomplished and a lot to think about as I drove back to Westbrook. Be that as it may, as we began to move forward on Wednesday and after much debate and much give and take — and there is not much point in going through all of that but I assure you and especially those who were there — by the way I will mention Freshmen later but in reference to the Freshmen, the doors were open at all times, everybody could come in and sit. As a matter of fact, three of the people who were there most of the time were in fact Freshmen of the Representative's own caucus. We came out, as I said, with a 13 to 0 vote. The bleacher crowd, I call them, in the Taxation room applauded. True, not everyone was happy but they applauded and we all shook hands and congratulated each other for a job well done. Now, I say a job well done and let me speak briefly to that. If our task had been to please everyone, then it surely was not a job well done. If our task was to please one party or the other or the Governor, then it definitely was not a job well done. Certainly if our task was to be all things to all people, then it most assuredly again not a job well done. But if our task was to get this budget behind us and to do it in the least hurtful way to our citizens and our workers and their families and all the things that make this a wonderful state to live in, then it was a job well done because that is what we accomplished. I am proud to have been a part of getting it done.

Fourth, there were concessions at every step of the way. Each of us gave up things we felt strongly about and each of us gave up concessions or gained concessions that we felt strongly about. Yes, there were even concessions won and lost by combinations of Republicans and Democrats. Isn't that what compromise is all about?

I was pleased to hear Representative Strout compliment Representative Cashman because in fact what he said is accurate. Representative Cashman, and I think many of us, gave a lot more than we gained but we did it in a spirit of compromise. I hope that Representative Richards will remember that on two or three occasions, I bent over, way over backwards, to make sure that his point of view was

coming across.

Now some of the members of that ad hoc committee who took my hand, and I notice that one of them hasn't looked at me yet, across the table in friendship and in mutual recognition that we had done the best we could and now taking that hand away. I wonder how they can do it because I couldn't. There is no one in this room who can claim to have been elected by Democrats or Republicans alone and, because of that, when you are dealing with the lives, hopes, need and yes the dreams of the people of this state, you are sworn to rise above party politics. I am always struck by how easy it is for some people to forget that exciting moment (and I always get chills) when we raise our hands and swear the oath that we take. I don't understand how easy it is for some people to set that aside. You are sworn to worry less about what your party thinks and more about what the people think and I don't think I need to tell you what the people of this state think about us right at this time.

Finally Mr. Speaker I want to speak directly, and you can cut me off at any moment, to the many Republicans who have on so many occasions patted me on the back, shook my hand and showered kind words on me about my courage when it came to voting on difficult issues and this includes, again, in reference to the Freshman who were at the Samoset and came to me and commented on my comments about the environment and environmentalists. Specifically I want to remind Representative Small, Representative Ault about my vote last year on student aid and the pressure I was under to do otherwise and the embarrassment I was put under on this floor because of it. I want to remind Representative Lord and Representative Anderson about my position on the color/odor bill and how they both came to me later and told me over and over again how they admired the courage that I had to take that position against many of my fellow Democrats. Doing what is right doesn't take courage, it just requires knowing right from wrong. If I can do it, why can't you?

I said I was proud to have been part of the committee and I was but tonight I am not proud but rather I am frustrated, angry, and very disappointed. Representative Lord told the committee that he wasn't going to vote for it, this compromise, if he couldn't get others in his caucus to vote for it. I say to him and to his caucus members, leaders don't follow, they lead, and you have missed a golden opportunity to be among the leaders.

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

Representative HOGGLUND: Mr. Speaker, Men and Women of the House: I rise tonight because I like the way Representative Richards eloquently said ramrod. By him saying ramrod four or five times tonight made me want to get up and say, I don't think we ramrodded, I thought our job was to pick up. We had a four page recapitulation statement of what the Appropriations Table, for 60 days, had already done. They had already done all the work and let's not neglect that, I haven't heard that mentioned at all tonight. They did the work, there were headlocks, there were disagreements and we were asked, did we want to do or could we do a better job? Well, thirteen of us thought we could. I really believe that we gave an honest try. What I mean by an honest try is, 13 of us went in there with an agreement that we would try to agree, try to understand how we felt

like taking the cuts or not taking them, if we could disagree or not disagree, and I think out of all the people, Representative Richards and Representative Hoglund had more fights than anyone else but I think we handled it very well. Unfortunately, we are on that ship right now and I think 13 of us came out with a unanimous agreement and I think we are obligated to have the same color light. I would be very disappointed and I appeal to you, under the pledge that we took, and I don't mean putting our hand upon a bible and saying that — we went in with an honest opinion that we were going to try to talk, come out reasonable, do what the Appropriations Table made to the best judgment, and see if we could make the cuts and come out somewhere along the ground and be reasonable. Well, we did. I firmly, honestly believe we did. You can bicker about the \$500,000, the \$500,000 from the budget over there.

What happened was we neglected it, we neglected it because we finally reached our goal, we were so happy that we had reached our goal that we just walked out without thinking, let's be honest, let's tell the caucus that we forgot it. Yes, we can go back and take any budget and you can cut and you can cut and you can cut but the thing is, the ramifications from those cuts we don't know how many people they are going to hurt so we reached our goal — why not end this budget and go on to our task of trying to work out the next budget because there are going to be more people that are going to be hurt? It doesn't matter if you are going to be on the top of the list or the bottom of the list. I believe we are on the ship together, whether it be Representative Pines, Representative Lord, whom I think a great deal of, Representative Richards — I think it is about time that we work together, 13 of us at least should have that same color light, the rest of the House, be they Democrats or Republicans, have a choice to do what you please.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but there are a couple of points that I want to make to you folks.

Representative O'Gara made one of them very eloquently. I don't think there are many Representatives in this House that have been any less partisan than the gentleman who is speaking right now. I think I am one of the very few people who voted last year to sustain one of the vetoes that we had presented to us. The reason I did that was because I believed how I voted the first time. I had voted that way the first time and I continued to vote that way because I believed that I was elected, not to represent my caucus, not to represent anybody but the people who elected me. The people in my district are divided, one-third, one-third, one-third.

I don't know how many of them voted for me but enough of them voted for me so that I am standing here. I am going to represent those people, I don't care if they are a Democrat, I don't care if they are a Republican, I don't care if they are an Independent and I don't even care if they didn't vote because I stand here to represent all of them.

I strongly urge you not to worry about what your Governor tells you because he is my Governor too. He governs the people of the State of Maine, he doesn't govern just Republicans, he doesn't govern just Democrats and he doesn't govern just Independents.

He governs each and every one of us so he is my Governor too, for good or for bad, however you wish to look at it. When I vote, I will vote to do what the legislature has sworn me to do and that is its duty.

Did I know what I was doing when I went down into that caucus? Yes I knew what I was doing. Maybe I did some things that were wrong, I don't know, and I won't know until after we are done. Do I know that how I supported business is going to put businesses out of existence? Any of you who have ever served with me in the Energy Committee know that one of my top concerns is businesses of this state. The good Representative Treat knows that very well.

The reason I believe that the businesses of this state are vital to each and every one of us but as equally vital are the workers and the children and other people of this state. I don't know whether what we did is going to hurt business or not but there is one thing that I do know and I ask you to consider this very carefully. I do know that when I voted for, as well as the other members of the committee and the caucus people voted for the furloughs and for pushing those days back, nobody has got to tell me, because I am a working person too just like most of us in this room, that I did not vote to hurt those people who are affected by this. If you are in the position where three days pay is taken away from you doesn't hurt you, then you aren't a working person. Most working people that I work with, and I work with a lot of them and we are woodsmen, let me tell you there is not many people who work any harder than woodsmen, most of us live from hand to mouth. You take away three days of our pay, you have hurt us. You take away a week's pay of mine, which is what pushing it back one day amounts to, and I may not be the smartest guy in this world, but I know that when you pay me one day later for a week and you don't make that up, I am smart enough to know that you have taken a week's pay away from me. As a working person, I know that is going to hurt. This I know. I don't know whether I am going to put any businesses out, I certainly hope not, because I know if I put any business out, I am going to put working people out too.

One last point, the Health Care. Everyone of us in this room voted for that tax to help people who have no health insurance, not because they are lazy bums like some of us like to think they are, but because they are people who cannot afford to pay health care because this government in the State of Maine has not done its job as adequately as it should and we have too many people in this state who cannot afford to pay for their own health care. It is not because they don't work because most of them do work. I have two children who don't have health care. Those two children have two children of their own and they make choices whether to feed the kids or to take them to the doctor, that is not a choice anybody should have to make. It is not because they don't work, one of them is the one who found me lying in the woods, if you think that doesn't frighten a kid when he comes in and finds his old man laying on the ground not knowing whether he is dead or alive, that frightens a kid. This kid works and he works hard. My other kid works and works hard so don't tell me that it is only the lazy that don't have health insurance. We need that health program. I compromised, that is the one thing in there that I really felt strongly about. The good Representative

Cashman really felt strongly about the reorganization, this Representative didn't feel nearly as strongly about that. As a matter of fact, I kind of supported the other position. The one real thing that I felt very strongly about was health care. Instead of cutting to \$6.8 million — if Dick Gould had his druthers, he would put every cent that we collect from that tax into that health insurance so more people could be helped. I heard it said that the problem is that there are too many people applying for it — it seems to me that that isn't a problem, the problem is that we have people out there that need to apply for it.

All I am going to say from here on out is, for God sakes, search your souls, search your conscience, and vote to help the people. This isn't going to be the final answer, we already have another budget of \$700 or \$800 million short. Let's take care of that one after we compromise and take care of this one.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: This is my first experience on an ad hoc committee and I do not have the experience that most of the people had on there apparently in community services.

We went downstairs and allowed a tired staff to start working for us who had not staffed the final negotiations by the previous Appropriations Committee. I would like to have seen ground rules and admissions in writing for the proposal that we were expected to bring forward. I did not have this and if that is my ignorance, I plead guilty.

Without the basis for starting on already negotiated terms, a capable staff who did assist us and did an excellent job, we did very well. To have a proposal this size without seeing the language that night when we voted, perhaps was my error. The impact of the actions that we were taking, I did not feel that I had properly checked with those who were adequately involved to tell us how they would be affected. Our ad hoc committee was chaired by an excellent chairman, Representative Cashman and Representative Strout and a good committee worked together cohesively and they are all to be commended and I respect every one of them. Although I voted downstairs at that time, I will be voting against this proposal.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: In the six years that I have been up here, we have had a number of budgets. There have been budgets that have gone back and forth, this isn't the only budget that has gone back and forth when we have had to do a lot of changing, but when the budget was finally pounded out by the Appropriations Committee, each of the caucuses talked over the budget, I have done it for six years, and it is my feeling that our charge was to go down there to see if we could come up with a compromise that both parties would buy. If I had known that my caucus would not buy what we had come up with, I never would have voted for it, but I felt that we had come up with a compromise that I could go back to my caucus and sell it. I failed miserably, I admit it. There were a lot of concessions from the other side, no question about that.

I, too, want to thank all the members of the committee. I think they were very good, we talked it



out, we debated it some, we made concessions, and I will have to agree that in all probability they made more concessions than I did. There were some things that were a little fuzzy but we made a commitment. When we came back from our caucuses and we went ahead and voted on it, I said to myself, I think I should go back to my caucus and sell them. I didn't expect to sell it a hundred percent but I felt that I would have enough votes so we could pass this budget and get it out of here and get on with our business. I failed, I really failed. I am sorry, I did the best I could, but I failed. When I can't get one person outside of the three members that voted for the budget before to vote with the budget, I am not going to go against my caucus. When I go home, the people are going to ask me about it and I am going to tell them just what they have been telling me. They have been telling me right from the first of the year that they want to see a cut in appropriations. They want to see a cut in state government and if I had probably used my brains a little bit more, maybe I would have insisted on more of the cuts but I didn't do it. I am sorry.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I rise tonight, as I rose last night, in sincere applause for those 13 individuals who returned from an effort to advance the budget process. They worked hard, they were exposed to a lot of information that many of them had not seen before and I truly believe that they advanced the process toward a solution. However, the solution as it was presented to us involves new revenues of a substantial nature. We can avoid calling them taxes, we can say they are advanced collections of taxes or we can use some other term. A substantial amount of that money comes from employers, money from the people who are struggling to keep other Maine people at their jobs in a frightening economic time.

Information just released suggests that sales tax revenues are down 13 percent in most recent months. That is just a further footnote from information that we are all aware of concerning the financial condition of the State of Maine.

I truly believe the extent of the new revenues that are offered in this solution are not the answer that we should arrive at as we settle this budget. It was suggested that there is only a \$2. something million dollar difference between an earlier Minority Report and this committee report — I think if you check more closely, the difference should be enlarged by an additional \$8.5 million because of a change in the method of accounting for the furlough money. Yes there is a substantial difference in that comparison that was made.

This body is a place where we discuss differences, sometimes differences that are minor and sometimes differences that are fundamental. While I respect all the individuals that participated in the process, a committee composed of 10 individuals who had accepted a Majority Report, 3 of whom had been in opposition to that report, I still am left in a position of not casting my vote for the issue before us this evening.

If you asked me if there was progress made, I would answer yes. If you asked me if this is the budget that the people of the State of Maine deserve, my answer is no. We have reached this goal with additional money, that is not the mandate that we

feel the people of Maine have sent us to vote upon.

It was a strong effort, it was a hardworking effort but more needs to be done. I urge that the motion before us fail.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: It is customary when we stand to speak that we address our remarks to the Speaker and all members of the House. Tonight I beg the Speaker's pardon, leaderships pardon, and the Appropriations Committee's pardon, because my remarks are not addressed to them. They are addressed only to the rank and file.

Two days ago, (or was it three, it seems like forever) the rank and file of this House rose up and said, we have had it with the nit-picking, we have had it with haggling, we have had it with the stalemate, we have had it with looking like fools to the people that we represent. The people that we represent want this matter settled. If the Governor, leadership and the Appropriations Committee cannot settle it, then we want to settle it ourselves.

We went down to the front of the room and 13 of us were picked, I want say lucky enough to be picked because I don't think we were lucky, but we were asked to go into a room on our own, to start where the others had left off and to find some way to balance this year's budget. We went down to that room and by and large, we were faithful to the charge that we not consult leadership, that we not consult the Appropriations Committee, that we not take guidance from anyone outside of that room or anyone who was not a member of that committee. When it came down the final moment of our deliberations, we all raised our hand in support of the proposal. I raised my hand in support of that proposal, despite the fact that it contained a number of things that I found extremely distasteful. I raised my hand nevertheless because I thought that that proposal had the unanimous support. I raised my only because I thought that that proposal had the unanimous support of every member of that committee. If I had had my druthers, there are a dozen different other alternatives that I would consider preferable.

If you wanted \$10 million more in cuts and you let me decide, I could find them for you. I could find \$20 or \$30 million and I am not an expert on the budget, none of us were. I don't think you expected us to become instant experts on the budget but what you, the rank and file, asked us to do was to settle this budget, once and for all, and get it behind us. I think every other member of that committee would have preferred some other version personally but our job was not to nit-pick, not to haggle, not to bargain with each other forever — our job was to make some tough decisions and come back here and present to you a budget that is in balance so the government of the State of Maine and this legislature can get on with the rest of its business for the year.

As soon as we left that room and people who for one month had been stalemated got their hand on our work, it began to fall apart. I appeal to you, rank and file, if you want to see another month of stalemate, then vote no. If you were sincere in charging us to settle this issue so we can get on with other business, vote yes.

The people who elected us to come here to represent them, to act on their behalf in doing the state's business, expect us to do that business and

not to simply dither. Let's do 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 passage to be enacted, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 15

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; 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, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

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

ABSENT - Carleton, Constantine, Donnelly, Gean, Graham, Ketterer, Libby, Mahany, Mitchell, J.; Parent. Yes, 93; No, 48; Absent, 10; Paired, 0; Excused, 0.

93 having voted in the affirmative and 48 in the negative with 10 being absent, L.D. 274 failed of enactment.

On motion of Representative Cashman of Old Town, having voted on the prevailing side, the House reconsidered its action whereby L.D. 274 failed of enactment.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Again, I would request the yeas and nays on the pending motion.

I made the motion that I made because I wanted to give the House another opportunity to show some courage. I sat in this House as a Freshman eight years ago and heard a former Representative from Bangor stand here and say "that the profiles of courage in this House could be written on the head of a pin." I think that statement is truer today than it was then and I wish Jack Kennedy were alive today, he could begin Book II, he could start with the three people who voted one way in the committee report and changed their vote when it came upstairs.

I fibbed a little bit when I spoke earlier because I said I really didn't know what had happened between last night and today. Actually I do, I've got a pretty darn good idea because when I walked out of the room, at four-thirty we took the vote, 20 minutes of five I walked out of the room, 10 minutes after having voted on a package that had yet to be drafted. The State House press came up to me and said, "Representative Cashman, Governor McKernan has said he intends to veto the compromise bill." I said, "Really, he hasn't even seen it." It really doesn't take me by surprise. Surely, out of the 54 warm bodies of the Minority Party in this House that rash statement, that knee-jerk reaction by the Governor, isn't going to result in 51 of the 54 acting like lemmings, I was wrong.

I am not surprised to see the Minority Floor Leader stand up and address this issue because I do know what happened between last night and today and I do know that in closed door caucuses, in closed door meetings in the Minority Office, people were told not to vote for this. They were told, as you were just told here on the House floor, that the reason this package is bad is it involves new revenues. You were told that this may hurt business, a terribly destructive thing to business — let me lay a little reality on you because apparently the similarities in the Minority Report that came out of Appropriations and the report that you just rejected has escaped your attention. Let me lay this piece of reality on you — in the biennial budget that we haven't even begun to review and in a half hour it is March 1st, that two year budget contains some recommendations from your Governor and one is to delay the investment tax credit. Another one is to freeze the phase-out of the sales tax on energy used in manufacturing. Those two provisions in the next two years are going to cost, not shift, not front-end load, not change the formula, cost industry in this state and businesses in this state upwards to \$50 million. If that recommendation ends up on the floor of this House in a Divided Report, divided on party lines, you want to know how your Minority Leader is going to vote on that? He will vote with the Governor, just like he is doing now, because that is his job as he sees it. The thing that strikes me as amusing is he is able to get 51 of the members of his caucus to see it the same way.

I said when I was up here a little while ago, we were elected to serve the people back home. They want a budget. Throughout this process, this day and a half or long evening, long day that we put in on this, I never heard from Speaker Martin. I never heard from the corner. They didn't interfere in the process. When it was over, I came upstairs after the unanimous vote and I saw the Speaker. He said, "What happened to the restructuring money?" I said, "It's out." He said, "It shouldn't be." I said, "Be quiet." That was the extent of the conversation.

The reason that we were appointed and the reason that we were down there, and we all knew why we were down there, is because these people have had this for two months and have gotten nowhere and don't talk to me about ramrodding something through. The debate over cuts has been going on since Christmas and every issue that was brought up has been discussed by him, them, the Appropriations Committee, the Governor, the other body — how many times are we going around in a circle? Are we going to go around until July 1st and then we will take up the biennial budget? Is that

where we are headed? I tell you that it is. I tell you this, I represented the people that elected on that commission, I didn't represent John Martin, I didn't intend to. On my vote on the floor of this House, I didn't represent John Martin, I represented the people who elected me.

I can't help but think that 51 out of 54 members of this Minority caucus apparently feel they were elected to represent Walter Whitcomb, Frances Marsano and Governor McKernan, because that is who you voted for. You didn't vote for the people back home because, let me tell you, deals are off now, if this budget doesn't pass, deals are off. All the hard swallowing that was done downstairs — Representative Mitchell is nodding her head because I think she swallowed the hardest on the \$8.3 million dollar transfer — those deals are off. Men and Women of the House, we are back to square one, progress has not been made.

When a compromise is reached, crafted in this legislative process and then fails, you don't then try to build on it. It is over. As far as I am concerned, if this bill dies, the concessions I've made die with it. I don't build from there and I will tell you why because the Chief Executive of this state, I am totally convinced after going through this process, does not want a budget. I can give in forever, I can keep giving concessions, I can go on and on and on and I can always go halfway to the wall but never reach the wall. I am totally convinced of that.

This afternoon after we went through the language downstairs and finalized our proposal that is in front of you, I came upstairs, Commissioner Sawin Millett came into the Speaker's Office in one final last ditch effort to reach a compromise. He was asked, "Sawin, what do you want? What do you want us to cut Sawin, what can we do?" He said, "We have \$8.5 million in cuts, we've got a list." Somebody in the room said, "Where is it? Show it to us. If we can agree to them, we will put them in the budget right now, we will amend the package, we want a budget." He said, "Well, I don't have the list here." He was asked, "Where is it?" He said, "Downstairs." "Send somebody to get it." He said, "No, what I think we should do is have Representative Foss and Representative Chonko go in the conference room." We said, "No Sawin, no, no. Bring it up, we will agree right now. What are they? Where are they? What do you want to do?" He went downstairs with the Speaker, his list of \$8.5 million in cuts was a \$4 million dollar list of cuts that have been discussed and harangued for the past two months, nothing has changed.

Men and Women of the House, I tell you now that we will vote again on this, I have no illusions, I just had a few things to get off my chest, because I am fully convinced that the Chief Executive does not want a budget, he is happy running the state by Executive Order. Apparently you are too. Apparently the cheers of last night — all it takes is one rah rah session — and those disappear. Well good, because I tell you that if the day comes that I blindly follow my leadership like that, I will resign.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Tonight culminates three months of probably one of the cruelest and saddest hoaxes

and jokes that have been perpetrated on the citizens of this state in probably 150 years.

Back last summer, when my friend in the car business told me that sales were down, real down, the money they were sending back to the state was way down, the state should be experiencing some problems, I called my leadership and said, "Shouldn't we be getting together as legislature to look at these problems in August? Shouldn't we have the Governor call us back into Special Session?" Their answer to me was, "The Governor says there is no problem, we don't need a Special Session." I called again in September, again, given the same answer. October, again the same answer. Believe me, I really wanted to believe that there wasn't a problem but everything around me told there was. Lo and behold, of all things the day after election we find that, indeed, we had a serious problem.

I told my leadership in January I didn't think the Governor wanted a budget and tonight proves that to me. I will tell you something, they talk about compromise — my directions after tonight to my leadership is that you will compromise my people no more. You will affect my elderly citizens in nursing home no more. You will not bargain away the education of the children in my district no more with people who have no courage, no dedication, and no desire to serve the people of the State of Maine.

I must say that I heard Representative O'Gara speak today and I think he gave one of the finest speeches that I have heard, it takes an awful lot of credit and courage to say the things that he said and he and I have not always been on the same side, even though we are on the same side of the aisle, but he has always fought what he truly believed as I have fought what I truly believe. There are people sitting in this House tonight that I had the utmost respect for and I am sorry to say that a lot of my respect has diminished.

I have fought battles on the floor of this House against my Governor when it was Joe Brennan, against my leadership when it was Jim Tierney/Libby Mitchell, John Diamond/Dan Gwadosky — the issue here is not John Martin and the rest of the people of the State of Maine, the issue is, do we want to solve the problem that we face?

Someone said restructuring shouldn't be in this part of the budget. All right, I will go along with that, but let me wake you up — with a \$900 million dollar shortfall, restructuring is the only way we are going to be able to go. It isn't going to matter whose buddy is affected, whose political crony is affected, who raised the most money for who, we are going to have to restructure government. Maybe some of the bull that has been fed members of this House here will be bought by some of you, but I sat in on Appropriations and listened to bureaucrat after bureaucrat, commissioner after commissioner, defend every single deputy, public relations person and gopher that they had in their administration. If you honestly believe that the men and women of this state are going to allow you to put retarded children back into Pineland out of group homes, affect school subsidies, and many of the men, women and children who are on our health program and not get rid of the big, fat, bloated bureaucracy that shuffles papers and will have a lot less employees to be bossing around, I've got news for you, wake up and smell the roses. They are going to have to go. Yet day after day, I heard commissioner after commissioner fight to

keep every single deputy commissioner, who do not provide one ounce of true service to the people of this state.

If some of you want to go home and tell your people that you didn't understand what this was all about, that you did not comprehend what your charge was, that you did not comprehend a bill that has been publicized for the last two months that 13 people have worked on for the last two months, if you truly believe that your people back home are going to accept that for an excuse, so be it. If you really want to cut government, I can guarantee you this is one Representative that will be looking very carefully at your recommendations to cut government come the next biennium. I wait for that with the greatest of anticipation.

We have been told that the Minority Party here is just doing what the people want — when I first got elected in 1978, there was 77 Democrats and 74 Republicans, that had its advantages, but since that time, the Republican Party that has been representing the needs of the majority of the people have gone from 74 to 54, you've been losing ground every election. I am sure that is not a news bulletin to most of you but I think you had better take a long, hard look at why. You outspend us five to one, you out lie us 2 to 1 and you are still getting down.

Today I was sitting up in the gallery and I told the Speaker, "Mr. Speaker, I have never seen that gallery looking in such shoddy shape as it is right now." I have never seen that brass rail — the people who took care of that gallery, that brass rail used to shine and visitors used to remark on how much pride they took in making the people's gallery look so nice. Well, those people aren't around anymore and our gallery is tarnished. Men and women of the House, the State of Maine is tarnished. Today, the State of Maine is tarnished.

I'm glad we are having a roll call because when my school people start calling, when the state employees start calling, I am going to say, "Look, I voted for a compromise." I did not get up and speak, I did not stick my nose in because I wanted the process to work. I did not get up and strike out in anger when many times.....the inside of my cheek is chewed all to pieces because I have been chewing on it in the last three or four weeks listening to what was going on. I must say that I have never been more discouraged and more disgusted than I am tonight. I want to assure you that you have done something that has failed to be done to me in my seven terms here. You want us to compromise, you want us to give, you have opened my eyes, you will see a new man from District 97 in the next two years. I will show you my version of compromise like you have shown me your version of compromise. We are going to do it two ways, my way or my way, but to go back and tell your people you did their work, don't even try to do it because it just isn't true. It just is not true.

I must say that I am waiting to see what happens after this because I, like Representative Cashman, am all done. I'm done. You will hurt my people no more, not with my vote.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have always been able to pride myself in my patience and for those who think they have been bullied, for those who think they have been treated unfairly — for the last three and a

half weeks, I have been having a daily trip into the inner-sanctum of the Speaker's Office. I have reached the end of my patience and I have reached the end of my ability to believe we could not have a budget. I have to ask over and over, why don't we have a budget, because it makes no sense to me at all.

When you look at this whole thing, you say, why don't we have a budget and we are told that it is partisan politics, that we are being bullied, that we are following the lead of the gentleman from Eagle Lake — Walt Disney had a movie called Pinocchio, remember that? In that there was a song, "There are no strings on me." I don't see a string attached to any member of this House, not one, nobody pulling a string and saying, "Pick your arm up, push the green button, push the red button."

One of the things that gets me elected, ladies and gentlemen of this House, is that the gentleman from Eagle Lake gets me at least 30 percent of the Republican votes in my district because they know he doesn't tell me how to vote. I have a permanent spot now in the inner-sanctum of the Speaker's Office, I have a feeling it will be there for a long time.

Why don't we have a budget? We have talked about gimmicks. The Majority Report is full of gimmicks. If you remember Good Friday, Holy Saturday, it was all one day here last year if you remember correctly, we passed a document that was full of more gimmicks and one-time funding than Barnum & Bailey's circus. Let me tell you, some of the gimmicks that are in the Minority Report, the original bill, L.D. 108, and believe it or not, the Majority Report. My goodness, operating capital \$17 million — is that a gimmick? Everybody agreed to it. Remember now, we don't want to transfer one day for General Purpose Aid, we don't want to be able to do that because that is a gimmick and that gimmick will put some \$6 million in the Rainy Day Fund, that gimmick will put money back to the school districts, yours and mine who are borrowing money — as of tomorrow, another \$900,000 statewide they are going to have to borrow to make payments, payments the local taxpayers are going to have to pick up at town meetings that you and I are going to have to go to on Saturday. Good luck to all of you.

We are going to transfer from the Turnpike Authority some money, that's a gimmick. Every report thinks that that is a good gimmick. We are going to change sales tax date — is that a gimmick? Everybody thought that was a good gimmick. Withholding tax gimmicks, changing the dates — yep, that's a good gimmick, we can do that. Taking money out of the Sick and Injury Fund from Workers' Compensation — that is a good gimmick, we all agreed to that. Taking money from the Self-Insurance Transfer Fund, another great gimmick, those are all right so I ask you, why don't we have a budget? I truly do not know. L.D. 108 was presented to this House, it was unanimously killed in committee and you know why, ladies and gentlemen? Because that document was not balanced, you know why? We sat downstairs and we had a public hearing, we went through an entire public hearing, a very moving public hearing on some days, lo and behold when we started in the work session, \$150 million problem became a \$166 million problem because the Commissioner of Human Services found a \$16 million dollar mistake, \$16 million dollars — oops! So we said, we will take care of that. Strange isn't it that we now don't have a balanced budget, we do have

a balanced budget, we had a balanced budget today, we signed it out of committee, it was a good report and it went on. So why, ladies and gentlemen of this House — and the people of the State of Maine want to know — why don't we have a balanced budget? We need another forum. I heard that tonight in the Speaker's Office, I could not believe it. This isn't the appropriate forum to find out where our \$8.5 million of revenues are, where we have to take another additional, additional \$8.5 million worth of cuts. Forums...a 3-ring circus.

Somebody mentioned a circus, we have gone to four. The first ring was the process called committee hearings and committee work sessions, that was arduous. I know exactly how the Representative from Plantation 27 feels because we worked very hard.

Then the gang of five go in behind closed doors, negotiate, come back and report to us and I said, from that first time on, what did they give up? They said they were working toward a unanimous report. We went from that first ring of the circus to a special Senate group because we couldn't reach an agreement here in the House, we went it to the Senate, a month after we got the bill, a bill I might add that was given to us by the Chief Executive on a Monday or a Thursday and we were told to please enact it in 24 hours. We wouldn't do that. It was irresponsible, we all agreed on it and we had a public hearing. A group from the other chamber tried hard, came up with more cuts, more concessions, still we don't have a budget.

Ring number three, why don't we have a balanced budget? Because we need somebody from leadership and the corners, from the Chief Executive, to work on this. That happened. Another trip into the inner-sanctum working for unanimity — what happens? All sorts of lists came out, very similar lists, lists which still say more cuts, more revenues, no more gimmicks. It doesn't work. An ad hoc group — you in this chamber should be applauded for your patience, for your understanding and I don't blame the gentleman from South Portland for standing up and saying, enough is enough. Let us give it a shot. We did, they met, and after the fourth forum, I ask you now — why don't we have a budget? It is now beyond my comprehension.

We talk about compromise, we don't have a budget because Democrats don't compromise. Well, here's the list. What did we give up? From day one, after the hearings and started in the work sessions, what did we give up? We gave up more cuts in Judicial, we gave up more cuts in the Attorney General's Office, we gave up more cuts in the Secretary of State's Office, we gave up the Community Corrections Program, we gave up more positions in Corrections than we wanted to, we cut people from the Maine Health Program, we changed the makeup of the Maine Health Program Task Force, we gave up vital money to Mental Health and Mental Retardation Community Programs, we gave up on our funding mechanism, we gave up on reorganization, we kept the Division of Community Services — I don't know what it is going to do because we transferred all those functions to other areas. We added back in the Maine Commission of Women, we gave up on reorganization of the State Planning Office, the Department of Economic and Community Development, we gave up trying to reorganize Human Services and the Department of Mental Health and Mental Retardation into two major departments. We added back a top bureaucrat in the

Department of the Department of Education, we ordered back the volunteer services, we added back positions in ODAF and in the Harness Racing Commission. We gave up money in the Rainy Day Fund — I guess it is not raining yet and it is not going to be raining in the next biennium, maybe just sprinkling a little bit. We gave up on the furlough plan — how much further do we have to go? How much further?

The staff report that the Representative from Old Town referred to, the Minority Report — cut from state government — \$28.5 million. As amended by the Senate, the Majority Report cut \$48.6 million and now the ad hoc committee comes back and we have only cut \$24 million — are we cutting state government? If we have gone that far and we have given up \$20 million dollars worth of cuts, why don't we have a budget? I can't figure it out.

We are a tax and spend party, we can't compromise, we spend too much — same report from the same staff. The Minority Report — new spending — \$72 million. The Majority Report as amended by the other body, new spending \$52 million and now with the ad hoc committee report, we are back up to new spending because we have to get ready for the next biennium because we have to have a budget downsizing government — \$77 million in new spending. Ladies and gentlemen of the House, we have compromised, we have bent over backwards, forward, up and down and I still ask you, as everyone of my constituents ask me, why don't we have a budget? I don't know the answer to that.

We were told that we did not have the stomach to make cuts. To a degree, that is right because this party of the Majority in this House and in the other chamber didn't have the stomach to make cuts and compromises on changes in the AFDC system at this point in time. We didn't want to make compromises in General Assistance standards that would put a burden on our communities, we didn't want to compromise and didn't have the stomach to make cuts in Medicaid reimbursements to nursing homes and the ICFMR's, which would taken about \$17 million of federal money at Pineland Center and thrown it away. We would have had to come up with that. We don't have the stomach in this party to do away with the Maine Health Plan and we didn't have the stomach and still don't to kill ASPIRE. I don't know whether we are going to have a budget, I am stunned by it, I am angered by it and I am frustrated by it. This process works, it needs 101 votes, I don't understand where we are coming from.

Mr. Speaker, let me say as I close, if eons ago, the good Lord had given Adam and Eve this many bites of the apple, we would still be living in the Garden of Eden.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: It is almost midnight, a momentous hour for 11,100 of our citizens in Maine because at that hour, those people, all 11,100 of them, lose their health insurance.

This morning I was called by my local newspaper and was asked to give one example how not passing this budget would hurt the people of the State of Maine. I gave that one example, those 11,000 plus people on the Maine Health Program, whose access to health care is being taken away, has been taken away by everyone in this House who voted no on the last vote. Most of us here have in our possession a Blue

Cross card provided to us by the courtesy of the taxpayers of the State of Maine, courtesy of many of the people on the Maine Health Program who are working adults in this state, who are paying for your Blue Cross card. Are you willing to take your Blue Cross card out of your wallets, out of your purses, put it on the table for the Pages to pick up — let me see you do it. Take it out of your purse, take it out of your wallet, you don't pay for it, you don't make one single contribution to that Blue Cross card. It is there for your use.

If your family income happens to be below 95 percent of the federal poverty level, you too are eligible for the Maine Health Program or were until we cast that vote. You, too, could have had your deductibles and your co-payments paid for by the Maine Health Program. There are state workers in this state whose incomes are below the 95 percent of the federal poverty level. The wife of one of those workers called me tonight. She said that she was sick and that she had a doctor's appointment tomorrow but she had read in the newspapers that she wouldn't have way to pay for it. She hadn't gone to the doctor before she had the Maine Health Program because she didn't have any way to pay for it. She had four children and what would she do when they needed to go to the doctor? Her husband works at Pineland and he makes only \$7 an hour and that they can't afford to pay for their own health insurance and that they can't afford to pay their own doctor bills. The Maine Health Program was made available to them because we only pay her husband \$7 an hour — do we want to pay him more money to work at Pineland? I think we should but we are not doing it now so we provided them this one piece of extra benefits because their salary isn't enough to pay for those things. She called the Department of Human Services today and said, "What do I do? I am sick." They said, "Go to the doctor today." She said, "He can't see me today but he can early tomorrow morning." They said, "Go to your hospital emergency room today while your card is still valid." Go to your hospital emergency room. What is one of the reasons why our health care costs have been rising so much? Because people are using the emergency room in cases when they should be in the doctor's office. Today, our Department of Human Services (and I am sure she wasn't the only one who called them) has been telling people to go to their hospital emergency room. Go to the most expensive place, the most inappropriate place for illnesses that are not real emergencies that require emergency room care.

Representative Pines is a member of that ad hoc committee and last evening during the deliberations I heard her say that the committee should accept \$6.8 million for the Maine Health Program. Why? Because she said she didn't want people who are currently on the program to be thrown off the program. She had heard someone very familiar with the program, not me, say that a figure below \$6.8 million would not enable people to remain on the program. Even at \$6.8 million, we are going to have to find \$800,000 of cuts in that program in order to make it work for the people who are counting on the program. \$800,000 worth of cuts in only a couple of months time, maybe two and a half months, that's not going to be easy, we are going to have to make some tough decisions in order to keep the people on that program. How would we ever find a way to make more than \$800,000 worth of cuts in two to two and a half months? That is the

problem, men and women of the House, we don't have much time left in this particular biennium. It is very limited, the cuts that we can make. In fact, if you think about it, some of the cuts, some of the savings from those cuts we are losing for every day that we don't pass this bill. There are cuts in the package that will be effective the day that this bill passes, for every day that goes, there are fewer days left in which those cuts can be effective. If we are going to make even the cuts that are in the bill now, and they are extensive, over \$42 million dollars, if we are going to make them, we have got to pass this budget tonight. We have to pass it so this woman doesn't have to go to the emergency room at the last possible moment, so she can go and get the medication that she probably needs. By the time she gets to the emergency room, there probably wouldn't even be a pharmacy open.

What about the people whose prescription runs out tomorrow? What about the woman who called me the other day who is on heart medication, who works every day because she has that medication but who won't be working when she doesn't have that medication — what about her? What about your constituents? Think about it.

We have already had some tragedy around this budget and since the day we first started talking about it and I guarantee you that of those 11,100 people, somebody will die because we don't pass this budget, because they won't get the care they need at the time they need it. It may not happen tomorrow or next month, but because they don't have what the need, something terrible will happen.

It really shouldn't take much courage to pass this bill, it is not a terrible bill, it is not the one that I would have written, it is not the one that anyone here would have written, but it is the one that 13 people agreed upon, they made the last final steps. They took those areas in which there had been disagreement and made some tough decisions. They ask all of us to swallow those tough decision — well, I ask those who were on the committee, all of them, to swallow those tough decisions that they themselves made. I believe that if the three people on that committee will vote for this bill that other people in their caucus will look to them and they will say, "If they can do it, I can too." So I ask them to be leaders for the woman who called me today and for all of the others who didn't call me today but who may be calling tomorrow when it is too late. Please think twice before you push the button.

**(After Midnight)**

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I congratulate the members of the ad hoc committee who put together this compromise and stuck with it. Being a Freshman member on the Appropriations Committee, but being a legislator for 11 years, I take my task very seriously as a member of the committee. Previously, for those new members, I was on the Energy and Natural Resources Committee where we dealt with very complex, controversial issues and we managed to get a compromise.

We have to balance the budget. The Majority Report that came out of committee did do that. We did not get enough votes to get the bill passed and finally we have this compromise bill which also balances the budget. I would love to have seen the reorganization stay in the bill; however, that special task force decided not to, so I will live with that.

I have heard over and over again that it is time to downsize government. That is a fancy phrase but for those members of the Minority Party, I don't believe you when you say you want to downsize government, you had an opportunity to do so but you refused it. There are other areas that the Majority Party wanted to cut with Deputy Commissioners; however, the members of the Minority Party refused to do any cutting in some of those areas, they would much rather cut the people who give the direct services to the people of the state. There are plenty of other cuts in this budget and there are going to be plenty more in the next budget.

I heard Representative Lord mention that he would try to get something together to sell to his caucus — that's an admirable goal — however, I was elected by the people of my district to represent the people of my district and the people of the State of Maine as a whole, I am not here to represent the Democratic Party or the Republican Party or leadership. I, too, as Representative Carroll and Representative Gould stated, have gone against members of my party. I did it because I believed it was right and because I have a conscience to do what I feel is right.

I remember a few years ago the issue that Governor McKernan campaigned on, which was the Job Opportunity Zones. The Majority, practically all the members of the Democratic Party, disagreed with that program. Representative Murphy was Minority Leader at that time. The bill came out of committee divided on party lines. I got a note from Representative Murphy who wanted to know if I was going to get up and speak and I told him when the time was right that I would. We managed to finally get a bill passed. I can remember the expression on the then Majority Leader, John Diamond and Assistant Majority Leader, Dan Gwadosky, who were very surprised at our ability to get that bill passed. I remember them scurrying up to the back of the House with the roll call list trying to switch votes. I submit to you that those Democrats who voted for the package, the majority, (there were a few that switched back) voted their conscience and that is what I ask the members of the Minority Party to do tonight.

Several of you came up to me and said you had no problem with the bill but you don't want to vote

against your Governor. Well, he is my Governor too.

I guess what is more disturbing than that is when some members (and you know who you are) who told me that you were going to vote for the bill and you voted against it — I guess that is discouraging because you are only as good as your word. You know who you are. Not only did you tell me but you told people back in your district that you would vote for the bill and you voted against it. I submit to you, members of the Minority Party (and you know who you are) that it is about time that you vote for what is right, vote for your district, and put away party politics and let's get this budget underway because we have serious problems to deal with in the next budget.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: To me, this is a sad day in the House of Representatives in my 7th year and, although I knew this was going to be a tough year to deal with budgets, programs and services, I thought there was going to be a lot of opportunities, a lot of opportunities to downsize, to look at the programs, see how effective they were, and that nothing would be overlooked. I also saw an opportunity last night. I have been here many, many times when individuals on both sides of the aisle would be waiting to leave the House, would vote very quickly, squelch debate to get out of the House and go home, but last night I saw at a time of impasse, at a time of discouragement by many members of this House, a request go out for individuals to participate in order to eliminate the impasse. I was surprised and encouraged by how many members stayed and said they wanted to participate, they wanted to help out, but again, that was an opportunity missed.

I stayed that first night and sat with three other Freshmen of the Republican Party in that room and watched, again, a very encouraging sight. I watched members of both parties speak with respect, deliberate conscientiously and reply to questions from the other party without reference to whether they were an R or a D, but what could be done to resolve the problem that hadn't been dealt with before. Again, an opportunity missed.

There are many more other opportunities that are going to come along this session because we stand today in front of a great void and that void is the biennial budget. We know that the choice we make dealing with that budget are going to determine whether we fall into that void or build a bridge that is going to be in the best interest of our children and our children's children. Our choice cannot be the status quo or to move that void if we are to do anything other than what is politically expedient. Again I say, we have many unique opportunities in front of us, continued maintenance of our infrastructure, a rethinking of the funding mechanism for education and the levels of those fundings, the accessibility of health care, the caring of our state's elderly and mentally ill and mentally retarded — I hope those opportunities aren't missed.

I was also looking forward to a major undertaking, a major review and analysis of how we fund various sectors of government, local, county and many of the state programs that we look at every day. I look at things like — is it right to tie a gas tax, toll revenues, trucking fees, railroad fees

and excise taxes to the maintenance of our infrastructure? Probably it is. Is it right to tie alcohol premium taxes and the so-called sin taxes on cigarettes and liquor to health care programs, chemical dependency programs? Probably it is. Compare that to tying property tax, property ownership and its value to the funding of our kids' education. I thought we had an opportunity this year to deal with that. I am not so sure now. Or take tying property ownership, regardless of the owner's income level or earning capacity or even the number of dependents they have to take care of themselves, to determine the amount of money that we have available to provide sustenance and housing to those who don't even work or cannot work or don't quite work to make enough, the so-called working poor. I am certainly not speaking against the social service network, far from it. I believe very strongly that the government's greatest responsibility is to help those who cannot fend for themselves and to help those same individuals reach a point where they can fend for themselves but I am not so sure we are going to deal with that problem this year.

In addition, we also have extraordinary opportunities to rethink our approach to the ever-dreaded mandated programs. A lot of rhetoric floats around this House about mandated programs. If there ever was a year that we could have serious debate about that issue and come to some resolution, this is the year. What makes us think there is only one solution to every problem? Why don't we set the goals (as a state) and let more than one method be used? Could we deal with mandated programs in that way? We need to release our collective ownership of every single solution. Government can provide some of the answers to some very vexing problems but not to every problem, nor should it. Government cannot be all things to all people, nor could it.

In the 1970's and 1980's, we had a generation created that doesn't trust government and at a time doesn't feel that it is needed. They don't seem to treasure public participation in government nor do they understand the collective and individual responsibility we all have in a democracy such as ours. None of us here today has avoided that responsibility, which is the act of participation in government; however, I think we have a great deal of work ahead of us if we are to turn the tide of cynicism and apathy currently rampant in our society. One way I feel that we can turn that tide is to begin being truthful in our dealings with our constituencies and in how we conduct ourselves within this legislative process that we all participate in. Thoughtful budgeting, accurate projections, reasonable expectations for programs and services and the creation of an efficient delivery mechanism for those services should be our utmost goal. Another way to get away from that issue is to stop using these elastic phrases that get thrown around this House so easily. They get stretched so much that they are meaningless and do nothing more than promote disenfranchisement in our society and disenchantment about our ability to govern this state. I am speaking about those wonderful little phrases like "government we can afford, downsizing of state government, no new taxes, partisanship for the sake of partisanship serves no purpose and creates no solutions."

Our constituents elect us because of the principles we stand for, not the caucus room we sit

in. It comes down to a simple fact that we need a lot less partisanship and a lot more principle public service. We are not here to make bad times painless, we are here to make bad times less painful. We are not elected to enhance the public good by finding ways for our constituents to avoid sacrifices, we were elected to enhance the public good by choosing for our constituents who elected us, appropriate sacrifices.

Finally, having said all that, I feel lucky to serve in this 115th Legislature. I see before me some of the most capable and dedicated public servants ever to have served in this body. There are Freshmen legislators here today who have no equal in their ability to articulate the hopes and concerns and desires of their constituents that they so proudly represent. Many of those same individuals have experience in private business, local government, as well as raising a family and all that that entails. I also see before me public officials of long standing, veteran legislators who understand every aspect of state government, the programs, the players, the funding mechanisms, and they also have the institutional memory to assist us in avoiding the mistakes of previous legislatures and help guide us in an attempt to find appropriate solutions to the many problems that we face. We need not speak with one voice in order to speak the truth, we need not squelch differences of opinion to be unified in our purpose, we do need, however, to challenge the parameters of our current understanding and stick our collective necks out by avoiding the status quo. We have available to us the resources necessary, the experience required and the understanding that there are ways to meet today's problems head-on, no matter how complex they seem, but do we have the inclination or the will to do so? I hope we do but I am not sure. I hope we don't let another opportunity be missed.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would like to clear up something, I thought I had cleared it up before but apparently the Representative from Old Town, Representative Cashman, either wasn't here or didn't hear me.

The vote that was taken, in my mind, was a vote for peace, a vote toward a compromise. It wasn't a commitment to that final formula. I heard twice tonight that, once you got upstairs, the vote changed. That is wrong. When I walked out of that room, a reporter met me outside the door that obviously knew and wanted to know what my vote was, he wasn't sure what that vote was. He asked me, "How are you going to vote on the final package?" I said, "I don't know, I'm going to run it by my caucus. The reason I am going to run it by the caucus is because they have been excluded from that process, as agreed." When we were debating that final compromise, the Representative from Old Town, Representative Cashman and myself, talked outside and I indicated to him that I had to do that. So if it wasn't clear then to him on that vote at that time, that it wasn't a final commitment to that final package, then I don't know how clear I could have made it to him.

I have heard a lot of rhetoric again tonight that somehow it magically puts it back to the Governor's shoes as to why we haven't reached a budget



compromise or the Democrats that can't think by themselves but vote together. I am sure the other party has never done that before either. I will let them speak for themselves and I will speak for myself.

I feel that there is a solution, I feel there is a compromise but you are not going to get it in 24 hours. I am not going to compromise in facts that I have no understanding what they do. To the Representative from Old Town, Representative Cashman, maybe you do, but I don't. At least I or you should have the respect and the courtesy so I can understand that and arrive at an intelligent final decision on what it will do.

Had we been given the additional time instead of 24 hours, essentially 24 hours, because the first meeting was nothing more than getting together and hammering through things that had already been done — had we been given that extra time to find additional monies, perhaps we could have come up with something. But no, as I said before, it was ramrodded through the process to come here so I guess we are back to the rhetoric, we are back to the politics, we are back to the fighting back and forth that we are never going to reach a budget, we are going to get some press and blame each other — that's really productive, that's really great. We ought to be real proud of ourselves. I am not proud of myself because I think we can reach an agreement.

For sixty days leadership has been trying to reach an agreement and in 24 hours we are supposed to come up to speed and solve all the problems. Well, that is pretty amazing. I am sorry if I didn't live up to those high hopes but I didn't. Perhaps if I had had a few more days on that budget, I may have, but I want to deal with facts, real facts, not beliefs, not myths. I don't have those real facts.

Why don't we have a budget? I don't know why we don't have a budget, I don't know why Appropriations hasn't met collectively, publicly, over the past couple of weeks, I don't know. I don't know why all the backroom dealings have been going on, I don't know. Why hasn't Appropriations met like they have met in the past, like I have seen work in the first two years that I was here? They always came out with a unanimous budget. As I understand it, they always did that in the past when I was not here. Where has the process broken down? What egos are involved in this? Why won't people give? I don't know and that is not for me to answer, it is the players that are in that process. Perhaps they ought to ask themselves why it didn't work. Perhaps they ought to ask themselves why we didn't give. Perhaps they ought to ask themselves that we are going into a biennium budget that is going to require \$900 million in cuts and come to the reality of that itself and figure out a way to take a \$160 million and get it out of the way, a small task. I heard that we were \$2 million apart before the ad hoc committee was started. You mean to tell me that \$2 million dollars apart there couldn't have been some give somewhere? Incredible!! That says to me, where is the good faith? Why are we then here debating this all over again if we are only \$2 million apart? I question, who doesn't want the budget? You say the Governor doesn't want the budget — maybe the leadership in this legislature doesn't want a budget, I don't know. I don't know that answer and that is for them to answer.

We put our faith in them and they didn't deliver a budget. You felt that in 24 hours we were going to

magically come up with that final solution. We came out with a starting point and was recognized as a final point and I am sorry about that because I think we could have taken that starting point and gone somewhere but we didn't have that chance. I guess, at this point, I will sit down so the bashing can continue. I guess we will accomplish nothing.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for keeping you up late but I don't think many of you are going to be able to sleep tonight because there are a lot of people out there affected by our total inability and paralysis to act.

Representative Richards has sat down afraid that the bashing is going to continue, I am not here to bash. He and I had the extraordinary opportunity to walk down to the front of this House one night, when everybody here wanted to stop the bashing, which you are so concerned about, and get on with solving the budget. I think there are some egos in the way, I think we need to look at whose calling whose ego the problem. Many people walked down front and they volunteered. I think you volunteered, that's why you were there and I cannot believe that a lawyer, who has been in this House more than one term, did not understand you were not being created to go into business for the next month on a budget that is already two months late nor were we asked to start over.

The Governor presented a budget in January, Appropriations and leadership worked on it, we only had to go that last little distance. You know this morning was really supposed to be a glorious day because most of us turned on our TV and we were looking at the signs of a war that has ended, something that means more to us probably than some of this debate, but in spite of that, there were some people being interviewed in Baghdad standing among the wreckage and the ruins who said, "We won, we withstood the Americans for 40 days." That is what you are saying, we won, we have no budget, but by golly, we didn't stick to the plan and we walked out after we had agreed to a deal.

People have asked me, over and over again, what it is like to come back to this body which I love very much or I can assure you that I wouldn't be sitting here again — what is it like to come back after six years? What has changed? For one thing Representative Bailey, Freshmen were not excluded anymore than leadership and Appropriations were excluded. We had a negotiating team who tried to represent you and we came down and did our best as rank and file members with no axes to grind.

The other thing that has changed, and I have seen it over and over again and if I may share it with you, is that you can't negotiate because you don't know what you are negotiating about. I was appointed to serve on a committee about taking money from the Retirement System to fund this budget, I sat through a whole day's hearing at the Civic Center, not one person said it was a good idea but we've got to do it. The Republicans on the committee that day voted yes we are going to do it, it is not good, but we are going to do it. We came in and debated it and I looked up and they all voted against doing it after the debate. I had never seen that before but I thought, well, things have changed a bit.

We go down to the meeting and I can assure you Representative Richards, Representative Lord and Representative Pines, if you think for one minute I would have missed some very important events in my 16 year old son's life to spend the time with you working on a budget that you had no intentions of coming up here and voting for, and that I would have to vote for something that I found absolutely abominable, putting in the \$8.3 million, if you think I would have put my name on that piece of paper to come back and try to sell it to my caucus, you have another think coming.

I had the privilege of serving down in this corner once and let me tell you about leadership. I made many mistakes but I, as a Majority Leader, once voted to override a Democratic Governor's veto. You are not serving your Governor or my Governor by being "yes men and yes women." The Governor of this state needs a budget, you need a budget, the people of this state need a budget, and if one more person stands up and worries about businesses if we pass these taxes that we haven't had a chance to look at or not pass any taxes, (don't let me get that into the Record because that is not what is happening), we are upping the collection date of taxes they are already paying. You might like to know that you are already costing businesses because of your inability to pass a budget. This state paid \$300,000 extra dollars on a bond issuance of the Maine State Housing Authority. Are you saving businesses money?

I am looking at two Republican members of this caucus who represent a lot of state employees — what are you going to tell them if we don't get a budget and we continue to run this state by Executive Order there are going to be more of them in the streets? I really wish I had the power to do this but I am not the Speaker and I don't run this place but I would like to keep everyone of you who is voting against this budget because I don't want this to go back to anymore committees. We are committed right out, we have run out of volunteers, we have sent them all as cannon fodder. I would like to ask everyone of you whose is voting against it to stand up right now and offer your solution, to stand up and offer an amendment, I would be glad to wait and print it up by hand and copy it for you and let us vote on your suggestions.

They told me if I wanted to take out the \$8 million dollars, I would have to come up with a source of funds — I don't know what you want to take out — tell me. Then you give me a source of funds for it.

I want to tell you two things that happened last night because everyone should know this. The first night we went down as we outlined parameters of this debate, we had Sawin Millett representing the Administration to tell us what had gone ahead because we didn't want to go backwards. For goodness sakes, we had no time to go backwards. It took us about 45 minutes to get him there, I think he was afraid to talk to us, he sat down and went over a whole list of possible revenue sources that had been agreed upon because that is all we wanted to know, not his opinion, and he mentioned there was \$500,000 on the Table that they had found in food stamps. He did not mention that that same afternoon, the Governor had transferred that by Executive Order to some other account. That was a good place to transfer it probably because it was the low cost drugs but that is not the point, we were not told that. The next

day when we asked for some revenue sources, we were told "Well, we've got \$8 million worth of sources, would you share them with us?" Oh no, you can't have it both ways. It is either a Governor's budget or a legislative budget. I don't think it is his budget right now, he gave us his budget. You are legislators, it is your vote and you must pass it. I cannot believe that we are making so many things so partisan. I would beg of you, please reconsider your vote, this is very serious. If you kill it tonight, it is dead, it is really over. Please don't think you can go home and get a good night's sleep and come back tomorrow and start over. The chemistry has changed and the people need you — please reconsider. Thank you.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be too long and I am tired. I don't feel too good but I am not leaving.

You can relax, I don't have any new ideas. Representative Richards has brought me to my feet tonight when he mentioned the word "guts." I don't know whether he questioned my courage or whose courage he is talking about. It is very easy to use these words but it is much easier to demonstrate it, I think. I think over the 11 years that I have served here that I have demonstrated my courage and my independence.

I have a letter here that I would like to read to you. You can see from my desk that I am not somebody who saves things. This is the only thing that I have saved in the 11 years that I have been here. It is a letter from John Martin and it was written to Ralph Willey, who many of you may remember. He was a very good legislator. It was a discussion that day when Speaker Martin made an inference, I guess, that he thought Ralph Willey was blindly following somebody's light. If you knew Ralph Willey, that couldn't happen. As I said, this is the only thing that I ever saved in the 11 years that I have been here. This is from John Martin to Ralph Willey. "I believe I said some follow lights but I will check. I certainly did not intend to include you. You and Macomber are two legislators that I would never accuse of following anybody blindly." That's what I have from 11 years. I don't care to have my courage questioned.

I suggested a committee the other day and somebody asked me why I wasn't on it. I will tell you very frankly why I wasn't on it. I picked 8 people that I thought were more qualified than I was to discuss budget matters. I think they were more qualified and they did the job. I guess I am not frustrated anymore, I am disappointed. I think the words that describe my feelings is "I am very sad." I don't think we are doing our job, I am very sorry I came back. Let me tell you why I came back. I didn't intend to run another term. The Republicans in the city of South Portland called me and wanted to know if I was going to run and I said that I didn't know. They said they would like to have me run and promised that I would have no opposition. You can see that I am not a very partisan candidate, I never have been, and I never will be. I come here and I vote the way I think is right and the way I represent my people. I am not a lawyer, I was a mailman for 30 years, I don't have a great education, but I have a

reputation that I developed over the last 11 years of being honest and for doing my job. I could go on but I am not going to. I am sad for many reasons.

Representative Lord is one of my best friends. I have known ever since I have been in politics that there were people here who, when enough pressure was applied, would fold up and change. I always felt that Representative Lord was somebody, if he ever said something to me, I never questioned it, I thought you could take it to the bank. I am not going to urge you to change your vote, I don't think anybody is going to, but please don't ever question my courage.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise for the second time and believe me, it won't be the last, to reiterate that we were excluded as Freshman from the process of developing this piece of legislation.

I also want to say that, as a Freshman, I don't appreciate being called a liar. I also want to say, and I want to have it on Record so Mr. Jacques of Waterville understands, that it is people with attitudes like his is the reason we don't have a budget and another thing, to set the record straight.....

The SPEAKER: The Chair would suggest to the Representative that he not question someone's motives. The Chair suggests that he stick to the bill and keep his remarks confined to the legislation before us.

Representative BAILEY: Mr. Speaker, his remarks were that the Democrats were gaining seats in this House and I just want to set the Record straight that I defeated a 10 year incumbent for this seat and I intend to represent the people in my district and my vote is my vote, not Governor McKernan's vote.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: There have been a number of things that I wanted to respond to but I think I will start by responding to the comments of the last speaker.

I have been wondering, along with everyone else, why we do not have a budget in this House. This is my second term but I have been in state government for a number of years. I think one of the reasons is that it takes six months (normally) in the first year of the biennium to get a budget and we have started through the process to unravel that, it is not surprising that, even in two months, we don't have a budget. It is a very difficult process even in good years.

I think the fact that we got as close as we have with one committee that did not have public hearings on every little segment of change in that process is pretty amazing. I also think it is not surprising that Freshmen would feel the way Representative Bailey feels because, at this point in the process, some of us have not met the Freshmen and the Freshmen have not met us. Some of us have hardly met on our committees long enough to know anything about our peers whereas in a normal budget process, at the end of the session, we have developed opinions about other people in this process and one of the basic components of any budget, just like any of the legislative process as a whole, is trust. One of the

things that is clearly lacking here is trust.

When I first assumed office here, I was trying to figure out it was possible that we could vote on all the bills that we have and it was explained to me, as I have explained to other people, that we have a committee process here and we have to rely on the work of committees. Obviously, that has broken down in the process but we still have people who have taken the time to learn. One of the things that I was most happy about the other night when that committee was selected was that, from both sides of the aisle, I felt we had people who were respected within their caucuses. I know on the Democratic side of the caucus, I thought we had a really good cross-section of types of approaches, we had cross-sections of types of understanding and experience and I thought we really had a lot of experience in that group. I think the Appropriations Committee this year also has some of those characteristics as a group.

I think people have got to understand some of what is going on here has nothing to do with this year, it is just an impossible thing that we have been asked to do. If you add in all the intense feelings that are generated when a country goes to war in the middle of the process and you add in all the intense feelings that everybody has, where we have had deaths involved, I think it is not surprising that, on top of lack of trust, lack of knowledge, lack of time to understand, we also have intense feelings that generate reactions. That's all true and I think the problem is that nonetheless we are here to pass a budget. I hope that some people, somewhere between tonight and tomorrow, can find the time to seriously look inside and say, okay, I have had all these problems but I've got to find a way to trust because this problem of lack of trust will go on for a long, long time.

One of the things that disturbs me the very most and it has disturbed me from the day that Sawin Millett came before this body was that we start from the premise that this Administration gave us, that our job here or what we should take as our charge, is this totally offensive word "downsizing" of state government. I was going to give my first speech about it but someone from my own caucus got up and said how wonderful that idea was so I didn't do it. But I really find it offensive and I say it now because that concept, the whole thing we have to do is cut, I don't disagree that we will need to cut costs and I don't disagree that we need to reduce the state budget, but you have got to understand that if you take such a simplistic approach that all we are about is reducing the number of state employees, we are all going to be in big trouble in about a month or two when we try to tackle the biennial budget. It is not that simple. The first budget that was proposed to us showed that. Every single cut that we looked at had a problem of one sort or another. For example, one cut over at AMHI cost us money because it required overtime. Another cut lost us money some place else because we lost federal revenue. Another cut caused more of the kinds of problems that we are talking about when we complain about state government and both parties, by talking about the waste in state government and the need for downsizing, create a problem that we are all going to have to live with. Both parties convinced the public that state government is too big and state government has waste so now we have got to find it. Frankly, having spent

11 years in state government, I know there is some and I know there are a lot of ways to cut costs but we are not going to be able to cut one-third of the state budget. We are simply not and anybody here who thinks that has got some homework to do.

I would suggest you stay away from your town meetings because if you go this year, you will not be able to face them next year. The fact is that good cutting (to the extent there is such a thing) takes time and a lot of planning, which is why I was so crazy as to suggest in December that we not spend this kind of time on a \$160 million and we raise taxes immediately to cover that small amount and deal with the \$750 million that we had, because it takes time. We should have public input and we need to study the ramifications. And in that one tiny respect, I agree with Representative Richards, that is the only thing I agree with him on. Occasionally, at other times, I do agree with him.

At this point, I think people have got to understand, because I don't agree with everything in this budget, but I think really and truly, and this is just from my own experience, from my heart, from my looking at the needs of my constituents and from what we are doing as a state government — as a state government, we run schools, we run prisons, we run hospitals, we are not an oil company or a business that sells widgets. We take care of people and we provide services. We have got to really understand that we have to take care, right now, of keeping state government moving in a responsible way so we can devote full attention to how we are going to come up with a billion dollars in the next two years. That is a very serious problem and I think we have already lost two months that we should have been spending on that problem. Even if we all agreed that we were not going to raise any taxes (which I think is virtually impossible, as you know) I think it would take at least six months to even come up with (for either side) a suggestion about how to do that without raising taxes. I am not sure that it is impossible but it would take a long time and a lot of work.

We are wasting time and, on top of that, we are costing money. Every day here, we are costing property tax dollars to go up. The other thing that is a problem is using this word "cutting and downsizing" as our preference here and I say this because we are all going to our town meetings is, just be aware that the problem here is not, if you cut you save people money, that is not going to happen with most of these cuts. Some of them yes but most of the ones that have been offered so far will cost people money. It is a cost shifting to somebody, somebody else pays it. Either the property taxpayer pays it or a business person pays it when their health care costs go up because of this so-called luxurious health plan or somebody else pays it. Even George Smith recommended the other day that we fund the Park Managers — there is an example of what is going to happen to every single cut that we propose — somebody out there will say, that's a valuable service, I want state government to pay that. The question we are going to have to ask about every part of state government is, if we are doing zero based budgeting, do we want it and who should pay for it, state government or somebody else? If we don't start that process now and get public input, we won't be able to answer that question, we will have this same problem one hundred times over.

I would ask people to trust that all of the people, the Appropriations Committee and the 13 people who worked on this (with the exception of those people who aren't sure now about what they did) that the other people did know enough.

I, for one, have been following this budget (as most of the members of my caucus have) by voluntarily going to meetings and asking people after every few sessions, what's happening, what are the issues, what's involved? I could have walked into that as well as a number of other people over here and at least been able to follow it. If people haven't paid attention at a level enough to allow them to do that, then I think you have to pick somebody and trust that they know what they are doing. That is why I thought that plan would work last night because we had picked people out of each of our caucuses. I really think this is extremely serious and I also would echo whoever said it, that I don't see what the hope is to go anywhere else with this budget.

I would ask people to reconsider.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Whenever we take a vote in this body, there are winners and losers and, as you look up at the red lights and the green lights, it is fairly obvious.

It is very easy tonight for some people who are on the prevailing side of this issue to feel that they have won and I would like to suggest to you that if, in fact, those people do feel that they have won, that there are losers and I don't feel like a loser tonight. I feel that the losers tonight are the schools of this state. The schools have lost 2.5 percent of their General Purpose Aid for Education and the schools have lost 50 days of interest on the money that has been delayed because the Commissioner of Education had a finance order that made that change. The superintendents, the school boards, the and children of this state, as well as the property taxpayers who are now going to have to figure out if they are going to raise the money to cover that or if they are going to cut programs for their children.

The other losers are 10,000 people in this state who need the Maine Health Program. Those people are still going to go to hospitals and they are still going to get care. The hospitals are going to find that their charity care costs are going to go up and their bad debt costs are going to go up. That means that their costs are going to go up and when their costs go up, the insurance costs go up. Almost every person in this state is going to be affected when those insurance costs go up and I don't know about you but I have already gotten calls about the pending increase from Blue Cross and it is going to get worse.

Seven hundred families in this state are not going to be able to get Day Care vouchers. Those people are going to lose their jobs, have to quit their jobs, or have to stop their education program because they don't have any child care. Is this going to hurt business? Your darn right. Business pay property taxes and they are going to have to make some of those decisions. Business pays health insurance and they are going to have to make some of those decisions and business depends on employees. I would ask you when you vote tonight, be real concerned about what is going on with business in this state.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I know the hour is late but I am not going to apologize for keeping you a few minutes later because I believe we have been keeping the people of the State of Maine waiting far too long. We should vote a supplemental budget and we should vote that budget tonight or this morning, I should say. We are into the month of March and we still have not acted.

A great deal of anger has been expressed in this chamber and I can understand it and I can appreciate it because I have felt it too.

By profession, if not always by personality, I have been someone to try to control that anger, to stand back and be as dispassionate as possible. By profession, I am a historian, write about the history of the State of Maine. I never in my life thought that I would end up at this moment, at this hour, in this kind of a situation because I have to say, frankly and sincerely, and I don't mean it in a partisan sense, though I am sure the Minority will not accept that, that when the history of what happens tonight is written, if it stands, this has got to be one of the worst examples of irresponsible government, of politics at its worst, in the history of the State of Maine. I mean that sincerely.

There have been other things said that were quite eloquent, very eloquent. I have never been more proud to be a Democrat from the city of Westbrook than tonight and the things that Bill O'Gara said. Bill O'Gara represents the type of politics I hope that I, as a Freshman, will represent also. He is more committed to getting a solution and moving ahead for the State of Maine than partisan, petty, pathetic, political ploys. I tried to ape Mr. Agnew as one of the heroes of the Republican Party there.

There were several statements that were made by members of the Minority Party and I am sorry that some of them aren't here, it is the Minority that should be addressed, this handful of willful men and women that are stopping the State of Maine from doing what should be done. The Representative from Township 27 isn't here but I still want to say what I have to say, I am known for that — he was talking about the Freshman, I am a Freshman also, and I could stand up here and whine and bitch about not being involved and being excluded and all of the rest but I am not going to do that. The Majority in caucus and individually have been very helpful to me and I think the Majority Party has done a good job and I am not about to stand up here and say that John Martin has been leading me by the hand or taking me off in a room with one single light bulb and beating me silly or something like that because that hasn't happened. It has been very easy for me to vote the way the Majority goes because the Majority has acted consistently to get a budget through this whole process.

Another gentleman mentioned something about guts — well, I'd also like some consideration of approaching this with an element of compassion for the people out there and intelligence for the job that has to be done.

Finally, there have been a number of eloquent and angry things said here but also there have been some very sad things. I am very sorry that Representative Lord is not here because I think what he said earlier was the most poignant and the saddest thing that I

have heard in all of this. He was part of the process when we had a golden opportunity to do the right thing for the State of Maine and now he says, (at least twice) I am sorry, I tried to sell this compromise to my caucus and I couldn't do it so I went along with my caucus. We are not here for our caucus, we are here for the people of the State of Maine. The people of the State of Maine expect something more than what has been done so far. I appeal, I appeal to the Minority Party to forget the political games and do the right thing for the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: Never before have I been more proud to be a Republican in the Maine State Legislature. Never before have I seen so many personal attacks proffered upon the Minority Party. I do not have the tenure of some in this House but I do have four plus years and this has been one of the most disgraceful displays that this House has partaken in.

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

To the good gentleman from Old Town, Representative Cashman — a question regarding the process that this Supplemental Budget took on the eve of Tuesday. Representative Cashman, were there any members of leadership or members of the Appropriations Committee in that room while the ad hoc committee was meeting?

The SPEAKER: The Representative from Paris, Representative Hanley, has posed a question through the Chair to the Representative from Old Town, Representative Cashman, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, yes.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I would like to pose a series of questions through the Chair to the good gentleman from Old Town, Representative Cashman.

Representative Cashman, since I was not able to be there in that room Tuesday evening, could you let me know who was in that room as far as members of leadership and members of the Appropriations Committee?

The SPEAKER: The Representative from Paris, Representative Hanley, has posed a question through the Chair to the Representative from Old Town, Representative Cashman, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, could I ask if that is the last question or is there more?

The SPEAKER: The Representative from Old Town, Representative Cashman, has posed a question through the Chair to the Representative from Paris, Representative Hanley, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HANLEY: Mr. Speaker, to answer the question of the good gentleman from Old Town, Representative Cashman, it all depends on the answer to that question.

The SPEAKER: The Chair would not put the question to the Representative from Old Town.

The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, to answer to good gentleman from Old Town, Representative Cashman, that will be the only question I will have, if you will answer that question in its entirety.

The SPEAKER: The Representative from Paris, Representative Hanley, has posed a question through the Chair to the Representative from Old Town, Representative Cashman, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This is amusing. Let me just say that the first night that we met and the second day that we met, the attendance from the members of the Appropriations Committee varied from moment to moment as it did with leadership. As I recall and sadly Representative Hanley, I didn't take attendance, perhaps I should have if I had anticipated your question, but the first night that we met, we requested the presence of Commissioner Millett, we requested the presence of Representative Reed, who could not make it or refused to come, I can't remember which. We requested the presence of Representative Carroll and we requested the presence of Speaker Martin to address questions. As I recall, Speaker Martin answered one question, Representative Carroll answered none, Representative Reed didn't show up, and Sawin spoke for 45 minutes.

The next day, Representative Marsano blew in and out consistently, Representative Foss was there, Sawin Millett was in and out, Representative MacBride was there and I believe that was it. I hope that answers your question.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Old Town, Representative Cashman, for answering that question because I think it goes to a point that the good Representative from Westbrook, Representative Lemke, raised as far as the process. It was my understanding that when this ad hoc committee was formed that members of leadership were supposed to stay away. It was my understanding that the Majority Floor Leader had gotten a pledge from the Minority Leaders that they would not be in attendance. It just seems that, here it was Tuesday evening with five members of the Minority Party in there, with none of their Appropriations Committee members, none of their leadership to help them and support them and yet it seemed that this good faith bargaining was breached right from the outset. That, to me, is troubling. I think that puts a taint on the entire process and I think for us to sit here and not accept that that is what is going on is not only foolhardy but it insults our intelligence.

For that, I will continue to vote against the Supplemental Budget until it is one where it follows the process as has been the process for the last four years that I have served here and one that has worked very well, with a Republican Governor, with a Democratic majority, and it is that type of process that I would like to see put forth in good faith to bring about a budget that the State of Maine would be proud of and one that we can afford.

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

Representative STROUT: Mr. Speaker, Ladies and

Gentlemen of the House: The previous speaker asked some questions from the co-chair of the committee which, in my opinion, was not necessary but I am going to answer from this Representative.

There were people there Tuesday night and the Chairman told you exactly what happened. I want to tell you a little bit further — my Minority Leader was there and he forgot that, he came in Tuesday night. That was the other one.

I want to tell you a little bit further what the co-chair did the next day. I know of one member in leadership that came down to interfere with the process and he told him to leave. Well, let me tell you something Representative Hanley, a member from the other body came in to interfere with us and I told him to leave and he wouldn't leave. I said, "It is either you leave or I leave." If you want to talk about the process working, that is the way it should have worked. I agreed with that Chairman, that was the way we were going to conduct the meeting and I think we did a heck of a good job. I think you are wrong to get up here tonight and criticize him for what he did because I believe we did the right thing.

In my 18 years that I have been here, I have never seen a committee that was formed like this that operated any better than we did for two days. I have always seen committees like this operate and leadership always interfered. I am telling you tonight that they did not interfere. If I am wrong, ask the other 11 members of that committee. I never saw a man operate any better than he did for two days.

I want to tell you a little bit further, I have served here in this body as a Republican as long as the Speaker has been Speaker. I have never seen that man as Speaker — what he did Tuesday night was to let a member of the other party pick four other members to have a joint committee. I have never seen him do that. Why did he do it? Because I believe that he was trying to get a budget resolved in a bipartisan way. I believe that. That upsets me, ladies and gentlemen.

Representative Cashman and I have been friends for a long time. We are of two different political parties but our objectives Tuesday and Wednesday was to resolve this issue. I believe that wholeheartedly and you can't tell me that, for two days, the other members of that committee did not think any other way. Representative Hanley, I am sorry that I got upset with what you said but I don't like it because I don't do those things in this House and I never will.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hear that we Republicans should have faith, trust — that is what I am hearing. From the time I arrived here, all I have heard is partisan politics, that is all I have heard.

When we came here December 21, 1990 with an emergency, a crisis, all we heard was bashing of the Governor. No solutions and I personally experienced this — partisan politics. That is what we see and what we hear and you are saying, have faith in this system, trust us. Well, let's talk how you can trust a system when the committees are set up, 8 to 5, 8 to 3 — when we are asked as first year Representatives who have an equal amount of vote to tell us before the process even begins.....

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy,

and asks for what purpose he arises?

Representative HANDY: A point of order, Mr. Speaker.

The SPEAKER: The Representative may state his point of order.

Representative HANDY: I believe the Representative is not speaking to the motion at hand, which is enactment of this Supplemental Budget?

The SPEAKER: The Representative is correct. The Chair would ask the Representative from Augusta, Representative Lipman, to confine himself to the remarks of the bill pending before this body.

Representative LIPMAN: Mr. Speaker, I believe that the bill came from the committee that was established when no first-time Representatives were permitted to be involved and that is what I am discussing. That is part of the discussion.

We have been hearing over and over again...partisan politics. I, for one, stand alone on one issue that appears that this bill, as it is now, is unacceptable to me and I will vote against it. The reason is that I am from Legislative District 90 and this bill, call it as you may and however you want it, provides that state employees are going to be laid off and that there's going to be furloughs and that they are also being delayed one week in pay. I find that objectionable. I find it in this bill and I found it objectionable when it was originated. I will vote against it for that reason and I urge other people who have a constituency such as myself who care to vote against this bill.

I would also indicate that this bill does affect the cash flow of corporations without any announcement in advance and is going to have an impact on their well-being. I will vote against that bill for that reason. I am giving two concrete reasons why I oppose this bill and I would indicate to you that it is not for partisan politics, even though there is good reason. It is not because I don't trust, it is because it is a bad bill.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to stand up this evening and I serve on the Appropriations Committee of which I am very proud of. I will tell you one thing, I have been here for 11 years now and I think I have heard some of the most eloquent speeches I have ever heard here in my life — from both sides.

I think the one thing that really saddens me the most is that I have many friends on the other side of the aisle whom I have great respect for and I think one of them has stepped out of the House, a good friend, I have nothing bad to say about him because he is my friend.

I know many of you here are having a hard time — yes, Republicans. It is not easy with the task you are dealing with right now. For myself, I am not going to be ashamed, I'll put the blame right where it lies. I think a lot of us have really avoided it here tonight but the Representative from District 90, Representative Lipman, stated it. I will say publicly, there is no leadership in this state from the second floor. If there had been leadership, this thing could have been put to bed three weeks ago. I think you have heard the debate, ladies and gentlemen of this House, you have heard everything you had to hear.

I ask your leadership in that corner, if you want

a budget, the both of you — I think Representative Mitchell stated it right — the proper way is to pass your amendments here and I think I know where those two amendments would be, the Health Care Program and AFDC. I say to you, if you have the guts and the courage, then you put them on the floor of this House. Representative Rydell told you, it is already in effect, the hour has passed.

I don't know how many of you paid attention to some of the people who came to the Capitol yesterday, I don't know if some of you took the time to see some of the people who were so deformed, that probably could never utter a word — they are not as fortunate as you and I, what is their representation? Are they going to be forgotten? Do we forget these people? Some of those people out there were Democrats, Republicans and Independents, they don't know the difference, all they know is they need help. I say in good conscience, yes have the courage this evening to stand and be counted and do what is right. Do what is right for the people.

We sat through this process from the day after Christmas, 60 some odd days, back and forth, round and round we went and all anyone had to do was just tell us, what is your bottom line? Not once did that leadership come from the second floor.

I honestly feel the Governor wants a budget, I really believe that, but he wants it one way, only his way. I think the time has come where he has to compromise. If I heard correctly, he is out of state right now but I think the Governor should be in tune as to what is taking place here tonight. If the Governor is getting the message here tonight, there is a phone in that corner, the Governor could contact him and tell him to put a stop to this, put those amendments on the floor, show your bottom line. I think we have.

I am going to tell you one thing, I am proud of my leadership, I am proud to serve underneath them because the day will come very shortly, and I think you are all going to see it, where this leadership will stand tall because I think we are headed toward a crisis right now that some of you are going to wish that you had taken the time this evening to vote on the prevailing side. I do hope that before this vote is really taken that you look at your inner consciences and really think about what you are doing here this evening.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly at this hour, I would like to respond to what my seatmate from Augusta said a few moments ago. I would like to think that because the good Representative from District 90 is a new member of this body that he is somewhat misinformed as to the budget package that we have here before us this morning. It was not the budget package that called for furloughs, it was not the budget package that called for the rollbacks in paydays — those were done by Executive Order of your Governor.

The state employees have been used as a whipping tool since November the 4th. I had a warden call me this morning at my home. He said, "I voted for Mr. McKernan in 1986 and I voted for him in 1990. I am sad to say to you, Mr. Paradis, I would never vote for that gentleman again after what he has done to us since the day after that election. He has broken his bond with us. All four years of that first term, we

heard how good we were and how he was going to undo the bad blood that Joe Brennan had caused. Last year the rumor that was rampant in Augusta was, "If Joe Brennan is elected, kiss your 7 percent raise good-bye of next year." That was the rumor that went through every state employee meeting that I went to. Well, Joe Brennan didn't get elected and that 7 percent is just about history, not because I am saying it, but because Mr. McKernan sat there in a Joint Convention some several weeks ago and said, "If they do not renegotiate the 7 percent, I will have to lay off hundreds more of state employees. It is up to you folks." He pointed into the gallery to the Directors of the MSEA and he said, "It is up to you people to do that."

My state employees and I have many in District 89, feel their vote was misused, that they were told by the Governor, "Vote for me because I treated you well and you can expect the same type of treatment." That's what that vote is, a bond. The day after the elections, things began to change and they changed very swiftly. That is a sacred trust that we have, the type of Governor or legislator that we are going to be is a type of person that we pledge to be during the elections and that bond has been broken.

I am proud of this body that is here this very early morning doing its job, of laying out the record that Mr. Lemke said future historians will look back and examine and see that we did do our duty. We were not in another state at a reception someplace, we were here in Augusta during a time of crisis doing our jobs and I am very, very proud of this body and in particular of the Majority Party.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: It is late and I will be very brief.

Like many others before me, including my compatriot from South Portland, Representative Macomber, I feel very sad tonight because I believe we are not only devoid of a budget, we are devoid of a political process for effectively resolving political disputes of a major nature.

The budget process has always worked well. It has worked well with the committee working out the differences and coming forth with a unanimous report. Those few times when that didn't work, there was a second process that was used and that was called, "leadership negotiations" and gathering, to be sure, behind closed doors, working out a deal and presenting it. We bought that.

Three days ago, or two or however many it was, I am losing track, it became clear that that didn't work either and it was as clear to the Speaker as it was to any of us and, as a result, he said, I will try anything including this new idea of a special committee, ad hoc committee, and appointed people differently and charged them slightly differently with a very specific task of resolving disputes that weren't being resolved by either of the two mechanisms that have been used successfully thus far. Now it appears that that third process that we tried to devise to solve the problem of how to get an agreement on major political differences has also failed. I am still hopeful but it appears that it has failed.

So, I would charge you all with trying to figure out — what sort of process does work? What sort of

process do we have to have to resolve these disputes because we need to have one? It is March and we haven't even begun to deal with the biennial budget and that will be far more of a serious problem and we all know that. We need a process to resolve the real political differences that are reflected in the past two months and that will be reflected even more dramatically in that document.

My first inclination was to say to the people who were not supporting this third process that they have a special charge to figure out how to resolve those differences because I do believe in my gut that the people who did not go along with this compromise approach and this process have failed even more than the rest of us. Ultimately, I think it is the charge for all of us, regardless of how we vote, to figure out how we are going to do this because the process has totally broken down and we need one. So, regardless of how you vote tonight, I ask you when you go home and as you spend time over the weekend, think about that. How can we effectively resolve these differences? We have got to have a way.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: When we were told late last fall that, lo and behold, overnight this massive budget problem had erupted and we rushed to Augusta to try to fix it. In retrospect, we were very foolish because we should not have been working on that holiday weekend. The night of the death of Representative Carter haunts me because it was in vain. Tonight, this whole process has been a mockery, that there was no reason, we didn't have to be there — it's March, it is spring, we could have waited for spring when the roads were dry. We have been reminded over and over that we need a reality check as Democrats — well, that was a massive reality check that I am reminded of every day.

I wish to take serious objection to that this is "simply a philosophical problem." I was raised by a Republican father and a Democratic mother, they are in their 56th year of marriage, they have raised 10 children and, somehow, they have been able to resolve their philosophical differences.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that I am the last speaker, Mr. Speaker. I think the Speaker gave me a moment to cool down my temper by calling on me last because I think I was ready to explode.

I do rise, not because I really wanted to because I didn't have a very integral part of the process that went on, as I have been hearing from a lot of Freshman legislators and frustrated legislators they are and so am I. This is my fifth term and I was not put on that ad hoc committee nor am I on the Appropriations Committee, not because I didn't want to be, I certainly did, but that was not my choice. Yet, I was not part of that process either but you all had an opportunity to have a say, you all had an opportunity to say something about the process.

I am sort of feeling a little bit ambivalent because I hear so much anger, so much frustration, and what I hear, I don't like because it is a very selfish reason for what you are saying. I am concerned about the budget as much as anyone of you and there are 151 of you, you all got elected the



same way I did, the people put you here. They voted for you because they trusted you, they had faith in you and they believe in us. But we have become a mockery, a mockery that I don't want to be a part of, I am really getting fed up with it. I am sick of hearing all the complaints about how we cannot come together in a budget.

How about the people that I get those phone calls from — I have lost my job, I am worried that I won't have a job next week, my health care will be cut off — what do you say to them? That I have a Governor who didn't care, who lied to them, virtually lied to them? How about the Minority Party who sits there and says, well, we are very smug, we've got them in the corner, we will hold them here all day and all night — well, that fine, I will stay here until July if I have to but darn it, we can't do that because we've got people whose jobs are on the line and their lives are on the line.

I would hope and pray that all of you will take and make a wise decision today to vote this budget out. We may not like it, I don't like it, I don't think anybody in this room likes it, but sometimes myself I have held my nose and voted for things that I didn't like, and that's politics. That's what we are here for, to make some decisions we do like and some that we don't like.

I don't like hearing people standing up and saying, I am a Freshman and I wasn't part of it — it's almost like being in high school. Ladies and gentlemen, we are adults and it is time that we started acting like mature legislators. The respect that we earn is the respect that we get back and we are not getting much respect from the press nor from our constituents. It is time that it stopped. I like being a legislator and I am proud of what I am and I hope all of you are proud of what you are but it is time that we got back that respect by doing something that has great dignity. The dignity as legislators, we are not getting. It is time we voted it out, I am tired of hearing the battle, I think we have heard of all the things we could be doing that we are not doing. We have heard eloquent speeches and not so eloquent speeches — maybe mine is not one of the most eloquent but mine comes from the heart and I really believe that what I am saying is what you are all feeling. It is time that we voted on this and we put it to rest and I hope all of you will.

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 Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I rise tonight to correct a mistake — the speech of March 1st that was made by the Freshman legislator from Augusta about these 13,000 state employees who are being laid off, whose pay date has been put forward by Executive Order that is costing \$8.3 million in the budget. What we are doing to them is putting a \$700 tax on each of those state employees. We didn't do it, we are simply transferring the money from that payroll account of these monies that are not being used to pay these

hardworking state employees. Please remember that when you are voting.

I rise tonight also to tell you that Mid-Maine Medical Center will lose \$1.5 million; that the Waterville Osteopathic Hospital will lose \$734,000, that Kennebec Valley Medical Center will lose \$934,000, Presque Isle, \$1.3 million and on and on and on. We have failed to help these hospitals.

I rise tonight to say that because of advanced collections of estimated taxes of 30 percent in the first quarter and 30 percent in the second quarter, 20 percent in the third quarter and 20 percent in the fourth quarter will not be a burden. It will not be pleasant but can we do this only on the backs of state employees, the weak, the fragile amongst us? I am asking you to please reconsider your votes, to think about your hospital, think about your people.

We have gone beyond campaigns, we have gone beyond fund raisers, we have gone beyond organizing, I am really puzzled but I think we are all here because we trust in the process and we care about people. Now it is up to you.

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

ROLL CALL NO. 16

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Duffy, Dutremble, L.; Erwin, Farnsworth, Goodridge, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Macomber, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; 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, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

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

ABSENT - Carleton, Constantine, Dore, Gean, Gould, R. A.; Graham, Ketterer, Libby, Lord, Luther, Mahany, Mitchell, J.; Parent, Sheltra.

Yes, 90; No, 47; Absent, 14; Paired, 0; Excused, 0.

90 having voted in the affirmative and 47 in the negative with 14 being absent, the Bill failed of enactment. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**ENACTOR**

**Emergency Measure**

**TABLED UNASSIGNED**

An Act to Conform the Maine Income Tax Law for 1990 with the United States Internal Revenue Code (H.P. 8) (L.D. 11)

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: At the public hearing on this bill, L.D. 11, it was characterized by its sponsor Representative Foss as a tax increase. In these days that seem to be very long on rhetoric and very short on intelligent rhetoric, I don't want to be accused of passing a tax increase. Therefore, I would request that the Majority Leader table this matter Unassigned.

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

Representative GWADOSKY: Mr. Speaker, I move this matter be tabled Unassigned pending passage to be enacted..

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 the motion of Representative Gwadosky of Fairfield that L.D. 11 be tabled Unassigned pending passage to be enacted. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 17**

YEA - Adams, Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Duffy, Dutremble, L.; Erwin, Farnsworth, Goodridge, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Macomber, Manning, Martin, H.; Mayo, McKeen, Michaud, Mitchell, E.; 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, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino,

Hepburn, Hichens, Kutasi, Lebowitz, Lipman, Look, MacBride, Marsano, Marsh, Melendy, Merrill, Morrison, Murphy, Nash, Norton, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Carleton, Constantine, Dore, Gean, Gould, R. A.; Graham, Ketterer, Libby, Lord, Luther, Mahany, McHenry, Mitchell, J.; Parent, Sheltra.

Yes, 84; No, 52; Absent, 15; Paired, 0; Excused, 0.

84 having voted in the affirmative and 52 in the negative with 15 being absent, L.D. 11 was tabled Unassigned pending passage to be enacted.

(At Ease to Gong)(1:48 a.m.)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

**SENATE PAPER**

The following Joint Order: (S.P. 338)

Ordered, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, 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 Handy of Lewiston, Adjourned at 2:02 a.m. pursuant to Joint Order (S.P. 338).