

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
65th Legislative Day
Saturday, June 29, 1991

The House met according to adjournment and was called to order by the Speaker.
Prayer by Honorable Beverly Daggett of Augusta.
The Journal of Friday, June 28, 1991, was read and approved.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

SENATE PAPERS

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-292) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66)

Signed:

Senators: BERUBE of Androscoggin
EMERSON of Penobscot

Representatives: NASH of Camden
LOOK of Jonesboro
WATERMAN of Buxton
KILKELLY of Wiscasset
GRAY of Sedgwick
SAVAGE of Union
KERR of Old Orchard Beach

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: BUSTIN of Kennebec

Representatives: LARRIVEE of Gorham
HEESCHEN of Wilton
JOSEPH of Waterville

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-292) and Senate Amendment "A" (S-379).

Reports were read.

On motion of Representative Gwadosky of Fairfield, L.D. 66 was recommitted to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

Non-Concurrent Matter

An Act Related to the Office of Substance Abuse (S.P. 90) (L.D. 175) (H. "A" H-688 to C. "A" S-359) which was passed to be enacted in the House on June 28, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-359) as amended by House Amendment "A" (H-688) and Senate Amendment "C" (S-389) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 652) (L.D. 926) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-692) in the House on June 28, 1991

Came from the Senate with that Body having adhered to its former action whereby the Bill and accompanying papers were recommitted to the Committee on Transportation in non-concurrence.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I have to rise again on the same issue that I talked to you about last night. The President of the other body is playing games with the highway budget. He has a matter he wants to settle that I think is nothing but a personal grudge against somebody at the Baxter State Park and he is going to use the highway budget to achieve his end.

The SPEAKER: The Chair would ask the Representative to be somewhat careful in his remarks when he is talking about other legislators.

Representative MACOMBER: I think I am being very careful, Mr. Speaker.

I went to the President of the other body this morning to try to resolve this matter and this is what I suggested. I said by closing the west gate, less maintenance will be required, we will cut the present funding by 25 percent, which is \$15,000. If the west gate is reopened, funding will be restored to 100 percent, \$60,000, and will continue as long as the west gate stays open. He was not willing to consider this at all. I thought it was a very reasonable approach to settling this particular matter. I won't go on much longer but his final words were to me, "Until I get what I want, there won't be a highway budget." Well, I will say this to the President of the other body, there will be a highway budget but he won't have his way with my vote.

Subsequently, the House voted to recede and concur.

On motion of Representative Anthony of South Portland, the House reconsidered its action whereby the House voted to recede and concur.

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

Representative STROUT: Mr. Speaker, I move we recede and concur.

I agree with what the Representative from South Portland has said. However, we are faced with a situation that if we don't refer this back to the committee that we in fact will be killing the highway budget and I don't believe any of us want to do that. Send it back to the committee and let us decide what we can come up with for a highway budget.

My feeling has not changed. If it goes back to the committee, I would do the same thing that I have done before. I do want to get this in the proper perspective so that we can get it back to us and deal with it before July 1st.

Subsequently, the House voted to recede and concur.

Non-Concurrent Matter

An Act Assuring Clean Waters in Maine (H.P. 161) (L.D. 246) (C. "A" H-331) which was passed to be enacted in the House on June 4, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-331) as amended by Senate Amendment "A" (S-390) thereto in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Ensure Progressivity in the Income Tax Structure" (EMERGENCY) (H.P. 916) (L.D. 1313) reporting "Ought Not to Pass"

Was 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 items appeared on the Consent Calendar for the First Day:

(H.P. 650) (L.D. 924) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

(S.P. 571) (L.D. 1525) Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired

Teachers" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-226)

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$29,700,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, State Ferry Vessels and Harbors (S.P. 700) (L.D. 1870) (S. "B" S-384 to C. "A" S-342)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 137 voted in favor of same and none against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program (H.P. 1358) (L.D. 1950) (S. "A" S-382)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 94 voted in favor of same and 32 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Maine Primary Care Residency Training Assistance Program (S.P. 374) (L.D. 999) (S. "A" S-376 to C. "A" S-106)

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. 123 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees (S.P. 743) (L.D. 1935) (S. "B" S-380 to H. "A" H-648)

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. 113 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Regarding Complaints against Physicians (H.P. 825) (L.D. 1179) (S. "B" S-378 to C. "A" H-394)

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. 125 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members (S.P. 288) (L.D. 770) (C. "A" S-171; S. "A" S-375)

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. 113 voted in favor of the same and 12 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Create a Commission to Study the Need for a Technical College in York County (H.P. 1105) (L.D. 1604) (S. "A" S-374 to C. "A" H-528)

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. 112 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission (S.P. 508) (L.D. 1346) (S. "C" S-368 to C. "A" S-281)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

(Later Today Assigned)

An Act Concerning the Low-income Home Energy Assistance Program (H.P. 1333) (L.D. 1924) (S. "B" S-362 to C. "A" H-652; H. "A" H-707)

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

Representative Whitcomb of Waldo requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I would just like to remind you that this is a unanimous Committee Report. We passed it in this House with more than a two-thirds vote and it is just plain good common sense for us to be weatherizing houses at this time when bills continue to climb higher and higher. Let's keep our people warm, stick with your yes vote.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: The reason this bill is before you is that it will increase the percentage that goes for weatherization from the Low-income Heating Assistance Program.

Just as a point of information, the President has submitted legislation to the Congress, they are debating it presently to cut energy assistance to the poor by 40 percent. Right now is the time to be spending more money on weatherization. I urge you to vote for this measure.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe that I am getting up here to debate a bill and nobody has mentioned the fact that poor people are going to go without heat.

Let me tell you what this bill does. First of all, the Maine Housing Authority has something like \$7.3 million for weatherization. What we are doing is taking some of the Low-income Housing Energy Assistance Program money that goes through the Division of Community Services and we are taking

\$850,000 and putting it over to the Maine State Housing Authority for additional weatherization. What that means is that you are going to have 3,000 less people this year that are going to be served for heating assistance, that is for electricity, wood or fuel.

Right now, New England is the lowest when you figure what you get per family. I think it is \$280 per family per month. The argument that has been raised is that what that means with those 3,000 families is you are just taking and reducing their level by \$30 or \$40 dollars and putting it over to weatherization. It makes a lot of sense — now that we are the lowest, we will become the sub-lowest in how much money we give to poor people. That is why I can't understand why this bill is before us and why it got a unanimous report. Perhaps it was during a period of time when we thought the economy was going to turn around or whatever. What is at risk here is that you have currently 3,000 people that won't get fuel assistance but you may have additional people that won't get fuel assistance. What that is going to create is more money for General Assistance creating a hole in the budget that we are going to pass tonight and also perhaps passing it on to our municipalities on taking care of those poor people.

The options that we have before us are, with the current money that we have, we may be forced to reduce the people that we are serving including the 3,000 that would be cut out — perhaps make up the need of more people coming onto the program should we have a severe winter.

My understanding of what is happening right now in Congress is the fact that (I believe) the House Appropriations Committee in Congress has cut about a billion dollars out of the budget. I believe it is in the Senate right now to do something with that. I don't know what is going to happen at this point but the fact of it is that it appears that there may be some cuts. Taken at the \$1 billion level what that means for people of Maine is \$10 million cut which would further exacerbate the problem that we are facing or could face now.

Just to give you a little bit of history of what we have done for weatherization since 1978, the division has spent approximately \$74.5 million to rehabilitate nearly 60,000 homes. In the next two years, the weatherization will receive approximately \$2 million as new weatherization dollars on top of what they already get. Currently through the pass-on that we are giving the Maine State Housing Authority, we are giving them \$1.3 million out of the LIHEAP monies they are getting and that is about 10.6 percent of the monies. Originally, it was agreed to give 15 percent, they are getting 10.6 and want the additional 4.4 that makes up the 8.50. So, when you either support or not support this bill, I think you need to take some practical thinking as to having a secure camp or a secure home but perhaps no fuel to stay warm. Perhaps if you jog inside that house, you might be able to raise the body temperature and that may provide the heat necessary.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: I urge you very strongly to support this bill. This is the age-old story of crisis versus prevention.

Federal law actually allows up to 25 percent of this money to go to weatherization. Maine has

typically been under 15 percent and, as you know now, it is about 10.6. We are paying for this shortsightedness year after year after year in the dollars for fuel assistance we have to pay.

Heating assistance money that we pay out goes out of the community, out of the state, back into the hands of the oil companies. Weatherization expenditures, not only is the money put to work in the community because the work is done in the community, it gets recycled in the community, we also end up not spending as many dollars out of the community, out of the state and back to the oil companies. I think if we had done more in weatherization all along, we would be a lot better off than we are now. We should continue to do more weatherization.

Again, I urge your support of this bill.

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

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: I would like to read into the Record a letter that I got from a constituent concerning the weatherization program. "Dear Representative Duplessis: It is my understanding that affordable housing is for people needing the basic necessities in their homes. I would never suggest people in true need of this service should be denied, although it has come to my attention that there are few who obtain improvements for personal financial gain. The one example that comes to mind is, I will use the name Jane Doe. Jane owns a rustic camp. I knew the condition of this camp before the improvements were done. I have also seen the completed project. The work was extensive to say the least. This camp was used as a year-round residence. The improvements were completed in early October of 1990. The owner abandoned the house in the middle of the same month. It has remained empty since and is currently up for sale. An agency in Ellsworth currently holds the listing. I cannot see taxpayers money improving homes that sit empty for months; worse yet, that are for sale."

I ask you to keep this letter in mind when you vote on this issue. I think it is time that we set our priorities — are we going to weatherize camps or are we going to be sure that the homes of people are heated this winter?

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women of the House: I think a great omen just came over this body as I heard the Representative from Hampden arguing on behalf of poor people, that may be a precursor to what we might get done with what is left of this budget.

I would also like to point out that his facts are not entirely correct when he says that there is some \$280 per month available to low-income people. He obviously misspoke himself, it is \$280 a year, maximum. The question remains whether we want to tighten up the hovels that people live in so that it costs them less to heat them or continue passing this money onto the fuel distributors.

I encourage you to participate in the passage and enactment of this bill.

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

Representative KILKELLY: Mr. Speaker, Ladies and

Gentlemen of the House: I very much agree with Representative Heeschen when he said that we should have been doing a lot more for weatherization for a long time. In fact, if we had been doing a lot more weatherization over the past, we would in fact have more weatherized homes and be spending less on fuel. It is a great goal, I don't think anyone can question that.

I would disagree with Representative Duplessis when she said, should we make choices about whether we are going to weatherize peoples hovels or camps because a lot of my constituents happen to live in those conditions and I think we should weatherize those.

The question we have before us I believe is, are we going to take the long-term solution to deal with what I believe and hope is a short-term crisis? We have nearly 10 percent unemployment. This winter when folks called me and they had problems, many of them were dealing with the emergency of not having enough money because they were laid off from work, not having enough money to buy fuel, not having enough money to buy food or some of the other basic necessities.

I really believe that what we need to do is to find a way to have as much money available for emergencies this winter as we possibly can. That does not say that we should not take a look at providing weatherization services in the future, it means that we need to be very aware that people are in crisis this winter and we are looking at a situation later on this evening where we are going to be discussing things like cutting benefits in AFDC, making General Assistance more difficult to get and cutting other kinds of programs. My concern is for those people that are going to be dealing with emergencies this coming winter and I do not believe that this is the time for us to be increasing the amount of money that is available for weatherization.

I urge you to vote against the pending motion.

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

Representative REED: Mr. Speaker, I would pose a question to either a committee member or supporters of the bill. We have heard a great deal of debate on whether or not proceeds of this measure ought to be used for weatherization or fuel assistance. It is unclear to me in one section of S-362, which is now a part of the bill, which directs that pursuant to the purpose of this Act to provide housing to people — if anyone could tell me in what ratio the funds would be distributed to weatherization or fuel assistance or to provide housing. The measure seems unclear to me and I would appreciate any answer that I might receive.

The SPEAKER: Representative Reed of Falmouth has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I don't have the exact figure in front of me because I left a lot of my notes upstairs but 15 percent of the monies that we get from the federal government are what we are asking to earmark to weatherization, the rest would go to fuel assistance.

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

Representative REED: Mr. Speaker, perhaps I

didn't pose my question well. I understand there are two issues here on weatherization and fuel assistance. However, part of S-362 speaks to providing housing. I would pose again the question as to what portion of the funds would be distributed for that purpose?

The SPEAKER: Representative Reed of Falmouth has posed a question through the Chair to any member who may respond if they so desire.

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and later today assigned. (Roll Call requested)

FINALLY PASSED

Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine (S.P. 548) (L.D. 1452) (S. "A" S-377 to C. "A" S-180)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

COMMITTEE OF CONFERENCE REPORT - on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758)

TABLED - June 28, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Motion of Representative LEMKE of Westbrook to accept the Committee of Conference Report. (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Lemke of Westbrook to accept the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 191

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro,

Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Swazey, Townsend, Tracy, Treat, Waterman, Wentworth.

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

ABSENT - Bailey, R.; Cahill, M.; Carroll, D.; Gurney, LaPointe, Martin, H.; Morrison, Paul, Pineau, Reed, W.; Richardson, Skoglund, The Speaker.

Yes, 84; No, 54; Absent, 13; Paired, 0; Excused, 0.

84 having voted in the affirmative and 54 in the negative with 13 absent, the Committee of Conference Report was accepted. Sent up for concurrence.

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

HOUSE REPORT - "Ought to Pass" Pursuant to Joint Order (H.P. 51) - Committee on Appropriations and Financial Affairs on Bill "An Act to Make Changes to the Laws Governing the Maine State Retirement System" (EMERGENCY) (H.P. 1376) (L.D. 1961)

TABLED - June 28, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Acceptance of the Committee Report.

On motion of Representative Mayo of Thomaston, retabled pending acceptance of the Committee Report and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-499) - Minority (3) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (EMERGENCY) (H.P. 1190) (L.D. 1743)

TABLED - June 28, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Mayo of Thomaston,

retabled pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on Legal Affairs on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)

TABLED - June 28, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative Mayo of Thomaston, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority "Ought Not to Pass" Report and later today assigned. (Roll call requested)

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

ENACTOR

Emergency Measure

(Failed of Enactment)

An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes (S.P. 765) (L.D. 1956) (H. "A" H-710 and H. "B" H-713)

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

Representative Hanley of Paris requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 192

YEA - Aliberti, Anderson, Bailey, H.; Barth, Bell, Boutilier, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Garland, Gean, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Heeschen, Hichborn, Hوجلund, Holt,

Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, LaPointe, Larrivee, Libby, Lipman, Look, Lord, Luther, Macomber, Mahany, Manning, Mayo, McHenry, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Stevenson, Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman, Whitcomb.

NAY - Aikman, Anthony, Ault, Bennett, Bowers, Butland, Carleton, Coles, Farren, Foss, Goodridge, Graham, Gray, Handy, Hanley, Hastings, Heino, Hepburn, Hichens, Kilkelly, Kontos, Kutasi, Lawrence, Lebowitz, Lemke, MacBride, Marsano, Marsh, McKeen, Merrill, Mitchell, J.; Ott, Pendexter, Pendleton, Pines, Rand, Reed, G.; Richards, Richardson, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Strout, Tracy, Treat, Tupper, Wentworth.

ABSENT - Adams, Bailey, R.; Cahill, M.; Farnsworth, Martin, H.; Melendy, Morrison, Pineau, Reed, W.; The Speaker.

Yes, 91; No, 50; Absent, 10; Paired, 0; Excused, 0.

91 having voted in the affirmative and 50 in the negative with 10 absent, the Bill failed of enactment. Sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Maine Administrative Procedure Act (H.P. 1371) (L.D. 1955)

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. 107 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Correcting Errors and Inconsistencies in the Laws of Maine (S.P. 760) (L.D. 1954) (S. "A" S-383, S. "B" S-385, H. "A" H-698, H. "B" H-699, and H. "C" H-708 to C. "A" S-373)

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. 124 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community

Services and the Department of Economic and Community Development and Transferring Their Essential Functions (H.P. 1210) (L.D. 1768) (H. "A" H-711 to C. "A" H-690)

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

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

Representative WHITCOMB: Mr. Speaker, I request a roll call on enactment of this bill.

Mr. Speaker, Men and Women of the House: It seems to me as we prepare to enact this bill that there is at least one obvious question that needs to be responded to and that is (especially considering the sentiment of this body the other night when the bat was with us) wanting to delay decisions regarding major reorganization until a restructuring committee could make a broad overview. If the committee, in putting this bill before us, had considered sending this matter to the restructuring commission, I wonder if anybody from the committee could respond to that question?

The SPEAKER: Representative Whitcomb of Waldo has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: There was no discussion about sending this piece of legislation to the restructuring commission.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Probably most of you don't know that the jurisdiction for at least one of those divisions is the Human Resources Committee. It was interesting this year when the Director of Community Services came in front of us and indicated what she was giving up this year. She was giving up weatherization, she was giving up something over to Agriculture, she was giving this up and that up.

When I was asked to be a cosponsor on this piece of legislation, I agreed to it because I thought it was time that we really take a hard look at this and how many people are really working over there now and how many people are there in the top echelon of that department. If memory serves me right, you have a director, a deputy director, an assistant to the director, an executive secretary and a finance person, all for something like 17 people. This Division of Community Services I have seen decrease over the years and I think, at this stage of the game when we are looking for every dollar we can, it can very easily be incorporated into other parts of state government.

It is true that some people might lose their job but I am sure they will be found other jobs within the administration. At this stage of the game when we are looking for every penny — and I understand we are looking for \$32 million as of about five hours ago, I think it is time to take a look at whether or not we need five people to manage to manage 17 people. I think it is time we realize that for the Division of Community Services, time is up.

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

Representative WHITCOMB: Mr. Speaker, Men and

Women of the House: Among all of us is the desire to save money and to consolidate and come up with responsible positions. The Representative from Portland referred to a \$30 million problem that Republicans have offered a responsible alternative to.

In this situation, I think that you should understand that we may be moving without fully comprehending the results of our actions. Just as one example, in the wee hours of the morning one or two mornings ago, there was an amendment to the budget before the Appropriations process that would have eliminated the position in Agriculture that was going to handle the hunger program that had been transferred from Community Services. We are taking shots in the dark at reorganization when we ought to be putting it before a restructuring commission. That was a partisan move and, after we talked a little bit and consulted, it was understood that that position should not be eliminated so we (at least at that point in time) maintained a position somewhere in state government to take care of handling a hunger program.

In all seriousness, a move to abolish the department without a comprehensive restructuring look is ill-timed and I urge you vote against the motion before us.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: That might have happened and I am glad that they did catch it, but the director of this division has been cutting and cutting and cutting in the last three or four years. The programs over there are struggling. She didn't think anything about it when she started gutting that division a couple of years ago. I think that if we really want to save some money, we ought to take a look at this. I would be willing to bet that division is still there next year if this bill dies. If you look at what she gutted in that department and yet we will still keep her and four others for 17 people, I think it is really sad. At one time, that division had almost 50 people with the same five people running it.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The State and Local Government Committee spent a great deal of time looking at this bill. I think that it is important for us to understand that there is restructuring and restructuring. One of the things that I thought was unique about this bill is that, although the title says that we are abolishing the departments and divisions, we are in fact merely shuffling things around and very logically at that.

When the Head Start Program moved to the Department of Human Services under the Office of Child Care, that is very logical. When the Weatherization Program has already been shipped to Maine State Housing under Chapter 9, it is logical for Fuel Assistance to go to Maine State Housing because those are all housing programs. To consolidate Economic Development and Community Development in the Executive Department saves money and continues the program. This is not taking an opportunity to cut direct services to people. This is an opportunity to take programs from two fairly small agencies on the scale of other agencies and

departments we have in this state and to find a way to logically place them differently within the current structure of government and have them continue to run at less money. We are talking about saving nearly \$2 million by implementing this proposal.

This is a proposal that will create in part a government the people of this state can afford. This is a proposal that will save money without cutting services. This is a proposal that makes sense.

I think we could spend several years looking at all the various ways in which we could restructure government but doesn't it make sense that when there are opportunities presented to us, we take a look at those opportunities and if it works, let's do it. There are other proposals that have been before the State and Local Government Committee that many of us felt had gone too far, that they were too broad, that they didn't have the kind of support that this one does. This, however, represents two fairly small and also fairly new departments within state government and, if we could afford to do anything we wanted, then certainly we would like to maybe run them as separate departments but we can't afford to do everything we want to do right now. We have to find ways to do things in as lean a way as possible. I think this is the opportunity that is presented to us and I would hope that you would support the enactment of this legislation as a way that we can make government, not only smaller, but smaller and more efficient.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I rise as the sponsor of this bill to respond to the suggestion that this is a partisan bill. Actually, it is a difficult bill for me. I worked for the Division of Community Services for three and half years, a number of years ago. I also worked for about the same length of time on Economic Development programs when I worked for the City of Lewiston. I believe very deeply that both of those subject matters need to be dealt with in state government in a very serious manner.

I do not believe that this bill in any way will have an impact on the quality of services in those two areas for the State of Maine. I do not believe that this bill represents reorganization because, in the case of Community Services as has already been pointed out, that division has already been substantially reorganized and more than half cut in the last two years. This is reducing the cost of administration. The programs that that office runs will all be continued elsewhere.

With respect to Economic Development, there were approximately 80 staff positions in that department, there will be nearly 70 when this is done and the programs are still there, the staff people for the programs are still there. I do not consider that reorganization. They are also altogether. I consider this reducing the cost of administration. For those reasons, I feel very strongly that this is the kind of cutting in administrative costs that we need to do particularly in an agency that serves people of low income. We do not need to have three administrators making more than \$150,000 total a year administering a staff of 14 additional people. We do not need to have, in hard economic times, a commissioner earning \$70,000 plus for the Department

of Economic Development. I think the people of the State of Maine will appreciate this kind of cutting and not the opposite.

I would just refer you to the comment made by my seatmate, Representative Hale, who said, "Hard times require hard choices." I understand that this bill is difficult for everybody for lots of different reasons but I urge you to support it.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I understand the desire to reorganize. I think that both sides of the aisle are anxious to embrace that concept. It has been an interesting process because we have done a lot of political posturing on the subject. There are members of the Republican party that were somewhat bothered by the restructuring commission that was set up, seemingly from our point of view, on a political mission and we were in fact overruled by our Governor on that matter. So, the restructuring commission is in place. Those items dealing with major reorganization have been referred to that group.

It strikes me as kind of curious that this body would rise up in such defense of natural resource commissioners and their entities that they oversee and yet, when it comes to Community Services, when it comes to Economic Development, we are very anxious (through this bill) to abandon the effort.

Again, I call your attention to the effort that took place with the amendment offered by the Representative from East Millinocket only a few nights ago that would have eliminated oversight of all hunger programs in this state. I think that we are taking on too many objectives at one point in time. This budget document lying on our desk is in and of itself massive change in state government. Included in there are shifts of priorities, shifts of responsibilities that even the crafters don't fully understand. It seems only fitting now that we have a restructuring commission that we take major reorganization ideas as are embodied in this bill and assign them to that commission so that we don't have groups like those individuals who are dependent upon hunger programs in Maine left without anyone in state government to care of their interests.

I would urge defeat of this bill.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I urge you all to support a government the people of Maine can afford and support the motion before you.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: Representative Whitcomb raised the question of why other restructuring bills maybe did not get such a favorable response as this one. I think that is a very logical question. I thought I had addressed it previously and I apologize if that wasn't clear enough.

As I explained before, I believe, as someone who voted against restructuring the Natural Resource Agencies and someone who voted in support of consolidating Economic Development and Community Services, that there are significant differences in these two bills. The differences are, when you are looking at five or six agencies, some that do

enforcement from a wide range of services, agriculture, conservation, inland fish and game, all those various services, many of us felt that it was too broad, there were too many things that were going to be encompassed and it was not long enough to take a look at if that was in fact the best to deliver services through one single agency. This bill is not doing that.

We have an opportunity here to take a deck of cards and, with that deck of cards, you can take each one of those cards and put it in a different place. You are not throwing out the cards, you are not putting them altogether making something different, you are merely taking the cards and putting them within a different administrative structure.

By changing the administrative structure of those programs, you are saving \$2 million. Now \$2 million is a lot of money to me, it is a lot of money to a lot of the low-income people within my district.

When we start talking about hunger programs, I think we need to be also concerned, not only with who is going to administer hunger programs, but is there going to be any money for hunger programs because the kinds of things that we are cutting are things like hunger programs. We are cutting money available for basic services for people.

We have an opportunity here to restructure, to make a change in how programs are delivered without making it more difficult for people to access those services, without making it more difficult for those services to happen, merely to put them in a different place within the current structure.

I think that it really is important for us to take a look at that objectively and not from a partisan perspective because this should not be a partisan issue. This is an issue of how are we going to deliver services and do we or do we not want to save almost \$2 million?

I ask for 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 193

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Heino, Hepburn, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Swazey, Tardy, Townsend, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Clark, H.; Coles, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Greenlaw, Hanley, Hastings, Hichens, Ketterer, Kontos, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Marsano, Marsh, Melendy, Merrill, Michaud, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Richards, Ruhlin, Salisbury, Savage, Small, Stevens, A.; Stevenson, Strout, Tammaro, Tracy, Tupper, Whitcomb.

ABSENT - Bailey, R.; Cahill, M.; Martin, H.; Morrison, Pineau, Reed, W..
 Yes, 85; No, 60; Absent, 6; Paired, 0; Excused, 0.

85 having voted in the affirmative and 60 in the negative with 6 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

**PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE**

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

Banking and Insurance

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Expenditure of the Funds of a Public Mutual Insurance Company Created by the State to Provide Workers' Compensation Insurance to Employers in this State (H.P. 1378) (L.D. 1966) (Presented by Representative MITCHELL of Vassalboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
 Sent up for Concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the

Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 653) (L.D. 927) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-716)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-716) was read by the Clerk.

Representative Cashman of Old Town offered House Amendment "A" (H-718) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "A" (H-718) to Committee Amendment "A" (H-716) was read by the Clerk.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: As I understand this amendment, this is the tax component of what should be the final enacted budget document. It seems to me, before we take the giant step to accept the package that includes the taxes, that this body has to agree on many, many items. In the minds of many people in this body, the taxes are the cement that binds all the pieces together. The taxes are a very difficult component for people to accept. In that regard, I would ask that somebody table this for further consideration after other components are put together.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would hope that a tabling motion would not be made or entertained. I don't know if the gentleman in the corner thinks that the tax proposal was put together easily or if the gentleman in the corner thinks that there is anybody in this chamber, including myself, who is chafing at the bit to increase taxes. I can assure you that I was not.

The amendment before you is in response to a proposal for taxes that were submitted to this legislature and to my Committee on Taxation by the Governor of the State of Maine. We spent a lot of time on this and our objective during all the time we deliberated on the proposal was to come out with a unanimous report and we did. It was a very painstaking process. I take great exception to the idea that all the work we put in ought to be or is tied to something else that is going on somewhere else in this State House.

The State of Maine needs and deserves a budget. The people of the State of Maine need and deserve a budget. I think that the 13 members of the Taxation Committee, ten of which sit in this House, took our responsibility very serious. We worked very hard and did a very good job, a job that every member of that committee can stand here and defend.

I do not like increasing taxes by \$274 million, Representative Whitcomb. I can assure you of that and, if you think it is cement that holds things together, I would agree with you but, if you think it is a concession on your part to something that I wanted, you are wrong, very wrong. If it is tied to something else and if votes are being held hostage on a unanimous package that was painstakingly arrived at, then as far as I am concerned, the House ought to kill the whole proposal.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few

comments as a signer of the unanimous budget.

The SPEAKER: The Chair would advise the Representative that we are not on the budget, we are on only the amendment.

The Representative may continue.

Representative FOSS: Mr. Speaker, I understand that.

We do have agreement on the spending side. However as indicated by the number of amendments coming before you tonight, there are remaining holes in the budget on the revenue side. We have not addressed retirement issues for \$34 million which will be in the budget as well as another issue for \$32 million.

I did want to make a comment on this tax package. I have been very open in committee and told my colleagues there that I will not support the new taxes if we do not achieve acceptable savings to Workers' Comp reform. It is my belief that the tax revenues we are spending as an Appropriations Committee will not materialize if we do not bring the cost of that system under control and preserve Maine jobs. I believe that the economy will not rebound if we do not improve our job creation efforts and I believe the money we have in this budget before you will not be there.

I saw in the paper yesterday it is clear that when the Boston Bruins organization pays three times more for Workers' Comp for Mariners players than for the Bruins, we seriously have a problem. I hope you will put off this until the groups working on the Workers' Comp improvements can finish their job.

Representative Whitcomb of Waldo moved that L.D. 927 and all accompanying papers be tabled pending adoption of House Amendment "A" (H-718) to Committee Amendment "A" (H-716) and later today assigned.

Representative Nadeau of Saco requested a vote on the motion to table.

Representative Marsano of Belfast requested a roll call on the motion to table.

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 Whitcomb of Waldo that L.D. 927 and all accompanying papers be tabled until later in today's session pending adoption of House Amendment "A" (H-718) to Committee Amendment "A" (H-716).

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, parliamentary inquiry. Is my understanding correct that the motion before the House is to table House Amendment "A"?

The SPEAKER: The Chair would advise the member that the motion to table tables the entire matter, not simply the amendment. The motion is to table the bill in its entirety with all amendments attached, adopted or under consideration.

The SPEAKER: The pending question before the House is the motion of Representative Whitcomb of Waldo that L.D. 927 and all accompanying papers be tabled until later in today's session pending

adoption of House Amendment "A" (H-718) to Committee Amendment "A" (H-716) Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 194

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

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

ABSENT - Bailey, R.; Cahill, M.; Marsh, Martin, H.; Morrison, Pineau, Reed, W.

Yes, 51; No, 93; Absent, 7; Paired, 0; Excused, 0.

51 having voted in the affirmative and 93 in the negative with 7 absent, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: As my able House Chair pointed out a few minutes ago, this was not something that was initiated by any members of my party or any member of this body. It was not something that we jumped into all excited about. This came from a direct briefing at the Blaine House by the Chief Executive to us, meaning members of the Taxation Committee and members of Appropriations Committee as well as members of leadership. That was done on May 20th.

It had occurred to the Chief Executive and it occurred to many of us that, in order to do the things that we wanted to do to keep the shop open, we had to somehow do a combination of cuts and revenue enhancers. We did this. The Appropriations Committee did a whale of a job on their end of it and I think my chairman and my colleagues on the Taxation Committee did a stupendous job on their part of the challenge.

Representative Cashman and my Senate Chair and the Senate Chair of the Minority Party sent a lead person, Representative Murphy of this body, who did a whale of a job in negotiation some points. The rest of the committee was able and willing to try to concede to those elements we could. We got together, worked fairly hard at this for several days, and we did reach a unanimous committee agreement. I want to stress there were 13 of us on the committee, we all

agreed to what is in that package. Some members of the Minority Party weren't too excited with certain elements, specifically the 10 percent rate on the income tax. That hasn't happened. We did reach an agreement to a mechanism that we could use that was more palatable to those members. There were a couple of things that I don't think any of us really liked that we had to do.

I don't think it is responsible at all for any one to even conceive the notion that we in any way are putting forward a ridiculous amendment. This amendment is needed. If you don't want a budget, I would suggest that somebody got up and say that. Then maybe, just maybe, one of us who believe that we have a constitutional requirement, we have an obligation, maybe one of us could make a comment to that effect, we can all go home and tell the National Guard "Thanks, but no thanks we don't need your services" and everyone can go home and get a good night's sleep.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I was a member of this committee that did the taxes and wrote this amendment. We negotiated, compromised and came out unanimous. I, for one, am not any happier about raising almost \$300 million worth of taxes on the people of the State of Maine than anyone else. But, the Governor did come out with a proposal and he asked us to work it. We didn't go along with exactly what he wanted but I think we have come out with a good, fair, honest tax proposal if we have got to raise taxes in this state. Therefore, I am supporting this amendment because we worked together and compromised. I feel as though I went into it with an open mind and made up my own mind that I was going to work and work hard for a unanimous report. We got that unanimous report. Some of us held out for a couple of little items, the opposite party was very good, they worked with us and we got one or two things that we really strongly felt about and we did give a little to them but I think it is fair and I am going to support this amendment and I would hope that other members of this body do the same.

Representative Whitcomb of Waldo requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "A" (H-718) to Committee Amendment "A" (H-716). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 195

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Jalbert, Joseph, Ketover,

Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Jacques, Kerr, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Richards, Rotondi, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tracy, Whitcomb.

ABSENT - Bailey, R.; Cahill, M.; Martin, H.; Morrison, Pineau, Reed, W..

Yes, 92; No, 53; Absent, 6; Paired, 0; Excused, 0.

92 having voted in the affirmative and 53 in the negative with 6 absent, House Amendment "A" (H-718) to Committee Amendment "A" (H-716) was adopted.

Representative Chonko of Topsham offered House Amendment "C" (H-721) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "C" (H-721) to Committee Amendment "A" (H-716) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: This is one of the hardest things I can stand here and do tonight. After all the months we worked so hard to get a unanimous budget, it is perfectly clear that at this eleventh hour we are unable to balance that budget.

With that in mind, I am presenting to you tonight an amendment that will allow us to pass a one-year budget. It is nothing out of the ordinary, we actually functioned on a one-year budget last time. As you all remember, we had to come back in in January to balance it and this is no different.

There have been several proposals put up before us today on how we can balance the budget. I feel very uncomfortable doing that kind of thing at the very last moment without looking into the impact of what would happen with the programs we already have in place. So, I think what I am really asking you to do is to allow us a little bit more time but mainly to keep the door open for the people of the State of Maine on Monday morning.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I understand Representative Chonko's frustration, we have sat in the same room together since six months ago yesterday. I am hesitant to oppose this because she did present it; however, I cannot support a one-year budget. I think it is our responsibility as legislators to enact a two-year balanced budget. I think we can still do that. We have other proposals, as I mentioned earlier, that still need resolution and I think work is being done on those now. We do need the fiscal responsibility now and we have to maintain the credibility in our process.

One major concern is that the bonding houses are watching us to see what we do about long-term stability to retain our credit rating. You know that the Speaker and the President went to New York a week and a half ago with the Governor and convinced the bonding houses to not reduce us two notches by eliminating the deferral in the second year of this budget. Our commitment shows in this budget because we did move away from that deferral and we worked hard to remove that \$60 million retirement deferral. My fear is that a one-year budget is hardly a sign of long-term stability. I hope you will vote against this amendment.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am amazed here tonight to see this amendment and I am going to support it. I will tell you why. In January of this year, I went to leadership and I asked for this very amendment to be offered for a one-year budget. The only question I have tonight is, how can we do it tonight when I was told in January it couldn't be done?

However, that is the way we operate municipal government and, ladies and gentlemen, we are in tough times. The economy may turn around in the next year. Who knows? That is why I am telling you I said in January we should be looking at a one-year budget and that is what I like to see before us tonight because I think its the smartest thing you could do.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-721) to Committee Amendment "A" (H-716). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 196

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

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth,

Bennett, Bowers, Butland, Carleton, Donnelly, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Look, MacBride, Marsano, Marsh, Ott, Parent, Pendexter, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Stevenson, Whitcomb.

ABSENT - Bailey, R.; Cahill, M.; Gurney, Lipman, Martin, H.; Morrison, Pineau, Reed, W.

Yes, 109; No, 34; Absent, 8; Paired, 0; Excused, 0.

109 having voted in the affirmative and 34 in the negative with 8 absent, House Amendment "C" (H-721) to Committee Amendment "A" (H-716) was adopted.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I had a very hard time deciding to offer an amendment and also considering supporting some of the others that I have heard about. Having spent so much time looking at the budget and the tax situation myself, I am not only appreciative of the amount of time it takes to come up with what we have come up with, but also very respectful of the results that were accomplished. So, the amendment I offer is complete in and of itself, it carries its own funding, it doesn't touch the rest of the budget. You could vote for the budget and vote for this amendment. In that sense, I offer it with respect to make an adjustment in what I consider one policy issue that is not adequately addressed in the budget.

Representative Farnsworth offered House Amendment "B" (H-720) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "B" (H-720) to Committee Amendment "A" (H-716) was read by the Clerk.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I offer this because I have great concern about the property tax implications of the budget. Before I get into that, I would like to comment that I have a much deeper concern about the retirement deferrals that are left in the budget and had I realized (which I did not until just a few hours ago) the extent of that in this budget, I probably would have spent my entire time working on an amendment to deal with that. I haven't decided how I feel about that.

With respect to this amendment, this amendment proposes to raise \$30 million for two reasons. One reason is to do something more than flat-fund General Purpose Aid to Education. It does very little more than flat-fund education because the original recommendation from the Board of Education was 13 percent increase over flat-funding. The relatively puny amount of \$15 million that is in this bill is less than one percent over this current year's budget. The way the school funding formula works, that will go to the towns that need it the most. I have a handout that is being passed out now which has in the back of it a list of each town and school administrative district with the percentage that the flat-funding cut represents from the total school budget. This is not a statistic that I believe I have provided anybody before, it is thanks to Representative Heesch that we have these calculations. As you will see from that, some of them are as high as 12 percent of the total school budget. For towns that have a high receiving levels

of General Purpose Aid, that is an extraordinary amount to come up with and some of these towns just do not have the resources. It is very clear, given the fact that they are in the middle of contract periods, there is an absolute direct relationship to what is going to happen in property taxes in those communities as a result of our flat-funding.

In other municipalities, regardless of the amount of money that they receive from General Purpose Aid, I believe costs have risen also as a result of this budget due to things like the decreases in eligibility and funding for General Assistance. Some of the cuts that we are making of social services programs will simply drive more people to the edge of their ability to pay or in need of General Assistance. I think that an increase in the municipal revenue sharing is well warranted beyond the fact that raising the tax base will produce more for municipalities. I think if we don't increase the rate, we are not really addressing the level of need in the municipalities. In both respects, education and this, we are guaranteed raising property taxes. I would like to know if people don't feel that their communities are faced with some kind of increase that is the general result of years of people saying at each level of government, "No more taxes than x-amount." I, from the moment I first campaigned, ran into people begging not to have property taxes increased. I am sure you all have too because that is what people are the most scared about, losing their homes.

One of the things that we have had trouble funding in this budget, although I think they did an excellent job, are services for the elderly. It is the elderly that have the hardest time of all holding onto the homes that they worked their whole lives for.

I would ask that you seriously consider the two funding sources that I propose in this amendment to come up with this modest amount for increasing General Aid to schools and to also for municipal revenue sharing. The amounts of money that I have proposed, the first part comes from a proposal that was considered by the Taxation Committee and it is not a tax increase but it is an increase in the timing of payment from those insurance companies premiums and corporate income tax. So, instead of paying quarterly payments of 25 percent each quarter, they will be paying 35 percent in the first two quarters and 15 percent in the last two quarters. That raises \$15 million, it is a one-time kind of proposition. My only concern about General Purpose Aid is in the first year of this biennium because I think after that people can then plan to cut and people can renegotiate their contracts.

The second revenue source I have in here was also considered by Taxation and it is a sales tax on amusements and recreation. I am not going to go into those two because I believe people have been discussing them. I know that that is not entirely popular but I do not believe that it will break any business or industry or any recreational area and I do believe that it will help all those areas by keeping the property taxes for those same businesses lower because this money will go back in revenue sharing. Because I am not proposing a second year addition to General Purpose Aid, the remaining \$3 million that is raised by this, I would put in the Rainy Day Fund because I think we need to plan ahead.

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

Representative CASHMAN: Mr. Speaker, I move indefinite postponement of House Amendment "B."

Mr. Speaker, Men and Women of the House: I think that this is an amendment that is offered by my good friend, Representative Farnsworth, with all the best intentions and it is the kind of amendment that would be very easy to support. I don't think anybody in the House is very happy with the so-called flat-funding for education and it would be a little bit humorous and ironic to people that were on the ad hoc committee of several months ago to see the proposal for front-end loading of insurance and corporate income taxes come around again. I have been trying to get people to buy that idea since February without success.

Frankly, I think it is a whale of an idea and I don't have any problem with it. I don't have any problem with the use of the money other than this.

We reached through the committee process of two committees some very fragile compromises. We reached two unanimous reports. I realize that after the vote on House Amendment "A" that that process and those unanimous reports and votes in committee meant a lot more to me than they apparently do to a couple of members to my committee who can go home now with a roll call for each pocket (which I am sure was the objective) and that is all right with me but I happen to think a little bit more of the committee process. As well-intended as this amendment is and all the hard work that Representative Farnsworth put into it, I will oppose it because I respect the process and I think without the process we won't get a budget passed. I only wish that other members of this House who sit on those two committees in particular had the same respect for the process.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Cashman of Old Town that House Amendment "B" (H-720) to Committee Amendment "A" (H-716) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 27 in the negative, the motion did prevail.

Representative Rotondi of Athens offered House Amendment "E" (H-725) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "E" (H-725) to Committee Amendment "A" (H-716) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Men and Women of the House: I hope that you will support House Amendment "E." This amendment removes a provision in the committee amendment that increases the fees for people who purchase a concealed weapon permit from \$20 to \$60 for the first application and renewal from \$10 to \$60. I believe that this increase is totally unfair to law-abiding men and women, not only in my district, but to people all over this state who need to purchase a concealed weapons permit for personal protection or for protection of their home and property and their businesses. There are also many sportsmen and women all over the state who hunt with a handgun and need to carry one when hunting or trapping so they need to purchase one also.

I believe that this proposal is totally unfair and I hope you will support this amendment.

The SPEAKER: The Chair recognizes the

Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: I ask you to indefinitely postpone this amendment and I think you can find very obvious reasons. We are now putting together a one-year budget. That budget is very close in numbers. \$386,000 is money that we need at this point in time but I think the Representative from Athens has made a good point. We will be back. I think we need to look at this area.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: There are a lot of issues mixed up in this budget. This is one of the issues that I think is a matter of fairness. I know we don't like to be fair when we are under the gun.

There is a fiscal note on this bill of \$386,000. Well, I have made predictions to you before and I will make another one to you again, raising the concealed weapons permit fee to \$60 will, in no way, ever come close to raising this amount of money because honest, law-abiding, good, decent people are just not going to bother to get one. If your whole idea is to prevent people from taking the time to get a concealed weapon permit, then go along with this amendment, but they are just not going to get one. You are talking about going from \$20 for the original application to \$60 and from \$10 for renewal to \$60, \$15 of which go to the towns and the rest goes to the Attorney General. If we are going to fund the Attorney General's Office, then everyone should fund it, not just the people that have gone out and got a concealed weapon permit. That is what I don't like about it. I understand they are trying to raise money but they will be back because this is one guy that has bought his last concealed weapon permit for \$60.

Speaker Martin presented a bill last year that is now law that allows you with a hunting license to do a lot of the things you need a concealed weapon permit for. Right now, hunting licenses are still affordable, that is not going to be the case much longer and that is my amendment coming up next.

I would urge you to vote against the motion to indefinitely postpone. I ask for the yeas and nays, Mr. Speaker.

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 less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I couldn't let the opportunity go by this evening to agree with my colleague from Waterville, Representative Jacques, for the first time in my five year tenure here, that we actually agree on an issue. I would applaud the tenacity and the courage of Representative Rotondi to dig into this budget and uncover all the additional hidden fees that have been tucked in that are going to cause a further burden on the taxpayers and the citizens of our state.

I would ask you to vote against the indefinite postponement and ask for each individual legislator to find a fee in this budget that is offensive to them and pull it out and find another cut in the budget.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "E" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 47 in the negative, the motion to indefinitely postpone did prevail.

Representative Jacques of Waterville offered House Amendment "F" (H-726) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "F" (H-726) to Committee Amendment "A" (H-716) was read by the Clerk.

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

Representative MICHAUD: Mr. Speaker, I move the indefinite postponement of House Amendment "F."

Mr. Speaker, Men and Women of the House: Basically what House Amendment "F" does is repeal the three technicians that the Appropriations Committee had put back in. We received many calls on these three technicians. We had the Department of Fisheries and Wildlife come over and talk to the committee. It would have cost more in unemployment in the first year than it would to lay these technicians off. There was a lot of debate at the time that these three people went on board, that they were only going to be there for part-time, as some members have stated. Other members who talked to the committee said that they did not have that clear understanding whether they will be there for full-time or part-time, so what the committee did was put them back in. It is a three-to-one match, every 75 cents the federal government gives, the state spends 25 cents. We made it clear in the bill that these positions will be terminated on June 30, 1993, so those three technicians, whoever they are, cannot say that they thought they had a full-time job.

I hope you vote to indefinitely postpone House Amendment "F" and I ask for a roll call.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I hope the good Representative from Millinocket is more successful in getting his roll call than I was.

Let me tell you what the story is here. We are in a mess in this state and this is exactly the reason why we are in that mess. When we allowed these three project positions in our Fish and Wildlife budget, we were told by the Commissioner of Inland Fisheries and Wildlife that these were temporary project positions with a definite funding period. The committee went along with them because at the time we had a hiring freeze in place. We were told they would be funded by federal funds. We were also told that at the termination of their jobs, the unemployment would be paid for by federal funds. I remember it very clearly because we asked a lot of questions. Now, at the end of that project, some of the people in the area have called and said how important these three positions are, the Fish and

Wildlife technicians — one is in the Enfield area, one in the Machias area and I don't remember where the third one is.

What we have done is, we have gone from taking a definite project position to now putting them on the payroll and you are not going to get them off. You are going to have three more people working for the Fish and Wildlife Department (when this is over) than you did before. I will tell you why. The same arguments that were used that these people shouldn't be laid off or terminated now are going to be used two years from now because we are going to be accused of just hanging them on. We are in a mess here and the reason we are in a mess is because we keep adding people to the payroll. The Fish and Wildlife Department will be behind by close to \$4 million at the beginning of the next biennium and that will be to keep it just at the level it is now. That is not counting any raises that will come between now and then.

In next year's session, this legislature and the Fish and Wildlife Committee are going to have to look at that budget. The Commissioner found \$3 million this year and put almost everybody back in. If that is the way you want to continue to go, then do that but don't go back home and tell your people you did something to cut government because you did not. I can assure you that I do not look forward to the job next session that we are going to have to do and that is basically to reorganize and restructure that entire department or come up with a five dollar fee increase on the hunting and fishing licenses. Quite frankly, I don't think the sportsmen of the State of Maine can, number one, afford it; number two, pay for it because there is no fish and game left in this state. If you think things are just as good today as they were ten years ago, talk to your sportsmen. So, we are going to have to make some major cuts and all you are doing is adding three more people on and making them feel they are going to be able to stay on and we are just not going to be able to keep them.

I understand the politics of why they are there but it makes no sense financially to put them back there. I will admit that the Commissioner did a terrible job because there is no contract and they are saying they thought they would be permanent full-time positions. One of them has already bumped off a regular permanent full-time position. Now, we found out they even have bumping rights as project positions.

I learned a lesson, they will never catch me again. I certainly hope that we don't go put these people back in there with the understanding that they are going to be there for two more years and that's it because that is just not going to happen, we can't do it. Our record doesn't show we can do it. Right now, based on a two-year budget projection, the Commissioner has in his slush fund \$100,000. With these three positions, he is down to \$60,000. If his revenues slip anywhere below \$60,000, he is deficit spending and he is in the red. There is no money in the General Fund to make up for it so somewhere along the line somebody else is going to have to get laid off and it better not be a game warden.

I hope you will vote against the motion to indefinitely postpone and at least start being a little responsible in our budget.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.
Representative CLARK: Mr. Speaker, Men and Women

of the House: I would like to congratulate my good ex-chairman, Representative Jacques, from Waterville.

I hope you don't accept what they are trying to do with this. This is one chance you will be able to say that you voted against this. I don't care where you go when you go home, everybody is looking for some kind of a cut. If we don't start making cuts somewhere, eventually it is going to back up on us like we are here today.

I think Representative Jacques explained it very well, we let something slip by and now it is coming back to haunt us. Now is the time we have to correct it. I hope when you vote, you vote with Representative Jacques and myself.

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

Representative HASTINGS: Mr. Speaker, I would pose a question through the Chair. To Representative Jacques, could he please explain to me the three projects that these people were supposedly hired for and what is their intended continued employment purposes?

The SPEAKER: Representative Hastings of Fryeburg has posed a question through the Chair to Representative Jacques of Waterville, who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: The people were hired because there was federal money available and some of the Fisheries biologists said they could not get certain studies done. I can't tell you exactly what those studies are, I asked for them but I never got them. My understanding is that those very important studies are not finished and have to be continued and that is why we have to continue this funding.

I asked the Commissioner what would happen when these studies were over and he said, quite frankly, that the studies would never be over because it is an ongoing process of studying the study to study the study but he did say that when the money ran out, he would then go and apply for more federal funding in a grant form and spell out to the federal government what studies these people would be studying to study to do the study for. I don't know if he has made that application yet but if he has, maybe he will give you a copy of what study to study the study that they are studying the study for. I hope that answers your question.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you would vote to indefinitely postpone. Representative Clark of Millinocket says people want cuts. True, they do want cuts but if we cut this position, it is going to cost more. They have to pay it in unemployment.

The amendment that was adopted earlier said it would be a one-year budget. The cost for the unemployment is going to be in the first year. So, if you eliminate these positions, it is going to cost more in unemployment. We thought we would eliminate a Colonel slot since it was vacant but members of the Fish and Wildlife Committee did not want to do that. There was no federal match, its a total from the Fish and Wildlife fees.

We asked the Commissioner how long would he need these positions since they were, as some said, part-time when they originally hired them, he said,

if they were on full-time, there is enough work for them to do full-time. These positions are a three-to-one match from the federal government. By voting against the motion, it is going to cost money because in the first year, that is where the money is. In case there is any question on how long these positions are to be on for, it is written in the budget, there can be no question, they can't come back and say "Well, we didn't know." The expiration date is in the budget.

I would hope that you would vote for indefinite postponement because by voting otherwise, it is going to be an added cost to the budget.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

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

If at the end of this two year period these part-time positions are retained, is there any cost for unemployment at that time or are they just let go?

The SPEAKER: Representative Hale of Sanford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: We have been told that any time these people go, there is going to be a cost of unemployment. What we were told about having enough money in the federal fund to pay their unemployment was not true, the state would have to pay the unemployment whenever they let them go.

While I am on my feet, I would like to point out that we were told that these positions would end June 30, 1991 and you saw how successful that was.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Fish and Wildlife Committee, we reviewed the second budget brought to us by Commissioner Vail because the first budget he had cut that and more items. He found, as we all know, \$3 million to keep the Gray Animal Farm open, Swans Island open and numerous other cuts that he had previously he brought back in. In fact, when the commissioner brought us this budget, this proposal that we now have of what was originally put into Appropriations, eliminated these three positions because the commissioner said he had put back all he could put back and he could not even afford to put back the match, the federal match. Even though it was a three-to-one match, he could not afford to put it back in.

When Fish and Wildlife was put under the General Fund, it was understood that the General Fund would be some help and the sportsmen wouldn't be carrying the whole amount of money for all of the things that Fish and Wildlife does now. Since we put Fish and Wildlife into the General Fund, we have not collected a dime. It is the sportsmen out there that are still carrying those expenditures.

Now, for the Appropriations Committee to go against the Fish and Wildlife Committee recommendations, originally against Commissioner Vail's recommendations, and put back under the sportsmen, not out of General Fund money, but back out of the sportsmen's fees, three positions that were originally cut and somebody twisted somebody's arm to put them back in because they were definitely out and he couldn't afford to do it, then we have a

problem. Now, if the General Fund wants to put this money in for those three positions, that is another case but this is coming out of sportsmen's fees and out of the people. That is why, as Representative Jacques pointed out to you, we are going to be \$3 million to \$4 million under the gun and raise fees and we are going to have to explain why the Fish and Wildlife Committee's cuts did not exist or all of a sudden they got changed. There is no money from the General Fund for Fish and Wildlife, so I ask you to support Representative Jacques amendment.

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

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

To Representative Michaud, are you presuming when you say it costs more money because of unemployment that the individuals will, because of necessity, be out of work for an entire year? Would that be true if they were not out of work for the entire year?

The SPEAKER: Representative Hastings of Fryeburg has posed a question through the Chair to Representative Michaud of East Millinocket, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: The question was posed to Commissioner Vail that if we let these positions go, would it cost some? He said, "Yes, because we would have to pay the unemployment." The cost is only in the first year because of unemployment. This is, with the amendment that we adopted earlier, a one-year budget if it is enacted. But the answer we got from Commissioner Vail is, yes it would cost more in the first year for the unemployment.

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 Michaud of East Millinocket that House Amendment "F" (H-726) to Committee Amendment "A" (H-716) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 197

YEA - Adams, Aliberti, Ault, Bowers, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Coles, Cote, Crowley, Daggett, Farren, Foss, Gray, Gwadosky, Handy, Hichborn, Joseph, LaPointe, Larrivee, Lawrence, Lebowitz, MacBride, Manning, Mayo, Melendy, Merrill, Michaud, Mitchell, J.; Nadeau, Norton, O'Gara, Oliver, Paradis, J.; Pines, Pouliot, Reed, G.; Richardson, Ruhlin, Rydell, Salisbury, Simpson, Stevens, P.; Tamaro, Townsend, Treat, Waterman, Whitcomb, The Speaker.

NAY - Aikman, Anderson, Anthony, Bailey, H.; Barth, Bell, Bennett, Boutilier, Butland, Carleton, Clark, H.; Clark, M.; Constantine, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Garland, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Hanley, Hastings, Heesch, Heino, Hepburn, Hichens, Hoglund,

Holt, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Lemke, Libby, Lipman, Look, Lord, Luther, Macomber, Mahany, Marsano, Marsh, McHenry, McKeen, Murphy, Nash, Nutting, O'Dea, Ott, Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Plourde, Poulin, Powers, Rand, Richards, Ricker, Rotondi, Saint Onge, Savage, Sheltra, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tardy, Tracy, Tupper, Vigue, Wentworth.

ABSENT - Bailey, R.; Cahill, M.; Martin, H.; Mitchell, E.; Morrison, Pineau, Reed, W..

Yes, 51; No, 93; Absent, 7; Paired, 0; Excused, 0.

51 having voted in the affirmative and 93 in the negative with 7 absent, the motion did not prevail.

Subsequently, House Amendment "F" (H-726) to Committee Amendment "A" (H-716) was adopted.

(At Ease)

(After Midnight - 12:05 a.m.)

(At Ease)

The House was called to order by the Speaker.

The following bill, Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 653) (L.D. 927) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-716) continued from June 29, 1991.

Representative Foss of Yarmouth offered House Amendment "G" (H-728) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "G" (H-728) to Committee Amendment "A" (H-716) was read by the Clerk.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As was mentioned earlier, the unanimous budget that came out of committee had three different holes in it, one of which was settled earlier in the taxation package and was voted on in this House. The second was a retirement issue which has yet to be addressed and the third was the projected amount of money to be raised from video slots. This issue was debated in committee and is presently on the Appropriations Table and there was no resolution to that. However, the Appropriations Committee, because of the printing difficulties and the time pressures, voted the bill out contingent upon those revenues. This budget, therefore, had a potential \$340 million gap, that has been reduced with the tax package to this state and we still have a retirement hole and a hole for what had been anticipated with the slots.

It is a bit premature to guess the vote of the House on that but it did have an overwhelming margin when it passed earlier. However at that time, the original fiscal note (which is still on the Table) had an amount of \$13 million and, as you all know, over the past two weeks negotiations have been ongoing to increase the controls by this state. We had projected therefore with those controls that it would rise to \$32 million. However, negotiations did break down and many of us did have some misgivings and strong opposition to that and today we appear to have (in the two year budget) about a \$35 million hole.

This amendment before you tonight has been offered in good faith and I have talked with the Chairman. I had hoped that we would have a meeting of the committee because we had hoped that these other issues would be resolved. For your information, I want you to understand what this committee amendment does.

The first thing which raises about \$14.5 million is to apply equal treatment to the University and the Maine Maritime Academy and the Vocational-Technical

system with the treatment of the deferral of the infamous June payment. It is an accounting gimmick that we used in this same budget to continue for the General Purpose Aid and it is something that we hoped we could repay for all of those portions including GPA but we were not able to find the \$41 million, so this budget does delay that to the beginning of the following July. Therefore, that payment is moved out into the next biennium and this amendment does the same to the higher education components and it is certainly consistent with what we did for GPA in this budget.

The second component of this to achieve filling the hole that we have in the budget now, in addition to the retirement hole, is to apply an across-the-board reduction of \$2.6 million in the second year out.

I want to draw your attention to Page 2, we have discussed across-the-board cuts in various fashion forums over the past six months. I think we have all had concerns about an impact on some critical programs and some entitlement programs and, therefore, we have drafted this legislation to have that percentage come out of all agencies except for General Purpose Aid, education in the unorganized territory, debt service, teacher retirement, AFDC, foster care AFDC, General Assistance, Maine Health Care Program, intermediate care payments to providers, and medical care payments to providers. We have protected those and the remaining amount would need to be raised by a 2.6 percent across-the-board cut in those other agencies.

I hope you will support this motion to put our budget almost in balance.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of House Amendment "G."

With the amendment that we passed earlier and where we are dealing with a one-year budget, this amendment is no longer needed. Even if it were, I find it strange that three, four or five days ago, we had proposed sections one, two and three and we were told that it was an administration's nightmare.

Also, on the second page, this is the part that I was referring to a little earlier, the 2.6 percent increase cut across-the-board. It is something that we have not looked at and nobody knows what the impact will be, especially on small agencies.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I can only speak to the part of the bill that affects the institutions of higher education around the state. I will say that without exception the University of Maine System, the technical college system and the Maine Maritime Academy have all met their budget targets over the course of the past two years, they have met their cutbacks, they have made their contributions. In some cases, their contributions have been more than generous.

It is very distressing to me to see this come in at the eleventh hour, it places an undue burden on these institutions and really I was very disappointed to see this at this time and can only urge your support of the motion.

The Representative from Yarmouth, Representative Foss, put this in and says it is another gimmick. I

would be inclined to agree with her, she is a member of the old what used to be the "borrow and spend" party through the Reagan years, now the "defer and spend" party. It is simply inappropriate.

I would ask a question through the Chair to the Representative from Yarmouth, Representative Foss.

I would like to know from the Representative, is this your idea of good government and a policy for education that we can be proud of?

The SPEAKER: Representative O'Dea has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes the Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As the Representative from Orono knows very well, this issue has been debated heavily over the past six months and we are doing things that are accounting gimmicks in many different areas. I assume his question would also show his aversion to doing the exact same thing to General Purpose Aid by moving that payment into June of '93 to July of '93 and therefore he would be not supporting the budget because it does that to that \$41 million payment. I do not think this is a stellar plan, there are parts of this budget, the fee increases, the shifts, many of the decisions in this budget are very harsh but they are things we are doing because of the economic times. This is a movement of a payment by five days as "a friend of mine who in the other corner" who advocated the GPA shift to great extent three or four months ago and we resisted it. We finally did that GPA shift in this budget and this simply applies the same standard.

In response to an earlier statement by my Chair, we have had many discussions about the impact of an across-the-board cut and I believe the items that have been excluded are the most critical areas that must be protected and we have taken care to do that.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think the Governor showed great insight and understanding of the value of education when he put some of these funds back to higher education. I hope you will vote to indefinitely postpone this amendment.

There are already 154 positions lost at the University of Maine in faculty/professional and staff people. In the Maine Maritime Academy, they are battling now for just meeting the course of contractual obligations they have for their faculty. The Maine technical college system — if there is anything we need in a downturn economy, it is a technical college that will train technicians to get out there in the work force. The technical colleges are getting more applications than they ever got before because of the nature of the economy and the need for training. They are going to lose about 1,791 students. I hope you leave this money right where it is.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I know as the Representative from Orono and the Representative from Stockton Springs were paying attention to the explanation from the Representative from Yarmouth that the concept of the shift of one day or five days is a difficult one

to understand. It took me a great deal of time to be convinced by the Representative from Thomaston that this was not taking money that would in anyway hurt various entities of higher education. We have debated this thing and argued this back and forth and disagreed on this and eventually will end up (if this is passed) making a responsible decision that in fact it does not cause the losses to these institutions that are being discussed.

That is not the reason that I stand in specific though. I want to make sure that this body understands that the 2.6 percent cut across-the-board in the divisions of state government that were not exempted by this carefully crafted amendment are balanced against the 6 percent increase in that year of the biennium. So, all this amendment carefully does is to lower the amount of increase in the budget of these agencies. I doubt that there are many people in this body in their careful study of the budget who remember that fact.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would suggest to the Representative from Waldo that if he doesn't think this represents a substantive and last minute cut for the University of Maine system and the other institutions mentioned that he should learn how to add.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: We have, in the last six months, talked about a number of proposals, gimmicks, scams, taxes and matches, you name it, I think we have probably come up with it. We even coined a couple of things as staff match or whatever.

This amendment, although I am sure offered in good faith, is somewhat surprising to me here tonight. We do have a one-year budget and I am sure this was drafted prior to the first amendment of it even being adopted.

We talked about this about 48 hours ago or 60 hours ago in committee, the "push" (if you will) of the higher education institutions and we were led to believe (if I understood correctly) that that was not acceptable to everybody including the administration. It is even more surprising to see the statewide across-the-board cuts because I remember distinctly when we were talking about the video gaming issue and what would happen if in fact that language and everything couldn't be worked out because it had been hours and hours of negotiating on it, the Senate Chair of our committee moved to put into the budget \$30 million from that source. As a backup to that, in case it failed, a one percent across-the-board cut throughout state government over the biennium which would have meant about one half of one percent reduction in all agencies everywhere across-the-board and that was not acceptable at that time. If it wasn't acceptable 48 hours ago and 60 hours ago, even as a back up to what could have been a whole, I can't fathom why it is now acceptable. I would hope that you would support the House Chair and indefinitely postpone this amendment.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I was not clear. The discussion about the backup plan for a one percent across-the-board — clearly to raise that

kind of money required taking a percentage out of General Purpose Aid, education in the unorganized territory, department service, teacher retirement, AFDC, AFDC foster care, General Assistance, Maine Health Care Program, intermediate care to payments to providers, etcetera. The discussion that day was, let's slow down and analyze it and, as my colleague on Appropriations know, we never got beyond discussing that amount. I think this is a careful, protective amendment and I think it does what has to be done without unfairly hurting anyone.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I am not on the key committees on this but I must say that I was very impressed going to the Appropriations Committee watching the careful job that they did examining the budget and carefully crafting cuts where they could be absorbed and not making those cuts where they couldn't be.

I can't imagine 2.6 percent across-the-board making much sense in some departments and I think other departments could probably absorb it. To call this a carefully crafted amendment — I understand the intent and I think the intent is good but I can't support something that does so in such a crude manner cuts everywhere. In the area that I know the most about, corrections, it certainly would be extremely difficult to handle. I suspect there are other departments which that is also so and I can't support it as a result. I really think it cuts — it flies right in the face of the careful work of the Appropriations Committee.

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 Chonko of Topsham that House Amendment "G" (H-728) to Committee Amendment "A" (H-716) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 198

YEA - Adams, Aliberti, Anthony, Ault, Boutilier, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, 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, Bailey, H.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bailey, R.; Bell, Cahill, M.; Hichens, Jalbert, Ketterer, Lipman, Martin, H.; Morrison, Pineau, Reed, W.; Sheltra.

Yes, 95; No, 44; Absent, 12; Paired, 0; Excused, 0.

95 having voted in the affirmative and 44 in the negative with 12 absent, the motion to indefinitely postpone did prevail.

Representative Dore of Auburn offered House Amendment "H" (H-729) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "H" (H-729) to Committee Amendment "A" (H-716) was read by the Clerk.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: It is with mixed emotions that I stand before you tonight proposing House Amendment "H" and recommending it to you.

I came in earlier today and did a lot of work on another amendment and many of you read my flyer on this other amendment. That is my preferred amendment and that remains my preferred amendment but in politics you have to practice the art of compromise and I hope we see more of that as we get on this evening.

What House Amendment "H" does is it enables us to put in place the one cent sales tax deferral on energy used in manufacturing as of July 1, 1991. That is two days away, actually a day and a half. This will lower the cost for manufacturers who are struggling to keep those jobs running in Maine.

The investment tax credit is kept whole in this amendment and the way in which it is kept whole is that we have lowered the cost of it because you can't take those tax credits quarterly anymore. When this compromise was offered to me, they suggested that they could save enough money so that we wouldn't have a third delay on energy and manufacturing if we could say you have to take those credits at the end of your tax year. That saves us enough money to pay for energy in manufacturing and that is something everybody from every small town with any manufacturer, whether or not they buy equipment, can take home. It is a good compromise and I think it is a compromise you all can support because it is good for everyone who manufactures even when they don't have the money to invest at this time. It will lower costs for these people in the manufacturing business immediately.

It also says something else that I, as a member of the Taxation Committee, think is very important and that this is paid for by deferring those credits to the end of the tax year which means that there is \$8,000,100 less in investment tax credits. I don't feel sorry for the companies because a lot of those companies use a high amount of energy and they are going to get it in their sales tax on manufacturing savings. I feel happy for the people of Maine, particularly our corporate income taxpayers because it further restores some of the balance to corporate income taxes, it is that much less to come off

corporate income tax. So, we are making a difference in the balance in corporate income tax.

It is a watershed night for me because I have never voted for an amendment with an investment tax credit in it. I have always spent the past three years fighting the investment tax credit, but this is a compromise. They weren't sure they could win and I wasn't sure I could win and this way everybody in Maine who is worried about jobs in manufacturing gets to win. I think that is a pretty good deal.

It is with some regret that there is nothing for the Human Services end of this. I have concerns about that and I will address those in an amendment later tonight.

I do think this is good for business and I think it is good for all business and I think that means it is good for the people of Maine who need these jobs. I hope that you will support this amendment.

I would like to, publicly on the Record, thank my chair for being willing to compromise and come up with an alternative that helps us all. I would like to state that he did something else very nice. I obviously looked for more than I got, I usually do look for more than I get and my chair has graciously volunteered to further propose an amendment to the investment tax credit next year as a cosponsor of mine and that amendment will be to tie the investment tax credit to jobs in Maine. I think that is a further move that we will have to wait for for another day and have a hearing on but I applaud him for being willing to support that effort.

I hope that you will vote for this amendment. There is no cost in the budget.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: As is always the case on these matters of tax credits, Representative Dore and I are of one mind on this amendment.

This is a good amendment, I feel. I stood here earlier this evening and spoke against another good amendment because I said that I had so much respect for the process and that has not changed any. The difference I think in this case is that this amendment is, not only a good amendment but it more accurately, in my judgment, reflects what was the position of the Taxation Committee when we addressed this issue. I have spoken to the leader of the Minority Party on the Taxation Committee, Representative Murphy, and we are in agreement on that. The Taxation Committee had real mixed feelings on the idea of an either/or situation on the investment tax credit and the sales tax on energy.

What is before you now in this amendment is it reduces the fiscal impact of the investment tax credit and allows for the people of the State of Maine and the businesses of the State of Maine to get a little bit of both. I think it is superior to what is currently in the budget and it also better reflects what our intentions were when we reviewed that section of the budget. I think it is a very good amendment and I hope that the House will support its adoption.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, I would like to pose a question to Representative Dore.

Does this amendment affect the current businesses that are upgrading and adding new equipment under the tax program we have right now?

The SPEAKER: Representative Tracy of Rome has posed a question through the Chair to Representative Dore of Auburn who may respond if she so desires.

The Chair recognizes that Representative.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Yes and no, one of my favorite answers. It keeps whole the investment tax credits. As you all know, that is not one of my favorite tax breaks.

What it does is lower the cost of it further because they can't get the tax credit in each quarterly payment. You make quarterly payments on your income taxes, now they have to wait until the end of the year payment. That savings, a lot of them will get back, because they have high energy costs and they are going to get the one cent on energy used in manufacturing July 1st. There were people in this deal who offered me next January and I said, "Oh, no, this is a tough enough budget and if we are out of money next January, we will get deferred again and that will be the fourth deferral, I need July 1." So, in order to get July 1, they can't get their tax credits in quarterly, they have to wait until the end of the year. Don't worry, because the larger investors usually have some income taxes due to us in the Spring, so they will have something against which to realize their tax credit. That will free us up for the small manufacturers.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: Earlier today, I had a major problem with the amendment that was being offered by Representative Dore but this evening I want to commend her for the work that she did particularly in putting this new amendment together because it does take care of the problem that I had. I hope when you vote this evening that you do vote to support her amendment.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would support this amendment from Representative Dore because it is an idea that we all had and would have like to have done but just couldn't seem to find a way to do it. Representative Dore has done it and it will help every manufacturer in the State of Maine and each and every one of us can go home and say we not only helped every industry in our district but we helped every industry in the state. Between the two, the investment tax credit and the one cent off the sales tax on energy used in manufacturing, this is really a plus to the State of Maine and I hope everyone supports this amendment.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I stand here in a difficult spot having to disagree with an action that both the Chairman of the Taxation Committee and the Representative from Auburn agree upon on this subject that they perhaps have never agreed upon. However, I have only recently been talking with some of the people who have assigned to them the responsibility of making this thing work. I think it is only appropriate that we make note on the Record that the state tax assessor thinks this would be very difficult to enforce and it may create an \$8 million liability in the next year.

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

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

My question is, what effect does the one-year funded budget have to do with the downside of this where the tax is being added, credit given in one year but the rebate would be in the next?

The SPEAKER: Representative Hastings of Fryeburg has posed a question through the Chair to any member who may respond if they so desire.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: First, let me respond to the question of Representative Hastings and then the comments from Representative Whitcomb.

First, it would have no effect. The fact that this is a one-year budget does not change the fiscal implications of what has been proposed in this amendment.

Secondly, it does not surprise me that the state tax assessor would make the statement that Representative Whitcomb said he made, I am sure that he did. Mr. Lafaver confirmed the figures that are used in this amendment, he saw them and confirmed them, they were his figures. Mr. Lafaver has never liked the programs involved in this amendment anyway. It does not create any hole in the next biennium or if it is a one-year budget in the next year because all it says is, you cannot use investment tax credits against your quarterly filings. The only time you can claim then is when you file your income taxes. That is not a situation that will be true for just one or two years. It will be true as long as the program is on the books. So, it will create no hole in the next biennium because the same situation will exist then.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I only wish to supplement what I stated on the Record to indicate that the communication I just had indicated exactly what the Representative from Old Town said in terms of disagreement. The state tax assessor thinks it would be difficult to enforce and collect. The paper industry, which the Representative from Old Town is agreeing with, disagrees with the state tax assessor.

Subsequently House Amendment "H" (H-729) to Committee Amendment "A" (H-716) was adopted.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" as amended and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758) on which the Committee of Conference Report was read and accepted and the RESOLUTION passed to be engrossed as amended by Conference Committee Amendment "A" (H-703) in the House on June 29, 1991.

Came from the Senate with the Committee of Conference Report read and rejected in non-concurrence.

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

Representative LEMKE: Mr. Speaker, I move that the House adhere.

At this very late or I should say early hour and with the very momentous decisions which this House is required to make, I have no desire whatsoever to prolong the debate on this particular matter nor I must admit am I driven by any particular ego involvement at this point. However, as a man of this House, I have been very honored and gratified by the support this body (which is the body closest to the people) has consistently shown for the practice of direct democracy represented by Recall. I, therefore, believe that it is important that this honorable House remain consistent on this very important issue. This is not a personal issue. I think it is very important to the people of the State of Maine, I think it is very important to the integrity of our State Constitution. Therefore, I ask that we adhere to our previous action.

Representative Whitcomb of Waldo moved that the House recede and concur.

Representative Marsano of Belfast requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Whitcomb of Waldo that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 199

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

NAY - Adams, Aliberti, Anthony, Bell, Boutillier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen,

Hichborn, Hogle, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Lawrence, Lemke, Luther, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Skoglund, Stevens, P.; Swazey, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

ABSENT - Bailey, R.; Clark, M.; Hichens, Jalbert, Ketterer, Larrivee, Libby, Macomber, Martin, H.; Morrison, Murphy, Paradis, P.; Pineau, Reed, G.; Reed, W.; Sheltra, Simpson, Tardy.

Yes, 48; No, 85; Absent, 18; Paired, 0; Excused, 0.

48 having voted in the affirmative and 85 in the negative with 18 absent, the motion did not prevail.

Subsequently the House voted to Adhere.

COMMUNICATIONS

The following Communication: (S.P. 772)

DEPARTMENT OF FINANCE
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, MAINE 04333

June 25, 1991

Charles P. Pray, President of the Senate
Chairman, Legislative Council
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

As required by 5 M.R.S.A., Section 8-F, the rules and regulations established and promulgated by each department concerning the provision of housing and food to employees are to be approved by the State Budget Officer and transmitted to the Legislative Council for its review biennially.

I am herewith transmitting the rules and regulations from the Departments of Agriculture, Food and Rural Resources, Conservation, Corrections, Education, Inland Fisheries and Wildlife, Mental Health and Mental Retardation and Transportation. These are the only departments directly affected by Sections 8-B and 8-C.

Of the departments listed, only Conservation and Mental Health and Mental Retardation changed the policies that are currently in effect. The Department of Conservation - Bureau of Parks and Recreation has made several revisions to their regulations for housing and food to employees but have met the guideline specifications. The Department of Mental Health and Mental Retardation no longer allows prepared meals to be brought into the institution by a commercial caterer or group of individuals for consumption by outside groups.

I am also enclosing for the Council's review the "Guidelines on State Housing" developed by the Bureau of the Budget to provide uniformity between

departmental rules and regulations.

Sincerely,

S/G. William Buker
State Budget Officer

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

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

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Authorize the Establishment of a Violations Bureau in the District Court" (EMERGENCY) (S.P. 771) (L.D. 1965)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

Non-Concurrent Matter

An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 (EMERGENCY) (H.P. 1349) (L.D. 1942) (C. "A" H-681) on which the House insisted on its former action whereby the Bill was passed to be enacted in the House on June 28, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Bill and accompanying papers were recommitted to the Committee on Transportation and asked for a Committee of Conference in non-concurrence.

The House voted to Adhere.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Assuring Clean Waters in Maine (H.P. 161) (L.D. 246) (S. "A" S-390 to C. "A" H-331)

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. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

ORDERS OF THE DAY

BILL HELD

Bill "An Act Related to the Office of Substance Abuse" (S.P. 90) (L.D. 175)

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-359) as amended by House Amendment "A" (H-688) and Senate Amendment "C" (S-389) thereto.

- In House, House Receded and Concurred on June 29, 1991.

HELD at the Request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby it voted to recede and concur.

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

Senate Amendment "C" (S-389) to Committee Amendment "A" (S-359) was read by the Clerk and adopted.

On motion of Representative Gwadosky of Fairfield, House Amendment "A" (H-688) to Committee Amendment "A" (S-359) was indefinitely postponed.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-359) as amended by Senate Amendment "C" (S-369) thereto in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Regarding Simulcasting of Harness Racing" (EMERGENCY) (H.P. 1373) (L.D. 1958) which was passed to be engrossed as amended by House Amendment "C" (H-706) in the House on June 28, 1991.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-706) as amended by Senate Amendment "B" (S-392) thereto in non-concurrence.

Representative Tardy of Palmyra moved that the House recede and concur.

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

Representative ALIBERTI: Mr. Speaker, I would like to pose a question through the Chair to either one of the sponsors. For the Record, and it is important this be for the Record, the question is, will this bill be in accordance and conformity with the Maine Statutes, Title 8, Section 275? Now that

is unfair the way I stated it but I will explain to you what that is. That section involves the percentages, the actual percentages, that go to the licensee, the horsemen and the Fair Association — these are specific percentages by law. Now, my question is, will these same percentages be in effect as regards to the addition of the thoroughbred racing program? That is the first half of my question.

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to any member who may respond if they so desire.

The Chair would advise the Representative there is no response to the question.

Representative ALIBERTI: Mr. Speaker, the second half of the question, is will the horsemen have the opportunity to decide whether they will allow this thoroughbred racing in excess of two races? Right now, while they have live racing, they are limited to two simulcast races. Now, they are extending it to as many as nine during a live racing program. Do they have the authority to ask for permission to have the track run these races? That is the existing law — that is my question.

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: It would be my understanding that this is amending the existing statutes only to allow the Harness Racing Commission to expand simulcasting and it would not change any of the ground rules that are already in place.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Thank you, that is what I wanted to hear for the Record.

I request a roll call.

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

A vote of the House was taken and less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Tardy of Palmyra that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 37 in the negative, the motion to recede and concur did prevail.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (EMERGENCY) (H.P. 1164) (L.D. 1705) (H. "A" H-624 to C. "A" H-453) on which the Resolve and accompanying papers were indefinitely postponed in the House on June 26, 1991.

Came from the Senate with the Resolve passed to

be engrossed as amended by Committee Amendment "A" (H-453) as amended by House Amendment "A" (H-624) thereto and Senate Amendment "A" (S-388) in non-concurrence.

On motion of Representative Lipman of Augusta, the House voted to recede and concur.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Increase the State Contribution to Health Insurance Benefits for Retired Teachers (S.P. 571) (L.D. 1525) (C. "A" S-226)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-727) on Bill "An Act to Authorize a Regional Tax" (H.P. 746) (L.D. 1050)

Signed:

Senator: ESTY of Cumberland

Representatives: DIPIETRO of South Portland
CASHMAN of Old Town
TARDY of Palmyra
NADEAU of Saco
DORE of Auburn
DUFFY of Bangor

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Bill.

Signed:

Senators: COLLINS of Aroostook
BOST of Penobscot

Representatives: MAHANY of Easton
HEPBURN of Skowhegan
BUTLAND of Cumberland
MURPHY of Berwick

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Butland.

Representative BUTLAND: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak

in opposition to this amendment in spite of the fact that I appear as a cosponsor on the original L.D., L.D. 1050. I do so because the proposal in front of you bears little resemblance to the original intent of L.D. 1050. It has led a very twisted and tormented existence and hopefully tonight we can put it out of its misery.

It was first heard and worked in the Taxation Committee during the Winter, abandoned in the Spring and left as a holdover bill for the second session and finally resurrected at four p.m. on June 28th as a means of property tax relief. I would like to add that the original bill was to be held over in order to give this complex issue a more thorough and thoughtful consideration in 1992.

By my count, the Taxation Committee heard eleven local option bills this session. Every one except L.D. 1050 was given a swift "Ought Not to Pass." L.D. 1050 was originally a county option sales tax of one percent. The proceeds were to be distributed 35 percent to the collecting community, 40 percent to the remaining communities in the county and 25 percent would be distributed statewide. It is a complex, yet fair, formula for ensuring that the bedroom communities would receive some reimbursement.

As presently proposed, this amendment would return all funds to the collecting community. The nature of the tax is also changed. It is now a tax on rental cars and lodging and it potentially imposes a \$3 per day tax. As an example on lodging on a \$100 per night room, that is a three percent increase. On a \$50 per night room, that is a six percent increase and a \$30 per night room, that is a ten percent increase. When you add that to our present seven percent statewide lodging tax, you have the potential for a 10, 13 or 17 percent tax or any permutation in between.

According to the best estimate of the Bureau of Taxation, 30 percent of all hotel rooms and motel rooms are rented by State of Maine citizens in this state, this is not solely a tourist trap. This L.D. represents more of a burden on our people just when we have enacted the largest tax increase in the history of this state.

I urge you to vote against the pending motion.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have to admit to being the author of this amendment. This amendment, Committee Amendment "A" to L.D. 1050, was used as a vehicle for this amendment because the committee unanimously agreed to do so. It was in committee and it was originally offered as a Committee Amendment to the tax package that we all agreed on but it was felt that it was better to run this as a separate bill and keep our agreement amongst each other in the Taxation Committee.

First of all, this is strictly a local option fee. The fee itself is \$1 to \$3 on motel rooms or overnight accommodations under 20 days. That means that we are after the short-term rental. It also provides for a \$1 to \$3, determined by the town or municipality, on car rentals. It can only go into effect if the municipality or the town votes for it. This is not a tax, this is a fee. I know there is a small difference but this will go directly to the town or municipality where that rental occurs.

It also is here at this late time because I

waited to see what we were going to do to lodging to see if we were going to raise any of the fees in lodging and we didn't.

I think it is about time that we recognize that we need to do something for many of the towns and municipalities, for them, not to them for a change. I think we have to realize and I think the state has to realize that the towns need another revenue besides property tax. This does help them. It takes off the curse of what we are doing now and what we have done in the budget, to what we have done in taxation.

I must defer with the previous Representative when he said 33 percent of these people were Maine people. That may be but of that 25 to 30 percent is businessmen who write it off in their companies. I think that we understand that we are not going to have people come to these motels in these towns because there is a \$1 or \$3 fee. That again, is solely determined by the town and the voters in that town what that fee will be. That fee can be dedicated by the local voters, they can use it for tourism to attract more business, they can use it for local school funding, they can do anything they want. We are only giving them that option. That is why I ask you to pass this legislation.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I do not believe that at this time with the economy of this state the way that it is that it is feasible to pass this bill. I don't believe that the hospitality industry can stand a \$3 a night occupancy tax. By passing this bill, what you will be doing is pitting towns against towns, county lines going against county lines and you will be making a Maine/New Hampshire border all over the State of Maine. Believe me, that is not a very harmonious ideal situation. It causes many problems and in every town that has motels in it will have to advertise, "Yes, we do have it; no, we don't have it" and it will make a difference.

I think all year we had at least a dozen or sixteen bills with local optional taxes. The committee voted them down, one after the other. This was just a tool left hanging around, I don't really know why we did it, but I guess I am one who is kind of sorry that we did right now, but I think this is a bad bill. I would hope that you would vote to reject this \$3 occupancy tax, which would hurt our hospitality industry. Those of you who have a hospitality industry in your towns or communities is going to be hurting and hurting bad.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

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

Representative Duffy from Bangor distinguishes between a fee and a tax and I would like to ask him if he could elaborate on the difference and make the distinction, please?

The SPEAKER: Representative Bennett of Norway has posed a question through the Chair to Representative Duffy of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: Quite simply put, a tax would be collected by the state. If it is a fee, it can be collected locally.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I would like to refresh the memory of some of my fellow Taxation Committee members about what happened with the local option taxes this year. We had many bills before us on local option this year and we did in fact kill off most of them. Every single time we killed off a local option bill, we said (many of us, publicly in committee in front of God and whomever) that we were keeping a vehicle around because for many of us it depended on what the budget did to the towns. Some of us who had never considered local options before would sign out a local option this time if what the budget did was detrimental to the towns.

We have all talked about the educational funding formula and how uneven it is -- this gives a vehicle to towns that were hurt very differently from some other towns to raise some more money for education. This gives them a vehicle. You have to have a majority of your citizens vote this in.

I would like to answer the question about a fee and a tax. The difference between a fee and a tax is simply this, this is not a percent of the price. This is within a \$1 to \$3 range, it is not a percent of the price and a town has to figure out at which range it could bring in enough revenues and get the citizens to believe that this would be the wisest thing for them to do in order to alleviate their property tax bills. From town to town, it is going to vary.

In my town, we lost 23.6 jobs in education. I heard that is more than Commissioner Bither lost in the whole Department of Education. In my one municipality, we have lost more than the entire Department in staff, that is a devastating impact because of flat-funding of education. My voters are going to want to think, how are we going to make this up? What they did is they cut these positions. We are going to try the next year with these cuts and if they find that impossible, it is very difficult to go back to the property taxpayers and ask them to pick up the slack. We have a couple of motels and we do rent cars and it may make sense for us to try to get it from people. A town will have to decide for itself what the wisest thing is for it to do.

There was no trickery or tomfoolery or anything like that going on in Taxation, it was clearly stated, every time we killed a local option tax, that we would leave a vehicle around, let's make it what we needed it to look like if it becomes necessary. Lo and behold, these are desperate times and this is a desperate budget and we have impacted the towns, unevenly because of the educational funding formula isn't even. So when you flat-fund it, it is an uneven distribution of paying out there. Some towns are hardly hurt at all. It is optional, you have to sell it to your citizens.

The same geniuses who elected all of us are the idiots who are going to have to vote this in. Let's remember that, that is the thing about a local option.

I hope you will consider this at this time and have a little confidence that the voters will do the wise thing for their communities.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: The hour is early and I just

want to say to you that everybody has been talking about lodging and everybody that I have spoken with out in the lobby seem to think that this is a bill for Portland, Bangor, Lewiston, the bigger cities. I just want you to stop and think, that if you have a car dealer in your town or in your city, the car dealer is probably now leasing automobiles also so the car dealer does come under this bill. Just remember, it is not just for lodging, it is also for rentals of vehicles and most car dealers who are now in that business are renting so, if you do have a car dealer in your community, then you know that he is probably doing this.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this piece of legislation and I rise as an individual who, in the past, has supported certain kinds of local option taxes. I want to explain the difference in the position that I have taken because I think it is very significant relating to the bill we have before us.

This is the most selfish kind of local option tax that we could have before this body. This is, as the previous speaker just noted, a chance for those who have to have more. This is an opportunity for those areas who have a larger tax base to vote themselves even more revenues and those small communities that many of us represent to have removed from our grasp an ability to raise tax revenues.

This legislature in the past has very frequently rejected local option taxes because it of its uneven treatment of towns across the state. I have heard many individuals in this body in the past talk about relinquishing the power of taxation to certain groups, other than this legislature. In fact, we have even debated on the opposite side on this issue that, until we get to a tax of this type, where truly only a few can benefit. Of the large number of towns that we have in this state, very few have the ability to gain significant revenues from levying a tax on those items listed in this piece of legislation.

I urge you to think carefully before you allow this form of taxation to be given a local option and, therefore, released from the control of those who represent a larger group of towns the ability to raise revenues for their people as well.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

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

Since the title of this bill deals with taxes and the amendment deals with fees, is this bill germane or is this amendment germane to the title of the original bill?

The SPEAKER: The Chair would call her attention to the original bill which deals with Title 36 as does the amendment. To quote a former Minority Floor Leader, "A fee is a tax and a tax is a fee." The amendment is germane.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the Representative from Waldo on a couple of points. One is that, not only will the large communities gain from this, but your coastal communities will gain from this bill. The higher assessed property tax assessment areas most likely because they are in the coastal plain or they are in the city's

municipalities will gain from this bill. Most of your small towns and your routes in and out of Canada that have motels in areas like that can gain or would gain if the municipalities voted for it.

I resent the fact that he wants to say that we, in the larger municipalities, have it all and want more. I would only like to stress that the county tax bill, which is paid by the City of Bangor, is \$1.3 million of a \$6 million county budget of which we receive not one single service. Yet for years and years, we have paid 25 percent of that bill to the rural communities. I resent that he cannot see that it is even-handed for the rural areas to take advantage of that but when you come in with a bill that will help the towns in the higher tax areas, that it is greed and selfishness.

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

Representative HOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up so late. I am a person in this particular legislature that has supported local options. I have to get up because the Minority Leader, Representative Whitcomb, really kind of insults us when he thinks that it is selfish. It is always selfish when you try to raise money to help yourself.

As Representative Duffy said, we don't receive a lot of the monies that we raise. You do not even give us enough of the sales tax. Whatever we raise, every city and town gets the benefit of our larger cities when raising it. When it comes to services, Portland, Waterville, Bangor, Lewiston — we do provide the services for the towns and cities that do not have some of these hotels or restaurants to get this kind of money. So, if we can raise some money to help ourselves because we don't get enough in our subsidies for our education or AFDC, here is something that I would like to tell you — I figured it was going to come up, I didn't think it was going to be three o'clock in the morning so I will only go through a few of them. We have people, and I give you the names, addresses and telephone numbers — let's just say from Union, Maine, we have two patients that Portland subsidize. From Frenchville, we have two or three patients; Mattawamkeag, we have two or three patients; Rockland, we have some; Greenville, Caribou, Houlton, we have some — these people have to come to Portland because of the services that you can't provide so, on one hand when we are running short because we have multiple problems from the people that we have to service, such as children, AFDC, handicapped, special education — yes, we provide a lot of services but we also pay it.

What we are asking you is not for selfishness, it is something beyond the education formula, it is something that will help kick in because my property taxes tripled this year. I haven't got my bill yet, but I got my assessment, it tripled so in all fairness to me and to my colleagues and other people, there is no reason why you can't allow us to send out to our people if they want to allow to charge the hotels or car rentals more money, let the people decide. If they don't vote for it, we can't do it. You are not giving us a privilege, you are allowing the people to say for themselves in these larger towns.

I would hope that you would go along with this motion.

The SPEAKER: A roll call has been requested.

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

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

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: It was mentioned earlier that, because it was collected locally, it is not a tax, it is a fee. If that is the case, then what would you call the property tax, the property fee? I am a little confused about that.

To me, there is no difference between a fee, whether it be for a license or a tax, it is money that has to be paid by the citizens of the state.

We have already increased almost \$300 million in taxes in the proposed budget and we have not even included the increase in all of the fees, which I have heard estimated to be anywhere from another \$30 to \$130 million. I don't know what that actual figure is.

Coming from a tourist area on the border with New Hampshire, we already face some problems with border jumping as many of you are already aware. I would say, by this, that we could then have town jumping, people moving here and there. For example, what happens if South Portland puts a \$3 fee in on rooms and Portland doesn't? That's going to make for interesting gymnastics on the part of tourists.

I would ask that you vote against this.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to vote against the pending motion on the floor.

This is truly not a good tax to be asking the people to ratify. We have already enhanced revenues, increased fees, gone up on taxes, I believe it was \$300 million. My town is in the same unique position as Bangor, Portland, Lewiston, you name it, we are a big town. We carry the larger burden or one of the larger burdens in our county also.

To ask the existing motels, motor vehicle rental places to add to their already costly prices is a little bit too much, not only for local people but for the tourists, which we don't have, but occasionally they drop in while passing through. I would ask you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Over the last fifteen minutes, a few misconceptions have been uttered. The difference between a fee and a tax is settled. I will tell you that, the fee is a flat amount and a tax is a percentage of some other formula. Property tax is based on mill rates, assessments. A fee is a quarter, a dollar, three dollars, five dollars — it doesn't always have a direct relationship. There is a difference there.

For those of you who haven't figured out yet, I am from York County as well, and I don't at all put any credibility into the state competitive nature. The fact of the matter should be brought out that the State of Maine with our proposed 7-7-7 across-the-board will be one of the least, one of the

cheapest bargains in the country. It would be the cheapest in New England.

I don't really believe that there are all that many people who look at what Portland has got to offer, what South Portland's rates are and then make your decisions on that. If you are that hard up, you probably aren't traveling around anyway.

I think it is critical for people to realize that this is a local option. This would necessarily go before the voters of A,B,C cities, we are not telling anybody that they have to do anything, we are offering them a choice. I think that is a very important distinction to make.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I know it is late but I have heard this argument, time and time again. Let me just give you two examples of when a major city or a major region has brought in tons of sales tax dollars. In 1984, the Governor of the State of Maine brought in the Governor's Association meeting — I forget what the total was but I think the Speaker probably knows because I remember him talking about that. The next year, this legislature, the Maine Legislature, the same area, brought in the Eastern Coast Conference of State Legislatures. Now, if the City of Bangor or the City of Waterville can bring in outside convention people, every single member of this House benefits. Why? Because we put a local option in and it is money that is coming from out-of-state and if memory serves me right, the sales tax is revenue sharing. If we can bring in more and more conventions from outside of this state into this state, instead of the doctors of this state going to New Hampshire, then we can get more money because, for the first 6 percent of that or 7 percent of that, it is going back to revenue sharing. Every single town benefits from revenue sharing. If I am wrong, I wish somebody in this House would tell me about that.

The little small town of Wypitlock benefited when they had the National Governors' Conference because more sales tax came into this state. By the way, when they are here, I worked on the National Governors' Conference and I worked also on the Eastern Coast Conference and believe me, they ran buses on an hourly basis to the town of Freeport because everybody had heard of L.L. Bean's. I would like to know just what those two conventions brought in but it benefited every single community in this state. If I am wrong, will someone please get up and tell me why I am wrong.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I don't see any sharing of this revenue. I read this bill as being one which simply goes to the municipality which decides to invoke it.

I have people in my town that use the Maine Medical Center. One mother has been down there for three months with her child who has chemotherapy. If Portland puts in this type of a bill, \$3 a night, I suppose she will have to pay it or she will move to Westbrook or she will find a town somewhere around Portland that doesn't invoke it.

What you are doing is to take and pit towns against towns, cities against surrounding towns and it is not fair. If you are looking at the State of Maine as a state, this is a terribly unfair tax.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly on the Record, I want to have it affirmed that with possible passage of this Act that we would, once and for all, end all the whining about the unfairness in the education formula law because those communities who are now low receivers and would benefit from this, coastal communities and those communities with a great deal of property value, could have their problem taken care of and, therefore, would not need to come back for changes in that law.

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

Representative DIPIETRO: Mr. Speaker, Members of the House: I guess the good Representative from Waldo was looking over my shoulder because that was my question. The Representative from Fryeburg says that he doesn't think people share in it. When I look down this list that was passed out earlier today, it says the City of South Portland receives 22 percent school funding and the City of Portland receives 16 percent school funding. I heard someone from the town of Sanford say that they had the same problems — isn't that amazing? They get 66 percent school funding so there is a difference and I feel that we should have this opportunity.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 200

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, H.; Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Gean, Gould, R. A.; Graham, Gurney, Heeschen, Heino, Hichborn, Hognlund, Holt, Jacques, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Lawrence, Lemke, Manning, Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Tardy, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Hepburn, Hussey, Joseph, Kutasi, Larrivee, Lebowitz, Lipman, Look, Lord, Luther, MacBride, Mahany, Marsano, Marsh, Merrill, Michaud, Murphy, Nash, Norton, Nutting, Ott, Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Reed, G.; Richards, Ricker, Rydell, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Townsend, Tracy, Treat, Tupper, Vigue, Whitcomb.

ABSENT - Aliberti, Bailey, R.; Handy, Hichens, Jalbert, Ketterer, Libby, Macomber, Martin, H.; Morrison, Paradis, P.; Pineau, Reed, W.; Sheltra, The Speaker.

Yes, 58; No, 78; Absent, 15; Paired, 0; Excused, 0.

58 having voted in the affirmative and 78 in the negative with 15 being absent, the motion did not

prevail.

Subsequently, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 653) (L.D. 927) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-716) which was tabled June 29, 1991 pending adoption of Committee Amendment "A" (H-716) as amended by House Amendments "A" (H-718), "C" (H-721), "F" (H-726) and "H" (H-729) thereto and later assigned.

Representative Rydell of Brunswick offered House Amendment "I" (H-731) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "I" (H-731) to Committee Amendment "A" (H-716) was read by the Clerk and adopted.

Representative Wentworth of Arundel offered House Amendment "J" (H-733) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "J" (H-733) to Committee Amendment "A" (H-716) was read by the Clerk.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "J."

I want to give you some background on this amendment before you. The language which this amendment repeals on June 30, 1993 was originally put into the budget unanimously by the Appropriations Committee. It restricts the administrative costs in contract agencies. The state presently is involved in over \$135 million dollars worth of contracts without outside agencies each year. The administrative costs within those agencies have grown from 11 to 24 percent. If, for example, this language that is in the budget, this restrictive language, were applied only to the 8 major mental health agencies with whom the state contracts, almost \$200,000 would be saved each year but, in fact, we have hundreds of contracts. If these contracts with the agencies were restricted to the types of things that they have been looking at in state agencies, we certainly would not be tolerating that gross in administrative costs. The Appropriations Committee has cut those kinds of costs wherever possible.

When we were having testimony for the various subcommittees, there was a unanimous recommendation from the Human Resources Committee and that language is presently in the budget. The first vote in Appropriations was unanimous. Then some lobbyists became involved and the vote was reconsidered and it still only received 2 or 3 votes.

The final night of negotiations (or early morning) the issue was reintroduced for a third time to be watered down and we indicated that we would divide the budget over this issue. All session each one of us in the Appropriations Committee has talked about controlling the administrative costs of contract agencies and we commended the Human

Resources Committee for doing the research and developing the language that is now in the budget. It limits state expenditures for out-of-state travel, cars, lobbying, bonuses and incentives, legal fees that exceed \$1,000 unless approved by the department, donations, purchase, rental or lease of cars, salary increases for those with salaries over \$50,000 — all the varied costs we have been criticizing in state agencies. It was our feeling that why should outside agencies exist under a separate standard?

The budget does include some flexibility in the language so the commissioners for justifiable situations can make exemptions. We felt that we did not want to cripple the smaller agencies and no costs for direct client services has been restricted. The limitations simply apply to administrative costs. We have the potential to save hundreds of thousands of dollars with this language and, most importantly, ensure that the taxpayer dollars are not used for cars that are not involved with client use or for salaries of administrators over \$50,000 or for lobbying activities and for several other administrative costs.

I hope you will stick with the original unanimous report of the Appropriations Committee and reject this amendment. I ask for a roll call.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: This item is particularly gruesome for me this evening because this is one of the pieces that we were blackmailed into not even presenting again to our committees in spite of the close vote when we reconsidered it.

My problem with this amendment is that it is not going too far. This is so hypercritical. We are asking a small piece of our state dollars to really checked into when we have this humongous state government bureaucracy that we can't touch. We are going to beat up on the little guys again. We did a lot of that in this budget, by the way. To me, this is most hypercritical because we are giving, again, the illusion that we are actually doing something here and we are not.

I would really like this to be expanded and I think to get up and even argue about the sunset on this thing is beyond me.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I just want to make a few points in response to Representative Foss. First, some agencies, some small community agencies, contract agencies that are funded with state dollars have experienced no administrative cost increases. They have held the line very well and some have actually experienced administrative cost decreases. There are some that saw huge increases and the Human Resources Committee, when reviewing this, looked at 8 of the largest agencies, the Community Mental Health Centers, and in reviewing their budgets, came up with this proposal. I don't think a member of that committee would argue that we went beyond the 8 Community Mental Health Centers in trying to investigate what the impact of this would be. We don't know and I don't think members of Appropriations know either. What we have developed was based on our review of 8 Community Mental Health Centers and it probably makes sense but I would hate

to see this adopted and then in two years find out that the impact was not what we expected. There is no fiscal note on this amendment, the savings will still be realized for two years and, at the end of two years, we will be forced as a legislature to review what the impact of this change in law is. At that time, we can decide whether it makes sense to continue it.

I hope you will go against the pending motion and support this amendment.

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 Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I am disappointed but not terribly surprised to this language before the House this evening. It reminds me somewhat of the Phoenix which keeps rising from the ashes of previous destruction.

Attempts to thwart this laudable purpose of this language seems to be endless and they come to us, yet again, at 3:20 some odd in the morning.

As Representative Foss said, this language results from the unanimous recommendation of the Human Services Committee in the document before us, after several overwhelming votes of the Appropriations Committee. It would seem that it would call to your mind the fact that this keeps coming back to quote from the Bard of Avon, "Ah, me thinks he doth protest too much." It seems that we may have something here.

The Appropriations Committee was concerned about the administrative costs as was the Human Resources Committee and we sought information on that matter. I show you the information that we received. This is a huge volume of data and I will certainly not attempt to bore you with it all. However, I want to share with you a few pages of it, just a very few, and I will not name the agencies involved because I think they may find it uncomfortable. I will share with you some numbers. An agency tell us of an executive director's salary of over \$66,000, perk receipts of another \$12,000 and another \$2,000 in incidental payments. Another agency with an executive director's salary of over \$72,000 and over \$18,000 in additional benefits. Another agency with an executive director's salary of \$72,000 and \$8,300 in additional benefits. Another agency \$78,000 in salary and over \$10,000 in additional benefits. Another agency with an executive director with a salary of over \$82,000 and benefits of over \$13,000, perk receipts of over \$5,000. And, in the same agency, another director of operations with a salary of \$82,000, perk receipts of \$6,000 and additional benefits of \$13,000. We don't need to go on, ladies and gentlemen, to realize that there are significant costs here.

Earlier this evening a member of this House spoke her concern about administrative costs in an agency of government and I share that concern. I submit that we should be no less concerned about administrative costs in agencies outside of

government that spend government dollars. I think it is an important matter, I think it is unfortunate that this issue will not go away and I hope that you will support the motion of Representative Foss to indefinitely postpone this ill-conceived amendment.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I had the pleasure of serving on the committee and I want to congratulate the committee for their recommendation to the Appropriations Committee and congratulate the committee on Appropriations for adding this amendment because I think it is duly needed. While I was on the committee, and I am sure there are members who are on there now, who did see a number of abuses and I think it is long overdue that this review occurs.

Having said that, I have a question that I would like to pose through the Chair to any member of the committee or anyone else who would like to respond.

My question is, is it the intent of the committee or any members of either the Appropriations Committee or the Human Resources Committee that this review and/or oversight would occur with any other entity or contract agency other than those like the mental health groups and other groups? That is my first question.

The second question is, if read it correctly in the current bill, there is a requirement that is to be studied at some point by the Human Resources Committee and/or Appropriations to review the materials and the potential savings that have occurred — why would a sunset of that not be consistent with that study?

The SPEAKER: The Representative from Lewiston, Representative Boutilier, has posed a series of questions to anyone who may respond if they so desire.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: To the first question, it is Title 5, which means that it relates to all agencies of state government, not just the mental health, because we felt that in some cases outside agencies contract with three or four different state departments and if we did not have single standard where one state department might disallow administrative costs and if another allowed it, that cost might be shifted. So, we have directed the commissioners to work together and develop a plan by January 1, 1992 to report to the two committee and identify the amounts that will be save under this so it is not consistent with the repeal, which is simply an attempt and I think a rather blatant attempt to eliminate this language from the budget.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Foss of Yarmouth that House Amendment "J" (H-733) to Committee Amendment "A" (H-716) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 201

YEA - Aikman, Anderson, Anthony, Ault, Bailey, H.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cote, Donnelly, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichborn,

Hussey, Kutasi, LaPointe, Lebowitz, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Nutting, Ott, Parent, Pendexter, Pendleton, Pfeiffer, Pines, Reed, G.; Richards, Richardson, Ruhlin, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Bell, Boutilier, Cahill, M.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gurney, Gwadnosky, Hale, Handy, Heeschen, Hoglund, Holt, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamarro, Tardy, Townsend, Tracy, Treat, Wentworth, The Speaker.

ABSENT - Aliberti, Bailey, R.; Cashman, Hichens, Jalbert, Ketterer, Libby, Lipman, Luther, Macomber, Martin, H.; Morrison, Paradis, P.; Paul, Pineau, Reed, W.; Sheltra.

Yes, 62; No, 72; Absent, 17; Paired, 0; Excused, 0.

62 having voted in the affirmative and 72 in the negative with 17 being absent, the motion did prevail.

Subsequently, House Amendment "J" (H-733) to Committee Amendment "A" (H-716) was adopted.

Committee Amendment "A" (H-716) as amended by House Amendments "A" (H-718), "C" (H-721), "F" (H-726), "H" (H-729), "I" (H-731) and "J" (H-733) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-716) as amended by House Amendments "A" (H-718), "C" (H-721), "F" (H-726), "H" (H-729), "I" (H-731) and "J" (H-733) thereto and sent up for concurrence.

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

Ought to Pass as Amended

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 654) (L.D. 928) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-715)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-715) was read by the Clerk.

Representative Chonko of Topsham offered House Amendment "B" (H-724) to Committee Amendment "A" (H-715) and moved its adoption.

House Amendment "B" (H-724) to Committee Amendment "A" (H-715) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and

Gentlemen of the House: This is the Supplemental Budget or Part II Budget as it is known and it, too, takes out the biennial part of the budget. Again, we are going with the one-year budget.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: For the same reasons I opposed going to a one-year budget in L.D. 927, I oppose it here and I hope that the bond houses in New York are asleep right now and don't see us not fulfilling our promise to them that we will eliminate deferrals from our budgets.

I request a roll call.

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

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

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

Representative MARSANO: Mr. Speaker, I would like to pose a question through the Chair, please. As I understand that amendment, that relates to the Warren Prison Department of Corrections and I guess I don't understand the amendment. I would like to have the Chair of the Committee explain what the Department of Corrections portion of it is?

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

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I will be happy to answer the question of the Representative from Belfast as I am the one responsible for the first part of the section of this amendment. It is a technical amendment to correct language that was placed in the budget that requests for corrections came from the Commissioner of Corrections directed to myself. I asked Representative Chonko when she was developing her amendment to make it a one-year budget, to add that to her amendment and she agreed. This amendment, in a small part, fixes a technical correction in L.D. 928. The major portion of this amendment is to make it a one-year budget.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-724) to Committee Amendment "A" (H-715). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 202

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau,

Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Simonds, Simpson, Skoglund, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamarro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Butland, Carleton, Donnelly, Duplessis, Farnum, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Lipman, Look, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Spear, Tupper, Whitcomb.

ABSENT - Aliberti, Bailey, R.; Bowers, Hichens, Jalbert, Ketterer, Libby, Luther, Macomber, Martin, H.; Morrison, Paradis, P.; Pineau, Reed, W.; Rydell, Sheltra.

Yes, 94; No, 41; Absent, 16; Paired, 0; Excused, 0.

94 having voted in the affirmative and 41 in the negative with 16 being absent, House Amendment "B" (H-724) to Committee Amendment "A" (H-715) was adopted.

Representative Mahany of Easton offered House Amendment "C" (H-732) to Committee Amendment "A" (H-715) and moved its adoption.

House Amendment "C" (H-732) to Committee Amendment "A" (H-715) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I would first like to commend the Appropriations Committee for doing a very good job in what has been a hard and grueling task and a very long task.

I am presenting this amendment, not in the way of criticism at all, but I feel after taking a look at everything that I have to make a pitch for the elderly and the poor in this state to see if we can get them a little more support and put back in several programs the funding that has been cut. In other words, fund them at the level that they are currently operating at.

What House Amendment "C" does in order to accomplish that is it raises one cent higher the 7-7 level on the sales tax on meals, lodging and liquor. That brings in \$15.9 million more dollars.

I would simply like to say, if you have House Amendment "C" in your hands, that Part K merely defines certain categories of food as does the original Committee Amendment "A." The part of the bill that you need to zero in on is Part L, which is on the bottom of Page 2 and the top of Page 3. If some of you have merely glanced at the Statement of Fact, it is a little bit misleading because it does not point out that the 6 percent sales tax on everything but those three categories I mentioned, does remain in place.

When I say that this will fund certain crucial programs at their present levels, I do mean to emphasize the word "crucial." As far as the elderly is concerned, home based care, for example, will be funded at its present level. This is a program that permits the elderly medical and nursing care in their homes and consequently avoid additional expenses in nursing home care, additional expenses to the state. This is one of those programs, if you cut it on one end, you are paying out something on the other end.

This bill will fund the ASPIRE program for example at its present level. What the ASPIRE program does is that it helps people help themselves. It helps AFDC recipients help themselves. There are currently 2500 people on that waiting list, the very number of people indicates the initiative and desire of those people and that they do not wish to be dependent. In fact, AFDC and the ASPIRE program together give incentives to people to be productive, contributing members of our society.

I cannot not mention the fact that a number of professors at the University of Maine at Presque Isle have mentioned to me what a benefit that program is and how excellent these non-traditional students are that take advantage of it. Surely, at a time when we keep hearing how important education is in our society, we do not want to deprive these people of pulling themselves up by the boot straps and becoming effective members of society and improving their attitudes about themselves and society as a whole.

This will also place funding of the Medical Needy Program in the Maine Health Program at its current levels. The Medical Needy Program helps the working poor, that group of people who are so often ignored or, at the very least, deprived in our society. What's more, by funding this at that level, we bring in federal dollars. If my numbers are correct, about \$3 million.

Once again, if you cut this program on the one end, you lose on the other end, economically. The funding that is added to the Maine Health Program will make care for adults in that program possible and it will help to control the cost of health insurance by keeping charity care hospitals down. Once again, while we contribute on this end, we save on the other end.

There are some other programs that perhaps some other people here would like to address. I would simply like to conclude by saying and reminding you that a society is as good as it support for those who need that support. The values, the conscience, the humanity, even the godliness of our society or any society, can be measured by the way and extent to which it cares for its elderly and its needy. There is a lot more I could say but will not at this hour but there are some other societies, one of which I am very familiar with which is doing a much better job than ours in this category and while I am at it, in the category of education, so far as making sure that everybody has access to its concern. I would like to see ours measure up. In short, all of these programs that this amendment would help to fund at the present level, help deserving people, help to keep medical costs down by keeping insurance premiums down and the charity care of hospitals down and they help to relieve the property tax to the extent that they take pressure off General Assistance.

I appeal to you, ladies and gentlemen, to think of the elderly in your communities who will benefit by this and of the truly deserving needy.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, I move indefinite postponement of House Amendment "C."

Mr. Speaker, Ladies and Gentlemen of the House: Although I agree with the gentlewoman from Easton, Representative Mahany, there is a great need in the State of Maine but we do have a financial crisis and we will be raising the sales tax and I think the people of the State of Maine need a little time to

get adjusted to that one percent increase before we extend it more.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I understand that the committee has put its best effort forward on this bill but I totally support this amendment and I am asking people to reconsider the request to indefinitely postpone because a significant number of people voted to adopt a local option tax. This bill is a statewide tax of essentially the same kinds of service and I think there was a point in the process where there was bipartisan agreement on this level of taxation. I don't think that this is going too far. I think the services that Representative Mahany mentioned, home base care, the elderly programs are very serious programs. These people don't have other choices and I think it is time that we speak to this issue.

I really don't think that the argument about unanimity holds at this point in the evening. I think we have to put together a budget that we believe in and I hope you will support this amendment and vote against indefinite postponement.

I would request a roll call, please.

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 Chonko of Topsham that House Amendment "C" (H-732) to Committee Amendment "A" (H-715) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 203

YEA - Aikman, Anderson, Ault, Bailey, H.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hussey, Joseph, Kerr, Kilkelly, Kontos, Kutasi, LaPointe, Lawrence, Lebowitz, Lipman, Look, Lord, Luther, MacBride, Manning, Marsano, Marsh, Mayo, Melendy, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

NAY - Adams, Anthony, Cathcart, Clark, M.; Dore, Farnsworth, Gean, Goodridge, Gray, Handy, Heeschen, Hoglund, Holt, Jacques, Ketover, Larrivee, Lemke, Mahany, McHenry, McKeen, O'Dea, Oliver, Pfeiffer, Rand, Richardson, Simonds, Treat, Wentworth.

ABSENT - Aliberti, Bailey, R.; Dutremble, L.; Hichens, Jalbert, Ketterer, Libby, Macomber, Martin,

H.; Merrill, Mitchell, J.; Morrison, Paradis, P.; Pineau, Reed, W.; Sheltra.

Yes, 107; No, 28; Absent, 16; Paired, 0; Excused, 0.

107 having voted in the affirmative and 28 in the negative with 16 being absent, House Amendment "A" (H-732) to Committee Amendment "A" (H-715) was indefinitely postponed.

Committee Amendment "A" (H-715) as amended by House Amendment "B" (H-724) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-715) as amended by House Amendment "B" (H-724) thereto and sent up for concurrence.

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

On motion of Representative Lawrence of Kittery, the House reconsidered its action whereby An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes (S.P. 765) (L.D. 1956) (H. "A" H-710 and H. "B" H-713) failed of enactment.

The same Representative moved that the rules be suspended for further reconsideration.

Representative Hanley of Paris objected.

The SPEAKER: The Chair will order a vote. The pending question before the House is suspension of the rules. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 40 in the negative, the motion did prevail.

On motion of Representative Lawrence of Kittery, the House reconsidered its action whereby L.D. 1956 was passed to be engrossed.

The same Representative offered House Amendment "C" (H-730) and moved its adoption.

House Amendment "C" (H-730) was read by the Clerk and adopted.

Representative Anthony of South Portland requested a Division on engrossment.

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

A vote of the House was taken.

67 having voted in the affirmative and 62 in the negative, L.D. 1956 was passed to be engrossed as amended by House Amendments "A" (H-710), "B" (H-713) and "C" (H-730) in non-concurrence and sent up for concurrence.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Concerning the Low-income Home Energy Assistance Program (H.P. 1333) (L.D. 1924) (S. "B" S-362 to C. "A" H-652; H. "A" H-707) which was tabled June 29, 1991 pending passage to be enacted and later assigned. (Roll Call requested)

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Representative Reed's very legitimate question that he asked. I did run it by Legal Counsel and I was advised that federal regulations take precedent and, with the phrase, "pursuant to the purpose of this act" there is no question but what this paragraph can only apply to energy conservation.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in this debate when we were discussing this bill, there was some mention in the debate about the actions in Washington regarding the funding. A comment was made about the original proposal from the Bush Administration regarding reduction in funds — I think it is important for this body to understand in regard to this issue that Congress has advanced significant cuts in energy assistance overall. We have had a very interesting philosophical debate whether we should be applying conservation or taking care of a short-term need. We need to be reminded that in a time of crisis, we do have to meet the short-term need first.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: We have spoken on this bill before and the last time you voted the way you should have, which was to agree with the committee to allocate 50 percent of the LIHEAP fund through weatherization.

I want to remind you that weatherization doesn't just include adding insulation, which is typically what I think people think of, it also means replacing windows and doors. Perhaps one of the most important request in the use of the weatherization fund is the repair or replacement of furnaces so we are talking about major improvement that will help homeowners or renters for a long period of time.

One of the things that my seatmate reminded me of the last time we debated this issue was, "Give me a fish and I eat for a day, teach me to fish and I eat for a lifetime." I think that is the philosophy that I would urge you to adopt on this bill.

I have the luxury of serving on both the Housing and Economic Development Committee as well as the Utility Committee and I think I am the only member that serves on those two committees and had the good fortune of hearing from the Public Advocate all session. The Utilities Committee — you have heard us mention before the Blue Ribbon Commission and consistently the Public Advocate has urged us in Utilities to consider the recommendation of that commission to increase our funding for weatherization

programs. Had you had the opportunity to hear him speak so convincingly the need for that in this state, I am sure you would agree to vote with us on the pending motion.

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 Hampden, Representative Richards.

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

The question is, if you benefit from the funds for weatherization in a household and had this capital improvement of windows, caulking, insulation and foam board or whatever you use, is there any penalty if any of this work is done and the individuals owning that house can sell the house and reap gains from that? Is there any penalty that if they do that, they have to pay some of the money back that was invested into that home?

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

The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: I think trying to tie weatherization to individuals in a house is like the old Reagan bromide of the "welfare Cadillac." I think you have to realize that when you weatherize a house, it is done, it benefits the state from that date on, no matter who is living in that house. Therefore, we should not care who is living in that house, whether they move out or they sell to someone else, that house will continue to be energy efficient and save the community and the state and any individual money from that point on.

I might add that, if in fact, the federal government is cutting fuel assistance money, I can't think of a better reason to support more weatherization.

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

Representative RICHARDS: Mr. Speaker, I would like to pose an additional question through the Chair, please.

My question would be this, is it more important to provide people with the heat that is necessary in a cold winter as opposed to weatherization as being an immediate need?

The SPEAKER: The Representative from Hampden, Representative Richards, has posed an additional question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to answer that question. I would say it would definitely be an advantage to weatherize and to insulate a home. Hypothetically, if you opened that window, it would be just like throwing the heat out in the winter so I would suggest that this bill is good and I would urge you to enact it.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

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

Would the owner of a building that is receiving the capital improvement benefit under the terms of this bill be paying any percentage toward that capital investment, whether it be 10 percent, 5 percent, 20 percent or half?

The SPEAKER: The Representative from Norway, Representative Bennett, has posed a question through the Chair to any member who may respond if they so desire.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would ask only one question in return to any member of the other caucus — why is it that you are so afraid of helping somebody out? Why don't you just pass the bill and get on with it? The party of S&L scandals and the party of all sorts of bad public policy, you ought to just do yourselves a favor and realize that a piece of language like this doesn't hurt anybody and has the potential to do a lot of good. Mr. Bennett, I would recommend that in the future when your caucus starts getting so critical, that you start looking at your own policies and the stuff that you should be doing.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I come from an area of the country where we are known to have one day of summer and that is the fourth of July and it almost looks like I am going to miss it this year.

Once more, this is an area that is totally messed up. Sitting on the Appropriations Committee, I heard people tell me about the weatherization problems in the state and it was so far removed from what I have experienced that I can't just sit here this evening. First of all, we were told that we were fine, that there was no problem, that there were no years of waiting like I am experiencing. This is something that I have been on the road with and to a person I have encountered, we have had old homes that older people have had to let go and poor, young families are taking them over. These are the homes that we are weatherizing forever. I have not seen any abuse and this is something that I am very close to because it is true, we do have a long season. So, I was very upset in the committee to hear that we were taking this money and spreading it to study this. One of the things that I reminded them of is that we have been up there since 1700's, we know how to weatherize, we just didn't have the money to do it. Every buck that we can find to put into it is forever so I do hope that you will support this.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to me to hear people concerned that this money is going to improve these homes so much that people are going to make a windfall profit. I can't imagine what kind of windfall profits some of these shanty owners will get after they get windows in them or a little bit of insulation. Of course, that isn't the real argument, is it? The real question you are going to vote on is whether you think Ms. Kobritz's is capable. Quite

frankly, when we had this one and a half page bill come before our committee, Ms. Kobritz didn't really understand what was in it and neither does she seem to understand that weatherization is forever. If you don't do it, the money goes out the window, literally goes out the window.

With the proposal in Congress to cut heating assistance by 40 percent, it is more critical than ever that those who need help get permanent help by weatherizing their homes. I doubt that there is a single person here, a single person in this room, who has let their house go uninsulated because they are more concerned about the immediate cost of fuel, that they need to pay for fuel this winter. You have all said to yourselves, "Gee, maybe I should save money in the long-run by putting a little insulation in those walls."

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting how this has turned into an omen. As indicated earlier in getting up to say something about the poor, I take some offense to. The other part of it is that it has now turned into a partisan bill. Now it has turned into something about the person who is directing the program. The real issue is that 3,000 less people will not receive fuel assistance if these monies are lost.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: Let's put this thing into perspective. Representative Richards suggests that this is getting to be a partisan issue -- well let me tell you that I have been calling this a Nicki Kobritz Special because she has been very, very visible in the halls in the past few days and we are getting mail from her and everything else. She has been trying to defeat this so she can have control of a larger portion of the funds, even to the point that I have been told, time and again, that the Governor even intends to veto this for her. I think what we have to do is vote the way we have been voting, ignore the questions that are coming up because apparently the intent was to make it partisan so when the Governor vetoes it, it will just be one of those things where he will say, "Well, they made a partisan issue out of it."

It is unfortunate and I do want to remind you of one thing with the weatherization funds, that it also goes for furnace repair. Furnace repair is something that is very much needed and very much in demand. If I might remind the people here, when the weatherization program was transferred to the Maine State Housing Authority, all parties concerned, including Nicki Kobritz and Dwight Sewall, agreed that 15 percent was to be transferred. This was agreed to just a few months ago when economic woes were apparent and so we are not fooling anyone. Please, let's just continue and take the vote and we can all go home.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: While we are ignoring things in questions that are brought up, let's ignore a few others, that the people who are going to be cold this winter because they don't have money to buy fuel are

not going to go away. Let's also ignore that this will be passed back to the property taxpayers and the ratepayers of electricity because the uncollectible rates go back to everybody else's rates. So, while we are ignoring all these things, let's ignore our rates going up and our fuel bills going up and people being cold.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I am struck by how my analysis of this is very different from all that I am hearing around me. As I see it, there are few opportunities we have in this body to do some long-term planning, some long-term addressing of problems and this is one of them. Unfortunately, in politics it is so often a short-term solution that is called for and begged for and sort by politicians. I view this as simply that, a chance to do some long-term good, it makes sense and we ought to be doing this sort of thing more often. That is why I am supporting this bill and I hope others will agree.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Ladies and Gentlemen of the House: I think I can answer a couple of the questions mentioned. I think there is some misinformation because we were told in committee that those 3,000 low-income energy users who would be eligible for LIHEAP would not be discontinued from the program, they would simply have a reduction in benefits for direct assistance from, as I recall, something like \$280 to \$240, a reduction of \$40 a heating season. It is not that they wouldn't be serviced at all but they would be taking a reduction and I guess you have to look at how far \$40 of heating fuel would go. That would have some impact perhaps on General Assistance, although not nearly as much I think when you add in, that weatherization can save over \$100 a session, more probably in many instances.

One of the other questions was eligibility for these programs and what happens if the property changes hands and it is my understanding that the CAP agencies are in part looking at eligibility when rental units are rented a second time so that low-income renters then also are the folks that are eligible for those units that have been part of a weatherization program. At least that is the case in Portland where I am familiar with rental property. I believe that the program is designed to continue that assistance regardless of the particular homeowner but rather the eligibility of the renter or the homeowner.

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. 204

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hognlund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Mahany, Manning, Marsh, Mayo, McHenry, McKeen, Melendy,

Michaud, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, O'Gara, Paradis, J.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

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

ABSENT - Aliberti, Bailey, R.; Dutremble, L.; Hichens, Jalbert, Ketterer, Libby, Macomber, Martin, H.; Morrison, Paradis, P.; Pineau, Reed, W.; Sheltra. Yes, 85; No, 52; Absent, 14; Paired, 0; Excused, 0.

85 having voted in the affirmative and 52 in the negative with 14 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

On motion of Representative Martin of Eagle Lake, Recessed at 4:53 a.m. until 1:00 p.m.

(After Recess - 2:40 p.m.)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Fund Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining" (EMERGENCY) (H.P. 1375) (L.D. 1960) which was passed to be engrossed as amended by House Amendment "A" (H-705) in the House on June 26, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-401) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Campaign Finance Reporting Laws (H.P. 375) (L.D. 529) (C. "A" H-233) which was passed to be enacted in the House on May 16, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-233) as amended by Senate Amendment "B" (S-395) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 653) (L.D. 927) which was passed to be engrossed as amended by Committee Amendment "A" (H-716) as amended by House Amendments "A" (H-718), "C" (H-721), "F" (H-726), "H" (H-729), "I" (H-731) and "J" (H-733) thereto in the House on June 30, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-715) as amended by House Amendments "A" (H-718) and "H" (H-729) and Senate Amendments "B" (S-396), "D" (S-400), "E" (S-405), "I" (S-409) and "K" (S-412) thereto in non-concurrence.

Representative Chonko of Topsham moved that the House Adhere.

Representative Foss moved that the House recede and concur.

Representative Chonko of Topsham 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 Foss of Yarmouth that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 205

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

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hogle, Holt, Jacques, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lemke, Libby, Luther, Macomber,

Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

ABSENT - Ault, Butland, Hastings, Hepburn, Hichens, Hussey, Jalbert, Kerr, Lawrence, Martin, H.; Morrison, Paradis, P.; Pineau, Reed, W.; Ruhlin, Sheltra, Strout, Tardy.

Yes, 44; No, 89; Absent, 18; Paired, 0; Excused, 0.

44 having voted in the affirmative and 89 in the negative with 18 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

By unanimous consent, was ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 654) (L.D. 928) which was passed to be engrossed as amended by Committee Amendment "A" (H-715) as amended by House Amendment "B" (H-724) thereto in the House on June 30, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-715) as amended by Senate Amendment "C" (S-411) thereto in non-concurrence.

The House voted to recede and concur.

On motion of Representative Martin of Eagle Lake, the House reconsidered its action whereby the House voted to recede and concur on L.D. 928.

Representative Chonko of Topsham moved that the House Adhere.

Representative Foss of Yarmouth moved that the House recede and concur and further 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 the Representative Foss of Yarmouth that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 206

YEA - Aikman, Anderson, Bailey, H.; Bailey, R.;

Barth, Bennett, Bowers, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

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

ABSENT - Ault, Butland, Hastings, Hepburn, Hichens, Hussey, Jalbert, Kerr, Lawrence, Morrison, Paradis, P.; Pineau, Reed, W.; Ruhlin, Sheltra, Strout, Tardy.

Yes, 46; No, 88; Absent, 17; Paired, 0; Excused, 0.

46 having voted in the affirmative and 88 in the negative with 17 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

By unanimous consent, was ordered sent forthwith to the Senate.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize the Establishment of a Violations Bureau in the District Court (S.P. 771) (L.D. 1965)

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. 129 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

(Later Today Assigned)

An Act Regarding Simulcasting of Harness Racing (H.P. 1373) (L.D. 1958) (S. "B" S-392 to H. "C" H-706)

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

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

FINALLY PASSED

Emergency Measure

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (H.P. 1164) (L.D. 1705) (H. "A" H-624 to C. "A" H-453; S. "A" S-388)

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. 111 voted in favor of the same and 10 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Related to the Office of Substance Abuse (S.P. 90) (L.D. 175) (S. "C" S-389 to C. "A" S-359)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes (S.P. 765) (L.D. 1956) (H. "A" H-710; H. "B" H-713; H. "C" H-730)

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I am still opposed to this bill, I still believe that this is an inappropriate measure that will expand Beano and Bingo from what we have known it in the past to become an extensively commercial operation. I can foresee the day, three or four years from now, where it will be advertised with companies from non-profit groups going around and trying to convince them that they could run a Beano or Bingo game and make some money for them and really developing into a commercial activity. As a result, I am opposed to this.

I request a Division.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I truly cannot understand where the good Representative is coming from. I sat here

listening and was appalled at the way he was coming after this bill. I just can't figure where you are coming from, Representative Anthony. I sat here and was amazed by what you are trying to do the non-profit organizations, the K of C's, the churches, the VFW's, the American Legions — just non-profit organizations. Give it some thought, look at the amendments. I hope when you do vote that you vote to keep this bill where it is and put it back in the other body.

Representative Bennett of Norway 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 207

YEA - Aliberti, Anderson, Bailey, H.; Barth, Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Garland, Gean, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hichborn, Hoglund, Holt, Jacques, Joseph, Ketover, Ketterer, LaPointe, Larrivee, Lebowitz, Libby, Look, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Parent, Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Simpson, Swazey, Tammaro, Townsend, Vigue, Waterman, Whitcomb.

NAY - Adams, Aikman, Anthony, Ault, Bailey, R.; Bennett, Bowers, Butland, Carleton, Coles, Duplessis, Farren, Foss, Goodridge, Graham, Gray, Handy, Hanley, Heeschen, Heino, Kilkelly, Kontos, Kutasi, Lemke, MacBride, Marsano, Marsh, McKeen, Merrill, Mitchell, J.; Ott, Pendexter, Pendleton, Pines, Rand, Reed, G.; Richards, Richardson, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Tracy, Treat, Tupper, Wentworth.

ABSENT - Hastings, Hepburn, Hichens, Hussey, Jalbert, Kerr, Lawrence, Lipman, Morrison, Paradis, P.; Pineau, Reed, W.; Ruhlin, Sheltra, Strout, Tardy, The Speaker.

Yes, 85; No, 49; Absent, 17; Paired, 0; Excused, 0.

85 having voted in the affirmative and 49 in the negative with 17 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Regarding Simulcasting of Harness Racing (H.P. 1373) (L.D. 1958) (S. "B" S-392 to H. "C" H-706)(Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and 29 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 30, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Insisted to its previous action whereby it Rejected the Committee of Conference Report on the RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758).

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Fund Collective Bargaining Agreements and Benefits for Certain Employees Excluded from

Collective Bargaining (H.P. 1375) (L.D. 1960) (S. "B" S-401)

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. 110 voted in favor of the same and 13 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Study the Campaign Laws of the State (H.P. 375) (L.D. 529) (S. "B" S-395 to C. "A" H-233)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease)

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:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 650) (L.D. 924)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "B" (H-735) on Bill

"An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 652) (L.D. 926)

Signed:

Senators: GOULD of Waldo
THERIAULT of Aroostook
MILLS of Oxford

Representatives: MACOMBER of South Portland
HALE of Sanford
MARTIN of Van Buren
RICKER of Lewiston
BOUTILIER of Lewiston
TAMMARO of Baileyville
BAILEY of Farmington

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "C" (H-736) on same Bill.

Signed:

Representatives: HUSSEY of Milo
SMALL of Bath
STROUT of Corinth

Reports were read.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority "Ought to Pass" Report.

This is the Highway Budget that we have discussed for the past couple of days here. The committee met this afternoon and we have come out with a Divided Report. The two Reports are exactly the same except for the amendment on the Majority Report. The amendment is what is called the 20-20-20 amendment, I guess you could call it.

What it says is that there are three gates to Baxter State Park and we are putting a \$20,000 figure on each gate. In other words, if one gate is open, the funding is \$20,000. If two gates are open, the funding is \$40,000 and if three gates are open, it is \$60,000. That is basically the only difference between the two reports.

It is not a perfect amendment, perhaps we are not all happy with it, but I think we have set the stage now where perhaps we have to do some things that are not what we would choose to do. We did discuss it, the committee has worked very well together all year. The only question that I think I asked of the three Minority members who were not in agreement was if they had an alternative plan. The only other alternative plan is the original budget, which has failed of passage for the past three days.

I hope you can find it in your heart today to support this.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Men and Women of the House: I would request a Division. I feel that I have to say a few words why I am on this

report on the opposite side of the Majority Report and I am sure that we will go on to accept the Majority Report but I want to make a few statements on the Record.

In my part of the country, I am from Piscataquis County, we have had quite a bit of trouble in the last few years over gates. The President of the Senate and Representative Clark have worked diligently to keep these gates open and to listen to their concerns for their constituents and I think they have done a good job doing that. There was the Piscataquis County Committee and the Penobscot County Committee who signed a measure here just a few days ago to go the Baxter State Park Authority to revisit the issue of opening the West Gate at Baxter State Park.

I believe also that the gate should be open but I guess where I differ with the Majority Report is the way that this thing has come down. We have been in a fight in the hallways and it has been quite a fight and the Chairman of the Committee has been a very good referee and I am kind of an amateur and felt that we had done pretty good. A few hours ago, a heavy weight was thrown into the ring and I got knocked down a few times and I had thought I was doing pretty good until I woke up and I saw this amendment.

The fact remains that what we are doing at this point (and I just don't believe in it and that is why I am on the Minority Report) is the way it came about. What we are doing is circumventing the Baxter State Park Authority in the decision that they had made in keeping the gate open. What the Majority Report says is, if you do not open the gate, you will not receive \$20,000 to help you in your highways in the park. Now on the Minority Report, there is \$60,000 in there and that is what they get every single year to maintain those roads so what's going to happen is, when the Baxter State Park Authority meets in July, which they told us they would do to revisit this issue, is if they refuse to open that gate, they are only going to have \$40,000 to maintain those roads. I don't believe in the way we have gone about this, that this is the right way and that is why I am on the Minority Report.

I have no illusions of what is going to happen and how the vote is going to come out. I guess the statement I will leave you with is my father told me when I came down here "Son, you can bring your lunch but is not going to be any picnic." It certainly hasn't been.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has explained to you very well my position on this issue. Over the last two weeks since we worked on the Highway Budget and came out with a unanimous report, in fact it was two weeks ago last Friday, that we were faced with this amendment being offered, through the backdoor approach (in my opinion), to get the West Gate open at Baxter State Park. In my mind, that is wrong.

I will say to you very simply that when I was a child, 20-20 meant that I had good eyesight. 20-20-20 means bad vision.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I simply want to get up as

being a member of the Piscataquis Delegation. In having worked trying to keep the West Gate open, I totally agree with that but I do agree with my good fellow Representative, Representative Hussey, that we could have used a different way of doing it.

This is a good amendment and I know that people cannot vote against a Highway Budget but the process, as far as I am concerned, is not one which I could support.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Macomber of South Portland that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Macomber of South Portland requested a roll call vote.

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

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

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take up too much time but that was a good message that we all said on that vote but it was on a Division and now we are going to have a roll call next. Although none of the committee members felt that this was an ideal situation, I do want to tell you that I think that the amendment language that was put into this bill was actually better than we have currently on the books.

The Baxter State Park issue is not going to go away. We tried to be fair to all parties. In the amendment, we kept the Authority, waived the Baxter State Commission, we didn't take it away. We did not take the full \$60,000 out, we did not take half of the \$60,000 out. Those are all issues that others wanted us to do. We refused to do that, even with the possible threat of having the whole bill go down.

What we did do was take an equal share of the monies and distribute them amongst the three gates at Baxter State Park. Now there are a series of roads in the park for those of you who have traveled there and if you prorated those roads with each gate, it wouldn't equal an equal amount so we couldn't come up with one figure that would fit all the gates. We took the fairest amount that we could and split it three ways. It is not ideal, I know that the committee didn't come out with a unanimous committee report, I know that the issue is not dead because the Transportation Committee can go in and deal with this issue any year that it wants to but what we have is an issue that is placed in this House and those members who serve on the Transportation Committee from the House are either in a position to vote technically to put the bill into a position where it will die or deal with the issue one way or the other. So, rather than kill the Transportation budget, we felt that we would put our version forward, we have done that, we had a committee vote, it was not unanimous but it was 10 to 3 — if this

passes under this version, it will then be the other body's choice whether to kill the budget or accept our version. So, I think when all things are said and done, we have done what we felt was necessary to put the bill back to where it should be controlled and that is with the Transportation Committee so with this roll call, I would urge you please to go along with the Majority Report and let this issue go forward at this point knowing that we are going to deal with it again.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope tonight when you do vote, you will vote with the Majority Report. A lot of time and effort has gone into this report. I, myself, don't like it as much as a lot of other people but I am willing to live with it and go with the Majority Report to get the Transportation Budget passed.

There's a lot of things we don't like in life and a lot of times we have to support things we don't like and I think this is one time we are going to have to support a budget because if we want our Transportation Budget passed, I think we can live with this once it is passed.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I heard the good gentleman from Lewiston bring out the part about, if you don't support the right version here, your Highway Budget will die. Ladies and gentlemen of this House, I have been here before and I have seen the Highway Budget fail on June 30th and I have seen it resurrected the next day. Don't use that kind of tactic to scare me into voting to kill a Highway Budget because that is not the case.

The case is that this is wrong, it is dead wrong. I wasn't going to say it when a Division was asked for but I will tell you, when you use those kinds of tactics to open the West Gate of Baxter State Park through the Highway Fund, it is dead wrong. I don't care who is bringing it in. We support a Highway Budget, everyone of us in that committee and I will stand tall here tonight or some other day and support the Highway Budget. But when you bring in this kind of amendment to force an Authority to open a gate because they are going to lose part of their money, that under the terms of the Baxter State Park that was donated years ago that we should maintain those roads, it is dead wrong.

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

Representative BOUTILIER: Mr. Speaker, Members of the House: A couple of things need to be made clear. This is the only park in the state that gets state highway monies. One park. The State of Maine has no control over that park, the park is run by the Commission. \$60,000 and it hasn't always been \$60,000, it was increased recently specifically to deal with roads around the West Gate. If my recollection is right, the West Gate was open for 52 years without incident. It has been closed. I don't travel to Baxter State Park, there are a lot of sports people that travel there a lot more than I do, but I want to tell you there are three access points to that park and, in my opinion, if all three are not open, there is access denied.

We could have dealt with this issue very early on in the Transportation process but it was not dealt with. We all dislike the way it was brought but that is the way it happened. That amendment was not presented by anybody in the other body, I presented the amendment. I made a copy of it for everybody in this House so it wasn't inside the Highway Budget and you had to look for it, you could read it for yourself. It is to the point and it is fair and equitable.

It does not force the West Gate to be open. As I have already said on the Record, it allows the Commission to vote either way. If they don't want to have the West Gate open, fine, they don't have the West Gate open. They are given \$60,000, the amount allowed to be spent on highway improvements. DOT is the one who does the improvements and they can spend up to \$60,000. They don't have to spend all \$60,000, they can spend up to that amount depending what they have to do for repairs. They have already stated to the committee that if in fact the West Gate is not open that prioritization of those existing roads would be conducted and most likely (common sense would tell you and they stated to us) that those roads in and about the West Gate would be receiving the lowest priority and, therefore, probably not have any money spent on them. If we had had an issue in front of the committee early on, it is potentially an issue that the committee would have voted to remove the full \$60,000 because we were looking for cuts and we were looking for more money as every other committee in the State House was doing. We probably would have voted unanimously to eliminate all \$60,000. But, it came in at the end of the process and I and every other member of the committee decided we were going to get our hair up and say no, we are not going to open up the budget and we are going to play hardball and we did. We did for a long time. We are on the last day and our final action for hardball was to put together our package and say, "take it or leave it", instead of having that dictation from the other end to us.

I resent the fact if anybody thinks that it is other than that. I am one member of the ten who voted for this package and I did it because I thought it was the right thing, not because anyone at the other end of this body or anyone in this body demanded that I do it.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is, indeed, unfortunate that we have chosen this day to slap the man in the face that has given the State of Maine one of the finest gifts that anyone has ever been able to bestow on this state. I am sure that Governor Baxter must be rolling over in his grave because in his gift to the people of the State of Maine he left one small area where cheap petty politics could once again rear its ugly head. The only mistake that Governor Baxter made is that he allowed as one of his conditions that we would fund the road system in Baxter park from our monies instead of his. Fortunately, it is only \$60,000 and, fortunately, there will never be another opportunity or hopefully never another opportunity for someone or anyone to try to take advantage of that gift to hold back. He set up an Authority to run the park and I firmly believe the Authority should be allowed to run the park. I don't think we

can change that and thank God Governor Baxter saw many years down ahead.

Originally, I had agreed to go along with this compromise but because of some of the things that have been said on the floor today, I will not go along with this compromise because I think Representative Strout is right, we have done so many things this year for the appearance of going along and getting along and we are forgetting about what we are doing when we are talking what is doing right and what is doing wrong. When you do something wrong — I don't care who you are, it is wrong and, sooner or later, elected officials in this state and in this country are going to have to get up off their duffs, get their backbones back in their body and start saying we are not going to put up with things that are wrong. Politics aside, committee temperment aside, this is wrong. They can approach us by going through the Authority, present their case and convince the Authority the West Gate should be kept open but to hold this matter hostage — I don't like being held hostage in this matter any more than I like being held hostage here today on other matters. I am sorry to say that I, for a short period of time, considered going along with this but I can't, it is wrong, it is wrong, it is wrong.

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 try to change any minds, I don't have the rhetoric to do that. I just want you to know that we did, in my opinion, do the best that we could possibly do. Evidentially it is not good enough. I can accept that.

I do feel that I have to reply to Representative Strout when he just said that he would stand tall and fight for the budget. I would ask you Representative Strout, where were you Friday and Saturday nights when I stood alone and fought for the budget?

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Macomber of South Portland that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 208

YEA - Aliberti, Anthony, Bailey, R.; Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farren, Gean, Graham, Gurney, Gwadosky, Hale, Heino, Hichborn, Joseph, Kerr, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Nutting, O'Gara, Paradis, J.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Ricker, Ruhlin, Rydell, Saint Onge, Sheltra, Stevens, A.; Tamaro, Townsend, Waterman, The Speaker.

NAY - Adams, Aikman, Anderson, Ault, Bailey, H.; Barth, Bell, Bennett, Bowers, Butland, Carleton, Cathcart, Clark, M.; Cote, Donnelly, Duplessis, Farnsworth, Farnum, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichens, Hogleund, Holt, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Lebowitz, Libby, Lipman, Look, Lord,

MacBride, Marsano, Marsh, McKeen, Merrill, Mitchell, J.; Murphy, Nadeau, Nash, Norton, O'Dea, Oliver, Ott, Paradis, P.; Parent, Pendexter, Pendleton, Pines, Powers, Rand, Reed, G.; Richards, Richardson, Rotondi, Salisbury, Savage, Simonds, Simpson, Skoglund, Small, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tardy, Tracy, Treat, Tupper, Vigue, Wentworth, Whitcomb.

ABSENT - Morrison, Pineau, Reed, W.
 Yes, 61; No, 87; Absent, 3; Paired, 0;
 Excused, 0.

61 having voted in the affirmative and 87 in the negative with 3 absent, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "C" (H-736) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time, passed to be engrossed as amended by Committee Amendment "C" (H-736) and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 1991, June 30, 1992 and June 30, 1993 (H.P. 653) (L.D. 927) (H. "A" H-718, H. "C" H-721, H. "F" H-726, H. "H" H-729, H. "I" H-731, and H. "J" H-733 to C. "A" H-716)

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

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: Once again you have before you the bill that we passed the other night which is a one-year budget.

Today is our last day to do something for the people of the State of Maine. I think it is very important that we pass this piece of legislation this evening. We are all tired. We are starting to lose our cool with each other and it isn't fair. We are a family, we have fought very, very hard these past six months. It has been a very difficult time for each and every one of us because each and every one of us had a great responsibility to whatever committee we were on, whatever we have done. The people of the State of Maine have been very generous in sending you and I here. Now it is time for us to do something for them.

This one-year budget will give us more time, time to deal with Workers' Comp, time to deal with the Part II budget and time to deal with all the problems that we have in the State of Maine. I urge you and plead with you to please pass this bill.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It is a with a great deal of regret that I stand before you and urge you to vote against the pending motion. The document before us is not the document that our friends on the Appropriations Committee labored all winter to bring before us on this day. It is a document that was amended with major changes in the last evening, a document that does not fill the promises that were made to the bonding houses, a document that puts taxes before the people, before we have fulfilled on our promise to provide economic opportunity.

Many of Maine's working people face impossible choices this year. Jobs are disappearing weekly. In a few hours, it is very likely that Northern Maine's largest employer will be closed. We must face these kinds of economic challenges with very strong response on the other issue that is before this body. We owe the people of Maine more than the taxes and the spending that this document embodies. I urge rejection of the version of the budget document that is before us now.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We have before us the state budget document that will fund expenditures for the next twelve months. It is an important document and perhaps the most important document that we will be called upon to vote during this legislative session.

The budget document is a political document in that it represents the values and ideals of two competing political parties, often divergent viewpoints, who have come together to create a unanimous committee report from Appropriations, a unanimous committee report from Taxation. Somewhere along the line, a major source of revenues was found to be unacceptable. That left this legislature with an option to do two things, try to find a replacement source of revenues in the amount of some \$32 million and pass a two-year budget or try to pass a one-year budget to ensure that state services, necessary state services, are open come 12:01 before this night is over.

I originally favored the concept of the two-year budget because the Appropriations Committee has worked so long and hard over so many months but I was concerned about the funding mechanisms that were being used for replacement of the \$32 million, across-the-board cuts in some areas of three percent; cuts that to some extent can unfairly discriminate against small departments or smaller agencies; also concerns about a somewhat controversial push and another deferral that is in here for the University of Maine System, Maine Maritime and the Maine Vocational-Technical Colleges. I had the opportunity to discuss this with the people at the vocational colleges and I know what a crippling effect it will have on those institutions to make this deferral at this time because of their accounting process.

If there is one thing that the bonding companies did tell us was that they have had it with deferrals,

they have had it with gimmicks. They did tell us that they expected us to pass a budget by July 1st. Now, there has been another issue that has floated by during this entire process for the last two or three weeks -- I don't want to inflame things anymore than need be, workers' compensation has been a critical issue worked on during this entire session by two committees in good faith. It is a critical issue to Maine people, to Maine employers and to Maine employees. I believe, however, that it is a separate and distinct issue from the budget document before us, a completely separate and distinct issue from the budget before us.

Representative Chonko has indicated the advantages of adopting a one-year budget at this time. It will ensure the state services and revenues for state services will be available come tomorrow. It will give us time during the next week or so to continue working on Workers' Compensation to continue working to put together a second year budget. It will give us time that we need because we will need time. No one should be forced to react in a knee-jerk fashion at this stage in the game to accept piecemeal any Workers' Compensation package or any new source of revenues, be they cuts or gimmicks or deferrals.

Members of leadership and members of the Appropriations Committee spent a great deal of time with the investment companies when they came to the State of Maine. We talked about issues that they were concerned about and they told us how important it was that we pass a budget where we had a plan where ongoing revenues were going to meet ongoing expenditures. They said, "No more deferrals, no more gimmicks." Never once during the time that we talked with Standard and Poor, never once during the time when we were talking with Moody's Investment Company did they mention the issue of Workers' Compensation. Workers' Compensation is not an issue to Standard and Poor, it is not an issue to Moody's Investment Company, it is an issue to us though. We are concerned about Workers' Compensation, we are concerned about the state's credit rating, we are concerned about services being available to all Maine citizens, children, elderly and Maine's most vulnerable citizens. We have a very serious task ahead of us and today is the day, now is the moment.

I believe that we have a constitutional responsibility to do the best we can to put a budget document on the Governor's desk. I am willing to accept my personal responsibility to do that and I ask the same of each of you.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: We are being asked to vote tonight on a document that is not perfect. There are things in this document that I don't like and I am sure that each and every one of you can find something in it which doesn't satisfy you. What I want and what you as an individual want and what the Governor wants as an individual is not nearly as important as what the people want and what the people need and what the people deserve.

We have been told that this may be will be vetoed. We are told why it is going to be vetoed. We are told that we are going to be held hostage to the Workers' Compensation plan. I consider that a threat but it is a threat that shouldn't scare any of us. Our responsibility is to place a balanced budget

on the Governor's desk. This is a balanced one-year budget and the good gentleman from Fairfield has explained that a year offers us an opportunity to complete the job that has not been completed up to this moment.

If we carry out our responsibility and place a balanced budget on the Governor's desk tonight, we have fulfilled our responsibility. If government is shut down tomorrow, the responsibility for that action rests in the hands of the Chief Executive of the State of Maine.

I hope that when we vote, we will show that we can take our responsibility. I am perfectly confident I can go back to my people and explain to them exactly what has happened. I know what the people expect and you know what your people expect and they are the ones that we are sent here to serve.

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

Representative HANDY: Mr. Speaker, Members of the House: Indeed, there are many items in this budget that many of us are not satisfied with.

I would like to pose a question through the Chair, please. In Part I, Section 5 of the budget document refers to the fees that will now be assessed for the teacher and administrative certification process and I would like to pose a question to any member of the Appropriations Committee who may be able to answer to clarify how these fees are to be assessed?

The SPEAKER: The Representative from Lewiston, Representative Handy, has posed a question through the Chair to any member of the Appropriations Committee who may respond if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I believe that the section that the Representative from Lewiston refers to deals with initial certification fees of \$50. That is for the certificate and, once you pay that \$50 to get into that certification process, it is the intent I believe of everybody that that is a one-time fee, you don't continue to pay that. If you are found ineligible and you need one or two courses, you just continue to do that, so it is a one-time fee only.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: Before we take this vote, I want you to think about what we are offering the citizens of our state in this budget as it now stands. They have waited patiently for us to act responsibly and to take action to begin to move Maine out of this recession.

I want us to think long and hard about a one-year budget. It will be disastrous for our bond ratings. It does not show any commitment to reducing the deferred amount and it avoids any semblance of fiscal responsibility after we have been working at this for over six months. There is no serious Workers' Compensation reform to offer citizens. In this budget, we have \$135 million in this first year in new broadbased taxes with no indication that we are addressing the issue of long-term fiscal stability.

Mention was made earlier about the deferral. We have no savings in the retirement portion of this spending to offset deferral of the retirement payments. In this first year, we are deferring \$73.5 million of retirement payments and it was our goal in

the second year to remove that deferral as an indication to the bond houses that we were going to put an end to that.

You have heard that we need more time to work out our problems. We heard that same refrain in February and March and we still seem to be unable to make the hard decisions. I think we need to reject this budget as it now stands so that we can restore some statesmanship to this process.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: On the eve of July, it is at best a wonder why we sit in Augusta while our children, family and our friends enjoy a lovely sunset on a gracious and warm Sunday evening.

You understand that the people of Maine that I am aware of at least think us but fools as we, the legislature, try to manage their affairs. We spent months arguing about comma's and very small points of view. Always at the every end of the session, we have to gather around, become friends and give, if you will, part of our philosophy to each other so that we can gain a consensus and move ahead. It seems to take a process that drives us to the wall each and every time before we seem willing to bend. That is because we, as a 151 seated in this House, bring with us our own prejudices, our own biases, our own greed and, if you will, our own ego. Each one of us share a fault as legislators for what is occurring today.

The State of Maine won't long remember what we do here, thank God. But today, in a very troubled time, we are asking the State of Maine to take on new taxes, taxes which people do not have in this budget of close to \$150 million. That is what we are really voting about, folks. We are telling people who do not have enough money in many cases to live decently, to pay their bills, carry their mortgage debt, to send their kids away to school — we are asking them to pay another \$150 million dollars in times when your business, your job, may be very well at stake. How many people do you have to look at on your street before you find one who has been vastly affected by the slowdown of Maine's economy? How many streets or houses away from yours do you have to look before you find people out of work? And you want us to raise the State of Maine another \$150 million dollars when people are losing their jobs right and left. Businesses are closing, they are moving. We must wake up America, particularly in the State of Maine.

Today a little article appeared in the paper that caught my interest. It says, "Ask Public Television's Angus King to give you his graph and pointer lesson. King plotted it out a picture of Maine spending itself almost literally off the charts." Look at the latest issue of the respected London news magazine, the Economist — there on Page 25 is Maine, number 11 on a list of states tagged for the world as living beyond their means. That is the answer, people. We are the 11th state, the worst state living beyond its means. You know what has happened in the State of Maine with people living beyond their means? They are out of work. They have lost their jobs. Their house is gone — how many toys do you see on the lawn for sale when you drive to this House? How many boats and motors, ATV's, skidoo's, second cars, tractors, garden tractors, lawnmowers — how many did you see on the lawns for sale when you came here?

If you want to look at what's happening and disregard it, vote the taxes. That is what we do when we vote this budget.

Secondly, taxes won't hurt businesses that don't make money, they don't have to pay them but businesses that want to preserve jobs, that want to create more jobs, they do it by helping their cash flow by drawing something to the bottom line as a positive factor and I ask you, what is it that we could do in this legislature if we chose the moment to do it? I tell you people it is a savings of millions of dollars that we could give to businesses today to preserve your jobs of your friends and create jobs of your friends through the reforms that have been worked on for months on Workers' Compensation. It affects the bottom line of every business and we are talking millions of dollars that flow to the bottom line. Those businesses that have money in their hands, they have cash that they can use to preserve jobs and to make jobs, hundreds of millions of dollars because our system costs more than half a billion dollars to run. We may not want to link the two together, we may scream and cry and say, no, never, but this body never works until its back is to the wall. It never compromises until we have cried and screamed and left the last drop of our blood that we say we will lose on the floor, then we come to consensus. We shall and we must come to consensus on all issues. The one that most nearly drives us out of this economy slump that we are in is one that directly injects money into it. Folks, that is not new taxes, that is not burdening those who are just barely making it with new taxes to pay to the State of Maine — it is, I tell you, money that comes to the bottom line of businesses and that is millions of dollars through the reform of Workers' Compensation. You may not like it, you may fight it, but I tell you people, that is where you are going to drive the economy and I urge you not to vote for this particular increase in taxes without understanding the need to come to consensus on this other major tri-part of the process.

Mr. Speaker, I request the yeas and nays.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I enjoyed the comments earlier today in the debate from my good friend, Representative Hussey from Milo, when he said that his father told him "he could bring his sandwich down here but it wasn't going to be a picnic" and it never is. This is the ninth time I have sat here as part of this body trying to put a budget together, none of them called for the amount of taxes that is included in this budget, some of them called for lesser amounts, some of them called for no new taxes at all, but whatever the situation, budgets have always been painstakingly arrived at.

I rise because the gentleman who just spoke, Representative Hastings, who said you asked us to vote for new taxes — I take a little bit of exception to that because I didn't ask anybody to vote for taxes, I didn't offer any taxes to the legislature. However, I as chairman of the Taxation Committee, the House Chair, and the other nine members who sit in this body who were on that committee were asked to approve a tax package and we did that. We did it through a very painstaking process we discussed on this floor yesterday. When the tax package was presented to us, it wasn't linked

to anything, it was presented to us in the Blaine House by the Chief Executive of this state. He didn't link it to anything and he asked us to work out a compromise position. He asked the Appropriations Committee to do the same thing. Both committees did it.

I went home from this place last Friday night and I came back yesterday afternoon about two o'clock and found out that the two programs of the two packages that had been voted out of two separate committees, unanimously, now had a \$32 million dollar hole because somebody had watched 20/20 and the video gambling thing was out of the budget.

I hope for Representative Macomber's sake nobody watch "Days of Thunder" this week because we will probably never pass the Transportation Budget.

Somehow that strikes me as through there is something wrong with that. Today is June 30, yesterday was June 29th and we have been working on this since January 1st -- six months, less one day and we had a compromise, we had a budget, we had a tax package that everybody agreed on. A hundred and whatever million dollars in new taxes that are in that package are there whether the Workers' Compensation reform is passed or not. It is still there because that is what it took, in the opinion of the Chief Executive and these two bodies, to balance the state budget. It wasn't a decision that I made and I am not asking you to vote for new taxes, Representative Hastings, it is a position that was arrived at by a lot of very hard and diligent work on the part of a lot of people. If the State of Maine is going to continue to operate tomorrow morning, as I think we all agree that it should, that is what it is going to take to keep the store open. I may not like it anymore than anybody else in this House but I never thought I would see the day when I would sit here, three hours before the state was going to shut down and vote against a budget to keep it open. I never thought I would see that and I hope that I don't see it tonight.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this evening to just give you a little feeling as to what happened to me while I was cleaning my desk out this afternoon. At first I had mixed feelings concerning this budget but after listening to Representative Cashman and picking up this congratulatory note that I received from the Sisters of St. Joseph, I want to share it with you. It gives you a little insight as to why we are here and what we should be doing. I think the petty politics should be away from this.

Here is what they have to say, "You have been entrusted with a new role to play for God's people. May he bless your work, grant you wisdom and give you a deep experience of his presence in your life as he guides you in all of your endeavors. Congratulations and best wishes, the Sisters of St. Joseph."

After reading this, I thought the reason I am here is really for the people, not because of leadership, not because of any other reason except to represent the people.

The people who are not really locked into positions because of being Freshman, I think we have to come up with new thinking. I am asking for your support. I think we can do this and I think we should do it.

The SPEAKER: The Chair recognizes the

Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: This legislature is at the threshold of voting in one of the largest tax increases in Maine's history. There are members of this legislature who would like to raise taxes even higher still. I feel that it is important that the people of the State of Maine know that there are members of the legislature who have ears that hear the grumbling and it is my belief that before we increase taxes, we need to take a hard look at how government operates. I believe that the State Legislature has no business voting higher taxes for Maine citizens before we have made every possible cut. That is what I have been hearing from people throughout my district.

As Representative Vigue has shared some communication he found in his desk, I would like to take a moment and share a few pieces of communication that has been sent to me. I have edited for those that I could read in mixed company. Just bear with me as I read through a paragraph or two from two letters.

"Dear Representative Hanley: Please don't let them tax us further. We can't take it. Unemployment in Oxford County is 13 percent plus. Taxes doubled for property taxes, corruption through state and local governments help. We are being pushed too far. Wouldn't it be easier to jump ship and live in New Hampshire or Vermont. We might. So might many others if the state government can't get it together, us natives may bail out and let the flatlanders have this place. Let's get welfare under control, there are too many takers. Local government should keep strict controls on it and the state could oversee it" That is from Bonnie Ramsey Fogg.

"Mr. Hanley from James Dodge, South Paris, I am send a letter with your questionnaire. I may be wrong or right in this letter but this is how I feel and interpret these problems. It seems whenever the government runs low on money, they raise taxes or take away from beneficial systems. They want to keep raising taxes that we cannot afford now. We little people are what makes America work and live. Why doesn't the government take a cut in pay and let go of some benefits like the rest of us people, to see what it is like in the real world. I have a five year old daughter who is very smart and I hope when she gets to school there is still one so she can learn all about it too. If there is no money out there, how can so much be getting spent or is it going in the wrong places?"

On my questionnaire, 79 percent came back and said they would prefer scaling back state programs rather than raises taxes.

I heard the good Representative from Old Town, Representative Cashman say, that no, this was not the tax package from the Taxation Committee, that in fact this was a tax package proposed by the Chief Executive. I have had an opportunity to sit down with the Chief Executive officer of this state and explain the position of the people in my district and my job as a Representative and I would not be able to go along with a tax package. That is a decision that all of us have to make as elected officials.

I think we have lost sight of the fact that the money state government spends is not money that state government produces. State government collects money from Maine citizens and redistributes it and I think state government should reflect to a greater degree

the priorities of the people who are paying its bills. Have we forgotten that part of the responsibility of the state legislature is to provide the mechanisms for government to be more efficient and to be more accountable?

I am not a financial wizard or an accountant guru but, by deferring and refinancing General Purpose Aid to Education payments, teachers and state employee retirement payments, higher educational allotments and debt service, we are mortgaging not only our own, but our children's future. By taking end runs around the bonding process by engaging in certification of participation, the state loses a little bit more of its fiscal integrity. Although we will balance the budget on paper, the repercussions of our budgetary follies will be felt for many years to come.

As President Abraham Lincoln once said, "You cannot keep out of trouble by spending more than you earn, you cannot build character and courage by taking away man's initiative and independence, you cannot help man permanently by doing for them what they could do and should do for themselves."

At this time, it is kind of ironic that the other person I would like to quote tonight is a member of this body, the Representative from Waterville, Representative Jacques. He said, "We can't keep going along to get along but we have to do what is right." This evening I am going to be voting against this budget because it is not what the people want. Although it has gone through the legislative process, we cannot sit back and say that this is what the people want because it is not. It might be what members of this legislature want or our Chief Executive wants but it is not what the people in my district and what I feel the people out there in the State of Maine want.

I hope you will vote against the pending motion.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do do what is right tonight as the previous speaker just said because this budget goes a long ways beyond taxes. Let's talk about being behind the crunch and why our backs are against the wall tonight.

I think it is because this legislature and this administration, early in January, realized that the economy was still sliding in a downhill fashion. The Chief Executive addressed us in Joint Session here early on in this year and presented a package to us and said he would be back in April to give us an update. That update came May 21st. The members of the Appropriations Committee have worked hard for six months putting together a package, a package that does in fact address a number of the concerns that the gentleman from Paris was addressing.

Maine alone did not start this recession, we joined it a little bit early, we are going to say a little bit late, it is a party that we really didn't get invited to but it is not one we can leave at this point in time.

This administration, this legislature, previous administrations and previous legislatures have joined in the spending that has gone on in the last 4, 8 and 12 years. We all share the blame but this budget does make cuts. It reduces state spending, it does it in a responsible manner. This budget does in fact recognize the need for reorganization, this legislature recognizes the need for reorganization. We have established a commission to look at the

entire situation. A number of items in this budget were taken out and referred over to the Special Commission so we could in fact change the way that we deliver services. That has not changed, that will continue to go. This budget does, on a hard fought compromise, take the initial step to change Maine's welfare system and it does so in a responsible manner so it protects those who are greatly in need and gives an incentive to those who are on welfare to get off welfare without being unduly penalized. There is nothing wrong with that, it is a responsible thing to do.

There are definitely a number of egos in this body, it comes with part of the territory and we all share those.

This budget is not and should not be a part of Workers' Compensation compromise plan or anything else. They are separate, they are distinct. If we are going to do statesman-like acts, then may we should follow that very liberal publication, the Kennebec Journal. To quote them, "Perform a statesman-like act by announcing that "he" (referring to the Chief Executive) is taking Workers' Compensation off the agenda to allow completion of the budget and then, if necessary, he will call a Special Session to deal with that issue." That in fact would be a statesman-like thing to do.

The taxes that are in this package would be in package whether it were a one-year budget or a two-year budget. They were agreed upon, it was a hard process, it was painstaking, the Taxation Committee worked long and hard, they beat up on each other as we beat up on each other in the Appropriations Committee to reach an agreement.

The final issue I would like to address at this point is that of the bond houses and let's hope those bond houses are awake and let's hope that those bond houses are looking at the State of Maine tonight who is about to respond appropriately and intelligently to a continually sliding recession in this state. We are going to enact a budget, we are not going to shut down state government. It would seem to me that Standard & Poor's and Moody's Investments would look very, very sorely on this legislature, this administration and this state's bond rating if we, irresponsibly, set here tonight and did not pass a budget to allow state government to continue to function. Yes, there are people who are losing jobs all over this state and there are approximately 17,000 or more out there, this night, less than three hours away who are waiting for what they hope will not be their "no school" announcement tomorrow morning.

I would ask you to join me and a majority of those individuals who voted the other night, 109 of you, to pass this budget (one year) so we can continue state government in a responsible manner.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take a few moments of your time to talk about what happens without a budget because we have a rather delicate conversation about what happens with a budget.

Maine Foster Parents met a couple of weeks ago and they said, "What shall we do without a budget?" Well, one of the things that was put on the table was that they will take no new children because you can't turn out children in your home. You really don't have to invest in those who haven't yet come into

your home. What does that mean? It means that people will die, that is what that means. The longer we go without a budget, the longer we risk that the children in this state will die. That is what is at stake. We have children at risk and we have to have some place to put them and you cannot ask people to take children in.

I just called my local Foster Parents Organization and I suggested that they wouldn't be getting their check. I had waited until now, even though I believed a week ago that that would happen, but you hope against hope. I said, "When is your check due?" They said, "Thursday." I said, "Even if we pass it tonight, you won't get it then. I guess as of Thursday, it is time for you to do some Gorilla Theater and I would suggest that you hold your meals on the Blaine House lawn for these children that are wards of the state because I know they won't turn them back over to us." First of all, they don't have anyone to turn them back over to as of tomorrow.

What about children who need to come into the system to be protected from violent, dangerous, out of control situations? We haven't got any place to put those children. Are we going to take them home, ladies and gentlemen? Are we prepared tomorrow morning to sign up wherever they've got one office open and say, "Okay, if there is a kid at risk, let's go home with us."

We ask an awfully lot of the people of Maine, I think we had better come up with the money it takes to provide supportive services that people need to stay alive.

You want to hold on for Workers' Compensation? I will make you a heck of a deal — I will sell you my votes on Workers' Compensation and this is what I will sell it for, we will take out the ITC, the Investment Tax Credits, we will cut Energy in Manufacturing, we will take out FAME, we will take out all of the things that we do to stimulate business because you have decided that the only thing that matters to business, the only thing, is Workers' Compensation and, even though there is a minute difference, you are willing to shut down state government over that minute difference so I will trade you my vote and we will fill the \$30 million hole real fast. I would do that. Do I think that is wise for business? No. Do I think that we haven't built a tax policy that is reflective of what business needs to get to keep itself afloat? Yes, I think we have built that kind of tax policy but I am willing to trade it and we can come up with some money real fast because you have decided that single, most valuable thing is the few minutia of difference between one Workers' Compensation package and another. I will trade it if I get in exchange some votes for a budget tonight. We will raise the money by eliminating some of these tax breaks that Bailey & Bailey was concerned about, we will raise the money that Representative Hepburn and Butland voted for in committee to raise and then on the floor of this House did the most saddest thing and couldn't vote for those revenues after a unanimous committee report. We can get that money by eliminating some exemptions here and that would be a fair thing to do because the most valuable thing we can do for business is this Workers' Compensation package that you want with that minutia of difference — it is time to wheel and deal, folks. In three hours, we risk people's lives and I think you are naive if you think that isn't going to happen.

In New York City, they had a jumper after they finally settled their budget, it happened. They had a death already attributable to their delay and delay and delay of making decisions.

In my community, we lost 23.6 educators, a major impact on property taxes, a major impact on education in order to have a conservative budget. In the entire Department of Education, and I can't confirm this, I have heard that we have lost one person. How is it that the entire Department of Education can't match my one community's loss of educators? I could find some cuts to make over there. Oh no, no, it is mostly paid for with federal monies and we need those people. Eve Bither needs those people — don't talk to me about fat in the budget that we haven't cut, let's pass something. Please pass something because this is a disgrace and people are at risk.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I agree, I certainly think that we should be passing a budget. We have worked all year for it and I think it is important that we do pass it but I don't think we should be passing a half a budget. That is what this is tonight. As we worked through this budget in Appropriations Committee, we didn't work just through one year and not the other year, we made cuts in the first year and other cuts or no cuts in the second year. We added money perhaps in the first year and maybe eliminated money in the second year or added money but it was the budget that was tied together. It was a biennial budget for the State of Maine. It wasn't a budget that we all agreed with, I am sure. There were many divided votes in that budget because we all have different philosophies and represent different people. However, we did compromise and we did present a budget that we thought we could live with, we thought would be fair for the State of Maine. As we worked on that budget, we also were mindful of the bonding houses. They came to visit us and we were told that we should put our best foot forward so that they would really be impressed with us when they came and we all like to do that anyway. They were impressed, as they told all of us, at the fact that we worked well together, we were working hard, and from our past record, they were sure that we would do the best thing for the State of Maine and would produce a budget.

They didn't like deferrals and when they found that we were going to defer money in both the first and second year, they were certainly unhappy with that but they could accept deferral in the first year, which we included. In the second year, there was no deferral but in this budget, there is no second year. I think this is absolutely the wrong way to go and I think we need a two-year budget, a budget that is planned for that period of time and not this half budget that we are considering here.

I hope that you will not vote for this half budget.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: You know we go back and we actually wonder why we are here and I think the true thing this evening is, it is one word, it is leadership. 151 of you members here are the leaders of your communities. You were sent here to do the

job of the state, regardless of the party that you stand for and remember the job of the state.

I hate to say this but this is something that my constituency is telling me back home, there has been a lack of leadership here in Augusta. I don't mind saying exactly right where it is and you can rebut it after and say what you want but Governor McKernan, if you are listening right now, there has been a lack of leadership. This ship has been on the wrong course for a period of time. Yes, the state has its financial problems but some of these problems could have been avoided.

I am not going to go back to the elections because that is past but had we been called here sooner, some of the problems would be less. The whole thing goes right back to leadership, 151 members in this chamber must show leadership this evening. You have no other choice. The citizens of Maine are waiting and the hour is approaching. They have a right to know if this government is going to be responsible. Do you want to shut this government down? Do you want the National Guard out here tomorrow? All I can think of when I heard about the National Guard, and I read that in the paper about the National Guard, I think of a war situation, I think of a crisis — yes, this is a crisis but do we need troops when we could act responsible within a few minutes? I just can't believe it. Why hold the budget hostage? Possibly there are flaws in this budget but judge the budget on its merits, don't hold it hostage because of the Workers' Compensation, that is another issue. I agree with you, there are problems on both sides but let's bring that matter to this body and show the leadership and let's stand and be counted on the Workers' Comp.

I ask you here tonight, if you are a leader and you lead in your community and you want to jeopardize the State of Maine, then I think you had better look up the word "leadership." I would ask you to support this budget.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: We have heard tonight about passing a budget that our constituents want. I heard it on the floor tonight, I have heard it on the floor in other debates — do what your constituents sent you up here for. I have gotten a direction from my constituents.

If you look at the budgets in 1988-1989, we had a \$2 billion dollar budget, we paid our bills. If you look at the budget for 1990-1991, we had a budget of \$3 million dollar budget, we didn't have enough money and we didn't pay our bills and we got in a mess.

As I understand it, the budget for 1992-1993 is \$3.2 billion. We have not gone down on the budget. When I started my campaigning last Fall, I talked to the people and they said, "Don't raise the sales tax. We are in York County, we are losing businesses, people can't stand it. Please don't raise the sales tax." I said that I would not vote a sales tax increase.

I sent out a questionnaire and I said to those people, we are in trouble, what would you do to reduce the spending of the State of Maine? They said to me, reduce the size of government, reduce spending, we can't stand it. I tell you folks I am not going to vote for this budget because I am voting for my people, I am not going to vote for the Governor, I am not going to vote for either party but I am going to vote the way my people want me to vote.

A couple of weeks ago, I had a call from a lady in Cornish. She said, "Representative Lord, I am three miles from the New Hampshire line. I have a novelty shop. I sell some material, not too much, I don't make much money and I have cut my margin of profit to the bone, I have cut all the costs I can and if you raise the sales tax another percent, I am certainly going to have to go out of business." She also said, "You know, the other day I had to grit my teeth and say nothing but there was a teacher who came into her store and she said, if the State of Maine raises the sales tax one cent, I am going over to New Hampshire and I am going to buy everything I possibly can."

What have we heard from MTA? A penny for education.

We cannot continue this way, we have got to get things under control. We have chance now to downsize government. It has been growing by leaps and bounds, not only by this Governor but the previous Governor. It grew in leaps and bounds because we had a good economy. Money was great, we made a lot of money, but now we haven't got the money and we have got to downsize government, we have got to stop our spending and I cannot possibly vote for this budget and I will not vote for this budget.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: When we came in here in January, we came in with a job to do. That job included the budget, it included Workers' Compensation and it included the business that our agenda had on it.

I sent a message yesterday by voting for a one-year budget. However, in retrospect and no one wants a budget I assure you more than I, I represent a good many people who work for this state and I feel for many of those who get the services that we offer and need but if we don't show that we can balance a budget by something other than deferrals and we can't show in the second year that we have whatever it takes, including further taxes if necessary, whatever makes credibility, then I believe we are placing our credit ratings squarely on the line.

As far as the Workers' Comp issue, I am no expert in that field, I am not an expert in any field but I have looked at two side-by-side packages and every time I see people leave the room, I hope that they are taking those issues and trying to make what I would call a much needed compromise. I see weaknesses in both of those packages but I see the possibility in a combination of those circumstances to get that problem by the boards too, doing the business that we came here to do and get this state back in business and get business in the state back in business by addressing a crisis in the whole Workers' Comp program.

I hope that the coolness of our heads and the dedication of our actions can be directed at the solution of the problem that we came here to solve in January. I am not buying a linking of anything together, I see them as part of our agenda and it is up to us to stay here and solve them. I don't care how long it takes.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope that you will vote for

this budget. We are in a crisis, a lot of people in the State of Maine (not only state employees) are in hopes that we can solve the problem.

I am not linking this as many of you are not linking it to the Workers' Comp package, I think they are two, separate distinct issues that have to be dealt with separately.

We did have a unanimous committee report out of Appropriations. The reason why we are here debating this bill tonight is because of the \$32 million dollar hole that was created when the Governor did not want to deal with the video games. That is why we are here.

The vote last night was 109 to 34 to accept a one-year budget. I don't like a one-year budget but it solves the problem and it will give us time to work on the second year due to the fact that we do have the \$32 million dollar hole.

During the process we heard from many of you that came to Appropriations, and out in the hallways, say that we shouldn't increase state government. We heard from others that we shouldn't cut state government or raise the taxes — I think the job that Appropriations had done was a very good job. I think we came up in the middle, we have reduced state government, although it might not be as fast as some of you members would like to have state government reduced, but you can't reduce state government overnight. There has to be a process in order for it to be done gradually.

Some of you had said, "Don't cut my court in my town, we need it, it is very vital." We put the courts back but there is an added cost to that. Some of you had said, "Don't cut my fire towers, they are very important to the people in the State of Maine because of the fire in 1947." We left the fire towers. Some of you had said, "We need a couple of positions in LURC because of the mining that is going on in Aroostook County and it is very important." Granted it is very important, we added those positions for LURC. We reduced the number of state employees in state government. The figure that was thrown out the other day was roughly around 900. For those of you who had dealt with the special committee earlier in the year when you were trying to get a budget through, I hope you realize how difficult it is in these hard times to get a budget through that is fair to everyone, fair to the taxpayers, fair to the state employees, fair for the people of the State of Maine.

There are things in the budget that I don't like. Last night I tried to get an amendment killed that was offered by Representative Jacques; however, the body adopted that amendment. I didn't like that amendment but it is not enough for me to vote against the budget because I think the final outcome, if we do not have a budget, will be worst than it is by that amendment that was adopted.

I would urge this body to put aside those issue that are very minute and look at the overall budget process. As I mentioned earlier, I do not like a one-year budget, I would much rather have a two-year budget but, unfortunately, we had \$32 million that was pulled out at the very last minute and we have to deal with that. We will deal with that but we do need the time so I would hope that you would look very deep down inside before you vote because the vote you are going to be casting on this one-year budget, which 109 of you had voted for before, is going to have a very, very, very drastic effect to

the people of the State of Maine. I will be voting for it even though there are certain items in the budget that I do not like and I hope that you will vote for the budget as well.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make reference to some of the remarks that were made at the very beginning of this debate on the budget tonight. They were made by my good friend, Representative Hastings of Fryeburg. In his opening remarks, Representative Hastings mentioned that the world would probably little note what we did here today. I believe he was paraphrasing perhaps one of the greatest Presidents in our nation's history, President Abraham Lincoln about his remarks at Gettysburg. I would like to respectfully disagree with my good friend and colleague because I think that the State of Maine and her people will long remember and will long take note about what was done here today. They will do so, not in the context of this legislature and this session, but when the history of this state is written perhaps by Representative Lemke or Representative Adams among others, will be written usually in the personification of the Governor of the state. When we speak of the history of our state, we speak of different gubernatorial administrations.

As a youngster growing up here in Augusta, I remember the Reed years and the Curtis years and the Longley years before I served in this chamber. We don't remember them as the Legislature of the 102nd or the 101st or the 107th, we remember them under the Governor.

What has disturbed me most about this entire debate on the budget is the fact that it is linked to another bill that has nothing to do with the budget, it has nothing to do with keeping the door of state government open for her people. There is no logic in the argument that before we can pass a budget, that we must make cuts in Workers' Compensation. I voted for more Workers' Compensation bills as a 13 year veteran of this body than I have on almost any other bill. I voted for the Governor's bill in 1987, only to see Comp rates go up and see injured people, those that were truly injured, be taken off the rolls. I voted for Governor Brennan's bill in 1985, only to see Comp rates go up and see truly injured people taken off the rolls. The fraud cases are still out there, the cheaters are still out there, the fakers are still out there. We haven't addressed those people and either of those reports that were presented to this body failed to do it again.

That is not the issue before us this evening, that is not the issue in crisis tonight, the issue is leadership. When the history of this state is written, when the focus of history takes a look at the McKernan years, will it say that this Governor failed to get a Workers' Compensation package through and, therefore, closed down state government? Will it say that to future generations of our state or will it say that this Governor had the leadership and the courage to keep state government open and to keep the legislature in town with the lamp burning and continuing to make progress on an issue that is dear to him and to the people who support him?

I sat in this chamber in 1982 (during a fair snowstorm) when the budget was deadlocked and the necessary votes were not there and the Governor came

in to address us at the final hour of the legislature to send us home. He said that he would be calling us back into Special Session in a very short while because we had an unfinished agenda before the people of Maine. It was an election year but that didn't bother him and it didn't hurt us. He called us back in April and we passed a budget, nearly unanimously. We took care of the needs of the people of this state, we did it with leadership, not partisanship or gainsmanship, not salesmanship — leadership. That is what we are called here to do.

We can read letters from constituents, you and I both have letters from both sides of the issue and I can quote to you people who don't want taxes as well as people who need taxes. I can quote to you people who hate this budget as well as people who want this budget. You and I will survive, no matter which vote we take on this issue. My constituents want me to vote for this and they will judge me on my record next November. You will be judged solely on your record and you will probably be far more popular than any institution in this state. The history of this state will record that perhaps at the final hour of this fiscal year Maine lacked the necessary leadership to keep this state moving, had salesmanship, not leadership, lacked the necessary ingredients in the Executive Office of our state and that is a sad thing to see because 151 members are not supposed to lead in 151 different directions. Only one person is Governor, only one person is elected by all the people of this state and only one person has the constitutional obligation to see that the people are served and to do otherwise is to fail one's oath of office to the people.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Bonsoir du monde: Felicitations! I congratulate you who are sitting in your seats, you have been very patient and you have been listening.

As I often tend to do in committee, whenever I feel that the people in my area are not represented, I make a statement. Every week I make another statement in a weekly column where I talk about you. I speak about the genius I see in you, I brag about you so I hope you permit me a few moments to brag to you about them.

They are a strong, hardy lot and I sit this evening with you in trepidation of what might be awaiting us but whatever will await us, you better believe that we will dig our heels and we will deal with it. We have large families, we have intelligent people, we have a work ethic second to none and they would be shocked as I am shocked this evening to hear demagoguery saying, "Give me, me, me." They say to me, "Do what's best, we realize the realities, we are here, we survive because we know the realities of life."

I was one of ten children and the State of Maine put me through 12 years of school and the university. What we had to pay was this much (showing how much using hands), we must do for the next generation. When I hear people talk about getting cards and letters saying "take care of me", I never hear that. It is what we need to do together.

I have a little memo that has really bothered me. "This office has been closed by order of the Governor of the State of Maine until a budget is

passed." We will pass a budget, this is our responsibility but let's not sell our people short. They will dig in, they will survive, they will do what is best for tomorrow.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and I detect a certain sense of weariness among every member of this body. I also have to offer really a statement of congratulations to members of both parties on the content of the discussions this evening. I think it has indicated our serious concerns and also some very intelligent expressions of differences of opinion.

I am surprised by two previous speakers who have talked a great deal about the actions of the Chief Executive. As a member of this body, it is my interest that we take our own actions more seriously than those of any other entity. Since the subject of the Chief Executive was discussed, I only want to clarify on the Record that the Chief Executive did not state any facts relative to the National Guard until mentioned by the press and to which he responded in a worse case scenario that he did not envision that it might entail some use of the National Guard so the good Representative from Lewiston can be assured that at least some members of the Governor's staff was listening to the comments.

He talks about the feelings of his people. I know my children when they visited their grandmother in his community in the last three or four days brought back messages of wanting not the taxes in this budget. In fact, if we ever did approve the taxes, it would be over their strenuous objections. They are, by the way, members of his own party.

I, for one, am opposed and fearful of what this budget does for a couple of reasons and I would like to state those on the Record quickly. Earlier this weekend, I asked the State Tax Assessor to quantify for me the impact of raising the income tax on Maine people. I asked for him to list for me the percentage of the tax that would be raised from Maine people who make less than \$25,000. It would at that time when we were discussing the biennial budget be \$43 million out of the biennial tax package. In my mind, that is not the most wealthy of Maine people, it shows that all Maine people would be sharing in the burden.

The reason that I am so concerned about the actions of state government that impact the jobs of Maine people is another statistic that bothers I think everyone of us a great deal. Four years ago when I joined the Representative from Old Town and others on the Taxation Committee, the average Maine household income was \$16,000, the average. As of last Saturday, that average had only grown to \$18,000. Half of Maine families have less than \$18,000 to spend each year, that is the average Maine person, that is the Maine working person, that is the person who is, in the mind of this legislator, irregardless of the actions of any other entity, most affected by changes that we make in a system that dramatically impacts their employment.

Another item for the Record just for your interest, when we talk about raising the tax on the top rate of income taxpayers in this state, frequently the number of \$75,000 is referred to, that is joint family income. Remember, that a single filer will start paying that top rate as they reach

above \$37,500, so in Maine, the top category of taxpayers is not what many people would consider a rich man or woman. I think the reason this legislator, in fact I know this legislator, is voting against this document is because the average Maine person, the poor people that I represent and I represent many in my district, are dramatically impacted by the actions that this legislature will take in ensuring their future employment by changing the Workers' Compensation system.

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

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I think it is very important that we remember tonight that it is not how much we pay in taxes but what we get back for those taxes. We in Maine have been very fortunate because previous legislatures, previous Governors, have seen fit to provide a very broad array of services, services that help all Maine citizens of whatever income but services that attempt to assist, in particular, those citizens that Representative Whitcomb talked about, the half of Maine families who have incomes that aren't above \$18,000. Without those services, without that help, without that assistance, those families would truly would not make it on \$18,000 but we do have an array of services. Those services aren't available in other states where the income is about like ours. We can't compare ourselves to states where the average income is far above us, we have to look at states where the income is about like ours.

We have seen fit to tax ourselves, to tax Maine citizens, and to share the wealth. We can be proud of that, we can be very proud of that. I used to live in a country that taxes its citizens more than we do in general in the United States and even more so than we do in the State of Maine. I got a lot for those taxes and so did the people who had less income than I did. So, when you think about whether or not your citizens and your constituents want to pay those taxes, ask them whether they want to do without the services.

There was one tax proposal that generated a lot of controversy and a lot of calls to me and I am sure to you and that was the Cable TV tax. Though not in the final package (maybe it ought to be) and actually when I called back everyone of my constituents who had called me about it to originally ask me not to support that tax, at the end of the conversation, I didn't have one constituent who wouldn't have supported the tax and who didn't agree with me that if it were in the final package, I should vote for it. Why? Because I went through with each one of my constituents the services that that tax might help pay for. Guess what folks? Everyone of them was using one or more of the services and the kinds of things we have in our state, whether it was the business that needed permits and wanted more people in the Department of Environmental Protection. Or whether it was all the elderly people who were getting some type of low-income assistance, tax or rent refunds, elderly low-cost drugs, whether it was the person who would make use of the Circuit Breaker, you name it, we could spend the next half hour listing off all those kinds of services and we probably wouldn't come to end of the list. But, not one of my constituents with whom I spoke continued his or her opposition to that tax or to other taxes. So, a vote against this budget brings to a halt those

services. Maybe it is only for a day or two or a few weeks, we don't know, all we know is that it does bring an end to those services because the people who provide those services have been told that they can't volunteer, they can't come to work even if they want to -- well, some of them are mighty disturbed over the people who will suffer over the result of their not being there and of the services not being on line.

A vote against the budget also brings to a halt the process that we have started by this budget. We were asked to cut services, to restructure, to make government more efficient, to do it with fewer people and we went through department by department, agency by agency, and we said, "Prove to us that you really need that extra position, make us believe that you can't do the job with fewer people." In many cases, we found out that they could and we made cuts. In some places we found out that they couldn't do the job without the people that they had so we had to authorize more positions. In most of those cases, the new positions that we authorized which would make government more efficient without additional financial people we weren't able to do the paperwork the administration that would allow us to maximize federal funds. Well, that process comes to a halt.

If the budget doesn't pass, remember that everything in this budget also doesn't pass, every bit of language, every attempt to downsize, to change, to do things better. If the budget doesn't pass, the services stop, state employees are out of work, they may show up at their local welfare offices if it goes on more than a very few days -- much of our state work is teetering on the brink. There have been two shutdown days and three furlough days, that has been hard to take and it becomes even harder if we add one more.

Why do we have difficulty in reaching a compromise in this budget? Because there are so many different needs out there, so many different political aspects of this budget. We did reach a compromise, we had it, we voted it out and the, all of a sudden, we had a hole and it was like we were going back to January. Actually for the Appropriations Committee, it was before January, it was in December. That happened so late in the process that we couldn't go back and start over again because we didn't have any time left so we said, what are our alternatives? The one-year budget which you have before you actually is the truth, we were kidding ourselves if we thought that the two-year budget that we passed out unanimously was really a two-year budget, it was one only on paper because we knew very well that that was really like a gimmick, it wouldn't hold up, we would have to look at the revenues, at the expenditures, at the effects of what we were doing in the first year of the budget, month by month, really almost week by week and make new decisions. Maybe we could wait until January, maybe we wouldn't be able to, but we knew that we would be back, we knew that we would reopen that budget. It is not just in this recession year that we had to do that, we have reopened the biennial budget every year since I have been in the legislature. We have to make adjustments but this year we knew that we were just putting it together on paper so that we could have a budget that would be in place by midnight tonight.

Think about those people tomorrow. For some people perhaps it is not a very important service, perhaps it is only because they need to renew their

drivers license but what about the person who needs to apply for medical assistance? What about the person who needs a real vital service, who doesn't get their medical card in the mail and needs to call to see what happened to it and there is nobody there to answer the phone? What about all the tourists who are about to spend the 4th of July week in our state and whose dollars we desperately need in order to help balance our budget?

The Appropriations Committee and every other committee in this legislature has worked diligently for months. We have had a new process this year, we asked every committee to help in that process, to go through and scrutinize all the departments and agencies that they had oversight over, we tried to make the process open, we tried to make every person a participant and everyone who wanted to did and could participate. Now the final moment of participation has come, it is when you press the button. If you decide to lay aside everything we have done, throw it all out the window and say sorry, I don't like it because it is one year or I don't like it because it doesn't cut enough or I don't like it because it does this, that or the other thing and you throw all that out of the window, you throw out the chance to move on to the other issue that is important. Workers' Compensation is very important, I worked on it for six years in this legislature, through several reforms and through many studies. You want to know one of the reasons why Workers' Compensation is a problem in our state? It is a problem because we haven't addressed other problems, we haven't addressed statewide health insurance because some people's only recourse is through the Workers' Compensation system and proving that their injury or their illness is work-related. We haven't addressed any kind of universal disability system for wage replacement if people cannot earn or are out of work because of illness or injuries. We provide our state employees with adequate vacation and sick time but there are many, many employer in this state who do not and whose employees literally become worn out and tired. Worn out employees are more likely to be injured or become ill so there are other problems that we have to address and we need to move on to address them. A vote against this budget halts the entire process. It brings to a stop all the work of this legislature. Half a loaf is better than none, I was always told. Once you have the first half, you can work for the second half and that is what we are asking you to do tonight.

Remember, we get a lot for the taxes we pay and all of us have contributed and will continue to contribute because we think it is important to care about each other, to care about the citizens of our state, the ones we know personally and the ones we don't know personally. We in this state have a tradition of caring, we think of ourselves as being different, let's continue to care, to continue to be different, let's pass this budget and move on.

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

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I respect Representative Rydell very much. Although we are at different ends of the philosophical spectrum, she is probably one of the most dedicated, hard working committed legislators in this body; yet I rise this evening late at ten o'clock to say that I think she paints a different picture of the State of Maine than what I

see representing the eastern part of Oxford County. Representative Rydell says that her constituents want the taxes for the services that the state provides. I think the Record shows that Maine is one of the poorest states in the nation and yet we tax our people at one of the highest rates.

My constituents who are some of the most disadvantaged in the state would like to just keep a little bit more of their precious few dollars. My constituents say that they are over-regulated and that government intrudes in their life at an alarming and accelerating rate. That's what the people in my district are saying. They don't have much money in their pockets, they would just like to keep a few dollars more. I think it is important that we take a look at all of Maine and realize that some parts of the state might like to have the increase in services and other parts would like to keep a few more dollars in their pockets and have a few less regulations.

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

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

I would like to pose a question to anybody on the Appropriations Committee or anyone on the Taxation Committee who would care to respond.

I would like to ask, if there is a \$32 million dollar hole in a biennial budget after we have scouted out \$1.2 billion why we aren't about to seek that out if it would make a difference to anybody like me in trying to send a clear message that we have a firm form of taxation and cuts that are responsible to meet our obligation and to show those in the state that we are very serious about regaining or at least maintaining what advantage we have in the bond market? I think our credibility is there and I would just like that question answered. I am very curious as to why, either through exemptions — I have great faith in that committee process and I would really be sincerely interested if someone would care to respond.

The SPEAKER: The Representative from Winthrop, Representative Norton, has posed a question through the Chair to anyone on the Appropriations Committee or Taxation Committee who may respond if they so desire.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer it to the best of my ability. We heard very loud and clear from certain members of this body and the Executive Branch that they did not want to go above and beyond a certain amount of money as far as tax increases. I respect that, I will live by it, the budget does that.

As far as doing cuts of \$32 million, in the time frame that we had when we found out that there was a \$32 million hole, I do not believe that we had enough time to do the cuts. I do not like deferring the university, Maine Maritime or the technical college and I don't think the bond houses would like that either. I don't think that that is a good solution, I do not believe that the 2.6 percent across-the-board cut is a wise thing to do because I would not know which small agencies would be hurting down deep. If we had the time, I would have loved to have dealt with the \$32 million. We did not have the time, it was a very last minute deal so, therefore, the next best solution, I feel, was the one-year budget.

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

Representative NORTON: Mr. Speaker, Men and Women of the House: I hate to prolong this but that difference wouldn't necessarily, in my opinion, have to come from cuts because if you weren't agreeing to a certain form of taxation, then that would leave the door open. My closest political advisor was a former Deputy Commissioner in the Department of Taxation and I listened to him very closely when he talked about taxes. He has wondered where the exemption list would come from and, to me, that seems like a tear when looking at a state budget rather than much of a hole. I would propose that we fill it and I think taxation is open as an option because what you were saying was you didn't want to do or what you were indicating wasn't wanted, was a tax. Therefore, I would think a tax is a tax and could be covered by another tax.

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 Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: Today is the last day for us to do something either for the people or to the people. I believe by passing a tax increase of nearly \$150 million dollars onto the people of the State of Maine we will be doing something to the people. Linkage to the Workers' Compensation was mentioned earlier and if we can save approximately \$200 million for businesses, perhaps they won't have to lay people off. Perhaps they will be able to pay that extra dollar toward their health costs. That is what we can do for the people, we can give them their jobs back.

When you are looking at the budget tonight, I hope you will consider that we are doing something to the people and not for them when we pass this budget.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I will tell you one area where you can't cut because the Commissioner of Mental Health told the committee, and if you don't believe me, ask Representative Duplessis or Representative Pendleton, who basically said that his bottom line is what he submitted. Anything below that bottom line, we could be in dire jeopardy of losing JCHO. Now for those who aren't familiar with that, that is the accreditation that the Bangor and Augusta hospitals have to have. If you don't believe me, pick up the phone and call the Commissioner because he will not go below that figure that he gave us in the budget.

The other thing, it was a Consent Decree that added \$22 million to the budget. We had nothing to do with that. It is like the state employees contract, we just vote for it. If we go against that Consent Decree, it could be worse.

Before you vote tonight, I am asking my Republican friends to remember your friends, your

relatives who are looking to have this budget because they have friends and relatives in nursing homes, boarding homes, Augusta hospitals, Bangor hospitals, intermediate care facilities for the mentally retarded — that is where a lot of money goes, folks. You look at the budget and you will find out that that is not the people who are ripping off the system. Those are the people who are Democrats, Republicans and Independents but, most of all, they are people in need.

The SPEAKER: The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, I request permission to pair my vote with the Representative from Bangor, Representative Morrison. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the elected members is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 209

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

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

ABSENT - Pineau, Reed, W..

PAIRED - Lawrence, Morrison.

Yes, 93; No, 54; Absent, 2; Paired, 2; Excused, 0.

93 having voted in the affirmative and 54 in the negative with 2 being absent and 2 paired, the bill failed of enactment.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 927 failed of enactment.

On motion of Representative Chonko of Topsham, the House reconsidered its action whereby L.D. 927 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-716) as amended was adopted.

The same Representative offered House Amendment "D" (H-722) to Committee Amendment "A" (H-716) and moved its adoption.

House Amendment "D" (H-722) to Committee Amendment "A" (H-716) was read by the Clerk and adopted.

Committee Amendment "A" (H-716) as amended by House Amendments "A" (H-718), "C" (H-721), "F" (H-726), "H" (H-729), "I" (H-731), "J" (H-733) & "D" (H-722) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-716) as amended by House Amendments "A" (H-718), "C" (H-721), "F" (H-726), "H" (H-729), "I" (H-731), "J" (H-733) & "D" (H-722) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

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

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Generate Revenue by Raising Certain Taxes" (EMERGENCY) (H.P. 1326) (L.D. 1918)

Signed:

Senators: COLLINS of Aroostook
BOST of Penobscot
ESTY of Cumberland

Representatives: BUTLAND of Cumberland
CASHMAN of Old Town
TARDY of Palmyra
NADEAU of Saco
MURPHY of Berwick
DiPIETRO of South Portland
HEPBURN of Skowhegan
DUFFY of Bangor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-737) on same Bill.

Signed:

Representatives: MAHANY of Easton
DORE of Auburn

Report were read.

On motion of Representative Cashman of Old Town, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

(At Ease)

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1991, June 30, 1992 and June 30, 1993 (H.P. 653) (L.D. 927) (H. "A" H-718, H. "C" H-721, H. "D" H-722, H. "F" H-726, H. "H" H-729, H. "I" H-731, and H. "J" H-733 to C. "A" H-716)

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

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I request the yeas and nays.

Before this bill is enacted, I would request that the Chairman of the Committee explain the process that happened after the vote the last time in terms of the effect of the amendment that went on.

The SPEAKER: Representative Whitcomb of Waldo has posed a question through the Chair to the Chairman of Appropriations Committee who may respond if she so desires.

The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: If you are referring to the amendment that I put on this evening, it is an amendment to remove the emergency which means that the bill won't take effect for 90 days after we adjourn. In the meantime, state employees can continue to work, as I understand, only they won't be able to get paid for it.

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

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

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This amendment to which the Representative from Waldo just directed to the attention of the Chairperson of the Appropriations Committee has been on our desk for better than 24 hours now. I have heard it described at various times and in various ways as a joke. In many ways, unfortunately, I think it is a kind of cruel and unfortunate joke.

I understand that it is now incorporated into the language of the budget and I am disappointed to note that the fiscal note on that amendment reads, "The exact impact to the General Fund cannot be determined at this time." So, we have adopted an amendment to the budget that we seek to enact and which I hope will not be enacted. Our Office of Fiscal and Policy Review can't tell the impact of it and I gather cannot come to grips with what it does or does not do in terms of our responsibilities.

When I came to the legislature this afternoon, we discussed Section 16 of Article 4, Part 3 - Legislative Powers. Section 16 reads in part as follows, "No Act or Joint Resolution of the Legislature, except such Orders or Resolutions as pertained solely to facilitating the performance of the business of the Legislature, of either branch or of any commission or office thereof; or appropriate money therefore or for the payment of salaries fixed by law, shall take effect until 90 days after the recess of the session of the Legislature in which it is passed...." I gather that is the matter to which Representative Chonko just recently alluded to. As you will note, if you read House Amendment "B" it says that under Part WW - retroactivity, this Act is retroactive to July 1, 1991.

We have a constitution which purports to suggest that we should do things with an eye on the 90 period between the adoption of any Act and its effective date. If we were to have the kind of power that this amendment suggests and which we now purport to adopt would give us, we would have a situation in which we would be able, by passing a law of this sort which we apparently intend to do this evening which will in effect nullify Section 16 or leave it in such a hazy state that no one could possibly understand what it is that we intend to do.

I seriously question our commitment to good government. I think I am as frustrated as most of us are here that the process continues to allude us, that process which is supposed to see us accomplish something which represents the will of the people about which we always speak and which all of us seek but never seem to be able to come to grips with as far as generating legislation.

I think it comes as a surprise to me that we would do this. We have known for months of the kinds of possibilities that confronted us as we approached this day, as we approach the last minutes of the last day and yet we have not yet really faced up to the fact that there are a number of compelling problems which confront Maine citizens that we are charged with the responsibility to address. I don't mean to chastise anybody, I am attempting to address it by the votes which I have cast here and the things that I have done in furtherance of that responsibility. Yet, that has proven fruitless as I think will the efforts of the majority since I assume that it is possible that the majority will yield to the persuasions which have been suggested and pass this bill. I have only been here for two terms before

this one, so I don't purport to be as knowledgeable as many members who have been here longer. I can't find anybody who has been through anything quite like this. I have never, to my knowledge, known of anybody who has seen a budget as divided as this one. What we did was simply have it with another amendment saying that anything that was supposed to apply to next year doesn't apply in this budget and we took it out.

You will remember what Representative MacBride said when she said that we didn't do this with an eye on one year, we did it with an eye on trying to balance out certain things in part of one year and part of another and that there is an intricate interrelationship which we now choose to ignore.

The problems that good citizenship require make us focus upon the underlying rules that we now seek or that the majority party now seeks to circumvent. As I said some time ago here on the floor of the House that those who made this arrangement in which we function did it with some skill and some forethought, knowing that there would be times when one or more of the bodies or one or more of the branches would be inclined to be precipitous in actions, that is that we would be (as a House) inclined as a result of certain things that happen in the course of our living here in Maine that would make us want to respond immediately. As a result of that, we would do certain things. So, they created certain rules which hitherto we followed fairly well. Tonight we abandon that course perhaps if the majority party pursues its goal of having a piecemeal approach to fiscal responsibility which is the most charitable thing that one could say about this bill.

I can't believe that this body does not respect both the Constitution and the rules which say that there are times when two-thirds represents the majority, that a half plus one is not enough for us to act, that we must reason together to have a broader group of our membership vote in favor of a proposition in order for it become law. I think that all of us, if we had been asked at any time as to whether or not we would have countenanced this type of procedure, would have rejected it nearly summarily and nearly out of hand and would have suggested that an amendment of this sort was really intended as sort of a joke. Now that joke is a reality, it is already in this bill. It came in very, very quickly, just after the last vote. It wasn't debated before it went on and it was my hope that that was because in the Senate, again tonight, as they did so well earlier today, they would deliberate when the need for a budget that met those kinds of restrictions which we impose upon ourselves in this branch usually as well, but that didn't occur. Instead they sent the matter back to us with a speed that suggested that we are on a collision course with what I consider to be disaster. At least we are on a collision course with bad government.

I cannot believe that anyone who reads that constitutional provision, Section 16, (which appears of Page 16 of the 1991 Senate and House Register) where the Constitution is put in the front part of the book, I think to remind us of how important that document is to our need to reflect upon the society which we attempt to govern. There was a solemn compact which gave power to the legislature to deal with issues in a certain way. I think we are breaking faith this evening. I think we are breaking faith with tradition and with a process that has

served Maine well.

I am aware that in years gone by there must have been annual budgets because obviously we had governors that were only elected for a year, but we moved away from all of those things years and years ago. The Constitution has endured with the wistful hopes of Maine citizens incorporated in it that we would act responsibly.

I find it embarrassing to tell people that I come to this place after having only two or three hours of sleep to meet with my tired colleagues, and I know all of you are weary from one of the battles that we fought here or just the ordinary battles of life and that, for some reason, we try and do things in the dark of the night when either we are weary or we feel as if we have been here long enough so that something will materialize and somehow we will go home tired and weary and just forget about it all. Maybe that is the way in which this process is designed to work. It seems to me to be a poor way. It seems to me that we, again, are moving to a different kind of level of self-governance. It is one of those positions that makes you wonder if a democratic society can really long endure.

I am disappointed this evening, disappointed because I think we have all failed and I don't blame anybody here anymore than I blame myself. I am simply sorry for the fact that the process, in addition to representing our own personal failures, is likely to now be visited upon the people of Maine, who, instead of having a course of action given to them by a legislature responsible for a two year period for the fiscal affairs of the state, instead is going to be subject to question and probably litigation. It will be subject to confusion in the end and I suppose that the powers in the legislature will try to blame the Chief Executive. The people will become upset, they will be justified in that upset since we have let them down. Somehow we will manage to try and cover all that up. We will say clever things because we politicians are good at talking but in the final analysis, we will have failed.

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

(After Midnight - 12:03 a.m.)

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

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.
 Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First, I must admit to you that I am somewhat disturbed by the reference made by the Representative from Belfast, Representative Marsano, that what we are doing is a joke. I am disturbed because anyone who goes by the Minority Office of the House tonight sees people joking and laughing at this very moment. This is not anything to be joking about.

Yes, the process has failed and I suppose that we can spend a lot of time discussing why and I am going to spend a little time doing that. I feel that there are many people in this body who have tried very hard to make the process work. It is disturbing because, in addition to all of that, comes the news of Loring tonight, which has the greatest impact on those of us who live in Aroostook and in particular Representative Pines of Limestone and her people. I find it unfortunate that we are at this stage but I think it is important that we remember and not repeat the mistakes of what has happened in the last month. If nothing else is accomplished by that little history, maybe all of us will be the better for it and certainly the people of Maine will benefit.

A couple of days ago, I tried to put in my own mind why. Why were we heading on this collision course? I finally figured it out. About two weeks ago, the Labor Committee, Banking and Insurance Committee and the Appropriations Committee were all working well together, moving towards consensus and compromise and then Banking and Insurance and Labor started to move apart. I couldn't quite put my finger on it but I think I finally figured out what it was. All of a sudden, there are those who, as you know, want to gut Workers' Comp, who want to leave Maine workers uninsured and unprotected for their own financial reward and they saw an opportunity and yes they grabbed it. As a result of pressure put upon the Chief Executive of this state, the message came back, "No Comp, no budget." All of a sudden, those involved in Workers' Comp who were compromising towards a consensus said, "We've got the cards, we now have the ability to get what we want and to destroy Workers' Compensation for the injured workers of Maine." Luckily, the Appropriations Committee was above the fray, they continued to work and compromise and I saw it happen. It didn't become an issue with Appropriations until Friday when it was raised as a possibility. Since that time, it became clear that by marrying all of the issues, by doing this and creating a collision course, the hope was that the legislature would cave to the interests who wanted to destroy the protection for the working men and women in this state.

There are some of you left in this body as I am from the last reform when promises were made and promises were broken. I remember one very close to me when I agreed, when I gave in to the so-called Statewide Search. I will never forget it because I

am the one, along with a couple of Representatives in Aroostook County, Washington County, northern Franklin, and Oxford etcetera who were most affected. They said that we were going to benefit greatly by the rates if you do away with local restrictions on searching for a new job. So reluctantly we gave in.

Four years later we find that that tremendous group, NCCI and its members, refused to give any credit for Statewide Search. So, when the Labor Committee and Banking and Insurance put it back in, lo and behold, an individual in this government of the Executive Branch said that that would cost 12 points. Men and women of the House, those of us who live in Washington, Aroostook, etcetera, in the last three years have seen our people suffer as a result of the so-called Statewide Search. It may not mean much to some of you who have not been involved with Workers' Compensation but those of us who have know the difference. My point in making that was, now we are back in that stage and then came the opportunity for stuffing that down our throats one more time. The funny part is it isn't me that they are stuffing it to but it is the men and women in this state who work. Remember, employers don't make money (and I am an employer) unless employees work so we need to keep in mind who in fact makes money for whom. We ought never to forget that.

That having been said, my theory, right or wrong and perhaps never to be proven and of course denied, is for you to think about why. But we are here and tonight we tried to pass a budget with a two-thirds vote, that failed by a very few votes so now what do we do? Quite frankly, there is nothing that we can do. It matters not what budget we put on the Governor's desk because he has told the Senate President and I that unless we put a Workers' Compensation package on his desk that cuts the Workers' Compensation by 35 percent, he will veto whatever gets to his desk and that he and the administration will decide what percentage of savings is given to each item within the Workers' Compensation package. He and his staff — more specifically, the Bureau of Insurance and that staff — more specifically, the Superintendent of Insurance and his actuary. Well, I don't know if you know what 35 percent means because you can take every administrative savings in the world, you take every person who is receiving Workers' Compensation and never received Comp in the past that might have done so and was not justified or forever in the future not justified — once you have done all those things, then the only way you can save is by removing people who are legitimately hurt on the job and not paying for them. To me, that is unconscionable and unacceptable in our society. Employees who work for a living, who manufacture the jobs and the money for the employer deserve to be protected. That is the least they can do for the profit that they generate, for all employers and in this world.

We can talk about jobs leaving this state and this country but I can guarantee you that we will never compete with Taiwan, Spain, Puerto Rico, or Cuba. As long as our policy in Washington is to grant openness, the jobs will move. Those of you from the southern Maine area know what happened to the textile industry as it moved South because that was a Right-to-Work state, low benefits, low salary, no unemployment compensation, no nothing. As conditions changed there, look at what has happened

in the last 15 years to those industries that moved from Biddeford, Saco and Sanford. They are now in Puerto Rico, Latin America and Central America. So, if you think you can play that game and you can keep those people and those individuals who have corporations across this world by keeping them happy, by giving them what they want, please remember they will go wherever it is cheapest for them to make a profit. I understand that, I understand the profit motive, I understand it well but we ought not to forget.

The result of this marrying process has led us here tonight and we can say whoever it is is to blame but let me tell you this, the sooner that all of us in this system learn a little bit of history about ourselves and our system of government — what is happening in this legislature tonight and happening in the Connecticut Legislature tonight will continue to occur.

There are three branches of government and all of them supposedly under our forefathers direction, separate and distinct. Our role is to do what we believe is right, despite what the Chief Executive says or wants. I repeat, to do what we think is right.

The Representative from Belfast quoted the Constitution — may I remind you all and point your attention to the provision of the Constitution of this state, on Page 30 of your House and Senate Registers, Article IX - General Provisions - Section 1, which is the oath which you took when you became a member of this body, to uphold and defend the Constitution and laws of this state and I feel tonight that some have not thought about that. A one-year budget, a two-year budget, a fake budget, a real budget — let me tell you, I became convinced that the Chief Executive didn't want a budget because the crisis had to be manufactured in order to send this message that "I am going lead." That is unfortunate. This legislature could have chosen to stop that. We apparently will not. To refer to what have we have is a joke is unfortunate and I would say to you that that is the only way in which we saw, those of us on the Majority, a way to get a budget to the Chief Executive because of the way our Constitution is drafted.

Let me remind you that Maine's Constitution is different than many across this country. We are one of those states that requires a two-thirds vote to enact a piece of legislation on an emergency basis. Most states enact legislation by a much different figure and put the effective date of the Act right into the law as does Congress of the United States. It is in a document that was drafted by the citizens of this state in 1820, prior to what is now occurring. As we move along tonight and what has happened in Congress in the last few years, we have to ask ourselves whether our system of government is not created to provide stalemates when one party ends up in one situation and not in the other. I would ask you then to consider the parliamentary system where this kind of action here tonight would not occur. If a budget were not passed, the Majority Party would fail and elections would be called and the voters would decide. Some mention was made about this having never occurred before in this state, it has, unfortunately, but it has.

The one thing I said to the Governor early last evening or the evening before, the day before, there is no need to create this crisis. This is a

manufactured crisis — to prove what, I am not yet sure. It will eventually come out as to why. We may not be here when it does, a new governor may be in place and a new legislature will be sitting here but someday history will reflect why. What I know of it tonight is only an assumption and a guess but I do know this, that the only losers tonight are the people of Maine and I and members of my party do share in that responsibility, yes, but we can't do it alone.

As we move on, (and move on we must) I would ask the members of the minority — I served in the minority and most of you in my party have not — and quite frankly, there does come a time when you have to rise above that party label, some of you have, some of you have tried and have been told where to go. I understand that too. I wish that members of my party were quite as disciplined as some of the minority party members are.

I feel that I have failed to some degree but when I go to bed, (whenever this morning) I know that I will have done everything that I possibly can because I offered the Governor a budget, trying to say we have worked together for a two-year budget and we would pass it, put it on his desk if that is what he wanted and he could hold it. That would give us a few days extra to work on the issues. I suggested a one week budget. I suggested a two week budget. I suggested a one month budget. I suggested a three month budget. I suggested a six month budget, all to no avail, because all through this process and until about noon today, "35 percent or else - don't bother send me any budget because I will not sign it."

You know the last time I looked, you don't need a Workers' Compensation budget to run the state on July 1, 1991, but we need a state budget, so tomorrow (or now what is today because we are beyond twelve o'clock and it is now 12:10, it is now July 1, 1991, and we are without a budget in this state.

I need also to add one other thing to make it clear because I never got an opportunity before, some have asked why is it that the amendment that was offered by Representative Foss from Yarmouth a problem? I was one of the three people on the phone with Standard & Poor and a deferment is a deferment. They made it very clear that this is it for deferments, no more. I talked to them last night about 10:30, one of the individuals was in New Jersey and very concerned, he gave me no final opinion because he was one and not the board of three but he said he would be talking with me tomorrow.

I asked him about the one year budget — not a problem because it is funded.

I might add another correction, I can't remember who in the minority party, but at least one, Representative Donnelly referred to \$150 million worth of taxes in this budget. Let me point out that the tax package in this budget is exactly what came out of the Taxation Committee at \$277 million for the biennium. I don't know who generated this \$150 million, that must be another manufactured figure from the Minority Office or from the publicist for the Governor.

My gosh, facts have been hard to get and tough to hold to. Some of you are going to go home and try to blame the Democrats. There is plenty of blame for you to take home with you.

We are not done here and today you have a choice to make whether or not to extend this legislature by another five days or to vote against it. If you

choose to vote against it, you know that you will be increasing the cost of government because we have not done our job. If we don't extend, we have to adjourn sine die, the Governor will call us back to finish our work and by all rights he should and he ought to help us. That is your choice, not mine.

I will be voting to extend but I can't do it alone. So, as we leave here this morning, the only way in my opinion and the opinion of most, we have got to separate the issues, we have got to deal with them appropriately and we have to deal with them so that we understand. I might point out that we also need to deal with trust and honesty among ourselves and it has to be provided from the Chief Executive of this state and everyone in the department. Otherwise, this process will fail and is destined to fail.

I feel sorry for the people of Maine and I am not sure what it is going to take but speaking as one legislator, I am willing to compromise on Workers' Compensation. I have already agreed to what is in the majority bill which was enacted and placed on the Governor's desk which provides savings. There is room for more savings but I will not be blackmailed as an individual. I will not be threatened. I will not be told what has to be done in the Workers' Compensation package in order to provide a budget for the people of Maine. That is purely irresponsible and I ask every member of this House as they leave this evening to keep my words in mind and to think what impact this will have and to do what is right, not worry about the second floor, and then I think we will all be better off.

Thank you very much for listening.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: It is my intention to stay here in this building — I have been here now for almost 48 straight hours, operating on one and a half hours sleep. My constituents elected me to come here and to represent them. I will stay here with all of you, with all of you, to the last moment to work together to try to get a compromise.

I must rise tonight to respond to the remarks made by my friend and colleague from Belfast, Representative Marsano, who suggested that my party was engaging in some sort of cruel joke. That is not true, oh, that is not true. I have never been so proud of the men and women who serve in the Democratic Caucus as I am tonight, never. I have been with the Democrats on the Appropriations Committee for weeks watching them labor to bring a budget. All the major concessions, all the major efforts to bring a budget about came from my caucus. They brought it to the table, they bargained in good faith and they, they, provided the unanimous report through their efforts.

The committee on which I used to serve, the Taxation Committee, labored long and hard. They worked together, they built a consensus and compromise and came out with a unanimous tax package which became part of this budget. I am equally proud of them as well.

I will not be baited by any member of this legislature. I will not be made to let my emotions get away with me on the floor of this House. I will not allow, as a member of the other body would say, "the tyranny of the minority" to make me come unglued because I am going to stay here as long as it takes

to get the job done because that is what my constituents elected me to do.

The men and women who work in that institution in my hometown that you all know about are going to work tomorrow. I have talked to many of them and I am equally proud of them. They are going to be at their post taking care of and running that institution that incarcerates the most dangerous felons in this state. They are going to do so without the paycheck that they should be getting tomorrow but they are going to do it because it is their duty. I am going to be here because it is mine.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It strikes me that this is a very difficult, emotional, exhausting time for every member of this body. We have all labored for hours, for weeks and have brought ourselves to the point of mutual disappointment.

I don't think that I will attempt to explain in as much detail my own personal feelings, I have an opportunity several times tonight to speak on several different issues. Instead, I will attempt to explain a little bit of the view from the minority point of view on a couple of issues as I am not sure it has been represented entirely to all of you. It is not easy dealing with these issues, it is not easy dealing as members of the Appropriations Committee on a nine/four advantage, dealing with a great deal of pressure. Unlike the members of the Majority Party, literally the members of the Minority on the Appropriations Committee feel that none of them can be away. If they are, they are afraid an issue will be missed. We feel that we have worked beside the members of the Majority all through the last six or seven months to strike compromises on many issues.

We expressed early on (months ago) our opinion that, aside from budgetary matters, the issue of Workers' Compensation was a paramount issue that had to have a resolution this session.

I do not agree with the opinion expressed earlier that this was an issue that came into play only two weeks ago. In fact, I have to tell you that my first responsibility in being elected to this position was one Saturday when I met with the Representative from Belfast in his office where we talked about the people that we would submit names to the Speaker to work on the subject of Workers' Compensation. Frankly, that was in our mind the most difficult choice in our caucus to put together the team that we felt would represent the widest spectrum of opinion and the greatest contribution of talent on the subject (back in December) that all of us knew we would have to bring to a resolution.

I have to tell the members of the Majority Party because I think it is important at this point in time that we share anecdotes. The members of our caucus were very distrustful of the "lawyers" that we assigned to the Workers' Compensation issue. I will repeat a phrase that I heard just a few weeks ago from one member of our caucus who said, "We are afraid that the lawyers that we (the Republicans) put on the Workers' Comp system would be there to only protect their own interests." I think members from both parties will agree that that has not been the case, that our individuals, whether they are from the legal profession or other professions who have worked on the subject of Workers' Compensation, have tried to understand the issue, have presented ideas and

opinions to both parties and have sought to bring it to a resolution.

There was a suggestion earlier this morning that somehow there was a time when there was an order given to break the discussion apart. That has never been the case. We have worked, we have waited, we even waited all day this past day for individuals from the Majority Party to decide who they would like to work with the Republicans on new ideas and new solutions. This is not a subject matter that is easy for this Representative to understand or for any other Representative to understand. We felt that it was critical that we continue to work on that issue and we have lost, again, another day. We know that issue has been divisive in the Majority Party, we have varying opinions in the Minority Party. There is not another issue that Republican members came to leadership talking more about. The orders did not come from above, the orders came from our caucus, came from the many, many meetings we have had over months that we should not bring this legislative session to a close without very significant changes in the Workers' Compensation system. We set a number because we knew, without going home with anything less, that it would continue the destruction that is occurring in the job market in Maine. We will work with anyone willing to work on a reasonable compromise.

I also want to clear up a couple of other opinions that I heard from members of the Majority Party, one that there was suggestion that the Governor left a gaping hole when he retreated on the idea of video gambling. I have to tell you that he did that at the insistence of many Republicans. Many of us went to him expressing concerns about where that new enterprise would lead in this state. Frankly, it was not very long ago that he said, all right, we are having difficulty reaching decision of that issue from my perspective and we should wait until another year. But, as was not apparently suggested to all of you, we did offer an alternative, alternative ideas for funding that have been discussed very openly in the Appropriations process previously. It was not with that issue or frankly other issues before Appropriations our intent to break the process down. It is important in this day when one of the major employers of this state has now been slated to be removed that we do stay committed to resolutions. If there is a motion to extend, this Representative will certainly vote in support of that. Other members of my party will certainly make up their own minds. We have much work left to do, we all should feel the pressure of the people of Maine, the eyes of the people of Maine watching us as this night goes on and as other days go on. I hope that we can continue to work together.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: It is with surprise to myself that I rise a second time this evening for I saw nothing that I felt needed more to be said but after listening to our Speaker, the good Representative from Eagle Lake, I wanted to comment on some of the matters which he brought to our attention.

I, too, agree with him that the people of Maine are the losers because of our failure, the failure of this legislative branch. Apparently, it is a different voice that speaks in Eagle Lake than speaks in Fryeburg, Maine, for in Fryeburg, Maine, when I

ran and talked with people and continue to meet in coffee shops as a single person on a morning basis and talk with people who are going to the mill, going out to read meters, going to farm, going to carpenter and these people tell me that their Workers' Compensation is killing them. It is driving them out of business.

I was told, "Don't raise taxes." You don't need to do that, you have a budget which has grown nearly 500 percent in 5 years and yet you can't find the saving to balance your budget within the money that we give you. So, taxes are the division that drives us here tonight, taxes, not the budget. But, because the ball of wax is tied with money and taxes, that is what drives us here tonight. It divides us all. When I came here, I could understand, in my own mind, and I made a conscious choice to look at taxes because the division was so great between the deficit as I saw it growing and the income that Mainers did pay in their incumbent state. Their money coming out of their pockets was less and less because their income was going down and down. Thus, the state rose and then fell on the empty pockets of the workers of Maine, the people who bleed to pay taxes to Maine.

Workers' Compensation reciprocates that process. Workers' Compensation is a great concept to help business and injured workers. It is a no-fault system, it is a system that was devised when we had labor rooms and sweatshops and businesses didn't give a whack about the worker. Even though, and I heard the good Representative allude to labor driving this economy — labor does not, people — eastern Europe proves that labor does not drive the economy, it is capital that drives the economy. You may not like it, you may hate it, but eastern Europe has proven that labor cannot drive an economy, capital drives it. We live and gain and succeed through gathering capital. It is a philosophical argument, people hate it because they can talk about people, they can touch people, they can hug them, but they can't hug a dollar bill. Eastern Europe has told us, after 50 and 60 years, that that system doesn't work. Karl Marx as a philosopher was a complete failure so don't talk to me, don't try to convince me that that is what drives this state. So, Workers' Comp is a way to drive capital into our system and can it be done without injuring further or in any way that legitimate worker who has an honest to goodness injury that occurs within the scope of his work, can it be done? People, I have looked at this system for six months, I came here not knowing anything much about Workers' Compensation, never did it, my line of work is law but you have to remember the law has many specialties, mine certainly was not Workers' Compensation. I think I could leave this House and go home and become a very successful Workers' Compensation lawyer now. I have learned the system and, believe me, it is pervaded by excesses.

What we are trying to do in the committees that have worked on this is simply to make the system work fairly, honestly and to take care of the injured who are, if you will, hurt in the scope of their work. It is not to take care of all societal problems and that's what has occurred in Maine. Societal injuries and hurt has been lumped under the Workers' Compensation system so the doors were wide open, people have benefited from the system and the costs have been driven up. I don't care what you hear for number, I will only tell you that they are very, very great and, believe me, totally out of whack with

other states, so we are affected directly.

It is wrong to say that the committees who worked on this matter for this body didn't work hard, it is wrong to say that the people who sat on those committees, both Banking and Insurance and Labor, did not give their best. It is lastly wrong to say that the people who made the decisions acted totally with the intent of coming to closure. Yet I will tell you that as I have walked the halls this last two weeks, as I have watched and felt the pressure of representatives of employees, representatives of employers, I have most felt the pressure of those who suckle from the system, those who bleed the system — they are the pressure people that run this system, they have run this whole debate for the last three and four days. They have followed me around this Capitol today, followed me, perhaps I should take the surveillance project of an item that is in the Majority package and have it adopted and then I could say, "Get off my back, I know what the injured worker feels like." They have followed me, literally, around this Capitol today.

These people who suckle, who greed at the trough of this system, it is a money maker, millions of dollars transpire and transfer out there. These people drive us today and if those on the other side of the aisle and this side of the aisle don't disengage those people, don't walk away from them, then we will be here for a good long time this summer. It is time for all of us to look at the system that has failed and to make it work. There are major philosophies that divide us but believe me, the biggest division between us isn't caused by our lack of compassion of employees or employers, it is a division wedged there hard and heartless by those who live off the system, the providers to the system, the people who make millions from the system.

I urge all of us to look at who we are talking to and say to ourselves, is this person talking for the people of the State of Maine or are they talking for what is in their rear pockets? If you think the latter is the case, I urge you to not listen to that person, I urge you to walk away, go out on the porch and feel the breeze, check the greenery, taste the coolness of the air and reflect on why you are a human being and what you are here to do. Then perhaps refreshed, your mind can open to what it is we have to do for the good of Maine.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The only reference that I had on Workers' Compensation was the marrying it of the budget issue but I must make it clear that members of my party feel very strongly about taking care of the abuses.

The Representative from Fryeburg referred to the budget and I am not sure how many really know what is in the budget. If you want to cut the cost of this budget, it is the simplest thing in the world. We don't need a meat axe, all you need is a desire to remove the funding in the portion of the budget that goes back to your hometowns. That is all you need to do, a simple amendment would solve it all. In the last ten years, what we have done here in Augusta is transfer the burden from the local to the state. Yes, we have put in some mandates, I don't deny that at all, but are you aware that close to 50 percent of this budget is merely a pass-through, that all it is that we collect the money and ship it out? Think

about that — whether it be Education, General Purpose Aid, General Assistance, revenue sharing, teacher retirement, paying the employers share for every teacher in this state, rich town, poor town? Twenty percent, I might point out, of the teachers salary is paid by the state for retirement, that is the employers share. We pick it up for Yarmouth, Cape Elizabeth, Falmouth as well as the poorest communities in this state. I am not saying that that is wrong but we ought not to forget why the budget is the way it is. It is not money that stays in the bureaucracy.

When we talk about the budget and we talk about the increases, it is the result of what all of us have done by increasing General Purpose Aid, by doing all those things of wanting to return money. By the way, all of these are supported, I am not attacking, that is not my point but we ought to keep that in mind.

I need to correct one point in order to make it clear to the Representative from Fryeburg, I didn't say that capital didn't drive the economy but what generates the monies for the employer after the capital is in place is the employee who provides the work. We ought never to forget that.

Finally and I hopefully I won't arise again on this issue, I will simply say that, yes, I do know the cost of Workers' Compensation and so does my family. I have paid it and my family has paid it. I might point out that the rates at the present time exceed \$50 for every \$100 of salary. Think about that for a moment. The budget is an issue and so I hope that we keep that in mind and I hope the Representative from Yarmouth, Representative Foss, will rise and give back the money to the state that Yarmouth gets from the 20 percent for all her teachers in her community.

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

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

The Representative from Fryeburg spoke eloquently and with great concern about the blue collar workers in the coffee shops, the farmers and the folks who were very concerned about tax dollars. I have before me Roll Call #186 "An Act to Abolish the Division of Community Services and the Department of Economic and Community Development." This is a bill that would save nearly \$2 million in the biennium and the Representative from Fryeburg voted against that bill. I would wonder if he would please explain to this body why that is not cutting government, why that is not savings, why that is not creating a government that this state can afford and why he is in opposition to this bill?

The SPEAKER PRO TEM: The Representative from Wiscasset, Representative Kilkelly, has posed a question through the Chair to the Representative from Fryeburg, Representative Hastings, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would not draw myself from the chair except for the good lady from Wiscasset.

I did not vote for that bill because, as I recall its substance, that was an issue of reorganization. For about two days I served on a reorganization commission because of the political actions of our

leaders. I know and found out in those two days that reorganization of this government is no small item. It is like Workers' Compensation, it takes many, many months of understanding and study to reorganize this place that has grown as an ameba, believe me like an ameba, so I would vote against that even again but I would strongly urge a bipartisan committee to do the work of looking how best to make government more efficient and smaller. It can be done, it is done all the time in many ways. Government is different than business but nonetheless it can be made efficient. So, I would us all to support and pray for the success of those who labor to reform this government.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I have sat very patiently listening to all of the stories, rhetoric and garbage that I want to listen to. It is now ten minutes to one July 1st and many people are home sitting and waiting and worrying if they are going to have a job, if they are going to get their paychecks, if they are going to get their welfare checks and where the State of Maine is going. We sit here very tired, very complacent and we discuss the budget over and over and over again. We vote on it and we go nowhere.

You know, if this Governor wants to shut down the government because of a Workers' Compensation demand, it is just fine with me. I read an editorial back in December, 1990 where the Governor was asked if we have a shortfall of a \$100 million dollars, what would you do? The Governor responded, "If we have a \$100 million dollar shortfall, I will have no credibility, zero, but that doesn't bother me because that is not going to be the case." We know the truth about that.

This would be history making the government shut down, to put Workers' Compensation into the budget is wrong. My good friend who sits besides me from Banking and Insurance who has worked very hard as every member of that committee did, who had every opportunity to make changes, to put his input into it as every single member of that committee did and if now that member of that committee has those problems, why didn't you do it then? We are at the wrong hour now.

This is the hill that we must climb and I know the committee did that right to the top. How that changed, a few rocks have started rolling down the hill and this body must stop the landslide. The Banking and Insurance Committee took a straw poll and it was unanimous and now that has changed. We have heard that we haven't done enough for Workers' Compensation. I still think this is a giant step for Workers' Compensation. I have sat through many years in this legislature and I have never seen any other session like this or a year like this. I hope that we never have to face it again.

I will vote for a one-year budget, I will vote for a two-year budget (I prefer a two-year budget) and I know that the Appropriations Committee came out with a unanimous report for their budget. How that changed! If we do nothing, what will happen to the economy, jobs and the people of the State of Maine?

I heard the good Speaker talk tonight, he said a lot of things that have been on all of our minds and things that I wanted to say tonight that I am not going to repeat because you have heard it all and the hour is late.

The Governor says that he will block the new budget. Fine, veto it. He says that the Democrats failed to meet "his" demands for cutting employers' cost of Workers' Compensation. That is wrong.

I think I have said that this is one of the most important issues facing us this year and if the Governor wants the economy and the state to fail and the people who are the most needy, families with dependent children, welfare recipients and our state employees, i.e., child care providers who should not miss a day of work because of the extreme need to children and many people like that. I think that his thinking has become a political gain and that is wrong, friends. Everyone in this state are paying in more ways than one. As I said before, let him veto Workers' Compensation and the budget and then let the people decide.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, I would like to pose a question through the Chair, please — to the Chair of the Appropriations Committee or someone else on the committee.

Did I understand the Representative correctly to say that the budget bill before us would allow state employees to work for 90 days but they would not get paid until after October 1st? In other words, that they would work for free for 90 days?

The SPEAKER PRO TEM: The Representative from Wayne, Representative Ault, has posed a question through the Chair to the Chair of the Appropriations Committee or any member of that committee who may respond if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I believe the answer to that question is yes, the retroactivity clause would then allow them to be paid retroactively after the effective date of this Act.

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

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

As I understand it, if this bill goes into effect 90 days from now, part of that budget includes taxes. If the taxes are not enacted for 90 days, it seems to me that we may have people sitting or coming to work but how do you pay the bills? If you don't generate those taxes immediately, does that not then create a gap or a hole in the budget that will continue all the way down the line? In other words, we will have a budget that will be behind 90 days to the end. Is my understanding of that correct?

The SPEAKER PRO TEM: The Representative from Hampden, Representative Richards, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: We enact retroactive tax provisions here in this legislature almost on a yearly basis and the same would apply, as the previous Speaker said. This bill would become effective sometime in October, presumably we return right away, and it would be retroactive back to July 1st.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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

To Representative Mayo — how does one on October 1st collect the sales tax that was to go into effect on August 1st?

The SPEAKER: The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the Representative from Thomaston, Representative Mayo who may respond if he so desires.

The Chair recognizes that Representative.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: The same way that one collects an income tax, which in this bill should we had an emergency clause on it, would have been retroactive to January 1st.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted.

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

Representative LIPMAN: Mr. Speaker, I request permission to pair my vote with the Representative from Lewiston, Representative Handy. If he were present and voting, he would be voting yea; I would be nay.

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. 210

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

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

ABSENT - Hichens, Morrison, Nadeau, Poulin, Reed,

W..

PAIRED - Handy, Lipman.
Yes, 92; No, 52; Absent, 5; Paired, 2;
Excused, 0.

92 having voted in the affirmative and 52 in the negative with 5 being absent and 2 paired, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (S.P. 446) (L.D. 1190) (S. "A" S-358) which was passed to be enacted in the House on June 19, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-358) and "B" (S-413) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

(Reconsidered)

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 654) (L.D. 928) (H. "B" H-724 to C. "A" H-715)

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

On motion of Representative Chonko of Topsham, the House reconsidered its action whereby L.D. 928 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-715) as amended by House Amendment "B" (H-724) thereto was adopted.

The same Representative offered House Amendment "A" (H-723) to Committee Amendment "A" (H-715) and moved its adoption.

House Amendment "A" (H-723) to Committee Amendment "A" (H-715) was read by the Clerk and adopted.

Committee Amendment "A" (H-715) as amended by House Amendments "A" (H-723) and "B" (H-724) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-715) as amended by House Amendments "A" (H-723) and "B" (H-724) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 652) (L.D. 926) on which the Minority "Ought to Pass" as amended by Committee Amendment "C" (H-736) Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "C" (H-736) in the House on June 30, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "B" (H-735) Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-735) in non-concurrence.

Representative Macomber of South Portland moved that the House recede and concur and further requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Macomber of South Portland that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 211

YEA - Anderson, Anthony, Bailey, H.; Bailey, R.; Bell, Boutillier, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Coles, Constantine,

Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Libby, Luther, MacBride, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Nutting, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Small, Stevens, A.; Swazey, Tamaro, Tardy, Townsend, Tracy, Waterman, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Butland, Carleton, Clark, M.; Farnsworth, Foss, Garland, Goodridge, Greenlaw, Hanley, Heeschen, Hepburn, Ketover, Kilkelly, Lebowitz, Lipman, Look, Lord, Marsano, Marsh, Merrill, Mitchell, J.; Murphy, Nash, Norton, Oliver, Ott, Pines, Rand, Reed, G.; Richards, Richardson, Salisbury, Savage, Spear, Stevens, P.; Stevenson, Strout, Treat, Tupper, Vigue, Wentworth, Whitcomb.

ABSENT - Aliberti, Cashman, Handy, Hastings, Hichens, Morrison, Nadeau, Parent, Poulin, Reed, W..

Yes, 93; No, 48; Absent, 10; Paired, 0; Excused, 0.

93 having voted in the affirmative and 48 in the negative with 10 absent, the motion to recede and concur did prevail.

By unanimous consent, was ordered sent forthwith to engrossing.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent.

PASSED TO BE ENACTED

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 652) (L.D. 926) (C. "B" H-735)

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. 108 voted in favor of the same and 20 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent.

PASSED TO BE ENACTED

An Act to Make Supplemental Appropriations and

Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 654) (L.D. 928) (H. "A" H-723 and H. "B" H-724 to C. "A" H-715)

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

Representative Whitcomb of Waldo requested a roll call vote.

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

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

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

ROLL CALL NO. 212

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

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

ABSENT - Aliberti, Cashman, Handy, Hichens, Morrison, Nadeau, Parent, Poulin, Reed, W..

Yes, 90; No, 52; Absent, 9; Paired, 0; Excused, 0.

90 having voted in the affirmative and 52 in the negative with 9 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

UNASSIGNED TABLE

On motion of Representative Gwadosky of

Fairfield, the following was removed from the Tabled and Unassigned matter:.

Resolve, to Establish an Alternative Waste Reduction and Energy-producing Demonstration Project (H.P. 1293) (L.D. 1868) (Committee on Energy and Natural Resources suggested)

TABLED - May 16, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, I move the indefinite postponement of L.D. 1868.

Mr. Speaker, Men and Women of the House: I just wanted to be able to tell the many, many members of this House who have been following the Dover Stove issue so closely that this was to be the bill that was going to address the experimental license. I am very happy to report that, after having sat down with DEP and Mr. McArthur of Dover Stove, the license has been issued as of the 24th and experiment testing is now taking place.

Subsequently, L.D. 1868 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

On motion of Representative Mayo of Thomaston, the following was removed from the Tabled and Unassigned matters:

Resolve, Concerning Reauthorization of the \$16,000,000 Bond Issue for Construction of Correctional Facilities (H.P. 1201) (L.D. 1757) (C. "A" H-589)

TABLED - June 11, 1991 by Representative MAYO of Thomaston.

PENDING - Final Passage.

Subsequently, was finally passed, signed by the Speaker and sent to the Senate.

On motion of Representative Gwadosky of Fairfield, the following was removed from the Tabled and Unassigned matters:

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-649) - Minority (5) "Ought Not to Pass" - Committee on Education on Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program (EMERGENCY) (H.P. 1100) (L.D. 1599)

TABLED - June 11, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, L.D. 1599 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

On motion of Representative Gwadosky of Fairfield, the following was removed from the Tabled

and Unassigned matters:

June 30, 1991

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-650) - Minority (6) "Ought Not to Pass" - Committee on Education on Bill "An Act to Repeal the Maine Educational Assessment Program" (EMERGENCY) (H.P. 1081) (L.D. 1575)
TABLED - June 11, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, L.D. 1575 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

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

On motion of Representative Martin of Eagle Lake, Recessed at 1:50 a.m. until 11:00 a.m..

The House was called to order by the Speaker. Prayer by the Honorable Elizabeth Mitchell of Vassalboro. Pledge of Allegiance.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (S.P. 446) (L.D. 1190) (S. "A" S-358; S. "B" S-413)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease 11:15 a.m. to 4:34 p.m.)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

COMMUNICATION

The following Communication:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA, MAINE 04333

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

Dear Clerk Pert:

Pleased be advised that pursuant to my authority under Senate Rule 36, I have appointed Senator Joseph C. Brannigan as Chair of the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Charles P. Pray
President of the Senate

Was read and ordered placed on file.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (EMERGENCY) (H.P. 652) (L.D. 926) (C. "B" H-735) which was passed to be enacted in the House on July 1, 1991.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Adhere.

The following item appearing on Supplement No. 31 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Resolve, to Establish an Alternative Waste Reduction and Energy-producing Demonstration Project (H.P. 1293) (L.D. 1868) which was indefinitely postponed in the House on July 1, 1991.

Came from the Senate referred to the Committee on Energy and Natural Resources in non-concurrence.

The House voted to Adhere.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 773)

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 115th Legislature shall be extended in accordance with the provisions of said section, to the call of the President of the Senate and the Speaker of the House.

Came from the Senate, read and passed.

Was read.

A two-thirds vote of members present being necessary, a total was taken. 107 voted in favor of the same and 2 against, subsequently, the Joint Order was passed in concurrence.

(Off Record Remarks)

Representative Foss of Yarmouth was granted unanimous consent to address the House.

Representative FOSS: Mr. Speaker, Men and Women of the House: Earlier on Supplement No. 19, it was announced that Senator Brannigan was appointed as Chair of the Appropriations Committee, I did want to wish him well in his new assignment.

Also, just to make a very brief comment for the Record about the shift in the leadership in the Committee. I did want to commend Senator Pearson, with whom I have worked for several years, for the kindness and the fairness and the honesty and hard work he has committed to that committee for all Maine citizens. He was a gentleman with whom I was very proud to work and I wish him well and I wish Senator Brannigan well.

(Off Record Remarks)

On motion of Representative Gould of Greenville,
Adjourned at 8:55 p.m. until 10:00 a.m., Tuesday,
July 2, 1991 pursuant to Joint Order (S.P. 773.)
