

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
68th Legislative Day
Tuesday, July 2, 1991

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

Prayer by Honorable James R. Handy of Lewiston.

The Journal of, Monday, July 1, 1991, was read and approved.

(At Ease)

The House was called to order by the Speaker.

SENATE PAPERS

Non-Concurrent Matter

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) on which the Bill and accompanying papers were recommitted to the Committee on State and Local Government in the House on June 29, 1991.

Came from the Senate with that body having insisted on its former action whereby the Majority "Ought to Pass" as amended report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-292) and Senate Amendment "A" (S-379) in non-concurrence.

Representative Gwadosky of Fairfield moved that L.D. 66 be tabled until later in today's session pending further consideration.

Representative Hanley of Paris requested a Division on the motion to table.

Representative Gwadosky of Fairfield 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 Gwadosky of Fairfield that L.D. 66 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 213

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

Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Macomber, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Nadeau, 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.; Strout, Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

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

ABSENT - Barth, Clark, M.; Dutremble, L.; Gurney, Hale, Kerr, Lipman, Mahany, Martin, H.; Mitchell, J.; Morrison, Norton, Poulin, Small, Tardy.

Yes, 89; No, 47; Absent, 15; Paired, 0; Excused, 0.

89 having voted in the affirmative and 47 in the negative with 15 absent, the motion to table until later in today's session did prevail.

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

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; S. "B" S-413) which was passed to be enacted in the House on July 1, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-413) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

July 1, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 653, L.D. 927, "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".

While I have been hopeful that this Legislature would be able to reach agreement on a responsible spending plan for the upcoming biennium that could be funded from available resources and a maximum increase of \$150 million per year in new taxes, I have been presented with a one-year budget that would not become effective for ninety days after your adjournment and that relies on a full complement of increased taxes with no authority to continue the operations of State Government. Given the lack of spending authority implicit in this budget and its unbalanced condition for the upcoming fiscal year — on both the revenue and spending sides of the state budget — I find it an incomprehensible response to our obligation to adopt a balanced budget.

Given the magnitude of taxes that would be raised under this proposal, and the implied delay in the effective date of such tax increases, I believe we have a shared responsibility to demonstrate a concern for the drain that such taxes would inevitably have on the Maine economy. Without passing a responsible package of workers' compensation reforms in order to offset the negative effect of tax increases, we lose our opportunity to stimulate and create new and expanded job opportunities within our business sector.

In view of the fact that the Legislature has yet to present to me a responsible workers' compensation reform proposal, I must reject this ill-conceived and unbalanced budget proposal as being both unworkable and indefensible. It is an entirely inadequate proposal for addressing the State's financial needs for the fiscal year which starts today. I believe this legislation is ill-advised and incomplete, and fails to balance the needs of State Government and the critical demand for reforms in our expensive and litigious workers' compensation system. I, therefore, respectfully request that you reject this legislation and sustain my veto.

Thank you for your consideration.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying 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, 1991, June 30, 1992 and June 30, 1993" (H.P. 653) (L.D. 927) (H. "A" H-718, H. "F" H-726, H. "C" H-721, H. "H" H-729, H. "D" H-722, H. "I" H-731 and H. "J" H-733 to C. "A" H-716).

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I am not overly surprised or shocked at all to be standing here before you this morning with a veto message in front of us on the budget. It does not come as a surprise to any of us.

The Appropriations Committee has worked since the middle of December on a number and a variety of budgets from the Governor. We have worked hard. We did quibble now and then. We voted in January, February and March, four or five times until we finally resolved an issue. We sat down in good faith to work hard towards a unanimous report and unanimous budget for the biennium. The Appropriations Committee, in fact, accomplished that only to find that after we voted on the budget, had closed the budget, had signed off on the budget, that the following day gaming was no longer going to be allowed, it was no longer acceptable and we could not do it. The video lottery that took about seven and a half hours to discuss back and forth on one day, we wanted \$30 million for that, finally it was agreed upon that we would finish the language the next day, we would book (at the insistence of the administration) \$32 million in the budget. The next day allegedly after seeing 20-20, a rerun of a show from six months ago about the problems in the state of Arizona and legislators in Arizona, gaming was no longer an issue that this administration would accept. Gaming for video lottery was not acceptable from the same administration that brought us Lotto*America only a year ago.

I sat there and shook my head and said, I cannot believe that this is now another issue. I began to wonder if we were in fact playing games and I continued to hope that we were not. Then purportedly from members around the halls, I heard that the Minority caucus was asked, "Do you have any problem not voting for a budget without Workers' Comp?" Again I had hoped that that was not true — apparently that may now be the answer.

I have always tried to maintain my composure and not get angry because the side of me that gets angry is not a pleasant sight.

Today when I walked into this building and I started up the stairs with my morning cup of coffee, hit the second floor and made the corner, I froze in my tracks and looked at what I thought was a very offensive sight when I saw a rope between the stairs and the entrance to the Governor's office. Ladies and gentlemen, "Maine, the way life should be" is not barring people from the Chief Executive's office or from knocking on his door. Those state employees that were here yesterday knocked on the door, walked into this chamber and they cornered each and every one of us, those same individuals that voted for us voted for the Governor as well. We had to face them, all they wanted was an answer.

As I stood on the stairs yesterday and I watched the knocking on the door, I harkened back to my favorite of all time shows, The Wizard of Oz, and all I could picture was the little guy with the mustache coming out screaming at the weary travelers from Emerald City, "The Wizard is not home, come back tomorrow." I thought over and over about the Wizard of Oz and I began to think that maybe we have come away from "Maine, the way life should be" to some other strange and foreign land where people look to one another for courage, where people look to one another for heart and where people look to one another for thoughtful processes and brains.

Apparently somewhere along the line, we have lost that feeling. We have lost that feeling of courage, of having a heart and sometimes I have wondered if we ever even began to start thinking.

It is incomprehensible to believe that this budget is being held up because of some linkage with some other item, some other agenda, some other purpose. I cannot believe that this government is being run by television shows and 20-20. If we are going to use television shows, I suggest that we may want to think of Sesame Street because at least we learn to add and subtract when we do that.

The budget that was sent downstairs, that is now before us in a veto message, is a balanced budget. It is a one-year budget, it does not have an emergency because we do not have 101 people who are willing to vote for a budget over the two year period of time. The budget that went downstairs addressed the needs of the State of Maine. It addressed the issues of taxes, a tax package on that budget which was less, less, than the Chief Executive gave us. The Taxation Committee worked hard and reduced that tax increase because we knew in this body and in the other body that the people of the State of Maine could not afford anymore — a government that we could afford.

Businesses in this state can function for a few more months, if necessary, without changes in that difficult system that they are working under. Businesses in this state cannot function if state government isn't there to allow them to register their vehicles, to apply for licenses, to do the inspections that are needed or to file their corporate papers with the Secretary of State's office. Without state government, business cannot operate — that is not what we are here for. We are here to promote economic development, the budget does that. We are here to preserve vital services for the state, the budget does that. We are here to promote the health, safety and welfare of the people of the State of Maine, the budget does that. To return that document to this body and to link it with anything else other than the budget itself is an absolute sham and an irresponsible maneuver on the part of the Chief Executive and it is holding hostage, this body, this legislature and the people and businesses of the State of Maine. It is time that we performed our duty and our functions responsibly. It is time to move along with state government to reopen state government and to solve the other issues as we move forward. We can no longer look back, it is time to go ahead. It is time to reopen state government, address the needs that are out there and to make things work.

Ladies and gentlemen, I would ask you to look into your hearts, to think hard, and to find the courage to do what is right to open state government. Let's come back from over the rainbow and away from the Emerald City and not pay attention to the funny old man behind the curtain, blowing smoke in the mirrors and to move state government ahead, reopen state government and override this veto.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: I have sat in this body for 19 years and those of you who have been here a few years know that I don't have a habit of getting up and venting myself. I am tired and frustrated and I have a need to vent myself today. Picture this — a

sandbox full of 1.2 million ants roaming around, going about their own business, building homes, driving their cars, taking their children to the playground and beaches. 1.2 million little ants just living — all of a sudden we have 185 little matchbox cars that start roaming around the sand, they start annihilating, they start demolishing these homes, putting people out of their homes, preventing people from making a living, preventing people from going to work. There are elderly people, sick people, some young, some old — all of a sudden, we discover there is a construction company of great big Tonka trucks moving along into the sandbox. This Tonka truck is really doing a job, it is crushing the little matchbox cars, it is crushing the little ants. Now, today, to top everything off, we have been given a bola that has fallen on top of the Tonka truck, the little matchbox cars and the ants.

What did these people do? What did these people do to deserve this? I will tell you what they did, they voted for you and me and this Governor. They did not deserve that and I am asking you today to please overturn this veto.

The Governor says this budget is unbalanced — how would he know? Tell me, how would he possibly know? He gave us a budget two years ago, it was unbalanced. He gave us a budget in December, it was unbalanced. He gave us a budget in January, it was unbalanced. We had another in February, it was unbalanced. I can assure you this lady knows how to balance a checkbook and she knows how to balance a budget, this is a budget that is balanced, it has a sister sitting on the wings, that too is balanced, waiting to join it. I hope that you will override this veto.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I have sat silently listening to the budget and negotiations from the outside for the last two or three weeks. I have listened, got second-hand, third-hand information sometimes primary information dealing with the Workers' Comp package. I have listened to the debate on taxes and I haven't talked on any of these issues. I have talked on other issues.

Total frustration — I guess I can best describe going back 20 years ago when this nation was in a war, that is the Vietnam War. The tactics used in the Vietnam War was the fact that we had to take one hill and one hill more and one hill more and get to the highest hill. Get the highest hill so we could take and set up a fire base and lob bombs on the next hill so we could take that hill. Conventional war, conventional war. The wisdom of our leaders in Vietnam "take the hill" then we would abandon that hill and go to another hill or we would leave minimal troops on that hill and they would be overrun and they would be killed. We would go back and take that hill again and they would be killed — bodies, people, young men that would die. Then we realized and woke up and that war ended. We realized that the leaders running that war made some mistakes, some very major mistakes, to the tune of 40,000 lives. Well, part of the gamesmanship I have experienced here in the last three weeks is no different. The fact that I could have told you two weeks ago that we would have had state employees down here putting the pressure on the Republicans saying, "It is your fault" — well, it is not the Republicans fault and I

ask you if you are implying who the Wizard of Oz is, who is the Wizard of Oz? You could imply that it is the Speaker of the House, the Governor, the Democratic leadership, the Republican leadership — well, we are the players in this thing, we are the ones that can make a decision, we all know that a Workers' Comp package can pass in this House and a Workers' Comp package can have substantial change and...

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore, and inquires for what purpose she arises?

Representative DORE: Mr. Speaker, parliamentary inquiry — I believe the issue we are debating is the budget and not a Workers' Compensation package. Therefore, shouldn't we be discussing the merits of the budget and not other issues that aren't before us?

The SPEAKER: The Chair would thank the Representative from Auburn, Representative Dore. The Chair would advise the Representative from Hampden, Representative Richards and all members of the House, that the issue before us is the budget and nothing else.

The Representative from Hampden, Representative Richards, may continue.

Representative RICHARDS: Mr. Speaker, I was responding to comments made earlier by the Representative from Gray, Representative Carroll, with respect to the Workers' Comp package being tied into the budget and how in this budget...

The SPEAKER: The Chair would ask the Representative from Hampden to refer, from this point on, to the budget.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: We have \$300 million in taxes that we are asking the people of the State of Maine to pay. Part of that budget package was that we stood strong, that we wanted to increase the business in this state, we did not want to drive businesses out of this state and we had to give something for businesses and workers for the creation of jobs to offset those taxes.

I am willing to go out of here tonight or tomorrow, although I know it is impossible and probably impractical, with a two-year budget with taxes of \$300 million, no more, but \$300 million and that is a little bit distasteful to me but I will do that but I also want other things that were agreed to on that package which we all know well, which now I can't mention what it is. Then we can all go home and the state will be safe because we will be out of session.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I have held elected office in the State of Maine for 15 years, six years as a city councilman and nine years down here. In 15 years I have dealt with 15 budgets, six city budgets and nine state budgets. I have dealt with a lot of other issues too and there are things that state government does that is important to me, there are things that state government does that are important to everybody in here.

I think since I have been here one of the key issues to me has been economic development and I think that I have advanced a number of initiatives over the years to try to inspire economic development. Over the years, I have been chairman of the Taxation Committee, I suppose I could have

created some type of linkage through my personal agenda in the passage of a budget, I never did it. As a matter of fact, I have never seen it done, certainly not to this extent. I think there is a good reason for it.

I am not going to stand here today and criticize anybody, I am not going to criticize the Governor, I am not going to criticize any individuals of this House or any party in this House. I just want to make the point, as someone who has served in office a long time, that other issues aside, economic development, Workers' Comp, whatever the issue is, the basic function of government is to pass a budget, that is the basic thing we do. We can't even do that. There are 187 of us down here who are elected officials and I, as one of the 187, am ashamed to be here. I never thought I would see that. In all the years I have served, I never thought I would see it. Over the years, I have called people and encouraged them to run for public office. I have spoken to children in schools, at high school graduations, I have encouraged them to get involved because I have always been proud of the fact that the people of the city of Old Town were gracious enough to afford me the opportunity to be a member of this body and a member of the Old Town City Council. I was always very proud of that. My father was on the City Council before me, I was always very proud of him. I tell you today that I am a bit ashamed to be part of this process. I am embarrassed, embarrassed for the State of Maine, and disgusted. I think the people of the State of Maine are disgusted and they ought to be. We can't perform the basic function of government, passing a budget. Think about that, think about it for a minute.

I just read an editorial where they say that we should all review our oath of office and they are right. The budget that the Governor vetoed, I had a lot of problems with. The fact that he said it doesn't take effect for 90 days, he is right, I don't like that either. So, let's send him a two-year budget, let's send him the package we agreed to Friday afternoon. I went home from here Friday night and told my wife, "We have done it, the budget is closed, the tax package is closed." I told her it is over, it is just a matter of running the paper now. I was happy, I was proud, we had passed a budget. We had dealt with the biggest fiscal crisis in the history of the State of Maine and we had unanimous agreement, bipartisan agreement on a budget. I was very happy, I was proud that we had accomplished it. I came back less than 24 hours later and the whole thing had fallen apart. We can't pass a budget. When you run for office next time, you are going to have to tell them — if you want to be honest with your constituents — that you failed. You can blame me, you can blame the Speaker of the House, you can blame the Governor, you can blame anybody you want but you failed and so did I.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: It was not my intention when this came up to get involved in the middle of it because I feel that the members of the Appropriations Committee and the Banking and Insurance and Taxation Committees are much more capable and I would listen.

For a moment I would like to go back to when I first came here. When I walked into this body, I was pegged by many people, especially the Minority Party

as being another liberal from the Lewiston/Auburn area. Well, it didn't take long before they found out that this gentleman was middle-of-the-road, leaning to the right. Many times (and I guess the Speaker remembers and the Majority Leadership remember) I voted with the Minority Party to the chagrin of my leadership but I said that I would vote my conscience. A constituent of mine, who is a registered Republican, was here in the lobby one day and I introduced that lady to the then Minority Leader, Representative Murphy of Kennebunk, and he said we are proud of John, he is one of the few people that votes his conscience. I was in here only one month when I was the only Democrat that voted with the Republicans and I was called on the carpet (not by you, Mr. Speaker) by some of my colleagues and asked, "Why did you do that?" I said, "That is the way it should be done." More than once, the Record will show that I voted with the Minority Party. I have a lot of good friends in the Minority Party and I would ask them today to please search your soul like I am doing.

I agree with the Representative from Old Town, there are many things about this budget I don't like, there are many things they want us to do to the retirement system that I didn't like but I am much too old to have any political aspirations unless it gets so bad being Governor that they will take somebody who is over 65. After the last few days, never, never, never will I try it so nobody needs to worry about my running against them for Governor.

I say to you today, if I have the guts and I am praising myself now to do what I did four, five, six and seven years ago and up until now — vote the way you feel. More than once I have been approached by my caucus and they said, we want you to vote this way and I have said no, that is not the way I feel. I have never been approached by even the former Governor. One issue was on seat belts and Governor Brennan really worked hard — I was one of the swing votes and I told him at the time that it was nothing but an insurance ploy because I could see what was going on in the corridors. So, I would ask today to my Minority friends — I am very disappointed, never in my life have I seen so much discipline. As the Speaker said, "I wish I could keep that much discipline in my caucus." My father would have given his right arm to get that kind of discipline when he had 15 children to raise.

Nobody wants to budge and I haven't seen any good arguments yet. I have heard some say, yes, I know there are things good and bad about it but we can't get the Governor to budge. I asked the Governor today — he was more fortunate than I was, I was born one of 15 children of a poor farmer who had come down from Aroostook County, he was a little bit luckier. In the summer time, if I wanted extra money to go to school, I had to try to find it. This is not being derogatory against the Governor but I think the only thing the Governor had to worry about in the summer time was which basketball clinic he would attend that year.

So, I ask again of my good friends in the Minority Party, let's think of those people out there that are out of work. I worked for the state for 30 years and I know what it is when your paycheck doesn't come in. So, let's think of those people out there and let's get something going. From what I hear, the talk around is that nothing will happen unless one person says, this is it. So, I ask again,

as someone who has seen the best years of his life, let's leave something for these young people so we can keep them.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Men and Women of the House: When we previously debated this budget bill, I rose to ask a question. I asked, "If state employees were allowed to work for the next 90 days, when would they be paid?" Men and women, the answer was, for the next 90 days, state employees would be allowed to work but they would not be paid until October 1, 1991 for the work they performed between now and then. Granted, their pay would be retroactive to July 1 but I know what a hardship it is to live from paycheck to paycheck. I submit to you it would not be in the best interests of the people I represent to vote to override the Governor's veto. I urge you, therefore, to sustain the veto.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond very, very briefly to the concerns of the Representative from Wayne, Representative Ault. The fact is she is correct in her response that passing this bill without an emergency means that, even though we do have a retroactive provision on this, there are certain things in the state that we just simply cannot do. She should also know, however, that we can pass a bill within hours to take care of that problem. We can pass a bill that will deal with the specific circumstances she just referred to that would deal with that in its entirety. The easiest thing we can do today and the simplest thing that we can do today is to vote yes and override the veto. We wouldn't have this problem in the first place of attempting to pass a bill without an emergency if that initial bill hadn't been blocked by (essentially) the members of the Minority Party disallowing us to get the necessary two-thirds vote. If we had had the two-thirds vote at that time, there wouldn't have been a problem in the first place.

I read the veto message with some interest. I almost had to break out my Thesaurus when I began to read the various adjectives described by the Governor. He described this bill as an incomprehensible response, ill-conceived, unbalanced, unworkable, indefensible, entirely inadequate, ill-advised and incomplete. They were familiar words because I remember hearing those words when the Governor first introduced his first revision back in December to deal with one of the first or second budget crises of the '91 budget when he first advanced a proposal sponsored by Representative Foss to borrow \$100 million from the retirement fund, a bill that was defeated by this chamber by 140 to 3. I heard those same words when the Governor introduced his first-two year budget back in January, a budget that required another \$120 million dollars worth of cuts in the retirement fund, some \$40 million of refinancing, \$200 million worth of cuts to General Purpose Aid to Education, reduced funding, \$40 million in furloughs. I heard those same type of adjectives, same types of descriptions, so it wasn't surprising that the Governor would use those in regard to this particular document.

As I said the other day, my preference has been and continues to be a two-year budget. I think Maine

people are better served by a two-year budget. The fact is, as I referenced the other day, when one of the funding sources for that two-year budget mysteriously became no longer acceptable, we were scrambling around in this chamber and in the other chamber for an alternative. It became painfully obvious to me that within a matter of hours, we weren't going to be able to agree on an alternative source of revenue. So, I embraced the concept of a one-year budget because a one-year budget would give us 12 months of ensuring that state government's revenues are going to meet expenditures. That would then allow us some time, casually, the next several days or a week's time to work on the other issues that you know about that are also confronting us, supplemental budget, second year of the budget as well as those other issues that we are not talking about today. I thought that made great sense and I still do think that makes great sense. We have a fundamental responsibility, a constitutional responsibility to provide Maine people with a balanced budget. The bonding companies have told us time and time again that their concern is that we pass a balanced budget by July 1st and that we have a plan where ongoing revenues are going to meet ongoing expenditures.

I read with interest the Governor's comments that he was referenced in saying that the legislature has failed to enact a budget. Well, the legislature didn't fail to enact a budget, we did pass a budget, we did the best we could given the cooperation that existed.

The Governor is quoted as saying that, "Once you get two miles away from the State House, people think I am doing the right thing." I am not sure how that message is getting through because when I called the Governor's number, all I get is an answering machine.

When I dropped my son off for his farm league game this morning (that I wasn't able to watch, like many of you — the sacrifices that we are all making) people came up to me and they didn't agree with what was going on in the State of Maine. In fact, their words were, "What does he think he is doing?" The crisis before us is the budget for the people of the State of Maine, why can't the Governor understand that? I didn't solicit these people, I didn't run up to them, they came up to me.

The issues here are very clear, we can either pass a budget or we cannot pass a budget. The one-year budget before us raises taxes about \$135 million, makes cuts of about \$100 million for the first year.

I know there have been people here who have said we can't have taxes. We simply can't raise taxes. Democrats don't want to raise taxes anymore than Republicans want to raise taxes. Understand that very clearly, Democrats don't want to raise taxes any more than Republicans. Democrats didn't expect there to be a \$1 billion shortfall because there certainly wasn't or didn't appear to be seven months ago if you listened to the comments and the words of the administration. But, we are here together now and because there wasn't a recognition of the problem six or seven months ago when it did exist, our opportunity to do the type of restructuring that many of us wanted to do, is no longer available. It was the Governor of this state that proposed the \$300 million cap on taxes, not the Democrats. The Governor did it because he understood as we understand that, if we are going to provide services

that Maine people expect, we have got to be responsible.

We have a restructuring commission in place, we hope that recommendations will be productive so that we will be able to do the type of downsizing to deliver state services that are best for Maine people but we realize now that we don't have an alternative at this stage, we either make cuts or we raise available revenues.

When people say they don't want to raise taxes, where are your cuts? Where are your amendments? Where are your alternatives? I have heard a lot of talk about taxes but I haven't seen the alternatives. I have seen press conferences, I have seen editorials but I haven't seen amendments brought before this House where it really counts.

None of us like to be in this situation. I don't like getting phone calls from my constituents telling me that the Veterans' Cemetery can't bury people today. I don't know how to explain that to those families. I don't like getting phone calls from people who are trying to get services throughout state government but can't get them because someone has decided that this is the best way to apply pressure and leverage on this legislature.

We have heard the adjectives, blackmail, hostage — I think we need to rise above that and do what is right for Maine people. I said yesterday, and I believe it today, we have a constitutional responsibility to pass a budget for the people of Maine. I am willing to accept my responsibility and I would ask each of you to look into your heart to do the same. I know how difficult it has to be to override a Governor's veto, it took me seven years to override one of Joe Brennan's vetoes, but after I did it, it was easy and I did it again in two days after that regarding Beano on Indian Island as I remember.

People in Maine are watching us very closely and we can pretend that they are not being hurt by our inaction but I am concerned about the effect that a prolonged shutdown will have on individual members of this legislature. I am concerned about the effect a long shutdown will have on this legislature as an institution. Let's rise together above it with the sense of mutual cooperation and trust and do the right thing, vote to override the veto.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I felt it very important that I rise after the comments of the Majority Floor Leader. This afternoon I guess I intend to say some things that probably I might regret, things that maybe I shouldn't say but maybe some things that after five years in this body there is a need to say. When I was elected at 24 years old, I might have fallen into the trap that Representative Gwadosky has painted for us, a very colorful picture as far as what is going on and what is happening and how we should vote to override the Governor's veto. He made a comment about some Representatives saying they didn't want to have taxes, but not coming up with alternatives. I would like to address a few of those.

To begin with, yes, there was a group of Republicans who were meeting since February with various departments in state government because we were not happy with the way state government was running. We were trying to find changes, restructuring of government, retooling it to make it

more efficient, make it more effective and make it less costly for the people of this state. After that press conference, which remarkably was not very well attended by the press because I guess the press had talked to Representative Gwadosky and Democratic members of the Appropriations Committee prior to, and they were told that it was nothing, there would be no impact, it was too late a date and yet here we are on the second of July dealing with this issue still.

Those changes that we had proposed, that we have been looking at since February, we sent to members of our Republican members of the Appropriations Committee and they tried to implement those changes during the discussions in the Appropriations Committee and they were denied nine to four, the vote was nine/four for cuts in this budget in the Appropriations Committee. Nine Democrats voted not to cut them, four Republicans voted to cut them. Those are the changes. This budget was printed, we got it at a late date. I sat in the Minority office and poured over that budget and I made circles on those aspects of the budget that I felt weren't appropriate for my people. My constituents came back with a questionnaire response 80 percent to scale back state government.

I went to the Governor before he came out with his package and I said, "Governor, with all due respect, my people cannot go along with any increase in taxes." It was a private discussion between the Governor and myself but I will relay part of that discussion. He said, "I cannot get anything through without compromising with Speaker Martin and President Pray. I have to go with these taxes and I will try to keep them as minimal as possible." I said, "Governor, I respect your position as Chief Executive of this state but I as a Representative of four towns in Oxford County will not be able to go along with the tax increases. My people don't want it." So, what I did was put together a guest column and I sent it statewide, my local paper picked it up, the Lewiston Sun picked it up, the KJ picked it up, never was I contacted by more individuals and not only in my district but all across the state. They said, "You are right on, Representative Hanley. We can't afford anymore taxes." We are one of the poorest states in the nation as it is right now and yet we continue to tax at a pace that is driving people to the poor house and are already there. Why can't we let the people of the state keep a few more dollars in their pockets? But no, we can't.

Representative Gwadosky asked where the amendments were. Well, I will tell you a little story Representative Gwadosky — I brought the budget with yellow marks on those parts of the budget that I felt weren't appropriate for my people, for my district, and I brought them down to the Revisors office that night as soon as I got done pouring over it and a call had come down from the Speaker that no more amendments would be offered that night. Because it was a fairly extensive amendment, it was going to take three hours. If I, Representative Hanley, wanted to hold up this process — and the good Speaker told me that — if I wanted to hold up this process to prevent the state workers from having a state budget, I could do that.

Let's talk about the way this system works. Let's talk about a two-party system. Let's talk about the fact that you have almost a veto proof House here and you cannot believe that you cannot get the exact budget that you want through this place.

The fact that you have to even discuss with us Workers' Comp reforms, other issues, taxes, you cannot stand that — that does nothing but drive you crazy and I realize that. But, the bottom line is, we are a citizens legislature and I, representing only four towns, can stand up here and speak my piece and tell you that, yes, bills are being held hostage Representative Gwadosky, Representative Jacques, they are being held hostage. The Highway Budget is being held hostage for \$60,000 because the President of the Senate doesn't want the West Gate of Baxter State Park....

The SPEAKER: The Representative from Paris, Representative Hanley, will please take his seat. There is objection.

Representative HANLEY: I haven't finished.

The SPEAKER: The Chair would ask the for what purpose the Representative from Lewiston, Representative Handy, arises?

Representative HANDY: Mr. Speaker, I request a point of order.

Mr. Speaker, I believe the Representative from Paris is not debating what is germane to the issue before us.

The SPEAKER: The Chair appreciates reference, again, and also the fact that it is difficult for some not to try to marry the issue with something else. The fact is that the matter before us is the budget and the Chair would ask the members to try to contain and make their references to that item and the matter before us is overriding the Governor's veto on the budget and not on any other matter.

The Representative from Paris, Representative Hanley, may continue.

Representative HANLEY: Mr. Speaker, Members of the House: Let's talk about the cost to businesses throughout the state, the cost that this budget might possibly have on allowing them to expand, to have new employees, to create more jobs. Representing a district that has been flirting with 14 percent unemployment for the last half year, I think more jobs to my district is one of the most important things that I can do as a legislator in this House in this session and for the five years that I have been here.

I will tell you it is very important that we get our Workers' Comp premiums into.....

The SPEAKER: The Chair would ask the Representative to please talk about the budget and only the budget. The reference has been made twice. The Chair has made reference to what the issue is before us. Otherwise, if members do not contain themselves, you will not be allowed to proceed.

The Representative from Paris, Representative Hanley, may continue.

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

Does the Governor's veto message have any relevance to this discussion?

The SPEAKER: No, it does not. The Governor's letter is merely a communication to this House, it is no longer before us, it has been placed on file. The pending question before us is, "Shall this Bill become law notwithstanding the objections of the Governor?"

The Representative may proceed.

Representative HANLEY: Mr. Speaker, Men and Women of the House: It's a troubled legislator that stands here and I guess I will tell you I am a little bit frosted. I was out in the hall before

Representative Handy gave his prayer this morning and the state workers were out in the hall and Representative Hogle from Portland came out screaming and pointing to the state workers, "Representative Hanley voted against this budget. He is the one, get him to change his vote on this. Have him vote to override the budget." Holding me by the arm as the state workers were around, "He is the one that should change." Representative Handy did the same thing to members of the Republican caucus, asking for us to change our vote on this budget. My response to the state workers after Representative Hogle pulled me right into the fray was, "If you want to get paid 90 days later, then we will vote to override this budget. If that is what you want — if you want to work from now until October 1st without a paycheck, then go ahead. If you give us the okay, then we will vote to override."

What Representative Gwadosky has forgotten to inform you — I must admit my first session down here I was not that knowledgeable as far as the process, the way things worked, how things get jerked around, how you try to portray everything so the press gives you the right spin on it. This is not a pretty process, people. In fact, it is very ugly. I have been chastised by the Speaker or cautioned not to bring up any other issues short of this budget and yet this budget has been said, "You have been held hostage." There are a lot of other issues in this legislature that are held hostage on a daily basis, issues that I cannot speak to because the only issue before us is the budget....

The SPEAKER: The Chair would state that the Representative is not speaking to the gallery here. He should be speaking to the members of this House, the gallery is not voting to override because if they were, the veto would be overridden. So, the Chair would ask the member to please proceed to debate the issue before us and address his comments to the members of the House as to why his position should be sustained.

Representative HANLEY: Mr. Speaker, I guess I got carried away in trying to speak to the people of the State of Maine. That is what I tried to do when I wrote my guest commentary, when I write off ed pieces because I feel that oftentimes the Republican Party, our initiatives are often squashed by the press because they are not deemed worthy because other democratic issues have been put to the forefront.

As I said before, I am going to say a lot of things probably today and who knows, I might keep on saying things that aren't appropriate but I guess I feel they need to be said. I guess I will tell you right now that I am sick of being a member of the House of Representatives, and no, I am not going to run again. This place is frustrating, it is an embarrassment as far as the way this process works. This House — I have made no bones about the fact that in the budget process I have had many concerns as far as the way it shakes down, but yes, it still is a two party process, thank God. But, there are so many things that are tucked into this budget that shouldn't be there. There are so many reasons to vote against this budget, not only to sustain the Governor's veto, but just for good policy.

I will be voting to sustain the Governor's veto. I could keep on going for another hour as far as going through the budget and tell you those things that are bad and why you shouldn't vote for the

budget either and not just state workers. I think I will sit down now but I have the budget in front of me and I will, if need be, sit down and maybe take an hour or two or three hours of your time and we will pour over the budget line by line and I will pick out spec. projects, pick out certain things that are tucked into this budget and we will let the people of the State of Maine decide whether or not their tax dollars should be going for it.

This speech has been a long time coming, it is five years worth of frustration in this process as far as being a Minority that is basically shut out without a voice and I will vote as a Republican. I will vote proud to sustain the veto, wait until another more acceptable budget comes through. I will do that with pride and conviction.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: I can understand why you would be frosted, Representative Hanley. I don't recall your program being brought to us through the Minority Republican members. We did have nine to four votes but they were very, very few. The three Representatives you have in this House on that committee were extremely great to work with. We tried very hard to make this thing work and we did succeed. You saw that in the outcome.

Earlier on there was a remark made by (I believe) Representative Richards, who said that there was a promise made. No time, no time, has the administration communicated with me as Chair of that committee asking me to make a commitment on another issue that is before the State of Maine. So, there was no promise made.

Once again, I will apologize to Representative Hanley that his program was not brought before us to my knowledge, unless it was brought through the administration. The proposals made by the Minority Party were made from the administration to the best of my knowledge.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I stand here today to exercise my God given right to speak on this question of an override of the Governor's veto. I will not be baited by anyone into losing my cool. I am going to remain calm, cool and collected and not deal with rhetoric but deal with the facts. I think Representative Hanley has laid the facts bare for this House. It is a five letter word, taxes. I don't think Representative Hanley was ever going to vote for any budget bill or a tax bill because he wanted to go home and participate in demagoguery which he is so good at doing. He can go home and say.....

The SPEAKER: The Chair would ask the Representative from Thomaston to please hold off.

The Chair recognizes the Representative from Paris, Representative Hanley, and inquires for what purpose he arises?

Representative HANLEY: Point of personal privilege.

I would just like to caution the Representative from Thomaston to not bring in my personal character or my intentions as far as in speaking.

The SPEAKER: The Chair would advise the Representative that the Representative from Thomaston, Representative Mayo, has not gotten to that point so the caution may be well-intended but

not necessary at this time. However, the Representative from Thomaston as other members may, of course, make reference of the positions of the various members of this House and to the Chair's knowledge that is what the Representative from Thomaston, Representative Mayo, was doing.

The Chair recognizes the Representative from Thomaston, Representative Mayo, who may proceed.

Representative MAYO: Mr. Speaker, I will apologize publicly to the Representative from Paris, Representative Hanley, if he thought I was intending to insult his character. I apologize to the House, that was not my intention.

It is my firm belief, however, that taxes remain the heart of this question on this veto. There are those that wish to seek some political cover from the issue. I have always known that my party was going to have to provide the vast majority of votes on whatever package was brought to the floor, be it taxes or the budget, for they are all contained in one issue as we know and that issue is before us today. I don't have a problem with that. I have been here for eight years. I have sponsored several tax bills. I sponsored the tax bill for Governor Brennan that no one, no other person in this legislature would put their name on because it was such a hobgoblin of assorted taxes that offended so many special interest groups. I didn't mind putting my name on it because it was the right thing to do. It provided money for the University of Maine System, that down payment from the Visiting Committee's Report.

Several people came up to me and said, you do that and you won't get re-elected. Well, I have been re-elected three times since. The tax issue always rears its ugly head in this legislature, the finger pointing always comes around taxes because that is what we do that affects Maine people the most in terms of their pocket books. I understand that and I am here today to vote for a budget that raises the taxes necessary to provide the services to my constituents that I think they deserve. That is what we are all about here in the legislature. We raise the taxes we need to appropriate, that support the services that we think are necessary.

I know taxes are a concern but we have already had votes on taxes in this House, we have had the up and down votes on the amendments in both bodies. In the other body, the amendment passed overwhelmingly and this body it passed with a very comfortable margin. Everybody now has their roll call on taxes and I think we can move on from that issue. I really think we can move on.

What we are talking about here today is funding state government and moving ahead. I will not be held hostage, I will not be blackmailed, I will not allow the tyranny of the Minority to dictate to me how I am going to vote on any issue other than the issue that is before me. I am never going to do that, I will stay here all summer long if that is necessary because next year when the next budget comes up, it will be a different issue and the Minority will, again, hold us hostage and I am not going to enable that behavior, I'm just not going to because we would be doing it every year and that is not how to run a government. We do not run a government the way the Minority wants, we run a government by the will of the majority and we respect the rights of the minority. That is how the process works. Don't ask me to run it any other way because

there is no other way to run it.

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

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

I would like to pose a question to Representative Hanley from Paris. The Representative spoke that he would not be able to override this veto because of the large increases in taxes and the fact that his constituents had been very clear to him that they wish to have a smaller state government. I have before me Roll Call #193 on a bill to abolish the Division of Community Services in the Department of Economic and Community Development — voting in favor of that bill would in fact have saved state government \$2 million and would have reduced several positions, most of them being very expensive positions to fund, if you will, of some \$70,000 and \$50,000. The programs would not have been hurt; however, Representative Hanley voted in opposition to that and I would ask if he would please explain the difference in those positions?

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

The Chair recognizes the Representative.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I very much appreciate the opportunity to address the good Representative from Wiscasset, Representative Kilkelly's question as far as why I voted against abolishing the Department of Economic and Community Development. The reason is, my chamber of commerce, along with another small business advisory group that I met with on a number of occasions and their discussions as far as what the Department of Economic and Community Development had done for them in their areas as far as attracting new businesses in, creating more jobs so that more people would have more money to buy more goods and pay more sales tax, thus paying more income tax and allowing you, Representative Kilkelly, to bring in programs that you would like to have funded, your tax base would be there, that is why I voted to not abolish the Department of Economic and Community Development.

Mr. Speaker, I would like to pose a question. As long as we are dealing with the budget and looking for places to save, you raised the question the other night, Representative Kilkelly — I think it was to Representative Hastings or Representative Richards — in regard to another Roll Call. Representative Kilkelly, I would call your attention to Roll Calls #28, 34, and 97, which in total would have saved the State of Maine over \$4 million dollars. Representative Kilkelly, I would like to know why you did not vote for Roll Call #28, 34 and 97?

The SPEAKER: The Chair would ask the Representative from Paris, Representative Hanley, to please indicate, if not for the benefit of Representative Kilkelly of Wiscasset, who may know what those Roll Calls are, to what Roll Calls is he referring?

Representative HANLEY: Certainly Mr. Speaker. Representative Kilkelly, I would refer to Roll Call #28, which is "An Act to Preserve Maine's Part-time Citizens Legislature" by shortening the length of the legislative session and cutting back our legislative salaries. I also referred to Roll Call #34, which would have peeled off the pay raise that this

legislature voted in for itself in the 114th and I would call you attention to Roll Call #97, which was to reduce the size of the legislature, thus saving additional monies. I do have additional Roll Calls that I would love to pull up and chat with you about as far as why you voted against those too.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than happy to respond to those questions.

On the first Roll Call in terms of cutting back salaries and reducing the pay raise, I would suggest that, in order to maintain a citizen legislature, it is important that people earn enough money during the time they are here in order to maintain their families. As a single parent with three children, it would be very, very difficult for me to serve in the legislature without enough money to pay for food and shelter and those others things, because I have no one else to pay for those for me or for my children.

I represent a significant part of the population of this state, working single women supporting their children and I feel that that is important because if we pay legislative people in this body much less, then the only people who would be able to serve would be people who could afford to serve and that does not represent the majority of my constituents.

In terms of reducing the size of the legislature, I clearly voted against that because I come from a rural district. I have five towns in my district and all of those towns are very important to me. If the size of the legislature were reduced to 99, then I would have approximately seven and a half to eight towns in my district and I feel that I would not be able to serve those people as well as I do now. I know most of the people in my district and I know all of the elected people in my district and that is important to me. If I am going to represent those people in the lower chamber of this House and the body that is closest to the people, I will maintain that and I have no problem with those votes.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: I am happy to jump in the middle of the dueling roll calls here and encourage everybody here to get us off the dime. Let's override this veto, let's get the budget that was agreed upon by all members of the Appropriations Committee, there is just no good coming out of the mess that we are in. We have state workers angry and running around out there, not knowing what to do, we've got angry legislators running around here and now poor old Representative Hanley is troubled and frosted. I just think we ought to get on with this. I think there is some light at the end of the tunnel though because when I came in this morning, I saw the very same ropes outside of the Governor's Office, the armed guards standing outside of the Governor's Office and I had this deja vu feelings of 20 years ago and then it kind of cleared up and I was all right. I knew automatically, as long as those guards were there and the rope was there, he couldn't get at us.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I think ridicule is the last

thing we need in this House, we have a very serious issue before us which is the state economy. This is one Republican legislator who was willing to vote for \$300 million in new taxes, depending on the outcome of other reform issues. However, in the last few days since I have been home, I am beginning to wonder hearing "no taxes" issue in my district, that maybe I made a mistake there. I do believe that we need those new taxes but it is also clear to me that those revenues which are necessary to balance the unanimous budget that we supported are dependent upon a rebound in the economy. We can only achieve that rebound with reforms in other areas.

That link, in response to Representative Carroll, from my perspective between new taxes in this budget and other reform issues was always clear during our budget negotiations.

Before I speak to the budget bill that is before us, which is the issue, which has many problems in it, I also want to comment on the video slots. We did have many discussions and, as the Representative from Gray knows very well, the Administration was involved in long and many days of negotiations on that. It became clear that the supporters of the video slots were unwilling to give the state the proper controls over that enormous, enormous gambling operation which would change forever the landscape of Maine. That's when the decision to back off from the video slots occurred, it was not a last minute manufactured crisis, it was a responsible decision when the negotiators for video slots refused to give the state control over that gambling operation. And, nor was the alternative that I sponsored and was rejected in this House and accepted in the other body by Senator Foster, that was not an unreasonable alternative. That was presented in good faith with a lot of thought.

Let's focus on this budget before us where we are being asked to override the Governor's veto. It is a one-year budget, it could be disastrous for our bond ratings, regardless of our references to late evening discussions on the telephone that bond houses like it because all we do in this budget, remember, is defer retirement payments without showing any commitment to reduce that amount of deferral in the second year. We worked hard in a bipartisan way to send a signal that we were willing to not defer in that second year. All this budget has is a deferral and that avoids the kind of fiscal responsibility we assured the bond houses. After six months of long and hard work, I think that is the wrong signal to send.

There is no serious reform in other areas to balance the enormous tax increase in this one-year budget, \$135 million in new broadbased taxes in this one-year budget that is being discussed right now. There is no indication of long-term fiscal stability for this state in a one-year budget before us. There are no savings in retirement in this one-year budget, it would occur in the second year to offset the amount that we were deferring in the retirement plan. A non-emergency budget means the possible mothballing of many state programs for three months. As you have heard very clearly, it means no income for state employees for three months, it means an uncertain level of services for Maine's citizens for three months. I asked the other evening, since it does not go into effect for three months, how do we start collecting the taxes on which this budget is predicated since the new snack tax is due to go into effect September 1st? This is an October 1st

budget. The sales tax going to 6 percent was going into effect August 1st and the new meals, lodging and liquor tax July 1st — now what do we do? Without statutory authority, do we ask those businesses to start collecting those taxes? The answer given to me the other night was, those businesses will be liable for passing those tax revenues onto the state. They don't have any authority yet to impose them so do we say to our small businesses "Well, you'd better start collecting without authority August 1st on the sales because October 1st you have to send those revenues to us." If this bill doesn't go into effect for three months, how do we collect the revenues that are required to balance this bill, the new tax revenues? Do you honestly believe that state employees are willing to work for three months without pay?

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

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

The last evening when we were doing the budget, and I will direct this question to Representative Foss, if I recall, we were asked to book the video at \$32 million. We booked it assuming that it would go. There was something mentioned about the language, that there was something wrong with the language, but the basis of the whole thing is that we were told we could book at \$32 million. Then I recall we had a few other votes and as we broke down, I can remember the Chair from the other body rising and ready to leave and the other Senator from the other body said, "Mr. Chairman, aren't we suppose to vote on a budget?" We voted and the thing that baffles me is that we voted a unanimous budget. The thing that I can't understand now is, if the video was a problem, why did they let us book the \$32 million? Why did they vote a unanimous report?

The SPEAKER: The Representative from Lewiston, Representative Pouliot, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the Representative from Lewiston that there were three issues that were left unresolved in the budget and were to be voted on separately. He will also remember, I am sure, that during the day, I pressed to not take a final vote until there was resolution to those three issues, those being the tax package, the retirement issues and video slots. When we left here that night, they were all still somewhat unresolved, although retirement was fairly close and the tax package was in but there were no firm votes from the legislature.

On the video slots issue, (as a personal statement) I have always opposed them and all the Roll Calls show that. I understood that there were negotiations going on, as did every member of the Appropriations Committee, and there was no agreement. The \$32 million in revenues was dependent on very strict state controls. The fiscal note that sits on the bill on our Appropriations Table says \$13 million, which means that all the money goes back to the distributors of those who are running the gaming machines.

When we came in on Saturday, it became clear that those who were negotiating for video slots were unwilling to even agree to the controls that would have generated the \$32 million and I think there was

more in that lack of agreement, a pressure to impose a gambling operation on the State of Maine that was not consistent with the character of the State of Maine. That is when I decided that we had a \$32 million hole. My colleagues in the other body (who serve in the minority) and I went to see our Chairman and, at that point, we understood we had only one Chairman, a House Chairman, and asked the Appropriations Committee to meet to discuss this void. We were told that the Appropriations Committee would not meet so we developed our own amendment which would have filled that hole.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I have a lot of things to say but I am going to keep it as short as possible. I came today and had lost something that I rarely lose and that is my sense of humor. As many people who know me well know I do tend to joke and I do tend to keep my humor on most issues as much as I can but I did not have that this morning and I want to say that Representative Gean brought me back to real life. For that reason, I want to publicly apologize on the Record to the Representative from Thomaston, Representative Mayo, because I did lose my cool with him today in talking about this issue, the budget.

Having said that, I was reading a quote by Oscar Wilde who described what a cynic is, "A cynic is a person who knows the price of everything and the value of nothing." In my opinion, there have been a lot of cynics born in the past two days. It is a very sad day for the legislature, it is a very sad day for the Executive Branch and if we can't learn something from this process in the next two days, we might as well do what Representative Hanley said and that is, we all resign.

I, too, along with Representative Cashman, was very happy that the Appropriations Committee went through a process and came out with a unanimous budget because when I came here this year in January, I thought it was a virtual certainty that there would not be a unanimous budget and that that committee would have a very difficult time coming together with all the other issues they had to deal with, members leaving for various reasons, new members on board having to deal with the largest deficit in recent memory — I thought it was impossible for them to come up with a unanimous budget but they did it anyway. I have acknowledged that to individual members of the committee or those that I could meet and talk to them, thanking them for that effort.

I will vote for that issue, I will vote for that budget from now until doomsday.

I have also been told that there was a wedding that occurred in January and we all know what that wedding was. As far as I am concerned, today that wedding was annulled, the parties involved have been told and the wedding gifts returned. I can tell you right now, I don't care what the other issues are, we have the budget before us, we have the state employees above us and it is irresponsible for this government, legislators, executive, or any individual in this body not to deal with the issue at hand and that issue is the budget for this state.

Lucky or unlucky as I was, I did go to work the last couple of days and I got to talk to the people outside on our individual beltway and they are upset and rightly so. They don't talk about other issues,

they talk about the budget. They don't care what the reasons are, they don't care what the rationale is, but they know what we are bound to do by the Constitution and that is to pass a budget. We are not doing it. In my opinion, common sense should prevail, the parties involved should get together but first we need to pass a budget. Once that budget is dealt with, as one member who has voted on other issues, I will continue to do those things, keep an open mind and vote my conscience as Representative Jalbert just said, but it is irresponsible to continue to come to Augusta with state government shut down and people not getting checks for work that they have already performed and to have vacationers coming to Maine with the revenue that we all try to steal from them, not be able to get that because we don't have state offices open because we can't pass a budget.

I think it is high time that we do our duty. The Governor can always keep the budget, if I am correct, on his desk without signature for 10 days, that is ample time to deal with the issue. We have already extended the session for 5 days and that is ample time to deal with the issue and both sides should move and should pass this budget today. I would urge you to override the Governor's veto and get this issue behind us.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Very briefly, there are many people who want to speak and I don't want to monopolize anymore time. I want to respond very briefly to the comments of the Representative from Yarmouth, Representative Foss.

First of all, the concern that the state employees will not be paid until October 1st, you and I know as every member in this body knows, that we can do wonders if there is a will to do it. If this budget before us is passed, in a moment of hours we can pass necessary legislation to ensure that the state employees get paid as long as there is cooperation between both branches of the government. Don't let that be an excuse not to pass this budget.

Secondly, the issue of deferrals — Representative Foss says she is concerned about deferrals — Representative Foss is the queen of deferrals. Remember back in December when we first began to reconcile how we were going to resolve one of our earlier budget crisis, she served up on behalf of the Governor almost \$100 million worth of deferrals and can't stand the fact that we haven't taken a bite of that yet. She is concerned that we are making a deferral in the first year but making no commitment the second year — well let me tell you what happened, the Speaker of the House, the President of the Senate, the Governor of this state sent a joint message to the bonding companies and asked, "What will you accept in deferrals?" They had warned us that they were concerned about deferrals. Keep in mind that we have been paying about \$110 million each year towards the retirement system. The original proposals from the Governor were to defer \$60 million each year; in other words, we would pay \$50 million, defer \$60 million the first year and pay \$50 million, defer \$60 million the second year.

We asked the bonding companies what they would accept and they said, if you begin paying it back immediately, we will allow you to defer one but you

have to pay the second one. That is exactly what we did. In fact, that is exactly the approach the Appropriations Committee was taking, defer one and begin paying it back immediately and pay the other one off, the \$60 million, right now. In the bill that is before you, that is exactly what we intend to do, defer the first one as did the Appropriations Committee proceed down that road and then pay the second one off immediately.

She referenced that there is no commitment towards changes in the retirement system. The reason that there is no changes is because, frankly, we don't need them in this first year because they total \$34 million. We don't need that money in this fiscal year because this budget that is before you is balanced now, as Representative Chonko has told you. As we get to the point where we are putting together the second year, we will need that money and we will have to make a decision whether to accept those changes or to raise additional revenue or to make additional cuts.

Finally the issue of video machines, and I didn't realize that those were going to be the topic of discussion today, but since I was one of the people involved in negotiating those directly with the Governor for hours and Commissioner Atwood, I want you to know exactly what happened. The original bill was to bring in approximately \$13 million over two years. As I began negotiations with the administration and others, we found ways to increase that fiscal note. We increased the fees for licensees, increased the fees for vendors, increased the state's share to the point that now the bill that is on the table in the other body has the highest state share of any state in the country and has the lowest vendor share of any state in the country. What are the security provisions? An on-line computer system run through the State Police, half a dozen new State Police people being added to the force, even people who opposed the bill in the Legal Affairs Committee will admit that they have done a phenomenal job making sure that this system is tamper proof.

We went to the Governor and said, "What are your concerns in this area?" He said, "I am concerned that this might become a monopoly. I am concerned that things might happen that aren't good." I said, "What can we do to address your concerns? We will put in statutory language that prohibits enticement of any sort from the vendor to the licensee." We did that. What else can we do? There is a uniform location agreement between the vendor who distributes the machines and the licensee who has them installed in their establishment. That uniform location agreement form is put together by the State Police, it is put on file by the State Police and we said what we ought to do in that form is include any other contractual arrangement that that vendor might have with the licensee. That would be a good provision and we will put that in too. What else can we do? What can we do to make this bill tough? Then we said, let's give the State Police the authority to approve or disapprove every uniform licensee agreement a vendor and a licensee. In other words, (keep in mind that under this bill you can only put three machines in any establishment) under this proposed amendment, not one agreement could be pursued unless the State Police felt that it was appropriate. We continued to put language in after that.

This bill is now lying on the Table in the other body someplace in an amended form and is the toughest bill in America. It is the absolute toughest bill in America and beyond that, we decided that we would limit the number of machines that any vendor can have so no one could have anymore than 400 so it would always end up with a group of ten or twelve vendors in the State of Maine.

Now the Governor of this state spent three days discussing his proposal to use districts. After three days, the Governor and others admitted themselves that it would not work. At the last minute, outside of the Governor's Office there was a discussion about maybe developing a commission, a gaming commission, that could regulate the rate of return. There appeared to be constitutional problems with that as well.

So, I don't want to give the impression that people who support that particular bill (and there are people here who support it and there are people who, frankly, don't support it) didn't attempt to compromise, did not attempt to offer alternatives because they have. The bill that is before the other body at this time is the toughest bill in America in terms of regulations and anybody will tell you that that is familiar with that piece of legislation. It has the highest state's share, lowest vendor share and it would have brought in \$30 million into state coffers and that is a conservative estimate because there is an offset of \$3 million to the lottery the first year and an offset to the lottery of \$5.8 million the second year. It would provide jobs. South Dakota added some 700 jobs in the first year so you can imagine with Maine with twice the population what that would have been, it would have been a tremendous boost in the arm to Maine's hospitality industry who are being clobbered this year alone by increased taxes in revenues and would have given them a source of non-alcoholic revenues like we have never seen before. But that is not the issue here today.

The issue today is whether we are poised and ready to give the people of Maine what they expect. What they expect is a budget passed. We need to pass this budget today and then we need to move on.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: This is the second day of the shutdown. Yesterday morning on most office doors this sign was prevalent on the doors, "This office has been closed by order of the Governor of the State of Maine until a budget is passed. The shutdown will continue on a day-to-day basis until a budget is passed. No employees of this office will be reporting to work until further notice."

As you know, it has caused disgust, misery and pain all over the State of Maine. Ironically, we are into another holiday weekend again when our state liquor stores bring in their highest points of revenue during the holidays and, again, we are going to be closed, it seems, during another holiday.

The state workers' checks are being held, yet the AFDC checks, because of federal law, had to be mailed out. Yesterday the unemployment checks, by federal law, had to be mailed out. Yesterday I had a guilty day as I went to my mailbox and I found that my check was in the mailbox. I feel that I am an employee, although I am elected, like all the other people in the State of Maine so why was our checks released and no one elses?

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

If some people from the administration side could please tell me, since the checks for the legislature were passed out yesterday, were checks also given to the Republican administration as they are also working for the state?

The SPEAKER: The Chair would respond to the question. The checks which the members received were checks that were actually issued three weeks ago but held by the Chair because we always hold the last check until the session has come to an end. Since the members had been without any money at all for the last three or four weeks, rather than my holding them any longer, I had them placed in the boxes. Other than that, that check actually has nothing to do with this year's fiscal problem. As a matter of fact, all other matters, as the Chair pointed out last night, and expense checks for legislators will not be received and the checks due you for constituent allowance — those checks which come out of this fiscal year will not be given to you even though it is for work performed the last fiscal year.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I will make it clear to you today how I am going to vote on this. I am not going to try to persuade anybody because I think it is pretty obvious what is going to happen. My vote today will be to sustain the Governor's veto on this particular legislation because I have dealt with budgets, as the gentleman from Old Town Representative Cashman said earlier today, some 15 years, I have been involved in municipal government for 22 years. In the last 13 years, I have dealt with it pretty much on a regular basis being a manager of a municipality so handling budgets is nothing new to me but the problem I have with this particular proposal that came back from the Governor — the problem I have with it is the timing of it. Not having an emergency on it, in my opinion, is wrong and I think most of us agree that we would rather have a budget that deals with two years or one year with an emergency on it. We went through this process over the last 72 hours.

I am frustrated, I have been here 19 years (as the good lady from Topsham has said she has been here 19 years) and, when I first came down here to deal with budgets, and that is the issue we have got to stick to, my oldest daughter was 6 years old. This last Sunday she moved out of the State of Maine and has gone to New York State so that's where I have been since my daughter from 6 to 23.

I don't know what I am going to do in the future as far as the Maine Legislature is concerned, whether I will ever run for office again at the state level, I don't know what will come up next year. I do know that I have been supported by both parties and I appreciate that. I also know that we have a problem here that has to be solved, has to be solved by the two parties as far as I am concerned.

I heard the good gentleman from Thomaston earlier in his remarks say that it isn't going to be minorities that is going to change his position, sometimes I would like to on various issues, but I will say that some of those people have changed me over at times and I have voted with them.

I will tell you what closing state government does to me from a municipal official's standpoint and

I will bring it first-hand to you since I went in the office early this morning and I was faced with one decision that I had to make. We have to issue registration plates and we do for our own municipalities new and re-registrations. We also service neighboring towns that don't get involved with this. One of the municipalities to the south of our community, which is a larger community and has a branch office and they don't issue registration plates, all they do is collect the excise tax which is very easy and that is where most of the money is. When you do registrations, the municipalities get \$2 or \$3, depending on whether it is a person in our own community or whether it is one outside. I made a decision this morning that we would service the communities that we have been servicing and told my two ladies that work in the office that we wouldn't be able to take on the load from the calls that we got yesterday, one in particular from the city of Bangor. One of the reasons is because I went to the safe and looked and we don't have that many plates on hand and I feel that it is the responsibility on my part to take care of those that we have always dealt with over the last 9 years since we went to the new registration program. So, it is frustrating because some of those communities, and I will tell you why it is so important this week and maybe this time of year than it is for us at other times of the year. June 30th came Sunday night, a lot of citizens didn't realize until Monday morning that their June registration had expired.

The other problems that you run into that this is 4th of July week. A lot of citizens didn't realize until yesterday when their registration had expired that now we were going to be going away on Wednesday night and we might not be able to get our vehicles registered until we get back Monday. I hope if we do not solve this impasse that the law enforcement out there would take into consideration those people if they have expired on their June registration.

I would suggest to members of both parties, however we do it and I have said this a good many time in the last three days, that if there is an "A" on one of the aisle and a "C" on the other, there has got to be a "B" somewhere and I would hope that we would get to that point. Maybe we can't. The main issue that I am interested in right today is getting state employees back to work, getting paychecks out to those state employees who worked two weeks ago and, in my opinion, should have received their checks yesterday. It is awfully hard for me to see people who have unemployment compensation coming, and it is my understanding that they will receive them tomorrow, those checks on AFDC were released yesterday, and I appreciate that because that is another problem in municipal government. I have been on constant watch over the last 24 hours with my offices, that had we had any calls regarding AFDC recipients calling for General Assistance. I would hope that if we do nothing else in the next ten and a half hours that we would make some arrangements to see those state employees receive those checks that they have earned over the last two weeks.

I would plead with you, knowing full-well and maybe I don't know here but I have a pretty good idea that this particular veto will be sustained, but I am not asking you to vote either way, but I would hope that we would work out some kind of an arrangement that maybe we could pass a two-year budget with an emergency on it and just maybe write some language

that could take care of that other problem and get us out of here.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I wish not to make a major extension of this debate other than to correct some points that have been made in the discussion prior to this.

There has been mention of the fact that this budget we have before us, at this point in time, the Governor has returned and is the product of some committee process. I only comment to those members who have that opinion in their mind that this budget before us at this time is not the product of a committee process. A one-year budget was not voted upon by any committee. We did work along, I say we collectively, because it was the Appropriations Committee, the Taxation Committee that put together a two-year budget which is not the point of discussion at this point in time. That, I think, is a clear difference when we talk about why many members of this body feel that this document before us at this time is irresponsible.

It has been suggested in the course of the debate earlier that there is some unwillingness to ever work together on the part of the Republican Party. That takes me by surprise because it seems to me that on many issues many of us do try to work together. I say that and only point to the one Roll Call that we have today where the Representative from Corinth, the Representative from Berwick and myself voted with the Majority Floor Leader on a tabling motion. To suggest that we are never unwilling to recognize the input of the other party is a bit of an erroneous statement.

The other point that I would like to correct or maybe I can make the last statement on the subject but I don't think that ever happens here but the aside that we are talking about at great length today relative to the video issue in the budget (that isn't before us but has been brought up by several previous speakers) is that there seems to be some folks that are bothered by why the Chief Executive chose to withdraw his support and I can only add to the Record the aspect that I observed when he told me that it was after members of both political parties came to him with grave doubts that he put that in conjunction with the concerns from the Commissioner of Public Safety together and said, "Well, let's wait until another time."

This is a one-year budget that includes many faults that has been pointed out before. I urge that we sustain the Governor's rejection of it.

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

Representative CASHMAN: Mr. Speaker, I would like to pose a question through the Chair to Representative Whitcomb. I agree with the statement that he just made, that this is not the budget that was agreed on unanimously in two committees and that it is a one-year budget which is a drastic change. I would just like to ask the gentleman, if the budget that was agreed to by two committees unanimously Friday was brought back to this House today, would you vote for it?

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

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: With the resolution of some other untalkable issues done, yes.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I already spoke once on this issue and I really didn't intend to speak again but I think the gentleman from Waldo has incited my ire a little bit with his response. I will attempt to maintain my proper demeanor in the House, I don't think that has always been the case in the course of this debate.

I spoke awhile ago when this debate was first opened and said we ought to be ashamed of ourselves for not being able to perform the basic function that we were sent here to do and that is to pass a budget. That speech was followed by a number of people who stood and blamed the Governor, blamed the Speaker, blamed the process, blamed the press, blame their barber, blamed whatever they could think of, for our inaction. I really truly expected that and I also expect to see it in the campaigns next Fall that many people who are sitting here right now will be running for office, running for re-election or for election to another body and saying, "It wasn't my fault. I didn't fail, it was Speaker Martin's fault, it was John McKernan's fault, certainly the fault did not lie with me." That is where I really take exception.

You know, we all come down here, there are 186 of us who serve in the two bodies, we all bring with us what we are, what makes us the people that we are and we are all different. There are liberals in this body, there are conservatives in this body. Representative Hanley is a fiscal conservative and I respect that. I think the other people in this body who share that point of view with Representative Hanley have input into the budgetary process. I believe that liberals have input into the budgetary process and the budget is the melding together of those different points of view, those different character traits that we all bring down here. It is a melding together of the conservative point of view and the liberal point of view and it is a document that we all come together to agree upon and that is the success of the process.

Representative Hanley spoke about an amendment that he wanted to offer and didn't get a chance or whatever and I really don't want to get into that except to say Representative Hanley and other conservatives in this body, I believe, have been successful in their efforts in this legislature, not just in this session, but in every session that I have been here, because in this particular budget document there are people sitting here who don't think we have raised taxes enough. Conservative points of view, such as Representative Hanley's, have allowed for a budget document that tempers that point of view. On the other hand, there are people who feel we have cut too much and we should not have cut as much and their point of view has been taken into account by the 26 people who sit on those two committees and they have been successful in influencing the process. When it is all over, we all get together and agree on a unanimous budget, we always have, and it passes and it makes us all successful, not because your particular amendment didn't get in Representative or mine didn't get in,

but because we performed the basic function of government. That is the success in the system, not that I got what I wanted.

I am really surprised at my good friend, Representative Foss, and I mean that she is my good friend, we have fought I think every session since we have been in this House together over a whole plethora of issues. We've even had some fun, referring with tongue firmly planted in cheek, to the bright light of the Appropriations process a couple of sessions ago. I thought that was a scream when Representative Foss reminded me of that process. But, I always felt that the Representative had a respect for the process and what we do here and what we try to do. I just heard her say that that is when I decided there was a \$32 million dollar hole in the budget. That is when I decided.

This process and this budget is bigger than I or you, it is a blending together of all of us that are sent down here, conservatives, liberals, moderates, whatever you want to term yourself, that's what it is. It is our job to pass it.

I don't like this budget and the Representative from Waldo is correct, I don't like this one-year budget because it takes effect in 90 days later and I understand what Representative Gwadosky meant when he said we can pass things to mitigate some of the problems involved in that but the fact is, we ought to pass the two-year budget we agreed to. That is our basic function here. When you look in the mirror, you can stand here and blame whoever you want and when you go home you can too and I know most people are. When you speak to the Rotary you are going to say, "Well, it was that darn Cashman, he couldn't bring things together, it was Martin", it was whoever and do that, I don't care but when you look in the mirror, you failed, you failed and I failed. You can't lie to yourself, you failed.

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

I understand that the Governor's Order allowed for only employment after the shutdown of essential personnel — I wonder why we are here?

The SPEAKER: The Chair would not place it to anyone. Obviously, the answer is self-evident, you need to answer it in your own mind, the vote on the veto will tell you why you are here.

The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: We are all so tired and some of us are bordering on emotional collapse right now but the issue before us is this budget. We have been told that nobody likes this budget. I don't like this budget and I didn't like the two-year budget but we were told that these were tough times and we had to make tough choices and we were told that the art of politics was compromise and then we were forewarned that we had sworn an oath to put a balanced budget on the Governor's desk so we voted or tried to vote this budget. We know, we all know the reasons that we cannot get the two-thirds vote for this budget is for that other issue which we cannot discuss. Well, responsible government does not submit to terrorism, not to terrorism from the Iranians and not to terrorism from the Iraqi's and not terrorism from Jock McKernan on the second floor.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: Mr. Speaker, Ladies and

Gentlemen of the House: I have a confession to make, when I agreed to run for office in November of 1990 for the House of Representatives, I had no idea it was going to be like this. Since December, we have had more than 2,000 pieces of legislation filed, sent to committee and some of them have made it down here to the floor of the House. We have assigned time to debate bills on virtually every aspect of human life in the State of Maine, yet we have left the most important issue before this body and before the State of Maine totally unresolved. Because of the methodology used in the legislative process, we have managed to stall this issue to a point which is beyond any reasonable deadline.

The simple fact is the State of Maine is closed, whether it is something simple like the mere registration of a motor vehicle, like a car I've got out in the lot with no proper registration for the month of July, or whether it is an abused spouse who cannot get divorced from the abusing spouse because our courts are closed. This is, indeed, a shame.

If lawmakers can no longer make laws, the people will have to resort to whatever means are necessary to get by. The sound you here of honking horns outside will turn into the sound of breaking glass. A government that fails to govern the people can expect chaos as approximate result of its inaction and its failure. The time is now for action, not inaction. We all need to negotiate, to settle, to compromise and to pass a budget. To remain rigid, inflexible and stubborn will not accomplish anything for either party.

I voted for this budget. The few of you who are members of this House who know me well know just how hard that was for me to do. There are many, many items in that budget with which I do not agree.

I think the fact that we need the Maine State Police and the Capitol Police throughout this building is, indeed, unfortunate. That simple fact is a symbol of our mutual failures. The vote to override the Governor's veto is a foregone conclusion. The votes are not there. We need to look beyond that, we need to get back on track, we need to exercise moderation, to negotiate in good faith, to re-examine our positions and to do the work of the people of the State of Maine. I intend to do so and I ask you to consider the same. Thanks for listening.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I wanted to sort of second the remarks of the Representative from Old Town, Representative Cashman, when he stated that there has been a failure. Before we take notice of our failures, I think we should have taken notice of our successes. Up until a few days ago, the system worked very, very well. I would like to congratulate every member of the Appropriations Committee. Representative Chonko and Representative Foss as leading members of that committee have done a splendid job of putting together a two-year budget. I sat with them when my committee was called downstairs to the second floor and made recommendations regarding the Judicial Department, the Department of Attorney General, the medical examiner and others. They accepted some of my recommendations and rejected others and that was very much their right to do.

I voted for the budget last week because it is

necessary even though I disagree with portions of it. Everyone was invited downstairs, some of them (many times) were invited downstairs to meet with the Appropriations Committee. I spent two weekends down there, in good weather and in bad weather, and I only had sympathy and respect for the members of the Appropriations Committee who never left the committee room. I would be called in for an hour and then leave for five or six hours and they just stayed right at their desks. I complement them and I congratulate them.

Sometimes the system works too well, sometimes the product that we have before us is so much the art of compromise that someone else has to get involved in the process and that is what has happened at this point. It isn't a failure of the legislature, good minds, reasonable people came to reasonable and good conclusions on what had to be done but other people got involved in the process, other people who don't serve in the chamber and you can conclude as to who these people are. Maybe there is too much money in politics today, too much money being waved at us at election time, too many IOU's being promised for the following legislative session. There are very few IOU's from the mentally retarded at AMHI and BMHI, there are very few IOU's from AFDC parents who insist and need the care and the state's powers to enforce child support payments, there are very few IOU's from people in elementary and secondary education that rely on the state to raise money for education — there are a lot of other IOU's that are being collected at this very time in order to prevent us from passing a budget.

One of the things that is in my district in Augusta that isn't part of the bureaucracy because I don't represent this particular part of town is the Maine State Veterans' Cemetery, a resting place for our veterans and their spouses. I am very fond of telling you that three or four times a week I walk through the Veterans' Cemetery, remember the veterans who are there, remember the people that I knew and served with like Representative Carter who is at rest there or Representative Jacques' father who is there that I saw the other day and other relatives, an aunt and an uncle from Waterville — I remember them in my prayers but I was told Sunday by a priest in Augusta who came here to see me and said, "What do we do now?" I've gotten calls from different funeral homes, they are no longer burying our veterans at the cemetery, everything is on hold. Families can no longer come to the cemetery to put a final resting place for their loved ones, they have to go to a different church in Augusta. The funeral service is held there and then they are told to go home. These aren't living people that are going to the cemetery but living loved ones are being impacted by that. I think that is so cruel, and so cruel to the veterans to the promise that was made to them when we opened our cemetery. The lawn is not being cut, the dead flowers aren't being rounded up and disposed of, the gates are locked and closed and I think that is cruel testament of what the State of Maine can do when it breaks faith with its people.

I vote for the budget reluctantly and I vote to override again today reluctantly, agreeing with the Representative from Old Town that we should have a two-year budget before us with an emergency preamble, we should bring it up and see if members of the Minority Party really and truly want a budget or a stalemate.

Members of the legislature as a co-equal branch of government are not supposed to vote on any issue out of coercion. We are a separate and co-equal branch of government. The judges are fond of telling us in the Judiciary Committee that they are separate and equal to us and we must recognize their needs. We as elected Representatives are separate and equal to the Executive Branch and I submit to you this afternoon that when you look at the history of the last several years, only party politics prevents this budget, a real two-year emergency budget, the product of thousands of hours of work of the Appropriations Committee, only party politics prevents this budget from being enacted.

Governor Curtis had 8 years of Republican dominated legislatures to deal with, the state did not shut down one day during the Curtis administration. He worked, he compromised, he made bargains and deals and state government continued during the Curtis years.

During the 4 Longley years, our Governor vetoed both biennial budgets. Some of you were here then, I was here as an observer. The legislature overrode each of those two biennial budgets because the Governor was an Independent and neither party had to support the Independent Governor so they chose to override those vetoes by overwhelming margins because each had something at stake.

We want to protect our party leaders far more than we want to protect the people of the state. It is politics at its worst when we put special interests and party politics ahead of our constitutional oath. When the Governor took his oath in January, he was asked by a newscaster, "What are we going to do about the fiscal situation this winter and how are you going to get a budget passed by the legislature?" There were no special interests talking at that time and the Governor answered and I admire his answer, "We have to rely on their oath of office to pass a budget that the people of Maine deserve." Well, here it is July 2nd, the second day of the shutdown, we have submitted a budget to this full legislature for approval, it isn't our oath of office that prevents us from passing the budget, it is party politics that prevents us from passing the budget.

The people in Maine outside of this chamber do not understand nor do they care for we are always prone to answer at citizen forums, I am not a Democrat or a Republican, I am a legislator representing all of you people. I would bet my next year's salary that every one of you at one point has said exactly that, that I am not here as a Democrat legislator or Republican legislator, I am here as a legislator representing the 7800 people who live in my district and don't let anyone else tell you differently. I represent everybody. Well, I want you to look back and ask yourself, are you representing everyone? Not one business person in my district here in Augusta called me and said, "Don't vote for the budget until there is another package agreed to." Not one person has said that to me. I know what my district needs, I know right now the people of my district who are taxpayers need a budget. It is foolish for us to assume otherwise and to let party politics at its worst interfere in the deliberations of this body. I am astounded and the people out there are ashamed that partisanship can take more of an interest in our votes than the interests and the needs of the State of Maine. I

urge you to override this and prove to the people that we can be different when the need arises.

My floor leader, Representative Gwadosky said that he had once voted to override a governor's veto, he voted twice to override a governor's veto because I joined him in overriding a governor's veto, a member of my own party. I have never seen a member of the Minority Party in the last several days join us in that same act of statesmanship.

When the Maine Indians (the Penobscot Nation) brought to us their gaming bills and Governor Brennan vetoed the bill, I voted to override Joe Brennan. When Representative Gwadosky sponsored the reform of the Vocational-Technical schools, Governor Brennan vetoed that reform. I joined Representative Gwadosky in voting to override Governor Brennan that day. The world didn't stop, the Governor didn't stop talking to me, we were and remain good friends. It wasn't party politics that dictated what we did that day. It was the interest of the people of the state. If party politics demands that you vote to sustain the Governor, then that is just exactly what it is going to be, not the interest of the state but party politics.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do agree with Representative Gwadosky that we do have a responsibility to pass a budget, but we have a responsibility to the people of the State of Maine to pass a responsible budget. They have waited a long time to make sure that we do have a responsible budget. This budget that we have before us today is not a responsible budget.

In the Appropriations Committee, as I told you before, we did not do a one-year budget and then a two-year budget, we intertwined the two. We cut in one year and perhaps add in the next year or cut in both years, but that budget was intertwined, it was not meant to be separated and broken apart. It has no sister or brother. It is not a two person budget, it is a document, a two-year document. I think that that is the responsible position for us to take.

I hope that today we will not be irresponsible. I hope we will be responsible and do the best thing for the State of Maine and to pass a two-year budget eventually with a compromise on many issues from us all.

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

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

A question to Representative MacBride, I would like to ask if the Representative did vote in this chamber on June 30th or July 1st for the biennial budget with the emergency on it?

The SPEAKER: Representative Joseph of Waterville has posed a question through the Chair to Representative MacBride of Presque Isle who may respond if she so desires.

The Chair recognizes that Representative.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I did vote for the budget. That budget was contingent on the funding. When that budget came up from the Appropriations Committee, it was dependent on a tax package, a retirement package and it was dependent on a hole of \$32 million. I certainly do support the budget that

we passed but we have got to have the funding, which we haven't had for it to make that budget whole and we have had other problems that need to be resolved.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: As most people say, "I will be brief, I didn't expect to speak on this issue." I did not — but I have been sitting here very patiently listening to the discussion. All of us had an opportunity to vote for this budget, for a two-year budget. All of us had an opportunity to do all the things that everybody now is complaining about. We had a tax package that was agreed to by the committee process. It had a hearing, it had discussions and had a committee vote and it was brought to us. The Appropriations Committee in a very, very difficult year went through that committee process and I have high regard for that process and for that committee and especially for the distinguished chair who took over in a very, very difficult time, emotionally and fiscally.

We will be advocating our responsibility to every citizen of the State of Maine if we do not pass a budget. The people of Maine do not know why there is no budget. The Waterville Sentinel said, "State Shutdown - No Budget", even though there was a budget on the Governor's desk. We have a responsibility by oath of office, a responsibility of individuals to see that the people of Maine are provided the services of government. It is unfortunate that we get this disease called "Dome Fever" when all of our egos become bloated and when all of us think that each one of us contributes more than the other, but our responsibility lies to all of those people out there.

If a biennial budget was before us, I would have to vote for that with grave reservations. I know of \$20 million more of cuts. I had heard from the Governor in April about restructuring and bills that he was going to bring to the State and Local Government Committee that would restructure state government and save money. Those are not my words, downsizing government in December, restructuring/reorganizing in January and February, giving Maine people, the people that you and I represent, a government they can afford.

It would have been difficult for me to vote for the tax package but the process prevailed. The process went on. It is our, it is your, it is my responsibility to present to the people of Maine the funds with which they can pay their grocery bills, their rent, their utility bills in order to get those very services. I don't know how you define state government but I don't define state government by paying the bureaucrats in the system. I define state government as providing services for those very real people that you and I know. Please, give them a budget and yes, I wish I was voting for a biennial budget but I urge you to override this Governor's veto. I must say I also have voted to override Governors vetoes in the past, Governor Joe Brennan's vetoes and, incidentally, the same two you heard about before.

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

Representative HOLT: Mr. Speaker, Members of the House: There are people that we are not showing a great deal of respect for here today, people who don't have the luxury of sitting in a comfortable

chair talking at each other, talking at the immovable objects at the opposite side of the room. I visited one on the way up this morning, she can't move into her mobile home because she can't get the proper state permits. She told me she thought the Governor should be impeached. She wasn't blaming us here but she thought the Governor should be impeached.

Another woman wants simply to pick crabs for the local grocer, she is not going to be marching in parades or going on picnics, she is very, very poor. She works night long picking crabs (has in the past) needs a permit — there is a state worker who needs to give it to her, get it to her and she is in desperation about it. They do not have the luxury we have here of venting to each other. They just simply want to get into their home and they want to work to earn some money.

I think the Minority Party should think about protecting our Governor a little bit from the kind of wrath that is being felt out there and give him a little leg up, credibility with the people we represent.

We didn't need this shutdown. It isn't necessary and people are suffering. I had to speak briefly for them just so you understand these are people I visited this morning and talked with last night. Let's do what is right for all the people we represent and let the Governor follow us.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I will not today, as I never do, call into question the integrity or intent of any member of this House or another branch of government or of the State of Maine because I think that is unseemly and undignified and unproductive and I will not do it.

I will speak only briefly to you. I think that this veto should be sustained because I believe the budget with which it deals is technically unworkable and if it were to be implemented would be functionally harmful to the state.

Having said that, I hope that the Chair will allow me another brief moment to share just a couple of thoughts with you.

Much earlier on today, a member made an analogy and said that that member felt that we may have passed into a strange land and referred to the Wizard of Oz. That called to my mind yet another analogy of Alice in Wonderland at the point where Alice poses a question to the Cheshire cat and says, "Which way do I go from here?" The Cheshire cat responds, "That depends on where you want to get to." I think that we have come to that point and we must all ask ourselves, where do we want to get to? Do we want to get to more animosity and acrimony and anxiety or do we want to get to reason, respect and resolution? We must find out where we want to go in order to ask what direction to take.

Finally, an earlier speaker said that in their opinion the legislature had failed. I respect that opinion but it called to mind the analogy of a vessel of water that is partly full, some would say it is partly full and some would say it is partly empty. On the question of whether or not we have failed, I prefer to say we have not yet succeeded but we must.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think each and every one

of us try to represent our district and our constituents to the best of our ability. Last Fall when I was campaigning through my district, there were two or three questions that were asked about some of the problems — not only was I in my district, one of the times that I was campaigning we met with the Chamber of Commerce of Saco/Biddeford, met with the Chamber of Commerce of Sanford/Springvale and the first thing that we were told was, whatever you do, do something with Workers' Compensation.

Another thing my people told me when I was campaigning, we can't afford anymore taxes. Well, I have been up here six months and I haven't done either one of those. I have put more taxes on them, coming from that district, six percent sales tax is not welcomed back home.

I served in the process, I served on the Taxation Committee and to me it was probably one of the best committees I have ever served on. I served on Legal Affairs for many years and I respect every chairman I had on that committee and I certainly respect the chairman that we had this year on Taxation. It was a fair committee, none of us wanted taxes, I, of all people, but I think that I as a Republican came out, supported those taxes and I will go back home and support them.

One thing I firmly believe and the reason I am going to vote to sustain the Governor's veto today is that I really believe that this state has got to do something about Workers' Compensation and, if I go home without doing something, I have more than failed my people. At this point in the district I serve back home, we have just lost Pease Air Force Base, we have just lost 3,000 jobs in the navy yard and I have got pink slip after pink slip without any names or anything or with names telling me.....

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative LaPointe, and inquires for what purpose the Representative rises?

Representative LAPOINTE: Mr. Speaker, I would like to know if this is in conjunction with the budget or another topic that she is discussing at this moment? Is it germane?

The SPEAKER: The Chair would ask the Representative from Berwick to contain her remarks dealing with the budget.

Representative MURPHY: Mr. Speaker, I apologize, I am just trying to explain why I have to vote to sustain the Governor's veto. I thought there were three components to that equation, one was taxes, one was the budget which I think the Appropriations Committee came out with very ably. I think we did an excellent job on taxes but I do believe the third part of that equation has not been brought about and I feel as though there should be a compromise on that and when that happens, I will more than gladly support any budget that is put before me.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The television cameras are all gone — I can get up and speak.

Way back when Sawin Millett appeared before both Democrats and Republicans in this House, I offered my suggestions. My suggestion was, let's cut back government. Let us cut it back. If we only had \$2 billion, let's go back and take into consideration the consent decree orders that we have to live up to

and let's cut back government to where government was at that year, whether it was 1985, 1986, 1987, wherever it was, but they chose to ignore that, fine.

We went through a process, the Taxation Committee came up with the money that was needed. The Appropriations Committee came up with a budget that can be met with the Taxation Committee together and I supported that. I am not one that has ever — and the good Speaker can tell you — I have never voted for taxes, I hate taxes. The one time I voted for taxes — I shouldn't say never but almost never voted for taxes — was for a five cent increase in the gas tax because the economy was way down and because of the oil crisis which is fabricated (of course), that is the time I voted for a tax increase because the Transportation Department needed the money. There was no way they could get the money because people were not buying gasoline, they were all cutting back, buying small cars and that is why I voted for a tax increase. But this time, I voted for a tax increase because this is one heck of a crisis that we are in. This is a budget that I never ever thought that we would even come close to balancing. I am told that we are balancing the budget and I have to believe the experts on those committees.

Right now, the Governor has said that he will not allow anything but essential services. I am wondering in my mind, being Ed McHenry, if he has a cook, a maid, somebody in his mansion there in the Blaine House, maybe he does, maybe he doesn't — that may not be important but I tell you it is awfully important to the people who don't receive any money here. It is awfully important to these people of the state, the state workers who aren't receiving what they should be receiving. To tie this to another subject, I don't think is right. I really and honestly don't believe it is right. I should be voting against the budget. I should be voting against everything but I am not because I am doing what I feel is right for the people of Maine.

I may not be re-elected because I am voting for taxes. I assure you that the majority of the people of the State of Maine don't truly realize that we are voting on taxes because we have manipulated the press, the press has put out what certain people wanted to see. I haven't receive one phone call in regard to not raising taxes. Why is that? Well, I voted for the five cent tax, I was even threatened, the Speaker and I were threatened, apparently it was the Speaker and Ed McHenry (as far as people up home) that passed that tax increase. I received a lot of phone calls but not any on this subject because people are being manipulated by the media and the press. They are being told what to think and what to react to. Let's be honest, the business industry is reacting to what they are told to be reacting to. I, on that that subject we are not supposed to talk about, will have something to say when it does come up but the subject now is the budget. I will vote for the budget. I hate voting for the budget the way it is right now because it is true, who is going to work 90 days without pay? We all realize why we did that. The honest to God truth is because we didn't have a budget that we could pass because we did not have the votes. In order to pass something, we needed to do what we did, not that I liked it, not that the Majority Party liked doing it, but there would have been a heck of a lot more finger pointing than there is now.

I hope that we could override but I am not that

optimistic. I hope we can override the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: It has been 50 years since I first became involved in governmental affairs. There is one thing that I am very thankful for, that I live in a nation that allows the free speech that we have heard here today. I don't believe, and I will not try, to influence anyone's vote at this point in time because I am firmly convinced that each and every one has their mind made up. Therefore Mr. Speaker, if it is proper, I respectfully ask that we move the question at this time.

The SPEAKER: The Chair would advise the Representative that since she has spoken, the motion is out of order.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Members of the House: I don't often stand to speak on budget issues, tax issues or appropriation issues. I don't serve on any of those committees and I have a tremendous respect for the committee process. It saddens me though to find us in the position where we are right now. It saddens me as I look back over the past year and see some of the events that have led us to the position where we are. Approximately a year ago, because of concerns over the state budget, there were calls for state employees to voluntarily reduce their work weeks, to take educational leaves, take a look at how they might reduce the time that they spent doing the jobs that they have. At that time, I think that state employees generally looked at what they did and the time they had and there was substantial savings due to their efforts to reduce their work week and to make what they did a little more efficient and to work a little more and get things done in perhaps a little less time. Then on top of that, after we had removed a certain amount of time, furlough days were put into place and people were involuntarily removed from their jobs to save a few more dollars. Then, when that wasn't enough, there were shutdown days so there was even less work that was able to be accomplished involuntarily and now we find that the entire fabric of state government cannot be accomplished because we don't have a budget. I value the state employees, but more than that, I value the work that they do.....

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: The Chair apologizes for the interruption. The Representative from Augusta, Representative Daggett, may continue.

Representative DAGGETT: Mr. Speaker, as I was saying, I value not the state employees for who they are but I value the work that they do. It saddens me when I have calls from constituents who are state employees who cannot do the jobs they need to do in order for state government and what state government

does to continue to function.

I had a call about a month ago from one of my constituents who works for the state police lab. He said that he was close to five months behind in his work. He had one case that was at least seven months behind and how seriously this hampers the state's case in criminal work, criminal investigations, and criminal cases.

I had a call a couple of weeks ago from someone who has never applied for unemployment before and has been waiting for over six weeks for a decision on his unemployment compensation claim. I understand that we are more than six weeks behind. I understand that we are more than 800 cases behind in making some of the decisions that are important for people to continue to live. I know that government provides services when the market can't. There is no other place for people to go to get the services that the State of Maine provides. There is no other choice. It saddens me that we cannot provide those services. This shutdown distresses me because it trivializes the tremendous responsibility of government. It demeans the entire process, a process which is so very important to all of us.

I happened to be fortunate last summer to attend a fellowship program. At that program, we were fortunate to have Alan Rosenthal speak to us. He had written a book which was getting ready to come out, he has observed legislatures and governors and their activities for many years and had written a book about that experience and spoke to us about it. One of the things which he said -- I brought the book with me today because I was looking for the quote to find it and I couldn't but I remember this and it is a comment that has come to my mind a number of times during the last six months and that is that the most dangerous situation that occurs between governors and legislatures is when a governor has no agenda because then there is no movement. To compromise, there is nothing to compromise toward.

Those of us who were waiting for a budget, the first budget at the beginning of this calendar year, frequently talked about the fact that, when you present a budget document, it indicates where your priorities are. It indicates those directions that you feel government should move in, what services, what areas, and so we looked for that in this budget and it simply was not there. There were across-the-board cuts, there was very little prioritization, every agency had to take a big hit.

I strikes me that that is precisely the situation that leaves us here with a shutdown of state government. If this is a battle between the legislature and the executive branch, so be it. I am prepared to stay here as long as necessary to achieve some kind of agreement, but let's not remove the functions of state government from the people of Maine. Let government continue. There is absolutely no reason for a shutdown. We could do a daily budget which would allow government to continue while we work on whichever issues are necessary for the long-term, two-year budget solution. I am prepared to vote for anything which will get government back on track while we continue to work out our differences. I will be voting to override.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you why

I am going to vote the way I am. I come from an area which is on the border of New Hampshire — I am talking about the budget — in my town, we have two stores left that sell hardware. We have one grocery store left, I am speaking of two towns, not one. We have one filling station that sell tires at a discount. We have several specialized stores that sell food, one building consulting firm and several other small restaurants. Just across the river, four miles away, we have four large chains of grocery stores, four. We have three discount hardware stores, big ones, and they sell everything there is to be sold. We have two huge discount outlets. We have six nationwide other stores, such as Filene's and so forth, all of those within four miles of my house. The small businesses in my town are worried. The one cent sales tax alone is going to put two of them right out of business, that is the hardware stores. Two of the stores, the tire store and the consulting firm, are seriously looking for places in Dover, New Hampshire to settle their businesses, they can't afford to stay in South Berwick and North Berwick anymore. When they close, you are going to add to the unemployment in my area. About 600 people in my town who worked in the navy yard were let go. People were let go from GE which is over in Somersworth, New Hampshire. People were let off in Clarostat which is over in Dover. These are all unemployed people. We have \$67,000 to \$87,000 homes in my area that sold at an auction three or four weeks ago for \$18,000 each. What are we going to do?

The SPEAKER: The pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor of overriding the veto of the Governor will vote yes; those opposed will vote no.

ROLL CALL NO. 214

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heesch, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Nadeau, 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.; 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.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Barth, Clark, M.; Dutremble, L.; Hale, Kerr, Mahany, Martin, H.; Mitchell, J.; Morrison,

Poulin.
Yes, 89; No, 52; Absent, 10; Paired, 0;
Excused, 0.
89 having voted in the affirmative and 52 in the negative with 10 absent, the veto was sustained.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Repeal the Maine Educational Assessment Program" (EMERGENCY) (H.P. 1081) (L.D. 1575) on which the Bill and accompanying papers were indefinitely postponed in the House on July 1, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Education read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-650) in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program (EMERGENCY) (H.P. 1100) (L.D. 1599) on which the Resolve and accompanying papers were indefinitely postponed in the House on July 1, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Education read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A" (H-649) in non-concurrence.

Representative Handy of Lewiston 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 Chair recognizes the Representative from Lewiston, Representative Handy:

Representative HANDY: Mr. Speaker, Members of the House: All of us are certainly aware of the business situation that we have found ourselves in

over the past few days. This bill would propose that the Department of Education not publish the so-called report card, which is a compilation of data that is readily available within every school district. If we are truly interested in cutting costs, we will vote to recede and concur so that the department will stop publishing something that this legislature never ordered them to print. I hope you support the recede and concur motion.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Men and Women of the House: I rise today to speak in support of the report card for Maine schools. As a school board member in Wayne, it has been a valuable, concise, evaluation tool of several components of our school and the education we provide to our children.

I will read to you the purpose behind the report card that can be found in the beginning of the booklet. "The purpose of the report card for Maine schools is to provide the citizens of Maine with information regarding the performance of our schools and to communicate with the public about accomplishments, goals and plans for continuing school improvements. This report card describes your school administrative unit in terms of the following categories of information: Student characteristics, staff resources, academic performance indicators and school finance. I urge you to vote against the pending motion.

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

Representative DAGGETT: Mr. Speaker, Members of the House: As you make your decision on whether you feel the report card should continue, I would just like to relate to you the experience that Augusta has had with this report card. I know that there are probably plenty of school systems where there are single elementary schools, single junior highs or single high schools, but Augusta has two public junior high schools, and one of their junior highs has had increasingly better scores on the MEA's and that does show up as a component of the report card.

The other junior high school, unfortunately, has had decreasing scores over the past four or five years, they have gotten worse and worse. In fact at one of our junior highs, the scores are sadly in the lowest tenth percentile of schools (this is the eighth grade) of that type MEA's in the state.

Now, one of the components of this report card is, if you have achieved a certain level in the scores, you become known as what is considered a star school. You will see on your report card a star that indicates your performance on those tests so it tells you whether you have done a really good job or not. Sadly, the report card is issued for all of the schools in that school district — in this case it is a single school district, a single municipality and so even though one of our junior highs had done absolutely abominably, the other had done so well that Augusta was a star school. I found that a very sad indication because frankly it was simply not an indicator of what the performance of these schools had been.

I hope that you will go with the motion.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor this. The

report cards have absolutely no new information for the schools. They have all the reports and scores and, as far as the stars are concerned, my little town in Searsport who had scores in 240 on a 400 scale got stars. I don't know what the stars all meant. I think it is more public relations than it is anything else. So, I think we would save the money that we are putting into these report cards and put it to some better use.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: There is no one place in education that you will find the information contained in the report cards. Indeed, it is picked up from various sources and that is one place the citizens can find out something of value about its schools.

However, I am not going to make that my focus point. The reason I don't like this — if you want to use the much too much used term of micromanaging, this is micromanaging at its worst for it is a program that the Department of Education should be left with within its budget. They sustained a 20 percent cut in their publication money. This costs \$15,000 a year and, with everything that is at stake today, tomorrow and in the next few days, this is a point that I don't wish to belabor either but I did want to make those points.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I almost didn't make it back because after having been a freshman and in the second term, I sometimes wondered about whether we should arrive back at any particular hour — I have been out on the balcony talking and I am absolutely shocked that this is happening. I have to believe that the Senate Chair is playing a game with me and others.

I am urging the House to understand that, if the report card is used properly as it is in the City of Westbrook, it is a useful tool.

I am going to sit down because I am really a nice guy and very, very patient and very gentle, but I am urging the House to allow this particular tool of the Department of Education to stay in force. I don't know if any of you talk to your superintendent of schools or school boards or to your teachers but I am telling you as a former teacher, as a person who believes in education, and believe that educators need every tool and that means, not just teachers in the classroom but school boards and superintendents of schools and parents.

If the report card is not being used effectively in your town or your city, that is your problem, and it is the problem of your school board and your teachers and your administrators and you ought to straighten it out, but in Westbrook it is used.

I want to tell you something, I am not always happy with what I see on that report card but our superintendent of schools sends that report card out to each and every home in our city. I can tell you some citizens of Westbrook are not happy with what they see either but, as a result of that, they are not going to see those results next year and the year after.

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

Representative ALIBERTI: Mr. Speaker, Men and

Women of the House: I would like to pose a question through the Chair, please.

Did I hear correctly when they said that the total cost was \$15,000 for this?

The SPEAKER: The Chair would answer in the affirmative.

Representative ALIBERTI: As a member of the school board and a person that has had the opportunity to see these report cards and the way they are handled in the city of Lewiston, I find it difficult to go along with doing away with this service for the amount of money that it costs.

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 Crowley who is the House Chair of the Education Committee where this went to — if we recede and concur and vote favorably for that motion, is it my understanding that we would in fact be eliminating the report card process?

The SPEAKER: The Chair would answer in the affirmative.

A roll call has been ordered. The pending question before the House is the motion of Representative Handy of Lewiston that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 215

YEA - Adams, Anthony, Bell, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Goodridge, Graham, Gurney, Gwadosky, Handy, Heeschen, Heino, Hichborn, Hogle, Holt, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Luther, Manning, Martin, H.; McHenry, McKeen, Melendy, Michaud, Nadeau, O'Dea, Oliver, Paradis, J.; Parent, Paul, Pfeiffer, Pineau, Pouliot, Powers, Rand, Richardson, Rotondi, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Boutillier, Bowers, Butland, Carleton, Clark, H.; DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gean, Gray, Greenlaw, Hanley, Hastings, Hepburn, Hichens, Hussey, Jacques, Kutasi, Lemke, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, Mayo, Merrill, Mitchell, E.; Murphy, Nash, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Barth, Clark, M.; Coles, Gould, R. A.; Hale, Kerr, Mahany, Mitchell, J.; Morrison, Nutting, Poulin, Ruhlin, The Speaker.

Yes, 70; No, 68; Absent, 13; Paired, 0; Excused, 0.

70 having voted in the affirmative and 68 in the negative with 13 absent, the motion did prevail.

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

SENATE PAPER

Resolve, to Ensure Operation of the Veterans' Memorial Cemetery (EMERGENCY) (S.P. 775) (L.D. 1969)

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 Aging, Retirement and Veterans.)

Under suspension of the rules and without reference to a Committee, the bill was read twice.

There being objection on further suspension of the rules, the Chair ordered a Division.

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

A vote of the House was taken.

118 having voted in the affirmative and 1 in the negative, the bill was passed to be engrossed in concurrence.

Subsequently, the Bill was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: The Chair has some concerns about statements that are being made to a number of people, as you perhaps talked to them in the hall. I think it might be wise, if someone does not know the answer to the question, that they may want to find out the answer to that question before they respond because it leads to misunderstandings which might be a problem.

State employees have come to my office and said that one or more of you have indicated that the reason why they have not been paid is because I personally was sitting on the pay bill which had been submitted by the Governor. The fact of the matter is that the pay bill is tabled in the Senate pending an amendment which must be offered since the bill was improperly drafted by the Governor's office. The bill contains language (if you are able to read) that the Department of Transportation people would be paid from the General Fund. Therefore, the Chair would pose a question to Representative Hanley of Paris whether or not he has made that statement to state employees?

Representative HANLEY: Certainly not. That is not the case but I did in fact tell them that it was tabled down in the Senate and that if you and President Pray would like to get that going, then you could get it on a posthaste base.

The SPEAKER: The Chair would advise the Representative from Paris, Representative Hanley and members of the House, that the Governor's office never made the bill available to us to review. If they had, it probably would have been drafted

correctly. Therefore, I would suggest that be made directly to where it came from.

(At Ease)

The House was called to order by the Speaker.

All matters having been acted upon earlier in the day requiring Senate concurrence were ordered sent forthwith to the Senate.

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

FINALLY PASSED

Emergency Measure

Resolve, to Ensure Operation of the Veterans' Memorial Cemetery (S.P. 775) (L.D. 1969)

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 2 against and accordingly the Resolve was finally passed, 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. 1 was taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds 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" (EMERGENCY) (H.P. 1379) (L.D. 1967) (Presented by Representative CHONKO of Topsham) (Cosponsored by Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested reference to the Committee on **Appropriations and Financial Affairs.**)

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading later in today's session.

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

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 8, 1991" (EMERGENCY) (H.P. 1380) (L.D. 1970) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative HOGLUND of Portland and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested reference to the Committee on **Appropriations and Financial Affairs.**)

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading later in today's session.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 2 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. "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.

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, 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" (EMERGENCY) (H.P. 1379) (L.D. 1967)

Was reported by the Committee on **Bills in the Second Reading** and read a second time.

Representative Chonko of Topsham offered House Amendment "C" (H-741) and moved its adoption.

House Amendment "C" (H-741) 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 amendment keeps the stores at DHS office closed as of Chapter 9, in this bill here we have an error and we are closing 11 of them.

The second part of this is a technical correction found by the Revisor's Office and the third one is adding the fiscal note to the bill.

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

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

It is unclear to me, under Section P14, what is being repealed on page one of this amendment?

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

The Chair recognizes that Representative.

Representative CHONKO: Mr. Speaker, Men and Women of the House: I honestly don't know what is being repealed, all I know is that there was an error that was found by the Revisor in the Revisor's office.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: Looking at that section in the bill, it is a demonstration project that the Department of Human Services is going to do. It is my understanding that we had taken that out of the original document and it was something they could obtain waivers, if necessary, depending upon the demonstration project. The Department, I believe, when we talked about this decided they weren't going to be doing those demonstration projects and at this time do not need that section of law. It is on page 349 in the document.

Subsequently, House Amendment "C" (H-741) was adopted.

Representative Jacques of Waterville offered House Amendment "A" (H-738) and moved its adoption.

House Amendment "A" (H-738) was read by the Clerk and adopted.

Representative Manning of Portland offered House Amendment "B" (H-740) and moved its adoption.

House Amendment "B" (H-740) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This repeals the language which is in the budget and puts back the language that was the original language of the committee back in 927. It also gives the authority of the commissioners of each department the ability to okay these administrative costs if they feel it is justified.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I hesitate to ask you to vote against this amendment because it is being offered by my Chair of the Human Resources Committee and it is language that came out of the Mental Health Subcommittee on which I served. I do believe at this time that the way this amendment has been used in the budget it will cause more problems than it will solve.

This language was originally developed by the Mental Health Subcommittee of the Human Resources Committee to deal with problems that we identified

with eight fairly large Mental Health agencies that have very large budgets and that did have identified problems with their administrative costs.

When the Appropriations Committee saw this language, they then adopted it without (I think) thoroughly thinking through the consequences and applied it to every single contract that the state has, even with some very, very small agencies that may have contracts of only about \$45,000 or so. The language is really micromanaging these small agencies.

I have some real concerns with applying it beyond those very large agencies with the big budgets that get a lot of money and that do in fact have problems with how they spend their money. This language would dictate whether or not a small agency could go out and get a subscription, even if that subscription was needed to ensure that they were accredited. That is a concern that was brought to me after we had adopted the language.

I hope that you will vote against this amendment. Although the budget did put in something that would provide an escape hatch so that the commissioners of the various departments could provide exceptions, there is no standards for that and I have some concerns that hundreds of these agencies will in fact be seeking exemptions from the language and cause an administrative burden right there. I do urge that you vote against this amendment.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Representative Treat is absolutely right, we did vote for this originally but we changed our minds and we lost it by one vote. When we attempted to bring it up again, we were told that we would be dividing the budget on this one issue, so we were forced to drop it at that point.

I respectfully submit that you vote for this amendment because we did try to rectify this problem when it was brought to our attention. We feel that it is not broad enough, that we should be using those standards across state government, not just some small agencies that we have already cut to shreds.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I rise in support of this amendment. The Joint Select Committee on Corrections also considered the problem of costs in contracts and we recommended also to the Appropriations Committee that there be some restrictions placed on contracting agencies. Rather than try to invent our own guidelines, we piggybacked on the work that we knew was going on within the Human Resources Committee and recommended that they adopt those provisions to apply to corrections contracts as well. These are fairly restrictive provisions but they do have the out, that you can get a waiver through the department head. We don't know how well they will work, it may well be that we will find that they are too restrictive and in which case we can modify them in future years but this is a start, a good effort and I think it deserves support. I would support the amendment offered by Representative Manning.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I hope that you will support this amendment tonight. I was on the Mental Health Subcommittee, we worked long, hard hours on this language. It seems to me that the information that we received when we talked about this issue in committee was that there are some agencies that the state is contracting with that are spending more money in different pools and different areas than the state agencies are. So, we are pouring a lot of money in that is getting wasted in things that we don't allow our own state government to do. I support Representative Manning on this amendment and I hope you will vote with us.

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

Representative COLES: Mr. Speaker, I would pose a question through the Chair.

On page two of the bill, Subsection M, it says "administrative costs that are greater than statewide average" — two questions actually, one, what is a statewide average for that period? Second, what is included in administrative costs? Does that include rent, telephone? For example, the Rape Crisis Help line, of which I am on the board, the telephone is a vital part of the service as well as part of the administration perhaps.

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would assume if you have a Rape Line Crisis phone that that would be direct service versus administrative costs.

For my colleague from Arundel, I would like him to check Section 2 of the bill, his amendment is on there.

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

Representative COLES: Mr. Speaker, I am afraid I didn't get all of my questions answered. I asked what is the statewide average of administrative were, if anyone knew them? I also wanted to know if it included such things as rent for the space the agency uses, telephone (other than the hot line telephone) that sort of thing?

The SPEAKER: Representative Coles of Harpswell has posed additional questions through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: If you are you talking about rent, Representative Coles, and it is rent that is direct service, yes it would be reimbursed. What we are looking for are things that are not direct service related. In a year when we have cut and cut and cut, we are looking for things that are not direct service related. And, if it is not direct service related, then we are not paying for it.

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

Representative COLES: Mr. Speaker, Men and Women of the House: The good Representative from Portland's answer concerns me. The agency which I am fortunate to be able to help is a very small one with a budget, as Representative Treat mentioned, of about \$45,000, two part-time people. They have one office,

not a very large office, and both administration and service occur within that office. They use the office telephones for both administrative purposes and service purposes, as well as having a hot line for the victims of sexual abuse.

It seems to me that, for example, if the statewide average was 15 percent, that the amount allowed for administrative agency like this might be as little as \$6,000 or \$7,000, that would make the agency's operations impossible because you simply can't operate an agency that small on that small amount of administration. The rent alone is going to be well over half that amount, say nothing of the portion of the Executive Director's time taking up ordinary paper work and requirements imposed by DHS.

I hope you will vote against the amendment.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I hope you will join me in opposing this amendment. I also serve on the board of several small community agencies and on boards of several agencies and I think that some of the parts of this amendment would be incredibly restrictive. I am sure that most of you know that, if at any time an agency is doing things which are considered inappropriate, that those items can be written into the individual contracts for those agencies. So, there is a remedy without painting a broad brush which takes in every single agency.

Just as an example, in the amendment under Item K, it makes reference to non-clinical consultants. One of the agencies that I am involved with hires a financial person as a consultant frankly because we couldn't afford to hire one on a full-time basis. Obviously, an essential part of this agency is to have a person with financial expertise. However, it is not a clinical position and it would not be reimbursable. So, I hope you will oppose this. These agencies that are performing functions or paying salaries that are inappropriate should be dealt with through their individual contracts.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I would just like to follow up on the questions and comments of the Representative from Harpswell, Representative Coles, who asked, what is the statewide average for administrative costs? The answer to that is we have no idea what the statewide average is because there is no consistent definition of what is administrative costs and what is not and we have not done the research to do that.

The original language that came out of the Mental Health Subcommittee had a section that would require the Department of Mental Health and Retardation to come up with a standard definition for administrative costs so that we could then take a look at that and in the next year impose that on different agencies as part of the standard state contract. That certainly is an appropriate thing to do and I hope that we will do that. The language in this budget bill will provide the opportunity to do that. The language in this amendment does not.

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

Representative RICHARDS: Mr. Speaker, I would pose a question.

There is an agency in Penobscot County, a Community Health and Counseling Center located in

Bangor that recently bought the rectory and the site where St. Mary's Church used to be. It is a several million dollar building that was built there — for those that are not aware of community health and counseling centers, they service mental health needs of people and many indigent people and families. In my job as a lawyer in dealing with child protective cases and other types of cases, sometimes people are referred there for evaluation. Information that I have received is that, with this new building, they will be getting \$100,000 out of this budget and the information I have is that that building has one therapy room. As I understand it, there is only one clinical psychologist in that entire building.

One of the arguments I heard is, if these funds are not received, you are going to have a longer waiting list. I can tell you this, when you get on the waiting list at CHCS, you are never going to get there. Whether you have a waiting list or not is totally irrelevant because it takes months to be able to get treatment.

My question is, with \$100,000 it is my understanding that money is going to go to administrative costs. Obviously it doesn't cost \$100,000 just to deal with one therapy room with a waiting list that never diminishes.

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I can't really respond to that because I don't know the circumstances. Quite frankly, the committee took a hard look at this. We did look at this in looking at the agencies, one of which is the agency you just talked about. We felt that there were some major discrepancies in there that we ought to be taking a hard look at in times of tough times. That is why we put this piece together because we knew that we had to make tough decisions on tough times and we had to make sure that the monies we were giving them were going to direct services and not going to administrative costs that were in the range of 11 to 24 percent in those eight agencies.

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

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: I, too, served on the Mental Health Subcommittee and urge you to vote against this House Amendment. This is the exact language that we used as a subcommittee in dealing with mental health agencies. We were focusing on a piece of state government and this looks at areas on a much broader scope.

I had reservations in committee about this form of micromanaging and voiced my concerns. For example, as far as the language under D where it says "non-personnel advertising, excluding public education materials that have the approval of the department", that specifically deals with children in the school system who may need to have some mental health services. That, obviously, doesn't pertain to all agencies across state government.

So, like I said, I urge you to vote against this amendment. I think we will be doing a great disservice to the agencies that serve the state.

The SPEAKER: The Chair will order a vote. The

pending question before the House is adoption of House Amendment "B" (H-740). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Manning of 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 pending question before the House is adoption of House Amendment "B" (H-740). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 216

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Bennett, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Crowley, DiPietro, Donnelly, Duffy, Farnum, Warren, Foss, Garland, Gean, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heino, Hepburn, Jacques, Joseph, Kerr, Kilkelly, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, McHenry, Merrill, Mitchell, E.; Murphy, Nash, O'Dea, Parent, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Savage, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Wentworth, Whitcomb.

NAY - Adams, Bell, Boutillier, Cahill, M.; Chonko, Clark, H.; Coles, Constantine, Cote, Daggett, Dore, Duplessis, Dutremble, L.; Erwin, Farnsworth, Goodridge, Gould, R. A.; Graham, Gray, Heesch, Hichborn, Hichens, Hognlund, Holt, Hussey, Ketover, Ketterer, Kontos, Lemke, Libby, Luther, Macomber, Martin, H.; Mayo, McKeen, Melendy, Michaud, Nadeau, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pouliot, Powers, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Stevens, P.; Strout, Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, The Speaker.

ABSENT - Barth, Clark, M.; Jalbert, Mahany, Mitchell, J.; Morrison, Poulin, Ruhlin.

Yes, 80; No, 63; Absent, 8; Paired, 0; Excused, 0.

80 having voted in the affirmative and 63 in the negative with 8 being absent, House Amendment "B" (H-740) was adopted.

The Bill was passed to be engrossed as amended by House Amendments "A" (H-738), "B" (H-740) and "C" (H-741) and sent up for concurrence.

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Making Unified Appropriations and

Allocations for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 8, 1991" (EMERGENCY) (H.P. 1380) (L.D. 1970)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Gwadlosky of Fairfield offered House Amendment "A" (H-739) and moved its adoption.

House Amendment "A" (H-739) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: This amendment specifies the exact time of the authorized extension period as was originally brought forth in the Senate, Representative Farnsworth's bill. It also adds the necessary language authorizing payments of Cycle A payroll checks of work performed in fiscal year 1990-91.

Subsequently, House Amendment "A" (H-739) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-739) and sent up for concurrence.

By unanimous consent, was 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.

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

FINALLY PASSED

Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program (H.P. 1100) (L.D. 1599) (C. "A" H-649)

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

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I request a roll call.

In comparison to the terribly complex problems that we are facing with the budget and Workers' Compensation, this is not an issue I am going to force to a protracted debate. I just want to make sure that you understand that, to me and to a lot of people, it is very important nonetheless.

It has been my practice in my political career that whenever I make a statement in public that is embarrassing or derogatory to someone and I find eventually that that is incorrect, it has been my practice to apologize on the Record as well. I made reference to the Senate Chair of the Education Committee and subsequently in conversation with him have put a little bit more at ease at what his

purpose was and what his program was. I don't agree with it totally but I understand it a little better and I publicly apologize to the Senate Chair.

Many of you have discussed this with me since this afternoon and I hope I have answered your questions.

One thing I didn't say and I pointed out to several people later and maybe some of you may be interested in knowing that the Maine Teachers Association did not oppose this legislation.

One simple statement — at a time when we are demanding greater accountability of our schools, the teachers, the administration and administrators that make it work, I truly believe that this is a tool that, as I said this afternoon, if it is used properly and positively, not one school system against another or one superintendent against another, it can be a very effective tool in showing the taxpayers what they are and in fact what they are not getting for their tax dollars. I hope that you will support my very sincere belief that this Resolve should be defeated.

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

Representative HANDY: Mr. Speaker, Members of the House: What the report card is is a compilation of data that superintendents, local school districts, already have. The Department of Education spends \$30,000 every two years to publish this, to correlate the information and publish it.

Yes, it is a nice thing to have Representative O'Gara, it is very helpful to those school districts, but my goodness, with the fiscal mess that we are in, I don't care if we are saving \$5,000 — we add up those monies and pretty soon you have got real money. If we are really serious about doing something in state government, really serious about having a government that we can afford, streamlining and all the catch-phrases that we have been hearing over the past several months, then we have to start and look in every corner. The report card provides no new information that isn't already available to every school district in this state.

I would hope that you would stay with your previous action and support this Resolve.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: I will try to keep my promise not to force you into protracted debate over this.

As I say to some people now and then, I didn't come down with yesterday's rain, I have been around the political field once or twice and up and down the block and I am just telling you that there are times even in the face of financial crisis that we in our homes, we in our businesses, and we in this state government have to understand that there are certain things that you don't eliminate during hard times, this is one of them. Just as I fought for ten years as the Mayor, the elected mayor of the City of Westbrook, against councils who wanted to eliminate programs that were important to the citizens of Westbrook, even though we were facing the same hard times that everybody else was facing, I am saying to you, (and I shall not get up again) this is a tool that I believe is growing in popularity, growing in value and is worth the money.

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 final passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 217

YEA - Adams, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Heesch, Heino, Hichborn, Hوجلund, Holt, Hussey, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Luther, Manning, Martin, H.; McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Parent, Paul, Pfeiffer, Pineau, Pouliot, Powers, Rand, Richardson, Rotondi, Rydell, Saint Onge, Salisbury, Sheltra, Simpson, Skوجلund, Spear, Stevens, P.; Swazey, Tardy, Townsend, Treat, Vigue, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Clark, H.; DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Hanley, Hastings, Hepburn, Hichens, Jacques, Kerr, Kutasi, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, Mayo, Merrill, Murphy, Nash, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Ricker, Savage, Simonds, Small, Stevens, A.; Stevenson, Strout, Tamaro, Tracy, Tupper, Waterman, Whitcomb.

ABSENT - Barth, Clark, M.; Gurney, Jalbert, Mahany, Mitchell, J.; Morrison, Poulin, Ruhlin, The Speaker.

Yes, 77; No, 64; Absent, 10; Paired, 0; Excused, 0.

77 having voted in the affirmative and 64 in the negative with 10 absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Anderson of Woodland,
Adjourned at 11:35 p.m. to Wednesday, July 3,
1991 at ten o'clock in the morning.
