

# 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  
 69th Legislative Day  
 Wednesday, July 3, 1991

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

Prayer by the Honorable Herbert C. Adams, Portland.

The Journal of Tuesday, July 2, 1991, was read and approved.

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

**ENACTOR**

**Later Today Assigned**

**Emergency Measure**

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 (H.P. 1380) (L.D. 1970) (H. "A" H-739)

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

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: L.D. 1970 is a bill that in my mind is in the best interest of state government. It is not a political ploy, it is not a budget. It is the product of my entire professional life's work experience. It occurred to me the other day that it probably goes back to girl scouts when we were taught to "Be Prepared." As a lawyer, I have spent most of my career in state government and prior to that, I worked for a municipal government, and I include in that a time as a Chair of a municipal housing authority in Lewiston.

It offends me to think that this legislature would leave the Governor with only emergency powers. That means he has no preventive power, can only act after there is an emergency. That is the first thing that troubled me about this.

The second thing is, if we are going to have a shutdown, that is one thing, I understand that, I understand the Governor's decisions on that although I don't always agree with them, but I do understand it. I do not accept and I don't believe anybody in this House does, no matter what side of the aisle we are on, I think that is why we have more than one bill here today that, in addition to the shutdown, that we should have anybody not get paid for work they have already done.

So, this bill addresses the fact that the Governor, at the moment, is without authority to pay people for work that has already been done because he has only the power under the emergency rules of the Constitution. That means he does not have the authority to order people in to prepare paychecks or to order people in to deliver paychecks. I believe that without the expanded authorization of this bill

that has appropriation beyond the actual dollar amount of the payroll that just appropriating money for payroll itself is not enough because the Governor's emergency order from last week already says that there is not a soul in the Department of Finance deemed emergency personnel.

I drafted or asked to have drafted this bill last week because I felt that even if we reached a budget agreement on the weekend, we needed to have this bill in place on Friday to allow people to get the checks ready for Monday. We had the same problem this week, even if we authorized a budget tonight or tomorrow, we need to have the authority, as I understand it, by the middle of the day today to have people come in and do the work that puts the money into direct deposit.

I believe this is the only bill in front of the legislature that authorizes the people to do that work. We have another bill, as I understand it, that lacks that kind of authorization — all it does is say you can spend the payroll dollars.

The other thing is, at the time this bill was first put forward, it was only dealing with the people who were not paid last Monday who are, for the most part, institutional workers and DOT workers.

Next Monday, most of the rest of state government is going to be waiting for paychecks also for work done in the last fiscal year and, in this case, 18 days ago because of the moving of pay periods forward. Unless there is authorization available by the middle of the day today for the people to do the work of getting the paychecks out, those people will not get their paychecks.

This bill probably engenders some suspicion because it is unusually free of limitation for the Governor and generous, coming from a Democrat. But, it seems to me that there wasn't time to go find out from the controller and the budget officer the details of exactly how many dollars it takes to have six people come in and do a payroll or how much it costs to have government run for six hours or a day in each department enough so they can do the work for payroll. Instead, without knowing what kind of impasse we were going to be at but just feeling like there might be one, I went to the State Controller last Thursday and then the State Budget Officer on Thursday and Friday and said, "Can you give me a figure for one week's worth of expenditures from a year ago July?" The dollar amounts that are in here are not enough to run state government fully for a week. That was part of my purpose, I didn't think it would be politically acceptable, as a matter of fact, that is why I did it that way.

What this bill does is it puts some money in the accounts, just enough to give the Governor authorization to do anything beyond emergency powers. To me, that means, if there is a need for some extra park rangers at a given park, that can happen so we don't have to wait for a forest fire to respond to it. It means in a particular situation if the Governor decides that a particular caseworker should be assigned to do work on a case, it is non-emergency but it will be if we wait, but that can happen. It doesn't mandate, it doesn't require and it doesn't even really provide for every single state worker to go back to work tomorrow. I agree and understand that, at this point, we are all needing some kind of pressure and I don't like it. I don't really find that acceptable but I understand the reality.

So, I would just like to explain briefly where the dollars come from in here. The General Fund appropriation is \$74.5 million. \$18 million of that is the figure I got from the State Controller, that is the amount of cash disbursements from the first week of July last year. It is not the amount budgeted last year or this year, it is just the amount of cash disbursements.

The remaining part of this \$74.5 million are the controller's estimates of the amount of deferred payments for school subsidies, university, vocational-technical colleges and Maine Maritime deferred payments that were supposed to be paid in June. It is my understanding that those amounts are also mostly used for payroll as well. By not doing them, we caused those entities to have to borrow money or people go without paychecks that they have already earned. So, that is the General Fund amount.

The remaining three categories of money represent one-sixth or one week's worth of the temporary allotment figures that the Budget Office had already planned to give out, it was a mechanically easy way to come up with a short-term allocation. Without an allocation, there is no authority for the Governor to spend any money in these other areas. That is why, for example, when I tried to get somebody from DOT yesterday to deal with a hole underneath the pavement on a state road in my town that is 15 deep and five feet wide, nobody can go because they are not considered emergency. They said barricade it and leave it there. But, we do have DOT people out as inspectors on private contracting work that is going on. For me, that raises the other issue here. I don't intend to cause problems by this but I think we already have a number of problems by the fact that the definition of emergency is so limited right now.

We have people not getting foster payment checks. We have people that are not being allowed to apply for various kinds of assistance in emergencies which is either sending them elsewhere or leaving them with nothing. It may be that it is appropriate to leave that unaddressed until the budget is answered but it seems to me, if the legislature does not give the Governor that choice, that option. He has got the information. I worked in state government 11 years and what I know is that we don't know enough here to be able to envision all the possibilities of what might arise.

State government does everything from inspect eggs to licensing day care facilities to fixing pot holes to raising fish. We have taken care of the fish, we are now allowing the cemeteries to open but we have a lot of living, breathing people out there with major problems. I think that, rather than talk about whether we are opening state government 100 percent or not, what I am concerned about is that we have left the Governor with no authority to deal on a day-to-day basis with what might come up. It just seems to me to be irresponsible.

Yesterday, I offered to accept limiting amendments if people felt this was too broad. I believe and I think people who have thought about this are ready to support the idea that we should trust the Governor for a few days to make those kinds of decisions.

There was no state controller there yesterday that I was aware of or people in finance to ask how can we limit the dollars here. I don't have the resources to do that. I would accept, even now, except for the time frame on the paychecks, ideas on

how to limit this if that is a concern.

I think there are three issues here. One, paychecks for work already done. I believe there is general consensus among the entire legislature that it is desirable to give the authorization to do that. I would say that this bill gives that, the other bill falls a little short of that because it doesn't authorize the people to do the work to get that to happen.

The second thing is the Governor's powers in general. I think it is only responsible to give the Governor — what this bill does is give the Governor power to decide what is a necessary expenditure instead of being limited to just what is an emergency expenditure.

The third thing, it seems to me, is just the general issue of at what level are we going to shut down state government because it is not totally shut down. Everybody has read the papers and everybody has heard some of the debate in the Senate and we know there are some things open and some things not. My belief on that is that it is an Executive function to decide in this kind of circumstance what should be open and what should not. Right now, it is the legislature's inaction by not appropriating anything that makes it limited to emergency powers. I think it is irresponsible to leave it that way. I think we have to do something more. I don't personally care if it is this bill or another bill. I just think at this point it has got to be something and it needs to be fast that should allow a little more flexibility in the Executive Branch as to what is necessary to do for state government.

I am sorry if people have a hard time distinguishing right now between what is truthful and what isn't and what is sincere and what isn't but I would just say to you, I am sincere, this is not a game, this is not intended to be a ploy and I sincerely hope that everybody in this House can set aside our other issues long enough to do this because it seems to me (and I believe it does to most people here) that we are not trying to set the state up for liability because we have not authorized the Governor to take reasonable preventive action and just limit him to emergency action.

I would urge everybody here to vote to enact this bill.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I appreciate the sincerity of this piece of legislation before us. However, I urge members of this body to vote against it.

Unfortunately, the Representative has made a number of points of agreement and I would like to look at those with you for a minute. However, what we have before us is not a solution and it doesn't get us closer to a solution. She states very clearly and very factually that there is general agreement in this body that upon releasing those paychecks. However, that is the ornament attached to this bill which gets us further away from a solution and not closer. It seems to me that passage of this legislation would be a giant step backwards. Having met with leaders of both parties in both bodies, late in the evening, as many of you were here, there is progress to a solution. It is not my interest at all to see a lengthy debate today on a bill that doesn't get us there.

I am sorry that we are at this point and I am

sorry that we are put in a position to need to vote against this but I sincerely believe that this piece of legislation takes us backwards and not forward. Therefore, I urge this body to reject it.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in response to comments from the Representative from Waldo, Representative Whitcomb. Frankly, I am more surprised than I thought I would have been otherwise, by the statement that he has made.

I would suggest that it is absolutely unconscionable for us not to do everything in our power today to end the shutdown of state government. We have a moral obligation to keep state government open. Knowing that the shutdown is causing tremendous hardship, not only for thousands and thousands of state employees, but for Maine's most vulnerable citizens who are not receiving essential services for which they depend upon. I find it incomprehensible that there are members of this legislature who are willing to inflict suffering on these people simply because they believe that shutting down state government provides certain members of the Minority Party with political leverage.

The Representative from Waldo said that this is a step backwards, not a step forward, that keeping state government shut down is a step backward, not a step forward. It is government by obstruction, government by obstruction. We cannot allow this to happen. We must not allow this to happen. Someone is going to die. It might be an elderly person on home base care, it might be a young child who can't receive child protective services. While the games are being played here today, people are being hurt back home in my district and in your district. We have a moral obligation to keep state government operating, not shutting it down for political leverage on one side or the other. State employees haven't had their checks since last Monday, they deserve to be paid, they deserve to be paid today. It is not enough to say that we agree that they need their checks, but let's not have them work for the next two weeks because we need that political leverage. We have an obligation, a very fundamental obligation to ensure that state government is running for all our people back home.

The bill before you allows state government to keep operating to the 8th of this month. It is my hope between now and then that we will be able to work out the differences that remain between the two bodies and the two parties and the two floors, but we have to move and people are watching us, people are counting on us. This is not the time to let down the people across this state. I would urge your adoption of this bill on enactment.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: Through all these negotiations, I have been relatively quiet, holding my mike and trying to do what is best out in the back corners, trying to work these issues. Today I rise on this bill because I find it disgusting that any member of this House would vote against this measure. We have to give the state workers their due. How would any of us feel if we were in the position we have put them in? How any member of this body can stand and

look themselves in the mirror knowing that all we are doing is gamesmanship. I believe it is time for statesmanship to surface. I would hope the members on both sides of the aisle would remember that.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I do oppose this bill in its present form. It is, in my mind, a continuing resolution just like we see out of Congress in Washington. When they can't make the hard decisions, they take these kinds of baby steps and buy time. All I can think of is that I am glad that we can't print money the way they can or we would have the same kind of deficit problems they have.

This bill spends \$74.5 million of General Fund dollars in one week. I understand that the goal of the Representative to factor out of that amount the GPA payment. If you were just to look at the \$74.5 million, however, and spread it out over a year, we would be spending almost \$4 billion, about half a billion dollars more than we will have in two years and this is for a one year proposal. If you factor out the GPA payment, we are still spending at this clip over \$200 million more than we expect to have this fiscal year.

The issue of amending this bill to include paying the state employees retroactively, I think, is unfortunate. I do want to remind members of the House that on your desk right now is Supplement No. 3 which is a bill to address the issue of paying state employees retroactively. We all want to get those checks out. But, this is an attempt to force us to vote for a Congressional type continuing resolution which I think only prolongs this uncertainty for state employees and for the citizens of our state and for the bond houses who are watching us. I do think we have a moral obligation to resolve the budget and Workers' Compensation issues right now, not give the people delaying tactics we see in Washington.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise to respond to the statements by the previous speaker. We are not spending \$74.5 million, we are authorizing the Governor to expand under his own authority that amount of money, he is not forced by this legislation to do it.

We are also authorizing the release of paychecks to state employees who have earned them.

We are just a little over an hour away — I would urge the members of my caucus to not take the floor, to allow us to go to a vote on this issue so the other body may act.

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

Representative LIPMAN: Mr. Speaker, Men and Women of the House: I first want to apologize to Representative Mayo for jumping up during his

presentation, I thought you had concluded and it wasn't my intention to interrupt you and I apologize for that.

We have before us another bill which addresses directly the payment of the checks that have been earned by the state employees that was due Monday. That is the matter, if it is passed and goes through an emergency, will be signed by the Governor, those checks can go out today, the people will be paid. That is the issue that in fact we should be voting on.

I recognize that we have a budget here that is being presented with a \$123 million price tag on it for one week. We can sit here and we can debate that budget and we can debate that procedure. The question that I urge you to go with is to wait and vote on the next bill that is coming up that will allow the issuance of paychecks, which we have received the assurances from the Governor, this bill will be signed so that the people will be paid.

The SPEAKER: The Chair would advise the members of the House that they are not to refer to the actions of the Chief Executive, we are a separate branch of government, we are to ignore what the Chief Executive says or does until the matter gets to his desk. You may have it in your own minds and thoughts as to what he is going to do. However, I would point out that we can do what we want to by the votes necessary pursuant to the constitution despite what the Governor wants and, therefore, the powers lie within this body and the other body and nowhere else.

The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Members of the House: I just wish to point out that this bill addresses, not only the payment of paychecks that were due this past Monday, because it authorizes expenditures and because it authorizes expenditures that would allow the people to send those out. It also addresses the paychecks that are due to go out next Monday which, if we don't act in an hour or so, will not be able to go out, so that another group of people will not get their paychecks. It authorizes it because it authorizes the work to be done and it allows payments to go out through July 8th, midnight, that are normal expenditures of government. It is not a budget. It is not a continuing resolution and it does not require any expenditures in any funds that are not issued or sent or lapsed. I would urge you to vote for this bill.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know there is another item on Supplement No. 3 that is before us. I just want to inform the members of this body that if there is consideration of essentially not acting favorably upon the measure that is before us, please plan, take notice now that you will (without question) see a similar amendment on the bill on Supplement No. 3 to achieve the same purposes that we are trying to achieve. We are serious about this, we don't think paychecks now are enough. We think people need to go back to work. So, don't think for a moment by not voting for this that you are going to have another chance necessarily because very likely there will be the extreme likelihood that you are going to see a similar measure before you in a moment's time. If we can't get it before noontime, that is going to be unfortunate for everybody because

that means it is going to be a day late at that point in time. I don't want people to think that this is not their last chance because very well this may be your last chance today to do what is right.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I will admit I am tired, it has been quite a long seven days with very little sleep, very little food and it can cause people to do strange things.

I feel it important to rise this morning and make just a few comments. Representative Gwadosky from Fairfield said that this could quite possibly be our last chance and that he found it absolutely unconscionable that anybody would vote against this. There are a couple of things that I feel are absolutely unconscionable and if, to quote the good Representative from Fairfield, "The state employees deserve to be paid and they deserve to be paid today." There was a bill that was in the other body yesterday, all day, that wasn't acted upon until midnight. A constituent of mine had called wanting to know what the status was. I got off the phone with her at quarter to midnight last night and I had spoken to her four or five times during the course of the day. She is quite well aware of what happened in the legislature yesterday, that if we were committed to cutting those paychecks that that bill could have been passed from the other body to this body and could have been on the Chief Executive's desk last night. That is the commitment to the people of the state that I guess I don't see. I guess that is an action that I find absolutely unconscionable.

Representative Pineau finds it disgusting, the gamesmanship that is going on — I, too, share the good Representative's concern as far as gamesmanship. I think it is appropriate that we put things in perspective, that we look at both sides of the aisle and find both of us at fault here. We should do the right thing for the people of the state and let's not try and get one political leg up on the other, let's cut some checks, let's not get caught up in playing Christmas tree ornaments on bills that affect those state employees that have worked and deserve to be paid.

As I told you yesterday, I have nothing to lose, I will not be coming back to this body but it is very important to me that in my tenure left in this House that we start to do the right thing. Let's stop the gamesmanship as Representative Pineau said, let's turn to statesmanship, true statesmanship, not statesmanship that is clouded or cloaked in partisan politics. Now is the time for us to band together and say, okay, let's put things aside and let's do the right thing and let's not get caught up in throwing amendments here and there and let's get these checks cut and let's get them sent out to the people of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the Representative from Fairfield that the state workers should get their paychecks. They should have had their paychecks yesterday. They deserve it, the service has been provided and they should get their paychecks.

If I can get a document in front of me that would allow me to do just that without any strings

attached, I would vote for that.

I would like to pose a question to the Representative from Fairfield, Representative Gwadosky.

If the Representative from Fairfield gets a document in front of him that would allow him to vote to give the state workers their paycheck now without any strings attached, would he vote for it?

The SPEAKER: The Representative from Benton, Representative Parent, has posed a question through the Chair to the Representative from Fairfield, Representative Gwadosky, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the question of Representative Parent of Benton.

Obviously, I would be happy to vote for a bill that provides for the paychecks. My concern is, as Representative Farnsworth mentioned, that the bill on Supplement No. 3 doesn't go far enough because it doesn't allow, as I understand it, the necessary people to actually process the checks. So, while it is a "feel good" bill, that we have done something, it doesn't put the plan into action and that is why I have endorsed Representative Farnsworth's bill from day one.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: The gentleman from Fairfield is making statements which are patently ludicrous. I think he is bright enough to know that.

There is a document before him which authorizes the expenditure of those checks. Only the narrowest of legal interpretations could prevent authorization from preventing that. The Representative from Fairfield has never been noted for narrow constructions when it is in his interest to do that. There is a bill here and let's remember what happened yesterday — the Speaker of this House made a point saying that the bill was improperly drafted and that it needed to be corrected by a member of Representative Gwadosky's party, one of the senior members of the other body. The Senator from Kennebec County assisted in the drafting of that for the purposes of making sure that her state workers received the paychecks that they were entitled to. That amendment took a decidedly long time for reasons which are a mystery to me but yet are here this morning. The Representative from Fairfield can accomplish what he seeks by simply making a tabling motion, which he so often does in this House in order to control the procedures, in order to allow us to vote on the bill which will release that, that was drafted by one of the senior Senators, the senior member of this House until she became a member of the Senate last year and a Senator from his party in conjunction worked out this bill as a way to feed those checks out. For this Representative to now say that there is some kind of problem strikes me as being an argument made in bad faith to this body. We can do what we want.

I have heard the word "hostage" used, "linkage" used, that is improper to do that, to link issues, that is what this is, linkage, hostage, that's all it is. We ought to face each of the issues and decide for ourselves what we want to do. I do not want a continuing resolution, I wanted to vote on the other bill and see these people paid. Will we do it? We

will do it if the linkage stops and if the petty politics stops.

Representative Gwadosky of Fairfield was granted permission to speak a third time.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to members of the body for getting up a third time. I can't remember the last time I got up more than twice on any bill as long as I have been a member of this body.

The quick answer to this question is, if you want to see state employees get their paychecks, if you want to see state government open, not forever but for two days, you vote yes. If you don't want that to happen, you vote no. It is as simple as that.

Let's not talk about leverage, let's not talk about tree ornaments, let's not talk about linkage, I have a fundamental belief that paying state employees their checks for work done is important and we need to do it. I also believe, and I have an obligation to my constituencies to assure that state government keeps operating while the games are being played down here in Augusta, and I am going to do everything in my power Representative Marsano, regardless of your legal interpretation of what my actions may be or my moral standards, to ensure that my constituencies are getting the services that they deserve.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know who is being held hostage but I will tell you one thing, I am going to vote for this Resolution with an idea that that gives us time to work out that which can be worked out. I believe that this can be worked out, I believe that our business can be finished and we can be home before this deadline occurs. That failing, I shall be voting no until the business of this legislature is done and we stop fretting away our time.

I am not demeaning the efforts of those who are engaged in the process but I do believe that we must conclude our business. With that in mind and in mind of the things that I have stood for in the past, I am going to be consistent and vote to give us this opportunity.

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

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

ROLL CALL NO. 218

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Carroll, D.; Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dutremble, L.; Erwin, Goodridge, Gould, R. A.; Gray, Gwadosky, Hale, Heeschen, Hichborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther,

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

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

ABSENT - Barth, Bennett, Cahill, M.; Cashman, Clark, M.; DiPietro, Dore, Duffy, Gean, Graham, Gurney, Handy, Hussey, Kerr, Kutasi, Mahany, Mitchell, J.; Morrison, Poulin, Richardson, Strout, Tardy.

Yes, 81; No, 48; Absent, 22; Paired, 0; Excused, 0.

81 having voted in the affirmative and 48 in the negative with 22 being absent, the bill failed of enactment.

On motion of Representative Farnsworth of Hallowell, the House reconsidered its action whereby L.D. 1970 failed of enactment.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: The reason that I asked for reconsideration is simply this, I would like it to be expressly clear that any person who votes against this bill, given both this bill and the other bill before the House, is not in favor of having the paychecks go out for next Monday because there is no way before us to do that except this bill. We don't have time to amend either bill and it is the Governor's definition of an emergency and the Constitution which limits that.

The other bill is limited to Cycle A payments and, although there is reference to Cycle A payments in this bill and the amendment that was added, the appropriation authorizes more spending than that. It does not require it. This is the only thing that will in time for direct deposits to be made to today authorize payment of the paychecks due next Monday. Those paychecks are largely, as I understand it, for Cycle B employees, MSEA employees and there are people who are now 18 days beyond the end of their pay period. There may be flaws with this bill but I would like people to be very clear about that because what I hear from people is that you want people to get paid for the work they have already done and I am sorry, I offered to Sawin Millett yesterday afternoon to fold my bill into your bill. It is not my fault, I offered sponsorship to people of the other party, that is not my fault. I think if we all agree on this one thing, that it is the kind of thing that you should be very clear about because I think that we do want people to get their paychecks.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I hope that I am not burning

all bridges but here goes. There is a time to be political and there is a time to use common sense. I am no attorney but I do feel that I can read statutes and I read statutes the day before yesterday and I read statutes last night and I have read them again this morning. I share the concerns of Representative Farnsworth from Hallowell. I hope that you will listen to her when she says that this is not a political ploy and it is not a budget. I can't debate the politics of it and I can't debate the finances of it but I do know that it just makes good sense, given the state of the state today.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: We are talking about the people's business. The people came to this Capitol building yesterday and we have all seen on TV and we have read in the newspapers what happened. The workers of the State of Maine came here to talk with the Governor, to ask him why they weren't going to get their paychecks today and when were they going to get them and what kind of a reception did they get? They faced a closed door with armed guards out there. In talking with my son last night, you know what he said to me? He said, "Dad, what's happening down there? What's happening when we have a Governor who is afraid to come out and talk with the people that he is supposed to be leading and governing?" I said, "Well look son, if that had been Harry Truman, he would have bounced out of that chamber, he would have pushed those guards aside and he would have stood toe-to-toe with the biggest man he met. He would have explained what he was doing and why he was doing it. He would have told them what he was going to do, he wouldn't have hidden behind the closed door, he wouldn't have had ropes put up there to keep the people away so they couldn't knock on his door."

It seems to me this is a measure that should be easy to vote and to decide how we should vote. It is a question of whether or not it is right or wrong to deny pay to people who have done their work. Is it discriminatory? Of course it is discriminatory against a certain group of people who happen at this time to be working for the state. The effect of this action is being felt in every town in the State of Maine. Is it fair or is it a punitive action? Of course it is punitive, it is punishing people because they can't go to the store and buy their groceries today. They can't make their payments that they have due.

Does the legislature have any obligation to these people? Of course we do. If the Governor feels he has no obligation, you and I should feel that we do have an obligation.

It seems to me when we vote here today, we should remember that we are not voting for a political party, we are not voting for a Governor, we are not voting for the Speaker or anybody else, we should be voting for the people.

I had to earn every dollar that I ever got and I came from a working class people. My constituents are workers and I think I understand the feelings and the needs and the concerns of workers. When the vote is taken here today, I hope the people all over the State of Maine will see a copy of that vote in their newspapers tomorrow so they will know who has a concern, a real feeling, a sympathy and understanding for the man who works. They will know then who the true people are who understand the people. My people



don't have \$200,000 incomes, they know what it means and I think you and I sitting here should know what it means for these people. This is a case of right and wrong and I hope when the vote is taken that some of us will second thoughts and will vote in favor of what is right for the working people of the State of Maine.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: To me, this is a very sad day. I was elected here to represent the people of my district and I recognize that we have a crisis and I recognize that we have problems. I have tried to do my best to contribute suggestions to both sides of all of those problems about the tax and spending problems, about the Workers' Compensation problems, and I have done all that I can in that area. In the meantime, I am sitting here listening to the debate and I recognize the concern about the state workers and I care, of course, that anybody who has worked should be paid for it.

I will tell you who I care about the most and that is the children. Those of you who know me know I have spent the last of my fifteen years working to try to make life better for children. I was struck as I came in, there was a child protective worker out there with a sign because she could not be working with children as she normally does. I am saying to myself, who is protecting abused children at this point? I know there is a 1-800-Hot Line but I don't even know if that is being staffed. I don't know if people can call in there but I do know if they are calling in there, they are not getting any services and I am saying to myself, what is going to happen to those children who are in situations where they are being abused or neglected?

My responsibility down here is to try to make life better for Maine citizens as a whole and that isn't happening.

This bill as I read it does not restore "business as usual" but gives the Governor authorization to do some additional things, to see things like abused children can get the services that they need. I support that. I recognize that we still have a problem and that those problems have to be resolved and I hope they are resolved soon but this bill doesn't restore "business as usual." I don't see this as a bill that restores "business as usual." I see this as a bill that will provide additional emergency services to people like the people that I happen to care the most about and that is abused children. If we can't support them, what in the world are we doing down here?

The only other thing that I can do is offer suggestions to the key players and I am doing that. I think we can all do that but, in the meantime, I think we have an obligation to see to it that our citizens are adequately protected, that our business can at least not take additional sufferings, additional reduction in income because they can't get the liquor they need or they can't get the permits they need or the tax revenues that are lost because there are people who can't spend the money. I happened to speak to somebody in the tourism industry and he told me that he had had a lot of cancellations and he believe that it is because of the government shutdown. Those sort of things affect all of us and I think we have an obligation to try to not resume

"business as usual" but to at least get things a little better than they are while these problems are trying to get resolved. I think that is a reasonable idea and I don't think it is partisan. I hope that it will happen.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday we had both of these bills before us — I would like to pose a question.

I would like to know from anybody in this House if they could tell me, why weren't these bills worked yesterday? They were in either this House or the other body — why weren't these bills worked yesterday?

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

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

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The SPEAKER PRO TEM: The Representative from Waterboro, Representative Lord, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I will in due time, in the course of my comments, respond to the question posed by the Representative from Waterboro, Representative Lord.

I am going to tell you a little bit of what happened last night and this morning. I guess there are (at various points in the process) times where it appears that a stalemate seems to have no end because there is a fear from both sides or one side or the other that the other is trying to accomplish something that ought not to be tried. We all know why we are in the situation that we are in and I am not going to repeat any of the comments (hopefully) that I made earlier this week to you.

Last evening, I spent quite a bit of time with the Chief Executive trying to figure out a scenario that would, as I put it to him, be a win/win situation. Quite frankly, I understand the position of the Minority Party and the bargaining chip, the one-third ability. Having served as Minority Floor Leader, I understand that process and understand it well. I also understood my role as a member of the Minority, that it was not my role to obstruct but to try to improve the legislation and to question the legislation that the Majority Party put forth.

What transpired after discussion with the Chief Executive was that I did not have time get up to my office, to meet with the people that I was supposed to be meeting with, before the press knew about it. The press had gone to members of the very people that I was going to be talking to and at that point created a situation of distrust among even members of my own caucus and myself as to whether or not I was cutting a deal. I told the Governor that last

evening and told him again this morning. If there is anyone in this room, in this House or in this state, who believes that the crisis we are now in, generated by 13 members of the Senate Republican Party, is going to come to a quick solution — my friends, you are dead wrong.

At eight o'clock this morning, not through the press, not through spokesmen, not through the publicist of the Executive Branch, but through the Governor's own words on a Portland radio station — he said and I will quote as best as I can because I don't have the tape with me but it will be here before long, "I am going to keep their feet to the fire. If it takes two weeks, it will take two weeks, I don't care." So, if you think today that you can give state employees who earned that money for three weeks ago and that you can wash your hands as Judas did, then you are wrong.

Monday is the next cycle for half of the state employees of this state and they will not be paid. Not only have we not solved the other issue, the budget is not even solved. The Governor said that he was going to get another budget bill to us last night and if he does give it to the drafting office, that will take 24 to 36 hours to get printed. That, by the way, was going to include what is called, "get John Martin even theory" because he was going to remove the Maine Health Care package from the budget. How far can you go to please the Representative from Yarmouth? I know there are people in this body and the other body who are opposed to the Maine Health Care package but, overwhelmingly, members of both parties in this body, of the business community, of labor, of everyone, who supported that approach to help to take care of the uninsured in Maine and to help Maine hospitals. And then also to take the money out of the tax rebate program for those who are overtaxed on their property taxes, that money was coming out also as an alternate way to find the money. I could go on. We now hear rumors that may not be offered as a bill — who are we to believe? The news reporters? The publicists? The Minority Floor Leader, the Assistant Minority Floor Leader, the Chief Executive? I only know what was on the radio this morning because that was the Governor, it was his voice and his comments.

I have already talked with him this morning. As a matter of fact, I talked with him during the entire length of the first speech given by the Representative from Hallowell, Representative Farnsworth. I expressed my concern and my frustration.

Today, if you think you are frustrated and state employees are frustrated, I am convinced that this entire state, pretty soon, will get pretty frustrated as services will not be provided. What I suggested last night and this was not my original thought because I am a believer that there isn't an original thought in the world, we are always borrowing from people, either from the past or from people that we talk to so when people say it is my idea, I don't buy that. It is an idea of a group of people who put something together and comes out of one's mouth. What I basically laid out was a possibility, a very simple one and I am going to lay it out to you because I think it made some sense. I suspect if we proceed now that all these things will not be done — what I suggested was trying to get out of here. I said, let's pass a budget, a complete budget, which by the way, we don't have but it could be put

together (in my opinion) in a couple of hours by sitting down with reasonable people. We will put it on the Governor's desk. We have to agree to that mutually. Then the Governor has ten days to approve any legislation.

If what we need to do is hold something over people's head, from the Governor's point of view and the Minority Party, the Governor need not sign it. But in the meantime, pass a piece of legislation like that proposed by the Representative from Hallowell that puts government back to work and out of crisis until the Governor has to sign it (under the Constitution) which would expire on that day so that in effect, holding that over our heads if that is what the Governor and the Minority feel they have to do to have us act responsibly, which I don't believe but I am willing to accept even that. In the meantime, that gives people, this legislature, about 8 or 9 days to work on that other issue which apparently we are hung up on as well. Then we will have government back to work and we will be able to work on the other issue without having everything thrown at us like we are now leaving us unable to think, sleep and eat. That would give the Governor and the Minority Party the ability to keep the budget over our head. If we don't have the other issue to his and their satisfaction, then the budget can still be vetoed and we will be right back at a crisis in 10 days.

I don't believe anyone wants to be irresponsible but let me tell you, men and women of this House, whether it is you or me, we have to figure out a way out of this situation and if we don't, we are all to blame. I know why it is being held up, we all do. In my opinion, right now, the best thing we could do is to pass the bill that we have before us. I will also tell you that if it doesn't pass, then we will have to amend the other bill to also pay state employees on Monday because the crisis will not be over. The "Gang of 13" will not let it happen and the Governor will follow their lead. You may laugh Representative Donnelly but it is not a laughing matter, it is a crisis that has been self-generated and self-perpetuated, we are all in it together and we had better figure out a way to get out of it.

I know what caucuses are like, I have led some and I have attended a lot more than I have led and I have a problem when things are said in caucus that impugn the integrity of others or the actions or motives. And, to the Minority caucus, if the reports are accurate, I am frankly embarrassed that it took place in the Maine Legislature because apparently some members want to vote for this bill. Apparently they were told if they did, they might as well have been or should have been or were on drugs, a repeat from the press and I am not saying it is accurate, okay, but that is the kind of thing which promotes problems between the caucuses and promotes a problem because of what happens between the two bodies. It also promotes actions of what takes place. I can say to you this much, one, to summarize, we have a serious problem on our hands. It is a crisis.

Two, it is my opinion that everyone wants to get government back to work.

Three, it is my belief that everyone wants to get state employees paid for the work done, not only in the Executive Branch, but the legislative and judicial as well. I might point out that our employees, for the most part, have exhausted their 120 hours we allow under our rules where we give them

one hour off for one hour worked and no overtime and they lose every hour thereafter when they reach that point.

Four, it is my opinion that we have to move and we have to move quickly and we want to do that. I, if anyone has any suggestions, have to move to find them quickly.

Finally, I can only say to all of you that I am willing to do, and I know that members of my party also are, anything that we possibly can to get out of what we are in now. I know that that is not going to be easy. Time moves and we have about another 30 minutes to get this issue resolved so that it can be enacted, go on to the other body and to the Governor's desk. In either case, if we don't pass this one and the votes are not there to pass it, I understand. I hope that you understand my position of why I shall be voting for it.

On the next bill we also have to amend it or find a mechanism, if not that bill, another one to follow right behind it to pay for state employees Monday. As I read it now, it isn't going to go away.

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

Representative LIPMAN: Mr. Speaker, Men and Women of the House: I like to rise and perhaps point out one difference between the two bills. The Farnsworth bill refers to expenditures that must be made while the other bill, L.D. 1968 as amended by the good Senator from Kennebec County, authorizes the payment so they are different in that regard.

The second thing I would like to mention is, if we are going to get down and settle the problem that brought all of this on, the thing we have to do is meet and start discussing Workers' Compensation. That is the thing that brought it all on.

The third thing I would like to bring up is that I personally resent the good Representative from Eagle Lake indicating that our caucus had anything to do with using drugs. I think that is totally inappropriate and I certainly don't think that that is a proper thing to be doing.

I would like to pose a question through the Chair to the Representative from Eagle Lake.

The SPEAKER PRO TEM: The Representative from Eagle Lake is not in the chamber at this time.

Representative LIPMAN: I will ask the question and if he returns he can answer it, I would like to know if the Representative from Eagle Lake would vote for L.D. 1968 as amended by the amendment by the good Senator from Kennebec County, as is, so that the paychecks that were supposed to be paid this past Monday would be paid?

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I am speaking to you as a member of the rank and file, as a mushroom as Representative Gean from Alfred would put it, paraphrasing Representative Donald Carter who is no longer with us.

I hope that common sense will prevail here. I hope that everyone here can ignore the gossip, the rumors, and the innuendoes that are flying around in the hallways. I hope that the people here can look into your hearts and your conscience and do what is right.

The bill before us is a mere bare bones bill to keep the minimum of state government going, to pay some people in this state who have worked and who have not been paid for many weeks. It is a bill that

is designed to help this body, to help the other body to help the Chief Executive come together and find a solution to problems that are facing us today. I just cannot see how anyone can vote against it. I have listened to the arguments but I just don't understand them. I just have to say to you, speaking from my heart, speaking not as a member of any party, any caucus here, but as a rank and file member of the legislature who came in here with some ideals, who believed in the good of people in this state, people in this legislature — do what is right, vote for this bill.

On motion of Representative Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.

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

#### SENATE PAPER

Bill "An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Already Performed for which Payment was Scheduled on July 1, 1991" (EMERGENCY) (S.P. 774) (L.D. 1968)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-415).

(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.

Senate Amendment "A" (S-415) was read by the Clerk and adopted.

Under further suspension of the rules, the bill read a second time.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: In reference to the comments I made earlier about the timing, the amendment that would be necessary to draft the language for payment for state employees for next Monday is going to require about two hours. I do not feel that we have time to do that and, therefore, we will have to do it in another bill or, if later today, we pass the bill that the Representative from Hallowell, Representative Farnsworth, has, that other bill would not be necessary. At this point, I would hope that we would move on so that the engrossment could take place very quickly and we can enact it. We do have it pre-engrossed and we will have it back within five minutes as soon as we pass it to be engrossed in concurrence.

In order for the electronic payment to take place for state employees, we should do that now and we can argue about the rest of the things later.

Subsequently, the Bill was passed to be engrossed as amended in concurrence.

By unanimous consent, was ordered sent forthwith to Engrossing.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Already Performed for which Payment was Scheduled on July 1, 1991 (S.P. 774) (L.D. 1968) (S. "A" S-415)

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

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Passage of this bill will ensure that those people who are in Cycle A will receive those checks immediately. It is critically important that we pass this bill at this point. I believe that we are proceeding in the wrong fashion, I believe we need to keep state government open, I believe we have a moral responsibility to our constituency back home to keep state government open during this period of crisis and that they shouldn't be used as leverage or as pawns in a game.

I am going to set that aside because we have to do the right thing. We have to do the right thing and the right thing is to ensure that these people get their paychecks today. It has to be done in a matter of moments. I request a roll call.

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

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

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, I urge enactment of this bill and urge you to vote for it. There were a number of things said this morning that need to be corrected on the Record at some point in time. However, at this point in time, I urge passage of this piece of legislation.

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

ROLL CALL NO. 219

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

ABSENT - Barth, Bennett, Cahill, M.; Cashman, Clark, M.; DiPietro, Graham, Handy, Hussey, Kerr, Mahany, Mitchell, J.; Morrison, Poulin, Strout.

Yes, 136; No, 0; Absent, 15; Paired, 0; Excused, 0.

136 having voted in the affirmative and none in the negative with 15 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, 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) which was passed to be engrossed as amended by House Amendments "A" (H-738), "B" (H-740) and "C" (H-741) in the House on July 2, 1991.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-741) and Senate Amendment "A" (S-416) in non-concurrence.

On motion of Representative Chonko of Topsham, tabled pending further consideration and later today assigned.

The Chair laid before the House the following matter: 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 (H.P. 1380) (L.D. 1970) (H. "A" H-739) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise just to explain the reason we need this bill in addition to the bill that was just passed is, one, to authorize the people to come to do the work to process the payroll that we have authorized.

By the Governor's own declaration last week, nobody in the Department of Finance is authorized to work or to be paid as emergency staff.

The second reason is that, without authorizing those same people to come in and do the work and without having authorization to spend through July 8th, we have no way right now to authorize payments for the paychecks that are due to go out on Monday. Those paychecks, as I said earlier, are largely, I believe, for MSEA employees whose pay period that is scheduled to be paid was 18 days ago, as I understand it. So, for those two reasons, consistent with what action we just took, I would urge the members of this House to vote for this bill to be enacted now.

I would also like to just clarify that I understand there is no desire by some people to, in any way, relieve the shutdown. That matter is left to the Governor's discretion and judgment. To some extent, I think he has that discretion because of the amount of money that is in the state budget right now or in the State Treasury, I should say, but whatever it is, it is up to the Governor as to whether or not that money is spent. For the reasons of implementing the bill that we just passed, I hope the people will vote for this bill and allow people to be paid on Monday.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: We passed a bill to allow the release of those checks to state employees who were supposed to be paid Monday. That was easy to do because those checks had already been processed by the Department of Finance and they are in the vaults all over this state in state facilities.

The people that are supposed to be paid on Monday — that payroll has not been processed and we need to pass authorization to the Governor to bring in people to process those checks so we can pay those state employees. I urge this House, I beseech this House — if you really want to pay state employees for the work they have done, you can't just pay half of them, we've got to pay all of them. You can't cut checks, you can't bring in payroll people to process those checks unless there is authorization to do so. The only vehicle to pay the state employees next Monday is this bill.

Now, a hand was extended today by my caucus, I expect nothing less from the others, nothing less. If you want to pay those state employees, and I would ask those who asked us about L.D. 1968 whether we would vote for that and we did vote for it, I would ask those that asked that questions, will you vote for this legislation so that we can pay those other

state employees?

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I am not standing in support of this legislation, I am still in opposition to it and I would like to tell you several reasons why.

During the course of the debate this morning, the Governor's office called, in fact very recently, myself and was in contact with the Speaker to talk about the impossibility of amending the Cycle B checks onto the original bill and that bill, finally, was sent on its way.

We have had a long and not terribly pleasant discussion this morning and now into the afternoon in which a number of things were mentioned that need to be corrected on the Record. It was suggested by the Speaker that, somehow, the Representative from Yarmouth was holding the Health Care Program hostage. Those seem to be new words that we are using all the time, new words in our vocabulary in the legislature. I would just like the Record to clearly note that it was that Representative, Representative Foss, that insisted that, rather than go through the expense of putting a whole new budget from the Executive and entering into the system, that we add an amendment to the Senate bill, which we have just received that did not include money out of the Health Care Program. She was insistent upon that fact. Yes it was a suggestion of the Executive, the Republicans were not willing to put a bill in or an amendment that did that. As I said, we went the amendment route trying to move things along faster, seeking a solution.

About twelve hours ago, around midnight last night, it seemed that the discussion between the Chief Executive, the Speaker of this body and the President of the other body was going in a positive direction. I received a report from the Chief Executive, I heard from members of both caucuses with comments and so forth and, unfortunately, in the intervening hours things have happened. I cannot discuss the choice of words that others may have used to describe events since or describe agreements or describe anything. If that is the problem that has caused the most difficulty, then I am sorry for that.

It seems to me that we continue to look and debate the small components of a problem that can be solved. I understand the natural desire to delay, to get beyond the weekend, but the problems before this body, although complex, are within our grasp. We have just finally allowed a Senate bill containing the budget to come before us that contains the elements of a solution on the budget differences. There are other elements of solution on other problems that are before this body.

I simply want to stand and urge that the bill before us delays, instead of solves, the problems that this legislature has grappled with for months. I urge rejection of the measure before us.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: My caucus just extended a hand to the Minority Leader and he slapped it. He slapped our hands. I ask every rank and file member of the Minority Party to hear my words. Do you want to pay the state employees who worked in June, next Monday? If you do, the only way, the only way that you can do that is to bring state employees in to run

the computers to run the payroll system and cut the checks so that they can go out to the state employees next Monday. We extended a hand to you and passed your legislation, you extend a hand to us and pass ours and maybe we can solve this crisis. I am going to continue to stick my hand out, extend it to you, the Minority Leader can continue to slap it if he wishes, but I am going to continue to do that.

Representative Martin of Eagle Lake requested a roll call.

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

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

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

ROLL CALL NO. 220

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Heeschen, Hichborn, Hogle, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Nadeau, Norton, 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.; Bowers, Butland, Carleton, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Barth, Bennett, Carroll, J.; Cashman, Clark, M.; DiPietro, Graham, Handy, Hussey, Kerr, Mahany, Mitchell, J.; Morrison, Poulin, Strout.

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

89 having voted in the affirmative and 47 in the negative with 15 being absent, the bill failed of enactment. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

ORDERS

On motion of Representative BENNETT of Norway, the following Joint Resolution: (H.P. 1381) (Cosponsor: Senator TWITCHELL of Oxford)

JOINT RESOLUTION COMMEMORATING THE 175TH ANNIVERSARY OF THE TOWN OF GREENWOOD

WHEREAS, the Town of Greenwood, with its 770 residents, exemplifies the character that makes Oxford County and the State of Maine special; and

WHEREAS, the town has long reflected the rich cultural heritage of Maine, being populated over the years by English, Scottish, Finnish and Irish immigrants; and

WHEREAS, the town, formerly Number Four Plantation, was originally comprised of 3 separate land grants made in 1795, 1797 and 1805; and

WHEREAS, the first road through the town was built in 1798-1799 from North Norway, over Patch Mountain to Bethel; and

WHEREAS, the area's first settlers were William and Martha Yeats, who first cleared their land on Patch Mountain in 1800; and

WHEREAS, the residents of the area first assembled on May 8, 1813, to form a plantation government and petitioned the General Court of Massachusetts in 1815 to be incorporated as a township; and

WHEREAS, the town was incorporated on February 2, 1816, creating the Township of Greenwood, the 213th town in Maine; and

WHEREAS, the center of commerce in the town has shifted over the years from Patch Mountain to Greenwood City to Locke Mills, creating a diversified population and rich history; and

WHEREAS, Greenwood is recognized worldwide for the minerals and gemstones that have been found in its soils and is recognized within the State for its timber, wood turning, agriculture and skiing and other recreational industries; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize the 175th anniversary of the Town of Greenwood, and to commend the inhabitants and officials of this town for the success they have achieved together for 175 years, and to extend to each our sincere hopes and best wishes for continued achievement over the next 175 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Was read and adopted and sent up for concurrence.

**BILL HELD**

The Chair laid before the House the following matter: Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and 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) Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-741) and Senate Amendment "A" (S-416) in non-concurrence, which was tabled earlier in the day and later today assigned pending further consideration.

Bill "An Act to Repeal the Maine Educational Assessment Program" (EMERGENCY) (H.P. 1081) (L.D. 1575)  
 - In House, Bill and accompanying papers indefinitely postponed on July 1, 1991.  
 -In Senate, 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.  
 - In House, House Adhered.  
 HELD at the Request of Representative HANDY of Lewiston.

Subsequently, the House voted to Adhere.

Representative Handy of Lewiston moved that the House reconsider its action whereby the House voted to Adhere.

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

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby it voted to Adhere and later today assigned.

**SENATE PAPER**

**ORDERS OF THE DAY**

Bill "An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Performed for Which Payment Was Scheduled for July 8, 1991" (EMERGENCY) (S.P. 776) (L.D. 1971)

**UNFINISHED BUSINESS**

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

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

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

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

COMMUNICATION from Governor on Accompanying Bill "An Act to Improve the Maine Workers' Compensation System" (H.P. 1372) (L.D. 1957) (H. "B" H-696 and H. "C" H-697)  
 PENDING - Reconsideration (Returned by the Governor without his approval)

By unanimous consent, ordered sent forthwith.

On motion of Representative Gwadosky of Fairfield L.D. 1957 and all accompanying papers were committed to the Committee on Banking and Insurance and the Committee on Labor and sent up for concurrence.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Performed for Which Payment Was Scheduled for July 8, 1991 (S.P. 776) (L.D. 1971)

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

HOUSE REPORT - "Ought to Pass" Pursuant to Joint Order (H.P. 51) - Committee on Appropriations and Financial Affairs on Bill "An Act to Make Changes to the Laws Governing the Maine State Retirement System" (EMERGENCY) (H.P. 1376) (L.D. 1961)  
 TABLED - June 29, 1991 (Till Later Today) by Representative MAYO of Thomaston.  
 PENDING - Acceptance of the Committee Report.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I move that this bill be indefinitely postponed.

This bill was a bill that entailed several changes to the retirement system. These changes are now reflected in the budget document that we have just engrossed and we no longer need this bill as a vehicle.

Subsequently, L.D. 1961 was indefinitely postponed. Sent up for concurrence.

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On motion of Representative Hoglund of Portland,  
Adjourned at 9:50 p.m. until Friday, July 5,  
1991, at ten o'clock in the morning.

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