

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST SPECIAL SESSION
Thursday, July 11, 1991

Pursuant to the Provision of Article IV, Part Third, section 1, of the Constitution of Maine the members of the Legislature were polled. 111 Democrats (60 necessary) and 53 Republicans (34 necessary) having voted in the affirmative, the President of the Senate and the Speaker of the House convened the First Special Session of the 115th Legislature at 12:10 a.m. on Thursday, July 11, 1991.

The House was called to order by the Speaker.

(At Ease)

The House was called to order by the Speaker.

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

**PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act to Make 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. 1387) (L.D. 1976) (Presented by Representative CHONKO of Topsham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

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

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**PASSED TO BE ENGROSSED WITHOUT
REFERENCE TO COMMITTEE**

Bill "An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 1389) (L.D. 1977) (Presented by Representative MACOMBER of South

Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

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

Under suspension of the rules and without reference to a Committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

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

(Off Record Remarks)

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

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Make 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 (H.P. 1387) (L.D. 1976)

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

On motion of Representative Norton of Winthrop, the House reconsidered its action whereby L.D. 1976 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-755) and moved its adoption.

House Amendment "A" (H-755) was read by the Clerk. Representative Gwadosky of Fairfield moved that House Amendment "A" (H-755) be indefinitely postponed.

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

Representative NORTON: Mr. Speaker, Men and Women of the House: I would urge you not to take this action. I believe if we do, we will bear the responsibility of closing down state government for tomorrow. I really believe that we are all tired. I hustled around on my own with this amendment. It isn't something that I am very good at doing, probably wasn't too effective but I went down and went through the process and it has been introduced and it is being done to keep state government open tomorrow and to give us one more day. I really believe we can make it and it is in that spirit that this amendment was made. I urge you to defeat the indefinite postponement. I believe, as I said before, it will close state government down needlessly. I urge you to defeat this motion before you.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I stand to echo the words of the

good Representative from Winthrop, Representative Norton, in urging defeat of the motion before us.

This puts us in a position that I believe we were in shortly before and shortly after midnight. It is the position that I understood to come from the leadership across the aisle when we had found a method of coping with the action of the other body.

Just so this body understands that once it was understood in the mind of this Representative and in others that this would be the course of action. We have what appears to be now the unfortunate experience of getting together with members of the other body and leadership and hearing that we would not be going forward with an amendment and a bill that had a one day sunset but then would instead be running the original bill before us now, which is frankly the point of confrontation.

I think it is unfortunate what we have been put through the last three hours — it has been unfortunate that frankly that we have been through a lot of things this session. It has been the attempt of many of us to keep a difficult situation in this legislature from getting more difficult. I view the confrontation that we are thrusting ourselves into with great disappointment. Earlier this evening, this Representative was asked to show some spirit of cooperation in assisting in the obtaining of 101 votes on a piece of legislation that was very difficult for our caucus. We did that. I think overall, despite our many differences, this body has continued to keep the process going. It certainly has had its ups and downs.

It appears now that that is going to the point of ending. I think that is very unfortunate. I think that the exhaustion that many members of this body feel is perhaps the greatest reason that we stand at the brink of the whole effort that we have all tried to achieve from going down in flames.

I urge defeat of the motion of the indefinite postponement so that we can continue in this body, at least, to reason together.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: When the Representative from Winthrop, Representative Norton, indicated that he was desirous of offering an amendment, we were happy to oblige and encourage him to get that put together. We told him that we would engross the bill and bring it up for enactment and when his amendment was indeed ready, we would back it up to allow him the opportunity to present his amendment. There is not anyone in this body who would question the integrity or the sincerity of the Representative from Winthrop, Representative Norton. I know that he wants what is best for state employees and that obviously is to put them back to work.

The point is, we are not faced with a situation where we can not allow state government to open. State government is shut down right now. State government is not open. While we proceeded down the path of attempting to get a sunset, attempting to work out various differences, that didn't happen. Now, we are back to square one. I would suggest that we have a fundamental responsibility to present our constituencies back home and our people across this state with a balanced budget.

This budget was a unanimous budget. It is a budget that we passed once before, it's on the

Governor's desk. I think we have an obligation to pass the budget. People of Maine have been without a budget since July 1st. There are those that would suggest that our bonding companies will never look at Maine again, given the circumstances that have taken place over the last couple of weeks.

I am not going to talk about the various factors or the personalities or the issues that were involved. The issue now is very, very simple. Do you want a two-year budget for Maine people or not? Do you want state employees to go back to work or not? Do you want your constituencies and mine back home to receive the type of services that they deserve? You do that by passing a two-year budget.

We met with the Governor within the last hour, told him that our intent was to place, once again, a two-year budget on his desk with no strings attached. This is not a time for games, it is not a time for hostages, not a time for blackmail, the issue now is, what do the people of Maine deserve? They deserve a two-year budget.

While I respect the intentions of the Representative from Winthrop to sunset this, I think the people of Maine deserve more. They deserve a complete budget and I, for one, am willing to present that to them. It is with respect for the gentleman from Winthrop, who I have a great deal of respect for, that I, once again, reiterate my motion to indefinitely postpone.

I request a roll call.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: As you know, I was the sponsor of the bill which presented to the Taxation Committee the \$300-odd million of taxes for the year which we are already now in. I did it because I felt at the time that there was kind of a general understanding as to the way in which we were going to proceed and now this budget appears before us, complete with these taxes and with an understanding on the part of the Majority Party that somehow we ought not to address the issue of taxes because, as you will remember, they were incorporated by a floor amendment into the budget bill and they are now part of that which is before you. It is for that reason that I would support the motion of the Representative from Winthrop because I have every hope that the matters which were under discussion and were even being debated as the First Regular Session of the 115th Legislature came to its unfortunate end, that I thought would see to the passage of the measures that would complete our work in orderly fashion.

I sense, still, the possibility among those of us who are here and are tired (obviously) that such a result can ensue. I hope we will pursue that. I recognize that as we grow every more tired, it becomes less likely that we can act without reacting in an emotional way. But, I cannot support more than the opportunity to continue the debate that we had been involved in yesterday through the long hours of that day. I hope that the motion to indefinitely postpone will be defeated, that the amendment will be placed on the bill, that we can enact the bill, and meet later this day to resolve the problems that still exist for the 115th Legislature.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I guess my plea is really

one of wanting those people to go back to work, who can't sit out tomorrow. I think I can predict it even though I can't mention terms of events on this floor relative to any other part of the process. However, I think it is predictable and I think it is tragic. I think we need to recede from brinksmanship and go back to statesmanship. I think we need to do that for those many people who I think over these past few months have borne an unfair part of this burden. I am referring to the state employees. Right now they are asleep and don't know for the most part what we are about. I would like to see them return to work tomorrow.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: It is strange that tonight that we, the rank and file of this body, allow a few privileged and very self-interested people to defeat the will of the majority of this body. The motion that is before you, as well as this very L.D., was never intended to come before us tonight in this fashion.

Last week, we fashioned and crafted some very fine compromise means of getting here today. We sit here tired and very concerned about what is going to happen to the people of Maine tomorrow. We failed in letting others other than the people which we represent speak for ourselves in this body. I can understand what is going on here. I have seen it with my own eyes. I have lived it for the last few days but when you vote for the motion that is before us tonight, you are really helping those people who, in your honest heart of hearts, probably you do not support. Why we do things for political motives is very hard for me sometimes to understand, but one thing that I have come to though is that this life is not for me.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I will be very brief. The Representative from Waldo, Representative Whitcomb, made the point that passage of this particular amendment would return things to the way they were shortly before midnight. I would like to correct that because I don't feel that, unfortunately, because the way things were shortly before midnight was that there were a lot of bills before us. There was a lot of activity, there were negotiations ongoing and there was an effort to work in a cooperative fashion. I compromised some deeply held beliefs that I have about holding things hostage and about what comes first around here in order to be cooperative. In exchange, what I feel I received was a slap in the face by members of the other body and by the gentleman on the second floor.

Passage of this amendment wouldn't return things to the way they were before and that is why I support the motion for indefinite postponement. I think it is time to put things straight, to put first things first, to get a budget up and going, and then deal with other issues.

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 Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the comments by Representative Marsano by pointing out that this day is July 11th and that the sales tax increase and the meals, lodging and drink tax increase is to take place on August 1st. If we go much beyond this day, we risk that the sales taxes that will not be implemented. The implications to the people of Maine — I think we will have to come up with another \$20 million to \$25 million in revenue shortfalls, according to the the Office of Fiscal and Program Review and the Taxation Committee. We have no way of coming up with that other \$20 million or \$25 million without other substantial cuts or even more taxes. We have no way of implementing our August taxes unless we pass legislation that will enable the State Tax Assessor to implement this program today. There has already been a week of lost time for preparing those sales tax increases while state workers are not working. It takes time to set up for a tax increase.

I would encourage you to oppose the amendment and vote for the two-year budget. Again, it will cost Maine people \$20 million to \$25 million if you don't.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Fairfield, Representative Gwadosky, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 229

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

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; DiPietro, Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Nutting, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Simpson, Spear, Stevens, A.; Stevenson, Tammaro, Whitcomb.

ABSENT - Cote, Duplessis, Hepburn, Hichens, Hussey, Ketterer, Mitchell, J.; Poulin, Richardson, Rydell, Small, Strout, Tupper.

Yes, 85; No, 53; Absent, 13; Paired, 0; Excused, 0.

85 having voted in the affirmative and 53 in the

negative with 13 absent, the motion did prevail.

Subsequently, L.D. 1976 was passed to be engrossed.

The SPEAKER: The pending question before the House is passage to be enacted.

Representative Carroll of Gray requested a roll call vote on enactment.

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

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

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

ROLL CALL NO. 230

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

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

ABSENT - Cote, Duplessis, Hepburn, Hichens, Hussey, Ketterer, Mitchell, J.; Poulin, Richardson, Rydell, Small, Strout, Tupper.

Yes, 94; No, 44; Absent, 13; Paired, 0; Excused, 0.

94 having voted in the affirmative and 44 in the negative with 13 absent, the bill failed of enactment.

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

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby L.D. 1976 failed of enactment.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby L.D. 1976 failed of enactment and later today assigned.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Martin of Eagle Lake, Recessed at 3:12 a.m. until twelve o'clock noon.

After Recess

The House was called to order by the Speaker.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 1389) (L.D. 1977)

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. 101 voted in favor of the same and 22 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Make 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 (H.P. 1387) (L.D. 1976) (Emergency) which was tabled earlier in the day and later today assigned pending

the motion of Representative Gwadosky of Fairfield that the House reconsider its action whereby L.D. 1976 failed of enactment.

Subsequently, the House reconsidered its action whereby L.D. 1976 failed of enactment.

Representative Gwadosky of Fairfield requested a roll call vote on enactment.

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.

On motion of Representative Hanley of Paris, the House reconsidered its action whereby L.D. 1976 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-756) and moved its adoption.

House Amendment "B" (H-756) was read by the Clerk. Representative Chonko of Topsham moved that House Amendment "B" (H-756) be indefinitely postponed.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I hope you will vote against the motion to indefinitely postpone House Amendment "B" and instead adopt this amendment. What this amendment would do is it will peel off the one penny sales tax increase that has been included in the present budget before us.

I am only a rank and file legislator in this process and, no, I did not serve on the Appropriations Committee. The only experience that I had was in serving with a Republican Coalition called the Bailey and Bailey Groups since February working with commissioners and taking a look at the budget and its various departments and agencies. A lot of those concerns that we flushed out are found in this amendment. The rest of the deappropriations are realized from a 6.9 percent decrease across-the-board cuts except for General Purpose Aid to Education and Entitlement. That is in the first fiscal year of the biennium. In the second year, it is 7.9 percent.

I realize that we are only a few votes away from passing a state budget that would put the state employees back to work. I have risen to speak on the floor of this House three or four times during this budget process telling you that when I passed out my questionnaire, the response was that 79 percent wanted to scale back state programs and that they did not want to have further taxes. I come from a district which has 14 percent unemployment, I come from a poor county, Oxford County, and we have hit a point where we can't tax the people anymore. I wish I had the expertise to go into this budget and make the cuts to do away with all of the increased tax revenues but I profess to this body that I don't that expertise but I do have the will of my people, the will of my constituency to pass a budget without a lot of increased taxes, with scaling back some state programs. I offer this amendment to this body and I would hope that you would vote against the indefinite postponement so we can vote on this bill and that I can too join those of you who voted green on this budget.

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

Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Very briefly, I know that we have spent a considerable amount of time discussing the budget today and I want to comment just briefly on the comments of the Representative from Paris, Representative Hanley.

I hope you do, indeed, follow the Representative from Topsham, Representative Chonko's suggestion that this amendment be indefinitely postponed.

I was more than willing to allow Representative Hanley the opportunity to present this amendment and provide the opportunity, as we would any member, to consider a change or alteration. I think the amendment before us, while perhaps best intended, I would describe as somewhat of a Sesame Street attempt to cut the budget in that it does not cut the budget with the care of a surgeon who understands that there is a human being underneath the scalpel but it cuts the budget with an axe indiscriminately. It would devastate programs that are crucial to Maine people. It cuts programs such as the Maine Health Care Program, it eliminates the Maine Health Care Program. It eliminates the gap in AFDC, it makes a variety of consolidations, a variety of across-the-board cuts at a very high percentage and implications that we can't even begin to understand at this point. It is absolutely inconsistent with the efforts of the Joint Standing Committee on Appropriations who have provided us with a unanimous committee report, who have compromised, who have spent months and months and months working on a budget to present to this body. While best intended, I don't think it best serves Maine people.

I would like you to join with Representative Chonko and move to indefinitely postpone this amendment.

Representative Tracy of Rome 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 the Representative from Topsham, Representative Chonko, that House Amendment "B" (H-756) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 232

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Foss, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Hastings, Heesch, Hichborn, Hichens, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Richardson, Ricker, Rotondi,

Ruhlin, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Garland, Greenlaw, Hanley, Heino, Hepburn, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Merrill, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, W.; Richards, Savage, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Ault, Butland, Cote, Handy, Lipman, Mitchell, J.; Rydell, Small, Tupper.

Yes, 104; No, 38; Absent, 9; Paired, 0; Excused, 0.

104 having voted in the affirmative and 38 in the negative with 9 being absent, the motion did prevail.

Subsequently, L.D. 1976 was passed to be engrossed.

The **SPEAKER**: The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative **GWADOSKY**: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, there is no need for extended debate at this time, we have spent virtually an hour doing a division on this matter, attempting to, hopefully, secure the necessary votes to pass a two-year budget for the people of Maine.

As you know, we were waiting for a couple of members. One of our own members of our caucus is in the hospital and was ready to make the trip but we are concerned at placing her at risk at this point, not knowing for sure whether there would be the necessary one extra vote. So, we advised her to stay in her present location.

There is very little that can be said about where we stand right now. I think we have exchanged enough words and actions over the last two or three days, certainly enough emotions over the last two or three days. I can tell you, as I have said before, that I think it is unconcionable for us not to do everything, and I mean everything in our power, to ensure that state government stays open. I believe fundamentally we have a moral obligation to ensure that state employees are sent back to work, knowing that the shutdown is causing hardship, not only on state employees, but on many of Maine's most vulnerable citizens back home, citizens in your district and in mine.

People of Maine have been waiting for a budget since July 1st. The bond companies are watching us and, more importantly, the people in Maine are watching us. I wonder what kind of message that we are sending back to the people of Maine while we continue to debate budget after budget after budget, while state government is shut down and services to our constituencies are no longer available?

We tragically lost a staff member during this day, we may lose another before this is over. I think we have to draw a line on the type of activity that we are going to permit during this process. We have to keep in mind that we have responsibilities to those people who work with us, for us, and what our reasonable expectations are of these people.

We met with the Governor last night and told the Governor that it was our intention to attempt to put a budget on his desk, a two-year budget, a budget with no strings attached. We suggested that, once that budget was signed, that we would do what we

needed to do on the remaining issues before this legislature and that we would work diligently and effectively as we have shown we can do in the last two or three days to resolve those issues.

We have just passed in this body a transportation budget that would have the effect of putting back to work 3,000 DOT employees. How can we not do the same for 11,000 state employees? I believe we have fundamental and constitutional responsibility to keep state government open and to provide services to our constituencies. We came but one or two votes short of meeting that responsibility. One or two votes, at this moment, will help ensure that our state government will stay open, will help assure your constituents and mine that they will get the necessary services that they deserve. Who will it be?

I ask you to join with us now in a sense of mutual cooperation. You have our commitment to deal with the remaining issues before this legislature. Please support this bill on enactment.

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

Representative **HICHBORN**: Mr. Speaker, Men and Women of the House: I can't speak with the eloquence of the good gentleman from Fairfield but it seems to me that the time has come to put the cards on the table, call a spade a spade. I think for too long we have compromised, we have waffled, we have caved, we have done everything possible to try to get a compromise satisfactory to all and that would serve the people in the State of Maine.

The First Regular Session ended last night at twelve midnight. I am proud to say that I admire the courage and the efficiency of the leadership that in the next ten minutes got us back on track again in the First Special Session of this legislature. That was made necessary because the Republicans in the other body refused to support a one day extension, which would have permitted this legislature to consider, without pay, for one more day just as they have worked without pay for the past two weeks, to consider the major problem confronting this legislature, a problem second only to the budget itself. But now, under the law, we must be paid for this service. It is going to cost us \$35,000 a day I understand in extra pay in salaries. This was made necessary by the vote of the Republicans, some of whom have been saying that they believe in cutting expenses but we are here today to consider only one item and that is the budget. We tried to pass it this morning and I suppose the newspapers will say that the legislature failed, that there were 94, 95 or 96 Democrats who voted for a budget and the Republicans were the ones who said they didn't want a budget and the public should realize that you have to have 101 votes in order to prevail.

The reason why 3,000 workers didn't go to work on road projects this morning is because we had a shutdown. You know now who is to blame for the shutdown. This is a second one in a week. It is getting to be an old story. We turned down this morning, those who didn't approve it, a budget that had the endorsement of 13 members, some Republicans and some Democrats in the Appropriations Committee, and when I think of that, I wonder what happened to the time when a man's word meant something. Evidently, it doesn't mean anything today because you can sign a paper saying one thing today and come in here and vote exactly the opposite.

Now this budget to me personally doesn't mean two cents. I don't benefit one way or the other but I am thinking who are affected, the people in state offices all over the State of Maine, dozens of them. I am thinking, not only of the state workers. I am not really concerned personally whether people get liquor or not but that seems to be a major concern to some people.

I left the Republican Party because I didn't believe in some of the principles that they espoused. When they told me that because I couldn't conform to the program of the party as expected that I might just as well stay home and I didn't do it. I tell you one thing, nobody puts a ring in my nose and leads me very far. I think this is not a time to ask anybody to leave a party but I think it is a time when each and everyone of us should be considering an issue that affects tens of thousands of people, people who have mortgages to pay, car payments to make, food to put on the table. We can avoid this. I am not speaking for leadership and I am not speaking for the Democratic Party, I am not speaking for the Republicans, I am not even speaking for myself but I am speaking for the people, the people back in the hinterland who wonder what in the world we are doing here. I think we should show them that we can meet our responsibilities. If this charade makes you happy, you should vote no; if you like the sound of these horns tooting outside here reminding us that we are supposed to be in there working for the people — if you don't care about that, that's your business, vote red if you want do. But, I hope that time has come when we can rise above partisanship and think of the people.

Differences of opinion shouldn't cause us to lose friendships. I had a father and a mother, each of whom (very definitely) had a mind of his or her own. They knew who they were and they kept their own personalities for over 50 years, a very happy and productive married life that should be the envy of many people and that is what Democrats and Republicans in this House and in the other body should be doing today. This is an issue, do we care about the people or do we care more about the party? Do we care more about somebody who has made a political contribution to us? I happen to be one of those who hasn't taken a penny from anybody in the last two elections and I don't intend to ever take any either. There is nobody that is going to influence my vote with money. It is the people's concerns that should concern you and me and I hope that when you vote today that you will forget the party you belong to, forget some of the harsh words that have been said, forget how you voted in the past and vote for the people of the State of Maine who sent us here to do a job for them.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Following the words of the Representative in the other corner, the Representative from Fairfield, I do not intend to speak long on this subject. You have heard he and I and many others, including the Representative from Howland, think of ways of re-phrasing essentially the same words.

Final enactment of this budget puts our stamp of approval on the second largest tax increase in Maine's history. We intend to keep re-emphasizing that point, that those of us who continue to oppose

enactment of this budget do so on the principle that imposing that kind of burden on Maine people requires that we also have approval of other methods of relief for Maine working people. We will remain committed to that issue and I urge voting against enactment of this budget.

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

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

To anyone in the body who can answer — does this budget contain less taxes than the Governor originally proposed?

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: A very brief answer to the gentleman's question, yes.

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

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

May I ask the good Representative from Waldo, Representative Whitcomb, whose budget are we actually dealing with?

The SPEAKER: The Representative from Rome, Representative Tracy, 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: That is an interesting academic question, we have had several sponsors of this budget. It is, in fact, a composite of the sentiment of this legislature. You can make a point that it is a budget that had its beginnings on the second floor if that is who you want to make reference to. You could make reference to the fact that most immediately it was sponsored by the Representative from Topsham.

The point is final enactment of this document is a stamp of approval of this body.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: I would like to answer that question. This is not a Republican budget, it is not a Democratic budget, it is not the Governor's budget, it is not yours, it is not mine, it is a budget that was put together for the people of the State of Maine. They have waited a long time for this budget and now is the time.

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 and try to respond briefly to some of the comments that were just made.

There is nothing that I can say or the Representative from Fairfield can say that is probably going to change anybody's vote. We have been going at this far too long. Notwithstanding the eloquence of the Representative from Lagrange who spoke very briefly but very eloquently about the responsibilities of citizenship, I can't help but wonder that in this state today taxes are still being collected. Taxes are still being collected and

services are not being rendered. That makes me think that a valuable compact of the people of the state had with her government has been broken.

The Governor of this state has not suspended taxes in this state, those are still being collected, businesses are still taking in sales tax, still deducting wage withholdings but services aren't being given to the people of our state. That is a trust agreement that has been broken, a constitutional trust, compact, that has been broken to the people of this state. When you pay taxes, you expect services.

The original Revolution in this country was, "No services, no tax money going over to England." If we pay, we get something in return and this Republican Governor has broken faith with that promise that has been handed down from every generation and every election.

When the Chaplain of the State Prison tells me this noon that he can't go to the State Prison for counseling services because that is not an essential service, that is a trust that has been broken. Not many people are going to listen to what I say, so I am going to be very brief, but there are others within the sound of our voices that listen to what we say and when the Legislative Record is printed and the newspapers are printed, they take notice.

This is going to be my last positive vote in this chamber, no more votes for any other packages that the Representative from Waldo hints at that has to be agreed to because we have to reduce the burden on working people and the business people of this state. No more votes from moderate Democrats like me and I speak for others besides myself. I have told others within this body. Up until a few hours ago, I was willing to go along if this budget was adopted but innocent people are being hurt, innocent people who, not only work for the state, but depend on this budget for services. Elderly are in their homes that need home base care and they are being hurt. Handicapped people are being hurt, who rely on state services, so when we think of this budget, let's not fool ourselves and think about just state employees who are here tooting their horns or asking us for a little common sense, it is people who don't call us, who don't come to Augusta, who can't afford to intervene and exercise their rights.

We made a trust agreement with them, we said that we will collect those taxes and we will provide the services for you. Well, there aren't anymore deals. At midnight last night, those deals ended. I am not going to be coerced into voting for some other package because this budget has to be held hostage. There are other Democrats who feel the same way. So, if there are any messages that are to be gathered today, this afternoon, take one back into the hallway and tell your friends that you need a majority vote to pass any legislation, the Minority Party cannot support that, you cannot provide a majority vote, you have lost one vote and you are not going to get it back.

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. 233

YEA - Adams, Aliberti, Anthony, Bell, Boutilier,

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

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

ABSENT - Ault, Butland, Cote, Mitchell, J.; Rydell, Small, Tupper.

Yes, 99; No, 45; Absent, 7; Paired, 0; Excused, 0.

99 having voted in the affirmative and 45 in the negative with 7 being absent, the bill failed of enactment. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1390)

Ordered, the Senate concurring, that, when the House and Senate adjourn, they do so until the calls of the President of the Senate and the Speaker of the House of Representatives, respectively, when there is need to conduct legislative business.

Was read.

Representative Whitcomb requested a roll call on passage.

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

ROLL CALL NO. 234

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

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

ABSENT - Ault, Butland, Cote, Donnelly, Duffy, Jacques, Lipman, Mitchell, J.; Parent, Pines, Rydell, Small, Strout, Tupper, Vigue.

Yes, 91; No, 45; Absent, 15; Paired, 0; Excused, 0.

91 having voted in the affirmative and 45 in the negative with 15 being absent, the Joint Order was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Representative Simpson of Casco was granted unanimous consent to address the House:

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to take a few minutes today and ask if you would join me when we adjourn that we adjourn in memory of Carlton Edwards.

Some of you may have read in the newspaper accounts a little bit about Carlton's life. Carlton was a lifelong resident of the town of Raymond, a dairy farmer who milked his cows by hand right up until the last week that he died. Most important about Carlton being a gentleman, a farmer, and a true citizen of the State of Maine was the distinction of having served as the First Selectman in the town of Raymond for 53 years. The newspaper reported that that might be a state record but I would also like to remind this body that Carlton was also a 6 term member of this House and, during that time, he served as Minority Leader. I checked with Clyde and he was actually a colleague of Clyde Hichborn at one point so when we adjourn today, I would hope that we would do so in memory of Carlton Edwards.

(Off Record Remarks)

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

In Memory of:

Joan Levesque, of Jefferson, who among her many achievements served as a Legislative Proofreader in the Office of the Revisor of Statutes since 1987, who was known to us as a caring mother and who served her town as Deputy Town Clerk, as Chair of the Jefferson School Building Committee, as a member of the school committee and as a member of the Jefferson Town Land Planning Committee. Joan's sense of humor, generous spirit and kind heart have served as a source of strength for all those who knew and loved her; (HLS 617) by Representative SAVAGE of Union. (Cosponsors: Senator HOLLOWAY of Lincoln, Speaker MARTIN of Eagle Lake, President PRAY of Penobscot)

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (EMERGENCY) (H.P. 1389) (L.D. 1977) which was passed to be enacted in the House on July 11, 1991.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Adhere.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

July 12, 1991

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Failed to Enact Bill "An Act to Make 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. 1387 L.D. 1976)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

July 12, 1991

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Failed to Recede and Concur to Enactment on Bill "An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 1389 L.D. 1977)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1392)

ORDERED, the Senate concurring, that Bill "An Act to Make 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" H.P. 1387, L.D. 1976, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

A two-thirds vote of the members present being necessary, a total was taken. 72 having voted in favor of the same and 25 against, the Joint Order (H.P. 1392) was passed and sent up for concurrence.

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

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, 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. 1391) (L.D. 1978) (Presented by Representative FOSS of Yarmouth)

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

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of this bill.

This is another bill which is going to expire in three days. I think we have played around with the people of the State of Maine and the state employees long enough. Shortly, you will have the real thing again. I think it is time for us to pass a real biennial budget.

Subsequently, L.D. 1978 was indefinitely postponed and sent up for concurrence.

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

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1394)

Ordered, the Senate concurring, that Bill, "An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993," H.P. 1389, L.D. 1977, and all its accompanying papers be recalled from the legislative files to the House.

Was read.

A two-thirds vote of the members present being necessary, a total was taken. 79 having voted in favor of the same and 19 against, the Joint Order (H.P. 1392) was passed and sent up for concurrence.

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

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

PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Providing 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. 1393) (L.D. 1979) (Presented by Representative CHONKO of Topsham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(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 twice.

Representative Whitcomb of Waldo requested a roll call vote on passage to be engrossed.

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 engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 235

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

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bowers, Butland, Carleton, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Heino, Hepburn, Libby, Look, Lord, MacBride, Murphy, Nash, Parent, Pendleton, Pines, Reed, G.; Reed, W.; Salisbury, Savage, Spear, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Anthony, Bennett, Cahill, M.; Carroll, J.; Cashman, Cathcart, Cote, Hanley, Hastings, Hichens, Kerr, Ketover, Kilkelly, Kutasi, Lebowitz, Luther, Marsano, Martin, H.; McKeen, Merrill, Nutting, Ott, Paradis, P.; Paul, Pendexter, Richards, Rydell, Small, Tardy, Tupper.

Yes, 87; No, 34; Absent, 30; Paired, 0; Excused, 0.

87 having voted in the affirmative and 34 in the negative with 30 absent, L.D. 1979 was passed to be engrossed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1394)

An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (EMERGENCY) (H.P. 1389) (L.D. 1977)

Subsequently, the House reconsidered action whereby L.D. 1977 failed of enactment.

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

By unanimous consent, was ordered sent forthwith

to the Senate.

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

ENACTOR

Emergency Measure

(Later Today Assigned)

An Act Providing 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 (H.P. 1393) (L.D. 1979)

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

On motion of Representative Whitcomb of Waldo, the House reconsidered its action whereby L.D. 1979 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-758) and moved its adoption.

House Amendment "A" (H-758) was read by the Clerk.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I offer House Amendment "A" as a sincere, good faith attempt to break this impasse. I offer this amendment at a considerable risk. This amendment would, (and I will read from the bottom line of the Statement of Fact) "include offsetting reductions of appropriations to General Purpose Aid for local schools." Let me tell you why this is, for me, an amendment that is offered with a great deal of sincerity.

Along with many of you in this body, my school district is one that is a very high receiver of General Purpose Aid to Education. This amendment is offered with a full understanding that there is, as we have been told, only a few steps between complete agreement on all the matters of significance pending before the legislature and, therefore, the cuts imposed by this amendment would be removed. What this amendment does is it allows the budget process to continue to be approved, to be signed without new revenues. What I have suggested in this amendment that we do is, in the budget document, remove the \$300 million — actually less than that if you read the front page — in the two years it approaches \$300 million, a rough figure, that we use for General Purpose Aid for Education. It is not the intent of this legislature for this document to exist for more than a few days, the few days that are necessary, we are told, to complete the action on the other issue that seems to be so difficult for this body.

This is an attempt to get beyond the confrontation that we have had over the last two days and will continue to have if the document before us is presented in its present form.

This amendment allows both sides on this issue to retreat a little bit, to allow a document to proceed to the Executive that is a balanced budget, that brings state workers back to work, and allows us to

go on to completing the other acts before the legislature.

I hope that this body will consider this amendment in the sincerity in which it is offered. I had prepared another amendment that accomplishes the same thing, but frankly, it would be much more difficult to accomplish by the other amendment but this one is a very succinct way of saying what we intended to say. We removed the issue of taxes from the question, we pass the budget, we bring people back to work and we complete the rest of the work and proceed to negate this act once that is done. I urge acceptance of this amendment.

Representative Chonko of Topsham moved the indefinite postponement of House Amendment "A" (H-758).

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I am rather surprised that the gentleman from Waldo offered this amendment. Quite frankly, I am glad he did, but I am surprised that he did. When I came in here today, I noticed that there were several amendments on my desk that were of the loony-tune variety. This one, I think, is probably the loony-tuniest of them all but I am glad that he offered it.

I would, before I forget Mr. Speaker, request a roll call on the pending motion to indefinitely postpone.

It seems to me, if you are willing to vote for this amendment, what you are saying is, you want to shift from a position, you don't want to hold the state hostage anymore, you want to hold the schools hostage, you want to hold education hostage. What you are saying is that you don't want to vote for \$300 million or \$274 million in tax increases at the state level but you don't mind running the risk of having \$300 million more in taxes shifted to the local level. What you are saying is, you are opposed to income tax surcharges on principle, but you don't mind a property tax increase to the tune of \$275 million, that is what you are saying. And, you say you are going to get the state working again, Representative Whitcomb, and you are going to get by this impasse with this amendment — all you are doing is changing the hostages. That is all you are doing.

If this is such a hot idea, I don't know why it didn't come out of the Appropriations Committee. After all, the budget that we have been voting on came out unanimous. After all, the tax package we have been voting on came out unanimous. After all, the tax package that we considered in the Taxation Committee was sponsored by Representative Marsano who sits in the corner with Representative Whitcomb and consistently votes against his own tax package for the past two weeks while the state is shut down. The Republican members of Appropriations in this House consistently vote against their own budget that they voted for downstairs and the members of my committee, to my shame, consistently vote against the taxes that they voted against downstairs. What happened from the time we left the second floor to the time we got to the third floor? Workers' Compensation you say? It was never mentioned downstairs. In all the deliberations on the tax package, it was not mentioned by the sponsor of the bill, Representative Marsano, it was not mentioned by Representative Butland, Representative Hepburn or Representative Murphy, it was not mentioned by anybody who was in

our room representing the Governor's Office. It was not mentioned at all.

So, what happened? You got me. But, you have been successful — I heard a member of the other body earlier today say they were proud, they had their head held high. You should be proud, members of the Minority because you have done something that the Nazi's weren't able to do, you shut down state government. We couldn't do it in two world wars, but you have done it. So, consequently people are going without state services, state employees are out of work and Representative Whitcomb has the audacity to come in here tonight on July 12th and offer to change hostages if we will let him do it. Well, I won't let you do it, Representative Whitcomb, I won't vote for this. I will vote for the indefinite postponement. But, I hope every member of the Minority votes against it. I really and truly do because, as I said when I started, this is the loony-tuniest of them all. I hope you support it.

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

Representative HANDY: Mr. Speaker, Members of the House: I am amazed — no, in fact, I am astounded, actually I am pretty disappointed. I am disappointed that any member of this House would offer up — no, let me rephrase that — that would mandate to our local towns, our municipalities, that they increase property taxes. Property taxes, the most regressive tax, are not based on one's ability to pay. And, coming from a former member of the Taxation Committee, one I thought would know a lot better, no. I guess I would assume that the Minority Party agrees with this and draw from that that the Chief Executive also agrees with this, otherwise I don't think he would be offering it. It would seem to me that the Education governor, the individual who is to be installed next week as the Chair of the Education Commission of the state, would love to take this to Colorado next week and show how he is the education governor, to show that he believes the towns and cities of Maine ought to fund education and not receive support from the State of Maine. Is that Maine's commitment to education? I guess maybe that is in keeping with the Chief Executive living in the White House now. It seems to be consistent.

No leadership in a general way and now I have certainly seen it — there is no leadership by the Chief Executive when it comes to education, the Education Governor.

What we will be voting on shortly is a roll call, a roll call on how you feel about education and the future of Maine's young people, Maine's people who are out of the usual realm of education, non-traditional students as they are referred to who want to go to get their GED, attend adult education classes, this is a roll call (plain and simple) on passing the biggest property tax increase this state has seen in a long, long time.

I look forward to seeing the lights of the Minority Party. I look forward to seeing the Governor take this message to Denver, Colorado, to the Education Commission of the States and let him know that, yes, he is the education governor, sure!

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

Representative NORTON: Mr. Speaker, Men and Women of the House: Over the years, no one has questioned my support for education and I certainly hope that you won't question it now.

I would support something that would bring movement to this situation. I have no doubt that there is a member in this House that would allow this to stand. The Minority Leader stated very clearly he didn't want it to stand, he comes from one of the poorest areas in the state. Originally, I came from probably the poorest area in the state. In no way would I want this to stand but I will tell you one thing, our challenge would be to put it back. How we put it back is as important as taking a stand to make some movement.

Someone from the newspaper asked me yesterday if I was angry and frustrated. I said, no. I am hopeful and I am concerned because I do know that this process works. I know it will work, it is just a question of when. So, I dare, having been honored by the Maine Teachers Association only the year before last as a friend of education, I have no intention of seeing this amendment stand. Neither do I have any intention of seeing the impasse that we are engaged in, stand. Therefore, I shall be putting myself, my reputation, my integrity on the line as every one of you are and I don't think we lose it on the basis of one vote but I do think if we fail to break this impasse, we will all suffer the consequences of our own inaction. With that, I will close but I did want to say those words before I vote against this proposal to indefinitely postpone.

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: As you know, we have already cut \$200 million from General Purpose Aid to our local schools. We have already cut \$40 million in deferrals of the June payment and now we are going to add \$300 million more. This is absolutely preposterous. I know you won't vote for it, you will vote to indefinitely postpone.

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

Representative GWADOSKY: Mr. Speaker I would pose a question through the Chair to Representative Whitcomb of Waldo.

It is in two parts, number one, has the Representative discussed this proposal with the Chief Executive of this state? Number two, does the Chief Executive of this state endorse this proposal?

The SPEAKER: The Representative from Fairfield, Representative Gwadosky, has posed two questions through the Chair to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes the Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Yes, my proposal has been discussed with the members of the Executive Branch. I think to characterize his comments to me is that he would support any one of three initiatives that I suggested to get us beyond the impasse that we are now in with the complete realization that was stated so well by the Representative from Winthrop, that this be allowed to exist for three days or five days but no more. We have to understand that the immediate impact of this is nothing. There are no GPA checks due to go out for nearly two weeks.

I appreciate the attempt to enthuse a little bit of fire in the statements that have been made this evening. I have attempted very seriously not to do that. I don't care personally if there is not

acceptance as it appears there isn't from the other side of the aisle or if people vote for this or not. Obviously, if it is not accepted by the Majority Party, it goes nowhere, the impasse continues, the budget document before us does not become law and we continue this effort, if you call it that. It was an honest attempt to get beyond the point where we are now. If the statements of some of the speaker's indicate a party position, so be it. I think this is a motion that can work if parties want it to work. It allows both sides to recede a little, it puts state employees back to work and allows the components of the other issue to be put together and it gets us doing something else this summer other than looking at each other and glaring about our differences.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I think my only question would be — and I pose it to either Representative Whitcomb or Representative Norton — they talk about putting the money back and I believe they do that in good faith. I guess my problem would be, is this another thing that we put back only when we have solved the Workers' Compensation question?

The SPEAKER: Representative Macomber of South Portland has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, the answer is that that is the intent of the legislation, yes.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: The prior speaker did clearly define the link between taxes and Workers' Compensation that has been behind the scenes with us for days now. The good Representative from Waldo did share his idea for this amendment with me and I respectfully am going to oppose it and I will tell you why. We have spent weeks and months protecting GPA as much as we could. We all were reluctant to flat-fund GPA and it is well-known that I am not a large receiver but I believe strongly in equal access to education. We wanted to repay that, I resented that higher education was repaid, the deferral amount in this budget, GPA was not. When we talked earlier about other potential cuts in GPA, I resisted those also.

However, I do also commend the Representative from Waldo for trying to move us off the dime. I think this amendment is an ultimate act of good faith to believe that this legislature would sincerely work toward reforming the Workers' Compensation and to allow the taxes to pass, that is what the issue is. But, I am not going to vote for this because I fear that this legislature will not resolve the Workers' Compensation issue and thereby the taxes won't go into effect to overturn this action and it will be a massive, massive destructive act to cut this kind of money from General Purpose Aid.

There have been comments made for several days now that some of us broke faith with agreements. I spoke long and often with the chairs and members of my committee and it was very clear that my vote for taxes was always dependent on the offsetting cut reduction and the cost of Workers' Compensation. I

made that clear throughout the budget negotiations and worked sincerely to put together a budget that would spend those taxes with the understanding that Workers' Compensation cuts would also occur.

Last Saturday, I voted for a budget when we set up a rational strategy that was supposed to produce results by Wednesday, those results were not there, still nothing has materialized on Workers' Compensation Reform and, while I am not going to vote for this amendment, I do commend the Representative from Waldo for trying to move us ahead.

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

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

I would address the question to Representative Whitcomb of Waldo. Several members of his caucus were quoted in the papers as saying they wouldn't vote, even if they were satisfied on Workers' Compensation, for any budget that had any new taxes in it. Does this mean that if we were to adopt this proposal that those very same members would refuse to vote to restore the GPA because it would involve raising taxes?

The SPEAKER: Representative Coles of Harpswell 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: The question, as I understand it, is whether some people of our caucus are ever going to support a budget with new taxes in it no matter what shape it is in — several of those individuals have told me that the answer to that question is that they will never vote for new taxes. I don't know whether there have been some preliminary votes that might indicate that there are other members of the other caucus who are never going to vote for a budget with new taxes. So, I think the answer to your question is that there are some members of the Republican caucus who do not support the budget that has been crafted because it includes new revenues, irregardless of this amendment.

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

Representative COLES: Mr. Speaker, Men and Women of the House: My understanding of the spirit in which Representative Whitcomb has offered his amendment is he is trying to re-establish the good faith that existed, the fragile good faith that existed up to midnight on Wednesday. I also understand that it was not Republican votes cast in this chamber that shattered that good faith, that broke apart the trust that was leading (most of us believed) to a satisfactory or at least a successful conclusion of our business. I have to second the comments of Representative Foss of Yarmouth — to have that good faith shattered, I am not willing to stake it on something as important as this.

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

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

The SPEAKER: The pending question before the

House is the motion of Representative Chonko of Topsham that House Amendment "A" (H-758) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 236

YEA - Adams, Aikman, Aliberti, Anthony, Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Carroll, D.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hanley, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Ketterer, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Marsh, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Bailey, H.; Carleton, Lebowitz, Lipman, Look, Marsano, Merrill, Norton, Ott, Parent, Pendleton, Pines, Reed, G.; Whitcomb.

ABSENT - Anderson, Ault, Cahill, M.; Carroll, J.; Cathcart, Cote, Farren, Greenlaw, Hastings, Hepburn, Hichens, Jalbert, Kerr, Ketover, Kilkelly, Kutasi, Libby, Lord, Luther, Martin, H.; Nutting, Pendexter, Poulin, Richards, Rydell, Stevenson, Tardy, Tupper.

Yes, 109; No, 14; Absent, 28; Paired, 0; Excused, 0.

109 having voted in the affirmative and 14 in the negative with 28 absent, the motion did prevail.

Subsequently, L.D. 1979 was passed to be engrossed.

Representative Mayo of Thomaston requested a roll call vote on enactment.

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

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

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

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

Representative BAILEY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Ault of Wayne. If she were present and voting, she would be voting yea; I would be voting nay.

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

ROLL CALL NO. 237

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

NAY - Aikman, Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Donnelly, Duplessis, Farnum, Foss, Garland, Gwadosky, Hanley, Heino, Lebowitz, Look, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Parent, Pendleton, Pines, Reed, G.; Reed, W.; Salisbury, Savage, Small, Spear, Stevens, A.; Whitcomb.

ABSENT - Anderson, Cahill, M.; Carroll, J.; Cathcart, Cote, Farren, Greenlaw, Hastings, Hepburn, Hichens, Jalbert, Kerr, Ketover, Kilkelly, Kutasi, Libby, Lord, Luther, Martin, H.; Pendexter, Poulin, Richards, Rydell, Stevenson, Tardy, Tupper.

PAIRED - Ault, Bailey, H..
Yes, 89; No, 34; Absent, 26; Paired, 2; Excused, 0.

89 having voted in the affirmative and 34 in the negative with 26 being absent and 2 having paired, the Bill failed of enactment.

Representative Gwadosky of Fairfield, having voted on the prevailing side, moved that the House reconsider its action whereby L.D. 1979 failed of enactment.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby L.D. 1979 failed of enactment and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Providing 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 (H.P. 1393) (L.D. 1979) which was tabled July 12, 1991 and later assigned pending the motion of Representative Gwadosky of Fairfield that the House reconsider its action whereby L.D. 1979 failed of enactment.

Subsequently, the House reconsidered its action whereby L.D. 1979 failed of enactment.

Representative Whitcomb of Waldo requested a roll call vote on enactment.

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

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

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

ROLL CALL NO. 238

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

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Bennett, Bowers, Butland, Donnelly, Duplessis, Farnum, Farren, Garland, Greenlaw, Hanley, Heino, Hepburn, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Stevens, A.; Whitcomb.

ABSENT - Ault, Barth, Cahill, M.; Carleton, Carroll, J.; Cathcart, Cote, Dore, Foss, Hastings, Hichens, Kerr, Ketover, Kutasi, Lipman, Luther, Mahany, Martin, H.; Rydell, Small, Spear, Stevenson, Tupper.

Yes, 91; No, 37; Absent, 23; Paired, 0; Excused, 0.

91 having voted in the affirmative and 37 in the

negative with 23 absent, L.D. 1979 failed of enactment.

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

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Simpson of Casco, Adjourned at 11:19 a.m. until Sunday, July 14, 1991, at five o'clock in the afternoon in memory of Joan Levesque.