

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
SECOND SPECIAL SESSION
2nd Legislative Day
Thursday, December 19, 1991

ROLL CALL NO. 264

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

Prayer by Reverend Calvin O. Dame, All Souls Unitarian Universalist Church, Augusta.

The Journal of Wednesday, December 18, 1991, was read and approved.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law" (EMERGENCY) (H.P. 1402) (L.D. 1985) (H "C" H-785; H. "Y" H-807; H. "W" H-805; H. "V" H-804; H. "NN" H-824; H. "BB" H-810; H. "LL" H-821; H. "WW" H-833; and H. "UU" H-831)
PENDING - Passage to be Engrossed.

On motion of Representative Chonko of Topsham, the House reconsidered its action whereby House Amendment "UU" (H-831) was adopted.

The same Representative offered House Amendment "A" (H-849) to House Amendment "UU" (H-831) and moved its adoption.

House Amendment "A" (H-849) to House Amendment "UU" (H-831) was read by the Clerk.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: This amendment does not change any of the substance in the original "UU" that was passed. All it does is make some corrections. The budget office downstairs had not seen the amendment before it was passed and it also adds a fiscal note which you will see reduces the grand fund savings by \$61 plus million.

Representative Marsano of Belfast requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "A" (H-849) to House Amendment "UU" (H-831). Those in favor will vote yes; those opposed will vote no.

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

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

ABSENT - Ault, Bennett, Cahill, M.*; Cashman, Crowley, Dipietro, Duffy, Handy, Hanley, Heeschen, Jacques, Kerr, Kilkelly, Lipman, Martin, H.; Paradis, J.; Ruhlin, Small.

Yes, 87; No, 46; Absent, 18; Paired, 0; Excused, 0.

87 having voted in the affirmative and 46 in the negative with 18 being absent, House Amendment "A" (H-849) to House Amendment "UU" (H-831) was adopted.

Subsequently, House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto was adopted.

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

Representative RICHARDSON: Mr. Speaker, I present House Amendment "XX" (H-834) and move its adoption.

House Amendment "XX" (H-834) was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I will be brief and I do request a roll call.

This is a redo of the motion yesterday that came before you on the amendment that was unbalanced through an error. What this amendment did is take the funding mechanism of the sales tax exemption for vending machines, which is a sales tax exemption that is fundamentally discriminatory against over-the-counter sales of the items that would be in vending machines by Mom and Pop stores, variety stores, grocery stores and wherever throughout the State of Maine, and takes that sales tax exemption and pairs it with two areas. They are, what I understand to be, the most needful of the safety net that are now before the body in terms of the needs that we will be facing when a budget is ultimately adopted. Those two areas are low-cost drugs to Maine's elderly program and the long-term home-based care in Human Services, people keeping elderly people

in their homes where they can receive cheaper and more adequate care more consistent with their wishes. What I have done is paired that one income source with those two needs and it is a balanced amendment before you.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Again, I would urge this House to reject the principle behind this motion. This tax increase was a bad idea yesterday and it is again today. This amendment, again, tries to override the decision of the Appropriations Committee which crafted in its budget a fair consideration of the two items of concern that the good gentleman from Portland has identified with his own solution.

Just for the information of this House, the long-term care budget which he is seeking to provide additional money already has almost \$6 million in the account which is considered an adequate amount for the rest of this fiscal year, so I would urge the House to reject this amendment.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "XX" (H-834). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 265

YEA - Adams, Anthony, Carleton, Clark, H.; Clark, M.; Coles, Constantine, Daggett, Farnsworth, Gean, Graham, Gurney, Hale, Hichens, Hoglund, Holt, Hussey, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lemke, Lord, Luther, Mahany, Manning, McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Norton, Nutting, O'Dea, O'Gara, Oliver, Pfeiffer, Pineau, Powers, Rand, Richardson, Saint Onge, Simonds, Simpson, Skoglund, Strout, Townsend.

NAY - Aikman, Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Bowers, Butland, Carroll, D.; Carroll, J.; Cathcart, Chonko, Donnelly, Dore, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hastings, Heino, Hepburn, Hichborn, Jalbert, Ketterer, Kutasi, Lawrence, Lebowitz, Libby, Look, MacBride, Macomber, Marsano, Marsh, Mayo, Merrill, Michaud, Morrison, Murphy, Nadeau, Nash, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Salisbury, Savage, Sheltra, Spear, Stevens, A.; Stevenson, Swazey, Tammaro, Tardy, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Ault, Bennett, Cahill, M.; Cashman, Cote, Crowley, DiPietro, Duffy, Duplessis, Handy, Hanley, Heeschen, Jacques, Kerr, Lipman, Martin, H.; Ruhlin, Small, Stevens, P..

Yes, 49; No, 83; Absent, 19; Paired, 0; Excused, 0.

49 having voted in the affirmative and 83 in the

negative with 19 being absent, the motion did not prevail.

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

Representative ANTHONY: Mr. Speaker, I present House Amendment "BBB" (H-839) and move its adoption.

House Amendment "BBB" (H-839) was read by the Clerk.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "BBB" makes clear the Governor's powers regarding curtailment as it affects revenue sharing and it makes it clear that the Governor's powers would not include the power to curtail revenue sharing.

As you know, there has been quite a bit of doubt about this. There is an Attorney General's opinion which, in my view, does not clarify the issue terribly much but does rule that the Governor does have the power. Obviously, this would reverse that Attorney General's opinion. It would make clear (through legislation) that the Governor's power over curtailment does not include revenue sharing.

I would point to the fact that revenue sharing is off-budget. I believe that from the outset that revenue sharing has never been intended to be subject to that power and has never been intended to be anything other than a solemn compact that we have with the cities and towns that this would not be susceptible to reductions.

This is an idea that I got from Maine Municipal Association and, frankly, I believe it is your opportunity to support your town, your opportunity to say that you believe revenue sharing should not, under any circumstances, be reduced.

I know that a number of you have voted in caucuses, both the Republican side and the Democratic side, that you did not believe that revenue sharing should be subject to reductions. This is your opportunity to set it aside totally from those sorts of reductions that are done through the curtailment power. From my point of view, it is your opportunity to protect against property tax increases at the local level if finances get even worse. I do not believe that we should (in this body) be passing on our problems to municipalities through reductions in revenue sharing. They suffer reductions anyway because, as sales taxes go down, the amount of money that is passed on goes down. I believe it is our responsibility to deal with the fiscal problems of the state at the state level and this is an opportunity to make that clear in law.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: As much as it bothers me to stand here in opposition to my Governor, I believe in this part of taking revenue sharing that he is making a big mistake. Therefore, I cannot support him in doing that.

I like this amendment, I believe it is a good amendment, and I believe it will ensure the towns of always getting their revenue sharing which the state promised them and entered into a contract with them some 20 years ago. Therefore, I hope you would all support this amendment as I am going to so that we can go home and tell our people we did not pass our responsibilities back onto the property tax.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose this amendment and I will tell you why I think we would be taking a tragic step for the State of Maine over the next few months.

I agree with the Representative from South Portland that we would all like to be able to say to our towns you have been forgiven any cut in revenue sharing, we would all like to be heroes on this issue. I think that the Appropriation's Committee achieved a balanced, fair budget by reducing the cut in revenue sharing from \$30 million to \$12 million. And, in our action last night on a majority vote, we turned our backs on the basic fact that we have a \$105 million dollar problem in this state by passing on a majority vote a solution to only half of that problem. The Governor will have to continue to curtail allotments because the legislature failed to face up to our total problem. If this amendment were to pass, the Governor will be forced to cut more deeply in General Purpose Aid to Education and Human Services programs, which I would suggest to the sponsor of this amendment, would be disastrous for those programs we have tried to maintain for our neediest citizens.

Yesterday, I said on the floor that we have a fiscal crisis in this state. It is the job of this body to make the tough decisions to face up to that. I think we should all be reminded of the headlines in the papers today of people across this state and across this country who are losing their jobs in the private sector. When the comment was made last night about certainty for towns, what do they face in July and August and September, I would suggest to you that 250 employees at Scott Paper in Winslow yesterday would like that same assurance and they don't have it, nor do most of the citizens in this state. Any amendment that would force deeper cuts in General Purpose Aid to Education and to Human Services programs, I think would be disastrous.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, I request a roll call vote.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I thought about this issue for quite some time and I find it rare that I am up here supporting the Representative from Yarmouth, Representative Foss, but she is absolutely right. You can stand here and say that this is a good amendment, we do not want to hurt our municipalities, but you are anyway. She is absolutely right, if the Governor has to cut back by Executive Order, if it doesn't come from revenue sharing, that cut is going to be forced on to GPA. So, your towns are going to be hit no matter which way you look at it under this proposal.

I would hope that you would not support it. If we do have to make cuts, I think that they should be made as equitably as possible across the board. If you exclude a certain area, what that means is that you are going to be hitting another area. If it does not come out of revenue sharing, it will come out of General Purpose Aid. Both those areas do affect towns, so by supporting this amendment, don't kid

yourself, it does not protect the towns because it is just transferring the burden to General Purpose Aid.

I hope you vote against the amendment.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: The previous gentleman mentioned that if we don't support this amendment that it is going to put the Chief Executive in a position where he is going to go after General Purpose Aid. That is a decision he will have to make, not a decision that I am going to make today.

The decision that I make is based back in 1973 when the state took the inventory tax away from these municipalities. When we did that, we gave them Maine revenue sharing. That is a separate issue from General Purpose Aid, it is a separate issue from Human Services programs, it is something that we committed to the towns in this state that we should continue to give them.

I think it is very clear that we should say today that we are going to keep the revenue sharing program as it is so these municipalities can continue to plan on these monies.

Now, if the Chief Executive wants to make cuts in Human Services programs and he wants to make cuts in General Purpose Aid, that is his decision. I will have to look at those issues when they come up.

I am pleased that the gentleman from South Portland has presented this amendment. I hope that you all will support it today.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I guess if you can compare our curriculum in Hampden in which we have a fine school and you compare it with a lot of the other bigger schools in the state is that we can't afford to cut the basic programs that we have. We don't have four languages, we don't offer the wide variety of things that other schools do. Other schools perhaps can trim back. If you are going to force more of a cut — we happen to be a high receiver as well — but if you look at the other towns outside of the cities, they are providing a basic education. By forcing a bigger cut on GPA, you are infringing that particular curriculum in that particular school.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Very quickly, I want to say that this is your opportunity by passing this amendment to cut school funding with all certainty. Those of you who worked hard in this body for the education community need to recognize this vote for what it is. It is not a question of the Governor's choices, he has no choice. If we cannot act responsibly, which is in some doubt, that is where the cuts will fall. I urge rejection of this motion.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I also would hope you would oppose the amendment before you. I don't do that lightly because, frankly, I happen to think it is a good amendment. I am not real crazy about the Governor's ability to sign financial orders in the first place, never felt that he had to sign the financial order because we don't have to have a

balanced budget, as each of you know, until June 30, 1992. If it wasn't for the action of the Governor in signing these financial orders, we probably wouldn't be here right now and we would be back home doing a lot of other things that we would like to be doing.

The ground rules that have been established to get into session have been set up so that it has been almost impossible for us to get into session. We had to get into session only after a unanimous committee report from the Appropriations Committee. We have been given, what I think, artificial time lines to get this done in the first place. Even while we are considering this now, they are downstairs beginning to write up another financial order to kind of put more pressure, to keep more leverage, while we are trying to make some thoughtful and intelligent decisions upon things that we are dealing with in the budget.

My problem with this particular point is, and I think it has been stated by Representative Michaud and a couple of other people, if you take revenue sharing out of the picture and say we are not going to deal with that, then you can guarantee that those cuts are going to come out of GPA. I don't think it has to be an either/or item. Maybe what we should do is, if there is sentiment to deal with this issue of fiscal orders and say the Governor shouldn't have authority to touch revenue sharing, maybe we ought to change the amendment and say the Governor shouldn't have authority to deal with GPA or revenue sharing. Maybe we ought to broaden the vision a little bit in terms of this particular amendment, not make it an easier or more difficult type of proposal. Perhaps that can be offered later in the day. Perhaps it can be offered in the other body but I can't currently support that because I think that is going to be an automatic gouge in GPA, I don't favor that.

I understand where Representative Anthony is coming from. I think it is the right direction because I think we ought to be dealing with this issue of fiscal audits upfront to let people across the state know what we have been dealing with and the difficult spot those put us all in in trying to represent our constituencies so I can't support it.

Representative Anthony might consider withdrawing that amendment at this time. Perhaps it can be amended, perhaps we can offer it in the other body and perhaps we can deal with the issue of GPA (that is a concern of mine and a concern of many others) at the same time.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I don't intend to withdraw it. I am certainly open to allowing people to amend it assuming that it passes.

The other thought I have is, all this talk about, "it doesn't really protect the towns" — of course it doesn't entirely, but as it is, our towns are getting hit in two accounts. As far as I am concerned, revenue sharing should off limits. It's that simple. It should be off limits, it is a compact we have, we have never touched it, we have fiddled with the educational funding formula and we will continue to fiddle with it and I understand that. We have never before touched, in any way, revenue sharing and I don't think we should start because, once we start, we are going to continue to do that and we are going to continue to hurt our towns and I don't think that

is right. So, I don't want to hurt the towns in two categories.

Understand, I am not protecting them in the area of GPA and I am fully open to an amendment to my amendment at some later point but, for now, I want to at least protect them in this one area because I don't think it is right.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I want to speak to the comments made by Representative Gwadosky about the Governor's artificial time lines. Thank goodness for the people of this state that the Governor can cut spending unilaterally because it is becoming clear, after the passage of that amendment last night, that this body cannot face up to the problem of a \$105 million dollar shortfall.

The people out there understand that we are hemorrhaging at this level and expect us to act. Certainly all of us would rather be home doing other things in this holiday season but I think we had better take (very seriously) our responsibility to step in and do a more refined cutting package than the Governor is able to do. That is our job and I would hope that we could act responsibly.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I am going to vote for this amendment and I will tell you why. As I understand it, there is about \$6 million dollars in revenue sharing a month going out. There's been a lot of suggestions on how we could cut. If you take this revenue sharing out of it this time — these committees could come in in January, sit down, and I think we could come up with this \$6 million dollar cut without hurting GPA or anything else. I think that is what we should do, it gives us time to go back to the committees and look at these different agencies where we can cut and I am sure if we really want to do it, we can cut this. I am going to vote for this amendment.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I intend to vote for this amendment for many of the reasons that were stated by the Representative from Corinth and the Representative from Waterboro. Revenue sharing is one of the few tools of revenue that we give to our local municipalities. We have cut some of them over the years and we haven't given them many opportunities in many areas where they can raise taxes. Other than the property tax, there are very few areas that they have where they can raise revenues. To cut revenue sharing, in any way, really is a tax increase on our municipalities and that is what we are talking about.

When we say that we do not have the stomach to cut, I don't find it very courageous or very large of us to say, sure we can cut revenue sharing and then tack on a tax increase to our local municipalities. Many of us have a fire department, a police department, and a public works department that depends on revenue sharing funds to keep going. To cut revenue sharing is nothing more than tacking a tax increase onto them. That is not saying we are being very courageous in being able to cut. We are not looking at our budget, we are looking at their

budget and we are cutting their budgets so I intend to vote for this amendment.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, Representative Kerr introduced an amendment that would have affected the elite of our bureaucracy here in the State House. It would have done away with stipends. I don't know if some of you don't realize what a stipend is but that is a bonus and some of these bonuses are averaging anywhere from \$5,000 on up. That amendment was shot down. I think if we are going to start cutting, we should start cutting right here in the State House on this level and save revenue sharing for the towns that need it so badly.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "BBB" (H-839).

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, I request permission to pair my vote with Representative Farnsworth of Hallowell. 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 adoption of House Amendment "BBB" (H-839). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 266

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Cathcart, Clark, H.; Clark, M.; Constantine, Cote, Daggett, DiPietro, Duplessis, Dutremble, L.; Erwin, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Hale, Hoglund, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Marsh, McHenry, McKeen, Melendy, Merrill, Michael, Mitchell, J.; Morrison, Murphy, Nash, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Chonko, Coles, Crowley, Donnelly, Dore, Farren, Foss, Garland, Greenlaw, Gwadosky, Hepburn, Hichborn, Hichens, Kutasi, Lebowitz, Libby, Look, MacBride, Marsano, Mayo, Michaud, Mitchell, E.; Nadeau, Norton, Nutting, Ott, Parent, Pendexter, Pines, Pouliot, Reed, G.; Richards, Rydell, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Ault, Cashman, Duffy, Handy, Hanley, Hastings, Heesch, Jacques, Lipman, Martin, H.; Ruhl, Small, The Speaker.

PAIRED - Farnsworth, Heino.

Yes, 88; No, 48; Absent, 13; Paired, 2; Excused, 0.

88 having voted in the affirmative and 48 in the negative with 13 being absent and 2 having paired, House Amendment "BBB" (H-839) was adopted.

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

Representative NORTON: Mr. Speaker, I present House Amendment "CCC" (H-840) and move its adoption.

House Amendment "CCC" (H-840) was read by the Clerk.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think inadvertently and in the rush of things that probably one of the most important positions in the Department of Education was cut. While I present an amendment which is revenue-neutral, you cut (and it came at the last minute and I don't think there was too much of a rationale from what I can find out about it) the head of the Department of Education's computer system. That person is the one that we count on for all those runs that we constantly ask for, including General Purpose Aid, local unit staff information back to our school systems, all that data associated with school lunch programs, certification, recertification, communication, certificates, all the calculations associated with Special Education, high school equivalency programs, the civil rights compliance reporting, vocational education and adult education, to name only the major ones.

I checked this out and I must say, even though it was my initiative when I heard about it, I knew it was a catastrophe. I checked out to see what other program might be offered up and I found a vacant position in School Nutrition and it will save the same amount of money. Therefore, this is revenue-neutral but it is as good as the old Triple C idea was to conservation and I hope that you will support it.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't catch this and I am very pleased that Representative Norton did. This person that handles the computer runs and so forth is handling over 50 percent of the state budget and keeps us abreast. He is probably the most important person we have over there, to let us know what is going on financially, so I hope you will all support this amendment.

Subsequently, House Amendment "CCC" (H-840) was adopted.

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

Representative GRAHAM: Mr. Speaker, I present House Amendment "III" (H-848) and move its adoption.

House Amendment "III" (H-848) was read by the Clerk.

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

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not deal with potatoes. Although there is a little bit of doubt in the fiscal note about whether sufficient funds will be raised, I believe that the local bar associations are willing to also chip in money. They did the last time we had the Law Library issue and I believe what

we will do with this amendment is just buy us some time until January. I hope that we can discuss this at greater length with the Judiciary Committee because I believe we can keep the Law Libraries open. We find in the more rural areas of the state that, if you have to travel very far, services don't get used. We found that when we opened the new campus at Lewiston/Auburn at how many people had never gone to college before simply because of distance.

I urge you to support the amendment because it is simply going to buy us some time until we go into session again.

Representative Whitcomb of Waldo requested a roll call.

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

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

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "III" (H-848). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 47 in the negative, House Amendment "III" (H-848) was adopted.

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

Representative KILKELLY: Mr. Speaker, I present House Amendment "FFF" (H-843) and move its adoption.

House Amendment "FFF" (H-843) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: This is the corrected version of an amendment that was presented yesterday. It is the extension of current teacher certificates for five years and in that there is the ability to reduce the number of staff in the Department of Education in the Certification Division. By that savings, there are things funded, the Committee on Aging, the Commission on Mental Health, the Commission on Women, and an education position at the Maine Youth Center.

I have brought this back before you because I felt that it was important to show that in fact it is revenue-neutral and that there are no additional costs to the General Fund by pursuing this. I think from my perspective, and as I mentioned yesterday, it is important to take a look at how we are spending our money. I don't present this as a way to undermine the professionalism of teachers, I have a great respect for teachers, I have a mother who was a teacher for 30 years and certainly have a great respect for the amount of work that she did and the things she has done as well as others.

What I do believe though is that we, in state government, need to take a look at what is it we are doing with the money that we are raising. If we are spending in excess of \$200,000 in the course of a year to monitor teachers to see if they have taken six credit hours of courses within a five year

period, I am not sure that that is the best way that we can be spending \$200,000. It is possible for the local superintendents, local school boards, to determine in the course of their annual evaluations of teachers, that they would have a requirement that might say, you need to take x-number of credit hours of courses. That would reduce the amount of money that the state is spending for that type of monitoring and it would bring it back where I believe it belongs and that is at the local level.

Currently, teacher certificates are for five years, so this would extend them from the time that they expire for five additional years. The maximum teacher certificate would be ten years. In the past, we have had ten year certificates, although those were limited to folks with Master's Degrees. As I said, I do not believe that this would seriously hurt education in this state but I do believe that there are other ways in which we could be spending the money that we raise.

Mr. Speaker, I request a roll call when the vote is taken and I urge your support of this amendment.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: The difficulty I have with this amendment is that we appear, and its request is, that we not right-size Maine government. It is a protectionism act, if you will, to continue and continue advocacy groups in this state at the cost of the state. I have no problem with advocacy groups, they serve many, many functions, but when the state supports them, when we are underfunding the GPA and arguing about revenue sharing to towns who are picking up the basic needs in this state of ours, this type of reallocation of money is just that which I think the people out there are crying for us to cut.

I think this amendment has merit as to how it generates money. I do not agree at all with the way we are trying to modify the budget and reallocate it to keep those privy groups in business at state expense. The people out there, I am sure, in my district at least, would never want me spending money in this way if I could save it for them and leave it on GPA or revenue sharing.

I urge you not to support this amendment.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill for the same reason I opposed it yesterday because it does exactly the same thing. This is a major educational policy decision and it should be made properly. Last session we had, as I said yesterday and I hate repeating it, the committee, the department, the Maine Superintendents' Association, and the Teachers' Association who all joined us on a committee to study certification and we have already cut money from certification. We have already changed that support staff system for professional teachers so that they now simply have to, every five years, take six credit hours. This system was used back in 1942 and I remember that. I think it is still a good way to go. We must continue to keep professionalism in teaching and this is one of the ways that we must do it.

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

Representative NORTON: Mr. Speaker, Ladies and

Gentlemen of the House: I rise because, while I have been a critic of certain changes made in certification, in no way could I support the elimination of certification.

If left to the local level, you will have the same inconsistency in adhering to standards that has resulted in what I branded a travesty a few years ago when they changed it. Licensing needs to be centralized and, as far as approving or disapproving six credit hours, that is the very least of their functions. They deal with program approval on the college level and that is where we should be strengthening that activity, not weakening it. They deal with that exceptional person that comes to education who does not have an educational background and I want someone who knows what they are doing when they review those transcripts.

The white knight who comes along once in awhile and needs to be in the classroom needs to have a place where that exception can be made. I believe learned professionals should be making that decision and that it shouldn't be left to chance.

Education has been strengthened by certification over the years and, while I have often referred to it as a swamp, it is a place you run in too fast, criticize often, and often don't understand what really is behind the function. I worked in it nine years directly and I will tell you something, I learned from it each day virtually because we had some very talented, dedicated people in there who kept us on a professional course.

I have voted for some amendments which would support some of the functions contained in this amendment, but for the aforementioned reasons stated by others and myself, I ask you for the defeat of this amendment.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "FFF" (H-843). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 267

YEA - Adams, Aliberti, Anthony, Cahill, M.; Cathcart, Clark, M.; Constantine, Daggett, Duplessis, Gean, Goodridge, Gurney, Hoglund, Holt, Ketover, Kil Kelly, Manning, McHenry, McKeen, Mitchell, J.; Morrison, O'Gara, Pfeiffer, Rand, Skoglund, Townsend, Treat, Wentworth.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutillier, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Cote, Crowley, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Hastings, Heino, Hepburn, Hichens, Hussey, Jalbert, Joseph, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Mahany, Marsano, Marsh, Mayo, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea,

Oliver, Ott, Paradis, P.; Parent, Paul, Pendexter, Pineau, Pines, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Aikman, Duffy, Farnsworth, Handy, Hanley, Heeschen, Hichborn, Jacques, Lipman, Macomber, Martin, H.; Paradis, J.; Pendleton, Poulin, Richards, Small, Stevens, P.; The Speaker.

Yes, 28; No, 105; Absent, 18; Paired, 0; Excused, 0.

28 having voted in the affirmative and 105 in the negative with 18 being absent, the motion did not prevail.

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

Representative GWADOSKY: Mr. Speaker, I present House Amendment "HHH" (H-847) and move its adoption.

House Amendment "HHH" (H-847) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: One of my concerns as we have gone through this budget process, and I think I have voiced it several times in the last two or three weeks, is that, as we go through this process in our desperate search for revenues every six months and our desperate search for revenues to balance a budget figure that seems to be changing on a regular basis, is that we have the potential to undermine certain aspects of state government that I believe are instrumental in helping us to recover from this economic condition that we have been dealing with. I believe that is the case with our technical colleges.

The amendment before you would provide for additional resources to the technical colleges by making some other cuts in state government. As you can see in the amendment, we are talking about a dollar amount of a million dollars which is a considerable amount of money back into the Technical College System. It achieves that by cuts across-the-board in the next six months, cuts of 0.3 percent across-the-board that generates a million dollars to generate money for Maine's technical colleges. That 0.3 percent excludes, however, the following accounts, (in other words, the following areas will not be cut) General Purpose Aid to Education, education in the unorganized territories, debt service, teacher retirement, AFDC, foster care, General Assistance, the Maine Health Care Program, Intermediate Care to Providers, the Bureau of Rehabilitation and the Bureau of Vocational Rehabilitation. Those areas would be excluded from that 0.3 percent cut across-the-board.

I have had a long standing interest in support of our technical colleges like most of you have. The legislature has been very supportive over the years in terms of separating it from the Department of Education a half a dozen years ago when it needed to be separated from the Department of Education. It set up its own Board of Trustees to really focus on the ability of technical colleges to provide the type of training and retraining for all of Maine people.

Two years ago in 1989, the legislature passed a bond issue for Maine Technical Colleges because they

needed additional assistance. Those additions and capital improvements are now being taken care of throughout the state. Each campus was affected positively by the actions of this body and by the actions of the voters in the statewide referendum.

Despite the rising unemployment in Maine, we are running out of people with skills that employers need with new technologies. I can think of a specific example in Winslow right now with Mid-State Machine where they have spent the last year and a half looking for employees. They are willing to hire employees right now but they can't find people who are trained. They have exhausted the state, they have now gone across the country, and are now recruiting and bringing people in from Europe to work in the Winslow mill because they can't find enough employees to work in this particular mill. It is a situation that is often shielded and I think the unemployment figures, the recession itself, shields us from the thought that we still need a skilled work force.

System-wide, within the technical colleges last year, there were more applicants on the waiting list to get into the technical colleges than there are in the Freshman class. Think about that for a moment and let me give you the figures — last year, there were 2,984 people on the waiting list to get into a technical college than there were in the entire Freshman class that was enrolled of 2,467. I think that the economy is placing more and more demands — there has been a 50 percent increase in the applicants at technical colleges because of people needing to be retrained. We are talking about non-traditional students, we are not talking about students just coming out of high school, we are talking about people who are middle-aged who have lost their jobs who need desperately the ability to retrain, retool, and get into different positions.

The study that was done recently to study the impact of technical colleges advocated that Maine is going to need some 6,000 two-year college-level technicians in a relatively short period of time. Unfortunately, the technical colleges are graduating about only 1,300 each year which leaves a gap of about 4,700 slots in state government that are going unfilled now or are being filled by out-of-staters or in the instance of Mid-State Machine, being filled by people from other countries.

The bottom line is that 85 to 90 percent of the people who graduated from technical colleges last year got jobs and 90 percent of those jobs were in the State of Maine. Technical colleges are part of the solution but not part of the problem.

I realize that this is a difficult amendment to some extent because it is asking you to take money from across state government and put it in one area. I think that technical colleges are a priority for us. I think they are going to help us turn this economy around by having a skilled work force. I think we will be prepared when it finally does turn around because we will have the type of people that employers who are looking to come into the State of Maine will be looking for. We have always had a great reputation in the State of Maine by having a good work force, great work ethics, but we need to keep people skilled and to retrain.

I searched forever to find the most appropriate funding source and, as you can imagine, there is no appropriate funding source these days. That is why I am advocating this 0.3 percent cut across-the-board

with exclusions. It does generate a million dollars, it would go directly back into the technical colleges and I think it is these technical colleges (in my opinion) that can turn this situation that we are in in the State of Maine around right now and bring us back to prosperity. I would urge your adoption.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose this amendment and I ask for a roll call.

We all support the technical colleges and we would also like to be heroes for them, just as we would like to be heroes for municipal officials and for many other programs that we as individuals support.

I consider this amendment an insult to the Appropriations process from a member of leadership. We have worked in our committee to set priorities in a thoughtful, item-by-item, review. This amendment doesn't exempt many mental health programs, many corrections programs, human service programs and others. It falls into the category, once again, of protecting pet programs.

I am disappointed that a member of leadership has begun participating in the cannibalization of other programs. I hope that you will oppose this amendment.

I request a roll call.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: This summer I had the pleasure of visiting a great many of the technical college campuses in Eastport, Presque Isle and other areas. I have been enormously impressed with the job that these colleges are doing, with the energy and enthusiasm of the students and faculty. One of the most significant advantages to these colleges is that they are helping to offer women entry into fields that have hitherto been barred to them. They are training young women and middle-aged women too in technical fields where the pay is better and in fields that have been traditionally masculine fields. This, I think, is an extremely important element of the technical college programs.

As the Representative from Fairfield said, there is going to be a gap of some 40,000 technical jobs by the turn of this century and whatever we can do to help fill that gap, I think it is very important that we do.

I urge your support for this amendment.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I must rise to say a few words in support of this amendment and because of what has happened in the Winslow area, I feel that I had to get up. I think we have 250 jobs that might be able to work their way into this kind of a system. It is too bad that we have to do this but I support this amendment completely.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Very briefly, I have to support this amendment as well. A couple of things that have not been mentioned here today — 80 percent of the people that we have trained are still working in the trades that they were trained for, in essence, the

inception of vocational education. I think that is outstanding.

On a more personal and probably might be interpreted as a provincial note but I think it is something that has connotations to the entire state, Eastport and Washington County area, as we are all sometimes painfully aware of, has always lagged behind the economy of the State of Maine.

In the last ten years or so, we have had somewhat of a renaissance down there. We are keeping our fingers crossed that it can continue. That renaissance has come through port development, aquaculture and other areas. The vocational school in Eastport and Calais has played a vital role in that every step of the way. We have three gangs of longshoremen and two of the bosses are women I might point out. We have crane operators, lift truck operators and what have you that are also women. They took a training course at the vocational school the first year the port started. I think after we had two ships, it became obvious that we needed some professional training. The vocational school provided that through private funds. They took the private funds and offered the training course. Our longshoremen now travel all over the country, if they have large machinery or a very special cargo. They have traveled to South Carolina, New Jersey, all over the country to fill in and train other longshoremen.

I realize members on Appropriations don't like to see this unravel but I feel in this particular instance vocational schools are going to help us get back out of this, help this turn around and, if anybody is going to play a part in that, it is going to be the vocational schools.

I strongly urge, yes, take a chance on the vocational schools. I feel they have a proven track record and I would hope that you would support this amendment.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is anyone who is a much stronger supporter of the technical colleges than I am. I have worked tirelessly for them and I so very much support them and all the things that they are doing. I think their placement for jobs is outstanding and there is no one who would like to see a higher enrollment or expansion in their programs more than I would. I am on the Advisory Board at Northern Maine Technical College, I have sponsored and cosponsored bills for them. I couldn't support them more but today I think it would be most unfortunate if we support this amendment at the expense of many other programs in state government, other programs that really just cannot stand another cut. So, I hope today you will defeat this amendment and, hopefully at a later date when we have more money, we can expand these technical colleges as we should but we certainly cannot do it today.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I apologize for getting up one more time. I appreciate the support of the gentlelady from Presque Isle for vocational education and I don't doubt her for a second. However, I would like to point out that training and changing lives is the function of the vocational schools and they take

a lot of burden off some of these other programs that we are looking to try to save. The more people we get trained, the more people we get back out there in the work force, the less we have depending upon those other sources. I just wanted to point that out.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: It is not easy for me to rise this morning to oppose the amendment proposed by the Majority Floor Leader, I don't do so lightly. I have the utmost respect and admiration for him and I understand his desires to work for and preserve vocational education in this state.

His amendment would hold the vocational/technical college system totally outside the budget process due to the fact that another amendment (which I also oppose) restored \$400,000 to vocational/technical colleges, this amendment would restore a million taking them back to basically where they were before the crisis was visited upon this state.

In good conscience, I can't support this amendment. I would like to be able to but I can't.

Before I sit down though, I would like to say that those who have spoken before me have taken pot shots at members of leadership. Representative Gwadosky does not surrender his right to offer amendments because he is a member of leadership. He does not surrender his right to have an opinion because he is a member of leadership and he does not surrender his right to disagree with the Appropriations Committee or any other committee because he is a member of leadership.

The process that this legislature was put under to get into special session, to me, was the start of the problem we are facing here today, the demand for a unanimous report in committee which gave a veto power to any one member of that committee set us in a process that is going to be almost impossible to complete. But here again, the Majority Floor Leader, myself or any other member of leadership, does not surrender to that committee or to any one member of that committee the right to represent their constituents.

I urge you to oppose this amendment nonetheless.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Believe it or not, we are in a recession. We have 40,000 unemployed people. We have another 8,000 that aren't even counted that are unemployed. Time is of the essence, I think we must get at helping these people that are out there hurting and the state must gear up for retraining, especially these people. If we are going to keep industry and we are going to attract industry, we have got to have skilled labor. If we are going to lay off 2,600 people and then just throw them out to wherever we are going to throw them, we have got to retrain them, we have got to find jobs for them and I think this is a good start.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I do know what the issues are but I do feel the need to speak.

First of all, it saves you some time because I don't intend to offer another amendment so I will

speak on this one instead. The other amendment was going to reduce administrative costs. Frankly, this is one of my favorite amendments I have seen throughout this entire two day debate because it speaks to exactly what we have been about as legislators and as well as what the Appropriations Committee has been about. I was troubled by the earlier comments that if you do this, you are cannibalizing one program for another. Frankly, the whole Appropriations process has done that. We are trading one program for another with every vote we take as did the Appropriations Committee because they had to, there is not enough money.

I heard a friend say once, "If you want to know what your spending priorities are, look at your own check book." If you ever doubt what your priorities are, look at this budget. This amendment gives us the biggest opportunity that we have had in this debate to really deal with cutting administrative costs because the budget that we were presented cuts only \$300,000 in administrative costs. This is another 0.3 percent. We are saying — frankly I have heard it from everybody in every town that I represent, and I have heard a lot people in this body say, "When we come back in January and we cut some more," you are obviously thinking about doing this, so why not cut some more now and put the money in a real program that serves people who are being trained to get into the work force?

So, this amendment cuts administrative costs, and it is pretty hard to be opposed to that at a time when we have to trim government. It puts the money into a program that trains people because we are trying to get this economy moving again. We have never had a clearer choice to speak our convictions on this budget than on this amendment. So, I would respectfully disagree with those who oppose it and urge your support of it and let's get on with getting our economy moving again.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

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

Representative Gwadosky, as far as the previous amendment that we passed last night which put back \$400,000 to technical schools, is this an additional million that you are requesting?

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

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: The answer is yes. This is an additional amount. In this process, as you know, several amendments that have been offered by the House is in the area, for example, of comprehensive planning, which really conflict now and there is no guarantee as to what is going to happen when any of this stuff comes back from the other body. So, I think at this point the key is to keep these issues alive and advance these proposals forward.

I just had a question a couple moments ago about a concern somebody raised about the system office and I want to assure you that, unlike the technical college, we do have a system office and when we separated them from the Department of Education a couple of years ago and created their own identity with their own board of trustees, we did create a system office that provided certain administrative

payroll/personnel functions so that those functions wouldn't have to be done at each individual campus. It has been very successful but it has not been without cuts. Fiscal year 1991, for example, there was a 25 percent reduction in the system office at the technical college system office here in Augusta. Unlike perhaps — and it is a bit unfair — I don't want to reference the University of Maine System specifically but you saw the headlines a couple of weeks ago and the types of salaries that were being paid, many of us were offended by the bloated administration, the \$60,000, \$70,000, \$80,000 salaries in some of the positions. Many of those are worthwhile, they are important but some probably aren't as important. That is not the case with the technical colleges, they are a lean operation, they always have been and they are designed to continue to channel the money back into the individual campuses where it belongs so they can provide the type of training that needs to take place.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I do want to remind the members that this is not a referendum on the vocational/technical colleges. I think it goes without saying that we all support them. This is a referendum on how the million dollar increase to the VTC's would be achieved.

I just want to make a comment in reference to those further comments about leadership. In my opinion, this body desperately needs some leadership and, at the very least, the members of the Appropriations Committee and leadership should be defending the budget as presented. Over the last two days, I have noticed the lack of support. I seem to be up on many more issues than anyone else. There is no support from the other side in debating this budget. I guess I have never noticed that lack of support more than on this issue because this is the heart of the Appropriations process. I don't want you to make the mistake not knowing that this amendment will take money from programs for children, for the elderly, mentally ill, for the many other priorities that we all said we would protect. That is what this vote is about.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is a hard question for me because, as many of you know, I put a great deal of thought into my support for education. Over the years I never felt that I needed to apologize for it, but as I have sat here the past couple of days, sometimes encouraged and sometimes less so, I have been reminded of the Donner party as it went through the mountains and they resorted to having to eat one another in order to survive.

I support vocational education. My votes have proved that but I am not ready to aim that gun at some unknown target sitting somewhere around us and have those employees pay a higher price than the disproportionate one they have already paid. I could chronicle four state employees who have lost, not their jobs yet, some have — let's face it, they are participating, but those who are on the job have participated. I don't know who is going to get cut when I vote to approve a million dollars of new spending. Therefore, I can't support it. I support the cause but I can't tell you that I can stand here

and support the number of dollars that is coming from some source not named. So, I will be voting no and I hope you will consider my remarks.

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

Representative TREAT: Mr. Speaker, I would like to pose a question through the Chair to anyone who may be able to answer it.

Where in this amendment does it state across-the-board cuts to such programs as Aid to Families with Dependent Children, Foster Care, General Assistance and the Maine Health Program? Would it be focused on administrative costs?

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

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I never suggested that the cuts would come specifically from administration. That was an issue that was brought up earlier. Once again, we are talking about cuts of 0.3 percent across-the-board that will come from all kinds of programs. I recognize that that is a concern for many people who are concerned about some social service programs. Keep in mind that the following accounts, once again, are excluded, AFDC, Foster Care, the Maine Health Care Program, Intermediate Care Payment to Providers, Bureau of Rehabilitation, Bureau of Vocational Rehab. Now, what that means is that several programs that are important to people in this chamber will be cut by 0.3 percent. The issue is a question of philosophy. Until we continue to find money to do these programs, how do you attempt to expand this economic pie, get more people back to work, get the economy to turn around, generate more dollars so we can then spend towards those programs that we are all concerned about? Unless you continue to make this economic pie whole, we are not going to have the resources to be able to continue to fund the programs that many of us have been so concerned about and have supported faithfully over the years.

Sooner or later, we are going to reach the point where we can't continue to tax, we can't continue to finance revenue and we are going have to make the economic pie that much larger. I think this is moving in that direction. I realize that across-the-board cuts may be made in administration and they may not be made in administration in the various departments but that is the proposal that is offered. I think a 0.3 percent cut across-the-board is not a lot to ask. It does generate some money and I think it could be a real service to the vocational/technical college system that can help turn this thing around.

Representative Townsend of Eastport was granted permission to address the House a third time.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I am not convinced anyone in this chamber is against vocational/technical colleges. I rise to support this because this is a budget issue. In the last year or so, we have had to react to a crisis. This is the first thing that has been put in the budget that allows us to be pro-active. I wanted to do something that maybe would start to turn this around.

Just a quick comment to Representative Norton and fellow legislators, who I know are strong supporters of education, I would just say that, if the Donner

party had had the good fortune of being trained at one our vocational/technical schools, they wouldn't have been on the mountain in the winter time.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "HHH" (H-847). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 268

YEA - Aliberti, Bell, Boutilier, Cahill, M.; Crowley, Daggett, DiPietro, Erwin, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Hastings, Hoglund, Hussey, Jalbert, Joseph, Ketover, Kilkelly, Kontos, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, Michael, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nutting, O'Gara, Oliver, Paul, Pfeiffer, Pineau, Plourde, Poulin, Powers, Richardson, Ricker, Saint Onge, Sheltra, Simpson, Skoglund, Strout, Swazey, Tannaro, Townsend, Tracy, Vigue, Waterman.

NAY - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Donnelly, Dore, Dutremble, L.; Farnum, Farren, Foss, Garland, Gean, Goodridge, Gray, Greenlaw, Heeschen, Heino, Hepburn, Hichborn, Hichens, Holt, Kerr, Ketterer, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Mayo, Melendy, Merrill, Michaud, Morrison, Nash, Norton, Ott, Paradis, J.; Paradis, P.; Parent, Pendexter, Pines, Pouliot, Rand, Reed, G.; Reed, W.; Rotondi, Ruhlin, Rydell, Salisbury, Savage, Simonds, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Treat, Tupper, Wentworth, Whitcomb, The Speaker.

ABSENT - Cathcart, Duffy, Duplessis, Farnsworth, Handy, Hanley, Jacques, Lipman, McKeen, O'Dea, Pendleton, Richards, Small.

Yes, 55; No, 83; Absent, 13; Paired, 0; Excused, 0.

55 having voted in the affirmative and 83 in the negative with 13 being absent, the motion did not prevail.

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

Representative DORE: Mr. Speaker, I present House Amendment "YY" (H-835) and move its adoption.

House Amendment "YY" (H-835) was read by the Clerk.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "YY" is an amendment that allows for a local test option. I must tell you as a member of the Taxation Committee that I have voted against local tax options in the past and only in the past year have I come to realize that we may need local tax options.

I am going to tell you what the tax option would do in the first place and then I am going to make my best argument for it. What it would do is allow

municipalities to hold a local election to determine whether the community would like to select a local tax to be imposed on either meals for 2 percent, lodging for 2 percent, car rentals for 2 percent or amusements, which we currently do not tax at all in Maine, for up to 5 percent. The community could choose the amount of the tax and could choose the items to be taxed.

Obviously, I have nothing to hide here and what I tried to do is design the most exportable taxes and take a lesson from our friends in New Hampshire. It is clearly something that is going to be of more advantage to communities that have an amusement, such as a golf course or a ski resort or a movie multiplex or a Civic Center and it is clearly going to be an advantage to communities who have hotels or a lot of restaurants as opposed to communities that don't, but those communities are undergoing extreme strain. We are about to impose upon them cuts in their local budgets that they are unprepared to assume in education, revenue sharing, in General Assistance and this would give them the ability to buffer some of those cuts.

If the citizens of the community — a long time ago I said, the fools who elect someone I don't like are the geniuses who elect me — well, those fools or geniuses would have to vote in this tax. The city council or selectpersons could not impose a tax without the approval of the citizens. So, I am suggesting to you that it gives people an opportunity to impose a tax that is not a property tax on themselves, to impose a tax that is of their choice with some limitations as to the amount and the percentage but it gives them an option other than their property tax or cuts because some cuts are untenable. Some of you come from communities you know that cannot handle the cuts. That's what the tax does. The voters have to petition the government in order to have a referendum for the tax or the city council can select to have a referendum. The voters will have to be persuaded that this tax is going to offset a property tax increase and if you can't persuade the voters of that, you are not going to be able to impose this tax in the middle of a recession.

Do I think this is a good idea tomorrow to impose a car rental tax in Auburn? I doubt it but I think the day has come when it is a better idea than a property tax increase. I would like my town to know that they can do this and that the citizens know they have some option other than the property tax. It is up to them what community services they want to support. It is obvious that we are going to support fewer of their community services, I think that is obvious to all of us that we are going to support less education and we are going to support less municipal services here at the state level. I hope we give them a vehicle that some communities can use in order to continue to hold themselves together during the 1990's.

I had distributed to all of you earlier what was one of this Sunday's leading articles on the front page of the New York Sunday Times and I hope you took a good look at it. It says we won't have the jobs that we have lost in the last two years back until the year 2,000. Let's give them in the 1990's an option for raising some money. It is not my favorite one. I had somebody say to me, I don't like the idea of meals being on it, I like car rentals because that is out of town and I like hotels because that is out of town and I like amusements because that is

discretionary money, but I don't like meals. If you don't like meals, come back in January, we will amend it if you get enough votes to take meals off. This tax isn't obviously going to be imposed between now and January when we are in but I hope you will consider allowing for a local option tax.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Norton just spoke of cannibalization that took place a hundred years ago and I didn't think that we would see cannibalization in this hall today.

I happen to represent small towns, all of them are small towns, but they are real people out there and you are cannibalizing them. We are stealing money from them every day. The taxes are discriminatory to the point where it is exorbitant and very unreasonable. To pass a local tax is discriminatory because in our area we don't have shopping centers. If we want to go to a hotel, we have to go to a city some miles away. If want to go to a party, we go away. Every tax dollar that we spend is going to go to the larger community where the tax is enacted and they will get the dollars.

I hope that you will oppose this ridiculous amendment.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: After looking at this amendment, I can't help but oppose this. On Page 2, number 7, retailers in municipalities shall turn the tax over to the state — if you should impose a 5 percent local option tax, they turn it into the state, we know what they will do — before they get through, they will have to keep about 3 cents out of it for administration, set up a new bureaucracy, that's what is going to happen.

They talk about here, there is "no condition in a municipality. Once things get back to normal, this tax will be dropped." They talk about revenue sharing, we saw exactly what happened to revenue sharing. The sales tax was supposed to go to revenue sharing but you noticed how quick the Governor, with a stroke of his pen, took care of revenue sharing. We have to do something here this morning. There are some towns that have nothing. As the good gentleman from Howland said, no hotels, no restaurants, they have to go somewhere else.

You are setting up the biggest boondoggle bureaucracy you ever saw. That is what we are trying to cut back and that is the "Big Daddy government." It is bad enough for people in the small towns now. They have lost control in trying to hold onto their tax bill but we are just going to turn around, and I say again, the ones that will support this (and this happened in my hometown) — I will use the words of a former member of this House who represented my district, the late George Hunter, who used to call them carpetbaggers. They come into town because of the type of life we have here and, once they get here, they want to change it. I say we have taxed the people to the hilt. What else can we tax them on?

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Last Spring during the First Session of the 115th, we had a dozen or so bills doing just this. They asked the Taxation Committee

to give each community the opportunity to raise local taxes. The counties also came in, they wanted the opportunity to allow the counties to raise taxes. We rejected those bills, each and every one of them, almost unanimously in the committee. In fact, it was unanimous because not one member brought a bill to the floor of this House.

One of those bills for the county wanted to let the county raise the money, county-wide, and have the money go to the City of Portland for a conference center. While I support a conference center in the City of Portland, I really don't think the whole county of Cumberland County that every town should be taxed in order to pay for that. I believe there are other ways of doing it.

Coming from an area that is on the Maine/New Hampshire border and representing those two communities there, we do not have a tax base. We do not have industry, we do not have business because of our sales tax. By giving these communities the opportunity, it isn't going to raise any money for us. This is nothing but the same. I oppose revenue sharing and I have to oppose this because this is taxing the citizens of the State of Maine back home who do not have anymore money to give. They have given and given and given and we can't tax them anymore.

We are in a recession and that is why I voted for the previous amendment because the only way out of this recession is jobs. It is not by taxing.

Please defeat this amendment.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: Within a few feet, not a few miles, of the border of South Berwick there is a restaurant and I am sure they will thank you if you pass this tax.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to draw the attention of the House to Article 8 of the Maine Constitution, Part 2nd, which is entitled "Municipal Home Rule."

We are redoing the finances of the State of Maine in the process of this fiscal and budget problem. We have to begin to look at local municipal referendum with the citizens and officials to begin to address some of these issues and establish their own priorities. I oppose the use of a local tax for a convention center in Portland. I did not like the use of that money that way because I felt there were other priorities but we should not be in the business of this environment of continuing to put our judgment in place of those local officials. Nobody is saying that this is a local tax, this has to be worked on at the local level, we all have to be involved in the solution to the problem.

The Constitution of the State of Maine generally recognizes that in a democracy, an electoral democracy, we should rely on the judgments of local voters and local officials to address serious problems. We give Municipal Home Rule in charter areas and in a variety of industrial building areas but we do not give them the right to begin to control their own affairs, when beyond their control, they are finding themselves impinged by what we are doing

and what we must do here in Augusta. We have to begin to turn in that direction, not for particular purposes, but to allow that judgment to be exercised on the home front.

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

Representative MANNING: Mr. Speaker, I would like to pose a question through the Chair to either the Representative from Berwick or South Berwick. What is the meals tax, if there is a meals tax in that state just south to them?

The SPEAKER: The Representative from Portland, Representative Manning, has posed a question through the Chair to either the Representative from Berwick, Representative Murphy, or the Representative from South Berwick, Representative Farnum, who may respond if they so desire.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't bring that up. The meals tax in New Hampshire is one cent higher than it is in the State of Maine. It is 8 percent over there.

Now that I am up, I just want to say that in a community where I can walk from my town hall to the middle of the bridge in probably two minutes, it does make a difference when you put on taxes in this state. We have no base.

One businessman came in before our committee and he was from Portland. He was a car salesman and he said, "If the City of Portland has an option on sales tax, I will just pick up my business and move where there isn't any because nobody is going to go in there and buy a new car and pay \$150 extra sales tax when they can go over to the next community and not pay it." So, this is what we are going to do, we are going to have a Maine/New Hampshire border between each and every community in the State of Maine.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: This local option tax, local option fee, is not new to this body. You have been discussing it at length for the last few minutes.

I would like to suggest to you that this is nothing more or nothing less than the same thing as the county tax except that the cities might get a little bit more benefits from it.

As you know, most of the major municipalities in this state pay a majority of the county tax. There have been some arguments in this body also that we may not need county government, perhaps it should be under the state level — I would like to submit to you that, in all fairness, I think the county governments do do a fairly good job because they are close to the people. I would also like to tell you that our municipal governments in our larger towns are close to the people. I think when you talk about fairness and equity, you have to realize the municipalities are providing services, more so than maybe your smaller towns because we get the gravitation of the homeless, the kids without a home, we have all those kinds of things happening because we have a larger base from which to work. That's fine, I don't think any of the cities really want that responsibility but we accept that responsibility.

I guess all I am asking for today is, give our larger communities a chance, we are providing the services that neither the state nor the county do and we also have to protect our people and take care of

those, just like everybody else, but all I am asking for is a little equity.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: If you look at this, this is a local option. The people in the towns, the people who voted for you and me, will decide, first of all, whether they want to sign that petition and, second of all, whether they want to vote for this. Don't you trust the people back home? If you vote against this, apparently you don't trust the people back home. Let the people decide. We have talked about local control in this place for the last 11 years that I have been here — well folks, this is local control.

In reference to Representative Murphy about the man that came up from Portland — this has got to do with motor vehicles that are rentals. Now if he moves, where is he going to move to? If Portland does it, if South Portland does it and Westbrook does it, how far out is he going to go? Let the local people decide. That man will have the opportunity, if he doesn't have a car dealership, if he happens to have a rental dealership, to come in and express his opinion to the city council and say, "If you do this, I might move my dealership across the river to South Portland." Quite frankly, if memory serves me right, half of the dealerships right now are in my good friend's from South Portland's district, Representative Macomber. This is a local control issue. Let the people who voted for you and I decide. What do you have to be afraid of? I don't understand it.

Times are tough out there, ladies and gentlemen, and they are really tough in the big cities. I don't have to reiterate what my good friend from Bangor told you but let me give you one example. I can tell you because I know for a fact because I lived on Brighton Avenue for many years and many of you who live in the Portland area know, that yesterday I would be willing to bet that a plow, two plows, one starts at the Maine Medical Center and the other one starts at the border of Westbrook, and they don't stop. They go down and meet halfway and they come back, constantly. You know why? Because that is the main route for the western mountains in the western area of the State of Maine for the largest hospital in the State of Maine, the Maine Medical Center. They make sure that, if one of our constituents gets hurt, they have a fairly good track on that road to get the ambulance up there. If you don't believe me, I will get a letter from George Flaherty because he told me that many years ago because I asked him why they had a plow on Brighton Avenue every fifteen or twenty minutes. He said it was because of the ambulance route. Those are the same things that probably happen in Representative Duffy's district up in Bangor. Those are some of the things you have to consider that communities like mine and maybe communities like yours might want but it is local control. What are you afraid of?

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise on this issue only because of fairness. It is not local control that is being argued here, it is city versus town. We don't have motels in Fryeburg. The restaurants are only the general small coffee type restaurants. We don't

have rental motor vehicles. The commercial centers of the state want this type of tax. It is being proposed by people from the commercial centers of this state. In our area that wouldn't necessarily be a problem, we would simply fly to New Hampshire, we do it already, and if you added a 2 percent on meals in Maine, it is more than what we would pay in New Hampshire. You don't pay any sales tax on rentals in New Hampshire. You don't pay any local amusement tax in New Hampshire. We are competing on a statewide basis. We will become fractured within our state if this law is passed because those large commercial centers in the state will adopt this type of legislation. They will adopt it because they have something particular that draws people to them. We, the outlying small towns in the state, will pay for it.

Mecca's like Old Orchard with summer resorts would probably benefit from this. They could add an amusement tax but let's stop and think about what we as small towns support to those commercial centers. We in Cumberland County, if you will, support the creation of the Civic Center. We in the town of Fryeburg and all outlying towns support the Maine Medical Center with taxes and with contributions. Of course we expect good roads to get there. Every town going down through to the medical center expects to have good roads to get to that medical center and we all support it, we all know that we need it. That city benefits from that medical center. Thousands of jobs, it is one of the biggest employers in the City of Portland. It benefits from having it there, high-priced jobs, lots of contracts for services supplied by people who live in the greater Portland area.

This type of legislation fractures a state. Is that as far as we wish to push this state? We could be a lot further on statewide taxes and I certainly agree but this type of legislation will certainly mutiny any change to that fairness.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I think it was Julius Caesar who once said, "Death and Taxes are the only two positive things in life." We can do nothing about the first but for the second, I think we have quite a control and I think you can save the citizens of the state a lot of money. We have an opportunity here today to save the citizenry of this state a lot more new taxes.

I urge you to vote no on this amendment.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would vote against this amendment. As I stated earlier the other day, that now I'm on Appropriations, I have a major problem dealing with major issues that should not be in the budget. If this body continues to give us that authority or continues to rubber stamp what the Appropriation Committee does, then it is going to continue no matter what.

This is a major policy change, it should be dealt with within the Taxation Committee. The Taxation Committee has dealt with this issue over and over again and that is where it should remain, not as part of the budget. Even though you might agree on this, as I stated the other day on mandate language, there

will be some issues later on down the road you might not agree with but it will be in the budget. Then you will come to members of Appropriations saying, "It is none of your business, why are you dealing with it? It is a policy change." You are right but, unless you are consistent with the way you vote, later on down the road, it is going to affect you.

If I wanted to stay with policy issues, with environmental issues, I would have stayed on the Energy and Natural Resources Committee. I chose, for better or worse, to go to the Appropriations Committee this year. If you allow this in the budget, you can be guaranteed that later on down the road, there is going to be another issue that you might disagree with but it will be in the budget. If that is the way this body wants to go, then you might as well abolish all the other committees and we will just deal with everything in the budget. I don't want to do that and I don't believe you want to do that.

This year I have heard members who became particularly vocal on the appropriation process. We have opened the process more than has ever been done before, I hope to keep that process open, and I hope that this body would defeat this amendment and let the Taxation Committee, the committee of jurisdiction, deal with it in the proper manner.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Ladies and Gentlemen of the House: Since my community was brought up, I think we have people here that have major problems. I have a major problem with the budget. I don't like the cuts to revenue sharing, I don't like the cuts to GPA. Although my community only receives 11 percent for reimbursement, we are one of the two communities in the state this past summer that generated more than we did the previous year on sales tax. For those people that want to come into my community, we welcome you with open arms. We also provide you with services that my constituents pay for. We are a community of about 8,000 people. Our sewage treatment plant, when it was built, we paid for but, under the mandates that were imposed upon us, we had to build it to suit 40,000 people and that is only used during a three month period of time.

We provide full-time lifeguards. It is not a state-owned beach, it is a town-owned beach. We provide full-time police, full-time fire, full-time rescue — other communities throughout this state with our population provide none of those services so, when you talk about local options, yes I rise in support of this bill. I believe in home rule, I believe that city and county governments can make those decisions. If a community wants to adopt one or all four of these options, it is their prerogative.

Unfortunately, an amendment that I presented yesterday was in error as I know Representative Richards' bill came out of the printers in error. Just to refresh your memories, it was on liquor. One of the beauties of that bill was supposed to be that it would allow communities to adopt zoning to restrict and control where liquor establishments or agency stores would be put but I think, if we are going to fight urban Maine against rural Maine, let it be one of services and give these communities that do provide these services an opportunity to recoup some of the cuts that this administration is putting

on us. Although we are rich in valuation, the cost of living is higher in York County. What we receive from these formulas that are geared towards rural communities is much less. I would urge you, that a seed may have been just planted, but let it grow. I urge you to support a local option tax.

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 Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: Ordinarily I would agree with the Representative from East Millinocket but these aren't ordinary times. This process certainly is something that (as long as I have been in this House) I have never seen before and I don't think any of the other Representatives or you have either.

This bill is here today because revenue sharing is on the table. It is more from us than it is for others and I know we all get hit by it but some get hit worse than others. I know that the rural areas say, we don't get any revenue out of this, but I don't remember them in my area saying, "Bangor, you don't have to pay 25 percent of the county budget anymore, we will move that down and we don't need it." I am telling you that the municipalities need it, they need it now, and they need it in this budget.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate you allowing me to speak a second time on this bill.

My good friend and colleague, Representative Murphy from Berwick, spoke earlier about there not being a prior vote on this bill on the floor. In fact, last session we did vote out a local option bill, the members of Taxation, a couple of us — a minority report. There was a vote on the floor and there were over 50 votes for this and it was a flat fee local option. I am not crazy about a flat fee but I signed it out of committee and I voted for it because, again, I live in a community that lost 23 teachers because we cannot afford to raise our property taxes to deal with flat funding of education. You cannot imagine what GPA is going to do to us. We wouldn't have given up 23 teachers unless we had to because we couldn't raise our property taxes any further. So, there was a vote and we got 50 some odd votes last year. Maybe we will get less this time, maybe we will get more but I will tell you something, that was before revenue sharing and GPA cuts were in here.

I wanted to say something about this being a fundamental change. Yes, the whole Appropriations process has changed drastically in the last year and I think that is regrettable but it is because it is now a deappropriation process. We are not deciding which things we can fund but rather which things we can cut. Apparently this year one of the things that we are deciding is we can cut local government an awful lot as a way to deal with our problems. So,

when you make that kind of major policy change, I am left looking at my community saying, give me something so I can vote for this. Give me something I can take home to my community and say there is a way to buffer what we are going to send down to you.

I know you are trying to put together a two-thirds vote and, if you can give us a local option in the cities — and I want to say something about in the cities — Newry, Maine has Sunday River and they can decide whether it is worth it to have no local option or they can decide whether to get the lodging or amusements, maybe for one percent on the ski lift tickets. It is not a big town but they may decide, no, actually New Hampshire is too close so we can't have any of those taxes, we can continue to take the revenue sharing and GPA cuts and put it onto property tax. They may make that decision, it will be up to the citizens in Newry, Maine if we do that. It will be up to the citizens in Rangeley whether or not Saddleback and the entertainment industry around Saddleback Mountain or Rangeley Lake can help them out or whether "no" in fact because of the competition they don't dare to raise any of the taxes in those areas. It will be up to the people in Moosehead to decide whether the ski resort up there or the lake up there can afford to raise their taxes.

I was in Jackman, Maine earlier this year over Labor Day weekend at the Attean Lake Resort. It is a lovely resort. I was there with my kids, my son wanted to do some fishing. I would have gone whether or not there had been a lodging tax up there because discretionary income is discretionary income.

I hope you will allow local citizens to decide whether or not their communities can tap into this resource as opposed to their property tax.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "YY" (H-835). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 269

YEA - Adams, Anthony, Cathcart, Constantine, Daggett, Dore, Duffy, Dutremble, L.; Gurney, Heeschen, Høglund, Holt, Kerr, Ketover, Kilkelly, Lawrence, Manning, Mitchell, J.; Morrison, O'Gara, Oliver, Rand, Richardson, Sheltra, Simonds, Stevens, P.; Tammaro.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, DiPietro, Donnelly, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Hussey, Jalbert, Joseph, Ketterer, Kontos, Kutasi, Larrivee, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Macomber, Mahany, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Simpson, Skoglund, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Farnsworth, Jacques, Lipman, McKeen, Small, The Speaker.

Yes, 27; No, 118; Absent, 6; Paired, 0; Excused, 0.

27 having voted in the affirmative and 118 in the negative with 6 being absent, the motion did not prevail.

The SPEAKER: The pending question before the House is Passage to be Engrossed as amended.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I request a roll call on engrossment.

Before we send this brightly decorated Christmas tree on its merry way, I wish to make a couple of comments about the item that we have before us.

We have, as I think all of us are painfully aware, a bill that has been amended many, many times that delays final action on the \$105 million problem that we seem to have arrived at a consensus that does or will exist.

For a moment, I would like to enter into the Record a couple of the options that this bill, we are apparently about to engross, will present us. It gives us two interesting options, in a way. This bill as amended by "UU" sets the stage for two options. As apparent in the actions that we have taken, we wait until January at least to make a major determination about when and where to cut. I know that we have been lobbied by some very high-powered lobbyists who say that is an appropriate action from some significant statewide organizations. The people in my local area, both at the school level and the municipal level say that the one thing that they need now is an understanding of what the funding level will be. Let's look at what that level might be. Certainly the Representative who presented "UU" all day yesterday was committed to raising taxes and, though most of those were defeated, many were successful in adding the amendment that delayed taking action on significant parts of this budget as originally presented. What has happened now sets the stage for a massive tax increase when the legislature next meets. You need to appreciate the options that you have.

It was said during the debate of "UU" that there is a commitment to cut the bureaucracy when we get together next. Okay, let's try cutting the bureaucracy. Let's, for instance, cut every General Fund position as of January 1, 7,100 of them. Guess what we save in the next six months? Less than \$30 million. Assuming we don't meet again prior to January 1st, and assuming even if we did, we would not choose to do that, we cannot possibly cut the bureaucracy to match the problem that this amended budget creates for us.

So, what about taxes? We have been very brave in fending off all the tax proposals that have come before us in the last two days. But, I know there are many here committed to going after those exemptions. So, let's come back in January and convince the majority of the legislature to go get the exemptions over the objections of the Taxation Committee and others who obviously don't see things right.

If we exclude the exemptions for schools, towns, food, and for components in manufacturing, we can take all the others and, in a six month time, not generate enough money to fill the hole that this

budget creates. So I ask you, how do you think engrossing or passing the budget proposal as now amended solves a thing? It does not.

I urge this House to vote against engrossment.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do in fact support engrossment of the bill at this time. Let me suggest that if, in Representative Whitcomb's words, the bill as amended before you now is a "brightly decorated Christmas tree" that the original bill advanced by the Governor must have been a giant lump of coal.

There were several amendments that were offered today. Several members of the Appropriations Committee have voiced their concern that any amendments were to be offered. Once again, just remember how we got here. This legislature, several weeks ago, attempted to call itself back into session. We were unable to do that primarily because of one party. We were told that the only way you are going to get into session is when the Appropriations Committee reports out a unanimous committee report. As Representative Mayo said, we thought that was an unrealistic ground rule from day one because it allowed any one member of Appropriations who didn't like a particular cut in the bureaucracy to stop the entire process. We went to our members and said, given this scenario, do you still want to attempt to get into session and they said, yes, because they were concerned about the Governor's unilateral cuts that were going to take place when he signed a fiscal order, cuts that did not reflect the priorities of this legislature or at least many members of this legislature. So, we agreed to instruct Appropriations to attempt to work out in good faith, and they have done a remarkable job, a remarkable job, given that they were charged with preserving various accounts and in drawing down GPA and revenue sharing to nothing. I think they have done a remarkable job. We have worked with them, we have done it over the years and we will continue to do it.

The fact is that some of the cuts that many here would support within the bureaucracy were never going to come out of Appropriations Committee because one person could block that from happening. So, we told Appropriations that our members want to go into session. They wanted to be able to deal with the circumstances that we are in, realizing that the Governor's fiscal order is going into effect, unilateral cuts are being made, and there is a tremendous risk that we could fail, a tremendous risk. There is certainly no risk on behalf of the administration because, if he doesn't like anything he sees, he will just veto the bill and say, because the legislature was unable to make the cuts, I have no alternative but to sign this fiscal order once again.

Well, I hoped that we could have worked more cooperatively with the administration. I think we have to some extent but I never believed that he had to sign that fiscal order from day one. I think it was heavy-handed and unnecessary. That is neither here nor there, the fact is we are here today and, if there are people here that object to the fact that people have offered amendments, then I would suggest that you take a look at the constitution, take a look at our joint rules, think a little bit about our

democratic process, because this process allows people to impact the process. If we had been in session for the last two months and our members had been in Augusta and were able to monitor the Appropriations Committee, and if we were in Augusta and our members were in their Joint Standing Committees and were able to make recommendations to the Appropriations Committee, then I would say we ought to work with Appropriations to get the best report that we can and attempt not to amend it. But, that is not the case, we haven't been in Augusta, we have been back home at our jobs, doing a lot of different types of things. I supported the opportunity for members of this body to offer amendments, to preserve things they thought were important and that is what we have done today. We have advanced certain proposals, put certain proposals on the table. That product now is about ready to go to the other body and there is no certainty as to what is going to happen.

My colleague in the corner has allowed us a discourse of very hypothetical scenarios and he has been concerned about a hole that has been established by one particular amendment. It wasn't an amendment that came to a surprise to anybody. The amendment that Representative Farnsworth offered was an amendment that I had discussed with her at length. I had a similar amendment. In fact, I had advanced to the administration two or three weeks ago that the Appropriations Committee already has \$32 million worth of unanimous committee report cuts, another \$12 million or \$13 million worth of revenues, why don't we go into session and bank those savings and get those cuts working for us this year and next year? Then come back in two weeks in January and deal with the rest of the issues. I don't think that that is necessarily an unreasonable route to take. I don't know if the other body is going to go along with that process.

Where does the money come from? Well, the restorations in Representative Farnsworth's amendments were probably around \$41 million, which means that we are \$41 short of the magic figure of \$105 million or whatever the figure turns out to be. Where do you find \$41 million? The Education Committee has said that if they had to, they could probably accept a cut in GPA of \$9 million. I don't know if we can. I don't know if the body is ready for any cut in GPA. I know that in my school district I am a 79 percent reimbursement, they figured a way to deal with \$16 million. Didn't like it necessarily but they figured a way to deal with it. It makes next year very difficult though. I know they can deal with \$9 million worth of cuts. If you did take \$9 million from that \$41 million, you are down to \$32 million.

Some people suggested we shouldn't cut a penny from revenue sharing. People feel very strongly about that. Keep in mind that we raised taxes last year, the sales tax and a couple of other taxes that actually gave revenue sharing more money than they got the previous year. So, if we were to flat fund revenue sharing at the very least from what they got the previous year, take two or three million away from them, then you are down to about \$30 million.

Where do you find \$30 million? Two and a half percent across-the-board state government and we are all home for Christmas. Some people don't want to take across-the-board cuts. Some people may still want to advance revenues, may want to advance tax

exemptions but the fact is, the components are there to make this work if there is a willingness to make this work. We are not that far apart and there is nothing that has been put on this budget document so far that is so onerous that we can't work it out, if we are committed to work it out.

I think we cannot fail. We must not fail, we must show Maine people that we have the resolve to work this out. While there may be the perception offered that we are far apart, I disagree with that. I think the process has worked, it has allowed members the opportunity that they deserve to provide amendments to a budget document that needed to be amended. This product is now going to go to the other body. It will be several, several hours before it comes back. That will give us a chance to regroup, perhaps prioritize some of our concerns. I think we can make this work if we have the resolve to do it.

I urge you to support the adoption of this on engrossment and let's move on our way.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot support the budget as it stands now. When Amendment "UU" was added last night, we did see a christmas list for all the special interests groups, all the controversial cuts, all the tough decisions were taken off the table. In deferring those cuts, I would suggest to you was ultimately cruel to those groups because this House, I don't believe, has the number of votes to pass a tax increase through tax exemptions in the next six months. So, those cuts will occur whether this body does it or the Governor does it through curtailing allotments.

The headlines today are, "The Legislature delays cutbacks." That is all it is, delaying until either the Governor acts for us or someday in May, we say yes, that is the only place we can go. I think the amended budget is irresponsible. I think it clearly demonstrates the inability of the majority of this body to face up to the magnitude of the state's fiscal problems and make the tough decisions.

This body, the entire legislature, is spending around \$40,000 a day right now to bring us into special session. The way the vote stands on this amended budget, I would suggest to you that is a gigantic waste of taxpayer money. I am embarrassed by what the majority of this body did last night and I think we only confirmed what the WGAN poll said, that this body does not have the will to act responsibly.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.
Representative MARTIN: Mr. Speaker, Members of

the House: The remarks of the previous legislator brings me to my feet, they are disturbing in many ways. I think part of it is because there is a clear misunderstanding by many of what the role of a legislature ought to be. I have said to many, many friends and the press, how disappointed I have been in the last couple of months at the lack of knowledge of the governmental structure that exists in this state and in this country by the citizenry, by the bureaucracy and yes, sometimes even by legislators.

As I told an editorial writer of one of Maine's largest newspapers that perhaps he ought to consider coming to the University of Maine at Fort Kent to take a course from me either by satellite or otherwise or by any other government professor and take a look at the basis under which this constitution of this country was created and how the constitution of this state, which was actually a copy of the Massachusetts Constitution that we adopted from their Commonwealth when we became a state in 1820, which in fact was a document which was adopted before the United States Constitution was and a document which the Bill of Rights that this country has that James Madison used to document those first ten amendments to the U.S. Constitution were literally taken in part for what is now in the Maine Constitution and the Declaration of Rights. Basically, the legislative process was structured to provide an ability for all factions and all elements of society to bring their views forth and to present them. That is what members of this body have been doing for a day and a half. It is a process which they were denied since last July and that was their inability to present their own views from both political parties and have now demanded that they be heard. That is why, contrary to some of the previous incidents where you see me preside, where once I was upset as a single member of this body because I felt they were using their constitutional rights to present the amendments and they were not being dilatory, they were not attempting to fraud the process and they were not trying to embarrass anyone.

I absolutely resent any single member of this body or citizenry of this state from any public opinion poll, from a television poll, from what newspaper headlines might be or say, that what we are doing here is wasting taxpayer money. The quickest way for that to be resolved is for a dictatorship to exist, it is the cheapest form of government.

Let us never forget that Adolf Hitler was elected as leader of his political party by one vote and subsequently became the leader of his government after a minority election result. People stayed home and that was the direct result. The rest is history. We ought not try to repeat it. We ought to learn something from history.

It is disturbing to me that people would say that we have now failed. What we now have is a start of that process which in fact should have been taking place for the last three months but which we were denied the ability to do.

I do not know what the other body is going to do because we haven't had time to communicate. I suspect, that of the 14 amendments that have thus far been adopted, the document that will come back to us will be vastly different. When you vote today, you ought to be voting very simply, not whether or not you are for this budget or against it. I don't like it, I hate part of it, and there are things which would prevent me from voting for final enactment of

this document if it were to ever remain intact. When you vote, I want you to cast your vote today as to whether or not you believe this legislature ought to be here to continue to work on a budget document. If you believe that we should go home now, then you should vote no on passage to be engrossed of this document. But, if you believe that we ought to be continuing in the process of trying to put together a document which, in my opinion, could have been done a heck of a lot earlier but I won't criticize the administration at this moment because I don't think it gets us anywhere, it won't accomplish a thing, and will waste all of our time.

Again, I say a very simple message to all of you, if you believe that this process, this governmental system of ours works, then you ought to be voting for passage to be engrossed of this document today with the clear knowledge that you hate part of it and some of which will prevent you from ever voting for final enactment. I am one, and I believe I stand with a lot of others, who would never vote for this document the way it is now put together but that is not the issue. The issue is, shall we continue to remain here to continue to do our work? If you believe that, then you ought to be voting no, it is really that simple.

Let me close with my own personal views and say to you, not as a member of leadership but as a legislator, I have never been ashamed to be a member of this body in the 27 years that I have been here, nor am I now, nor have I ever once believed that people were wasting taxpayer monies in being here when, in fact, people have been here for no salaries, when people have been here and struggled with their family schedules and personal lives to be here, when members of the Appropriations Committee have been here day in and day out, I think it is doing a disservice.

I know that people continue to make the criticism about legislative bodies because it is easy but very often those who make the criticisms are those who do the least, who do nothing, come late and leave early. All you have to do is look around to some of your neighbors as you sit here. Those who criticize are the last ones who ought to be criticizing.

I have never felt ashamed to take the money that the state pays me because I know that I have earned that money. If I didn't, I would stay home. That applies to members in both Houses. I do not criticize the salaries that members of the Executive Branch get because I know what state employees do and I know what members of the Governor's office do and they work hard. One other point about legislative staff and the hours and work that they do, it is unseen, a lot of it is unseen, and the criticism is unfounded but boy, it gets there and it hurts them a lot more than it does you or me.

A number of days ago, a certain reporter tried to point out the salaries of a few. They were erroneous, they didn't point out that the salaries were simply adjusted after the administration gave the collective bargaining agreement and we simply followed suit, that was not pointed out to the public. Then a reporter started calling people by name — how degrading for the process.

I think that we have done very well in a day and a half. We have gone through more amendments than I ever thought we possibly could and everyone has been excellent, members of both parties and everyone around this body and this institution. We ought to

thank one another and congratulate ourselves for attempting to carry out the job we have got to do. We need to continue because we can do no less.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I disagree with the gentleman from Eagle Lake and because I do, I want to speak my piece. I have kept quiet the last two days for reasons that I will now disclose. The Speaker, the gentleman from Eagle Lake, has suggested that I should not be embarrassed to be a member of this body but I am. When I am asked about the legislature, I tell my constituents, the people who ask me about that, that I am embarrassed about our failure. We are on the precipice of disaster. I am embarrassed because I cannot see how to reason with colleagues for whom I have the greatest respect. I respect each and every one of you because I know how hard you worked to get here, I know how you care about the people of Maine. I know how you care about this institution and yet, when the moment arises for us to focus those loves, hopes, those desires into something that is meaningful, we come apart in disarray. I cannot be anything but embarrassed at that which I consider to be a personal failure.

Somehow, I am unable to utilize what skills I have gained from the great opportunities this state has give me to see this body reason to a conclusion that makes sense within the parameters of the problems that exist. I am trained as a lawyer and it should come to you as no surprise that in that fashion, one of the things by which I have been governed over the course of my years, is to recognize the right of one of the greatest bodies that has ever been constructed in the history of the world and that is the jury. When the jury is sworn in the courts of this state, they are told that they become the people, they speak for the people, and so bodies to whom charges are directed are required to respond in a unanimous way with respect to the most sacred of the concepts that we revere, liberty and freedom, and that is what I did with Appropriations. That is why I am disappointed and that is why I think we are on the precipice of failure.

I have spent I know not how many hours watching that body deliberate. I know they were given a charge, not a charge that they wanted. I know the problems that they grappled with. I know that some of my colleagues were there a great deal. I have the utmost respect for the Assistant Majority Leader, the Representative from Thomaston, who spent more time there than I did, who was thoroughly knowledgeable, was versed in the needs of the state, evaluated the budget, used his skills to assist those to whom he abandoned the responsibility for decision, recognizing that he wanted to have his input but to that body. I did the same. When I could be helpful to that body, that Appropriations Committee, whom I had some slight role in appointing through the office of the direct appoint of the Speaker when the committee was formed, to hold the most important powers of this organization in its hands to deliberate as it is mandated that it should do under our constitution because of our committee process and I saw them work. I saw those people labor as no other jury that I have every argued to has because I don't get to see the juries argue but these people reason in public. They come to the point where their hearts are breaking at programs that they have to

give up, not just on this side, but on the other side as well, people who have spent years advancing causes to this body have had to retrench, have had to move backwards. And why? Because the times dictated it to them because they are knowledgeable because they are our experts in action working for us, working that we will know, hoping that we can solve the problems of the people of Maine and we cannot do that. So, I feel as though I stand on the brink of disaster. I do not like failure. I did not come to this legislature to watch it disintegrate. I did not come to this legislature to have our Speaker or our President or the leader of the other body jokingly referred to as Mr. Gorbachev. I didn't come here to do anything except help solve the problems of the people of Maine and I feel we are failing.

There are two points that I want to make with respect to what the Speaker said that I think are also wrong. First of all, he said that we should vote no. If we vote no, it means we want to go home. I will vote against this budget because I cannot use my vote to recommend to the other body that I, in any way, approve of the conclusions to which this body has come because the reasoning is disparate to the point of not being reason at all, in my view. My vote will never be an imprimatur of this exercise. If we vote this down completely, it goes as a fresh sheet of paper to them off the recommendations of that body that I have the greatest respect for here today because, through the agony of watching us tear apart their hard work, they have nevertheless persevered.

So, I will vote no with a clear conscience and with a clear message to the other body to say that this document stinks for itself.

Finally, the gentleman from Eagle Lake suggested to me that we have been denied an opportunity to reason and that also is wrong. If you look at the magnificent blend of the provisions of our constitution, you will see that he is wrong. The reason that he is wrong is that we are given the opportunity (at any time we want) to come into this hall and vote as long as the majority of both of the parties decide to do that.

I was asked by the learned gentleman from Eagle Lake whether or not I wanted to just a few days ago and I said no. I said no because my jury was still out. My jury was divided seven to six about whether or not there was a program which my jury could recommend to me as a legislator. Because they couldn't agree, I said no. I would have said something, yes or no as the case developed, if the call had come from that gentleman (under the constitution, he can make the call at any time, whether it was in September, October, November or whether it is next Christmas Day, the 25th of this month) if there was an opportunity for us to avoid failure. I will come here and I will work to avoid that failure which I feel confronts us now. But, I did not vote to come in because my jury was still out. Then, bless them, they came together. They came together under the most remarkable leadership I have seen in this building in the years that I have been here. It was a blend of humor, management, skills, knowledge, care and compassion. It brought them together with a vote that said, we can do it, we can recommend this to you as a solution for our people, for the people of the State of Maine. We have come in here and we have, in my view, dismembered it. We have taken a picture, a carefully

constructed picture, the best art work that could be imagined, and we have crossed it with paint in such ways so that it is nothing and we need to vote against this to say to the other body, you are a co-equal branch with us in this legislative process and we have failed, save us.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to rise at this moment. I told myself earlier, yesterday and today, that I would not respond at this time unless I heard the remarks once more that we are not able to make tough decisions, we are not able to bite the bullet, we are not able to make hard choices. That is simply not true and I am tired of hearing it said here.

If we have to have qualifications, I came here 11 years ago, I come early and stay late. I have been here 11 years and I have missed one session and I was at the motel where Mr. Pert knew where I was in case I was needed. I resent people saying that we are not willing to make these kinds of decisions. I resent the Governor of this state saying that municipalities have got to realize that they have got to start shouldering the burden. I can't believe that a Governor who knows what is going on out there would make such a statement, I think it is unbelievable. Municipalities have been beaten into the ground and they just don't have anywhere else to go.

I would like to share with you something that was in the Portland paper a couple of days ago. It talks about what is going to happen in South Portland, not what is going to happen, what has happened. The headline is, "South Portland Cuts 21 Workers." We fired 21 people, it becomes effective two days from now, the 21st, four days before Christmas. Let me tell you what they are, they are not people that are not essential to our city. We have cut four fire fighters, three police officers, closed our branch library, eliminated bus service Saturday, Sunday, and evenings — that laid off five people. Public works, we laid off five people. These are things that are the essential part of municipal government. I served in municipal government, I am sure a lot of you did too. I can't believe a Governor of this state would make the statement that municipalities have got to realize that they have got to bite the bullet, they have got to make tough decisions. They have made tough decisions. In the City of South Portland, if our spending level remains at the same level that it is this year, our property tax has got to increase 10 percent. That is no increase at all.

We talk about taxes and I am not looking for sympathy, believe me, but do you have any idea what doing away with the inventory tax did to the City of South Portland where the Maine Mall was located? We are talking millions of dollars that we lost. We lost federal revenue sharing. But, as Representative Strout said, at least it was phased in so we had a chance to react to it. We didn't get hit in the middle of the budget year with a simple statement, you are going to do away with it, period. I don't know how anybody can deal with situations like that, it is just not possible. I think municipalities out there are making a tremendous effort to do everything they can in their power. I think, very frankly, they are hurt by the idea that anybody would say they are not doing their share.

I don't know — I have served here quite awhile and I like to think I have done my job. I have worked with Appropriations to the best of my ability and I have a great deal of respect for them. I was in there many days with them trying to help them with some questions that I could answer. I think they have done the best they can. But, when I am laying off 21 people two days from now, four days before Christmas, and saying you are all done, I will never vote to reduce revenue sharing by one penny.

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

Representative MARTIN: Mr. Speaker, Members of the House: I know that many of us want to continue this but I would simply urge everyone to refrain and hold further comments so that we can send this document to the other body. I know that may be difficult, it was more than difficult for me as you obviously can tell by my earlier comments. At this point, I would think perhaps we could let the bill go.

I could not agree more with most of the comments of the gentlemen from Belfast, Representative Marsano, but there are two points I need to make. One is this carefully crafted document from Appropriations, it was a bundle of compromise like the U.S. Constitution was, with some good and some bad. Certainly no one would say that slavery being kept in the U.S. Constitution made it a good document. If you look at what they did with the issue of the merit which the Attorney General has now ruled to be unconstitutional is not a good item in the document as, for example, the issue with forestry and the Department of Conservation on fire protection and having to, if we were to leave it the way it is now, raise the fishing and hunting licenses next year. So, we ought to be careful when we say how great the document is, it was a bundle of compromise to get us here.

The second point I think I need to make is that very often in our lives, we always try to postpone decisions. I do not believe that this is one time we can do that. I am convinced that we will need to put a document together before we leave.

Third, remember, if it goes to the other body naked, as was pointed out by the Representative from Belfast, it goes there with any of the amendments that have been adopted. Many of those amendments were adopted unanimously today and yesterday which make a great deal of sense and should remain in that document. We believe that we ought to give them the opportunity to vote up or down on each one. They can do that and will do that. When it comes back here, we will have it in our hands. You can rest assured, I think most people in this body know full well that we cannot let it pass the way it is now. So, Mr. Speaker, I move engrossment.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.
Representative PARADIS: Mr. Speaker, Ladies and

Gentlemen of the House: I will speak very briefly because I want the process to continue.

With the highest respect for the elected leadership of this body on both sides of the aisle, I hope that we have heard the last from you people in this special session. I hope we have heard the last of the rhetoric, the baiting, the name-calling. Eighteen long days this rank-and-file body waited and waited while the name-calling went on last summer. I say, as a member from Augusta, a rank-and-file member, we are sick and tired of the fights and the points and the counterpoints, the response and counter response. We rank-and-file people get along much better with our colleagues, no matter what party, and we work pretty well together. We don't need leadership telling us what type of a compromise we need or where the parameters are. We see these point people getting up on both sides, Democrat and Republican point people. This rank-and-file member is just sick and tired of that stuff, let us rank-and-file people get involved in the process. We haven't done a bad job. At the worst, we will fail like you people failed last summer. At the best, we will come out a little bit ahead. I have been here long enough to know I have faith in the rank-and-file, 13 years of faith in the rank-and-file. It is our state just as much as it is your state and it is our body just as much as it is your body. We don't need all the directions we are being given. Give us a chance. I hope that is the last we have heard from the people in the corners because, no matter how eloquent and how well they speak, it really doesn't help us very much.

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 Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief.

I, like the good gentleman from Belfast, have been sitting down quiet through this whole process.

The good lady from Yarmouth made comments that this budget is ultimately cruel, could be called irresponsible and I beg to differ with her. I will remind her of way back in history, there was an ultimately cruel and irresponsible act which has proven in time, over and over again, that that was probably one of the wisest decisions ever made. I remind the body of King Solomon's Act on whose baby was it really? When he was faced with deciding where the baby would go, he was going to cut the baby in half, what that did was force the parties to talk, it forced them to come to a resolution. That is what this budget document does, it gets us that much in the process.

Unlike the good gentleman from Belfast, if we are on the precipice of failure, I would rather be here trying because, if we don't try, failure is guaranteed.

The SPEAKER: A roll call has been ordered. 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. 270

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

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Bowers, Butland, Carroll, J.; DiPietro, Donnelly, Foss, Garland, Greenlaw, Hanley, Hastings, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Michaud, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Savage, Small, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Farnsworth, Hepburn, Jacques, Marsh.

Yes, 110; No, 37; Absent, 4; Paired, 0; Excused, 0.

110 having voted in the affirmative and 37 in the negative with 4 being absent, the Bill was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "LL" (H-821); "NN" (H-824); "WW" (H-833); "BBB" (H-839); "CCC" (H-840); "III" (H-848) and House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto in non-concurrence and sent up for concurrence.

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

(At Ease to the Gong)

The House was called to order by the Speaker.

(Off Record Remarks)

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

SENATE PAPER

Resolve, Authorizing the Transfer of Corporate Rights from Great Northern Nekoosa Corporation to Great Northern Paper, Incorporated (S.P. 791) (L.D. 1989)

Came from the Senate under suspension of the

rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Related to Membership in the Maine State Retirement System for Part-time, Seasonal and Temporary Employees (H.P. 1405) (L.D. 1987)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

Bill "An Act to Make Technical Corrections to the Laws Regarding Withholding Tax on Real Estate Transfers" (EMERGENCY) (H.P. 1407) (L.D. 1990) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representative DORE of Auburn)

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

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.

(At Ease to the gong)

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:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law" (EMERGENCY) (H.P. 1402) (L.D. 1985) which was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "LL" (H-821); "NN" (H-824); "WW" (H-833); "BBB" (H-839); "CCC" (H-840); "III" (H-848) and House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto in the House on December 19, 1991.

Came from the Senate passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); and "CCC" (H-840) and Senate Amendments "A" (S-479); "C" (S-481); "F" (S-484); "H" (S-486); "J" (S-488); "N" (S-492); "T" (S-499); "X" (S-504); and "Y" (S-505) in non-concurrence.

On motion of Representative Chonko of Topsham, the House voted to recede.

Senate Amendment "A" (S-479) was read by the Clerk and adopted.

Senate Amendment "C" (S-481) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, I offer House Amendment "A" (H-856) to Senate Amendment "C" (S-481) and move its adoption.

House Amendment "A" (H-856) to Senate Amendment "C" (S-481) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" simply clarifies that the salary adjustment for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy applies only to those employees with salaries of more than \$50,000.

Subsequently, House Amendment "A" (H-856) to Senate Amendment "C" (S-481) was adopted.

Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) thereto was adopted.

Senate Amendment "F" (S-484) was read by the Clerk and adopted.

Senate Amendment "H" (S-486) was read by the Clerk and adopted.

Senate Amendment "J" (S-488) was read by the Clerk and adopted.

Senate Amendment "N" (S-492) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, I present House Amendment "C" (H-857) to Senate Amendment "N" (S-492) and move its adoption.

House Amendment "C" (H-857) to Senate Amendment "N" (S-492) was read by the Clerk and adopted.

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

Representative MCHENRY: Mr. Speaker, I present House Amendment "B" (H-855) to Senate Amendment "N" (S-492) and move its adoption.

House Amendment "B" (H-855) to Senate Amendment "N" (S-492) was read by the Clerk in its entirety.

Representative Lawrence of Kittery requested a Division on adoption of House Amendment "B" (H-855) to Senate Amendment "N" (S-492).

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, may I pose a question to anyone who wishes to answer?

This Senate Amendment "N" states, "The amendment requires the commission to increase the price of spirits sold to the state in agency liquor stores." What is that amount and when does that take effect?

The SPEAKER: The Chair would state that we are on the amendment by Representative McHenry which we need to deal with first. We will get back to your question in a moment.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: Reluctantly, I am going to have to speak in opposition to this amendment to the amendment coming out of the Committee on Legal Affairs. This amendment, if I understand it correctly, would limit any person, corporation or individual from owning anymore than two agency licenses in the entire state. That is virtually going to restrict most of the people we would have bidding on these licenses from bidding on any of the new licenses offered because many of them are already licensees in the state.

I understand the intent of the person offering the amendment and to a certain extent I applaud it but I feel it is just too restrictive on those people already owning agency store licenses in the state and it will put too many restrictions on who can get the new agency licenses.

I urge you to vote against this amendment.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I presented this amendment for the simple reason that, when the federal government allowed the states to go into the liquor business again after prohibition, they said that you will maintain control. I want to maintain control. I don't want one or two corporations owning 200 or more stores throughout the State of Maine which is a possibility if we do not pass this amendment. Hannaford Brothers, Irving or Shaw's, whoever, I just don't want it. I don't think that these people should be forcing our Mom and Pop stores — we always say we are for small business, this is a way to protect our small businesses. This is a way to allow our small business to own some of these stores because they can outbid any small business, they have the money.

A few months ago in my hometown, I wondered why Irving bought out two businesses. That is what I had been told. I said it doesn't make any sense because Dead River tried to build a gas station on that strip of the town and they were not allowed to and they couldn't change it. Dead River even threatened court action but they couldn't build a gas station. So, I said, why in heaven's name is Irving buying two stores? They said he was going to build a grocery store. My Goodness, you can't make money with a grocery store, why? Then I came down here and I see this. I fully knew why. I also know that every

liquor store in the valley is on the hit list to be closed and Irving owns a grocery store in all those towns. Ladies and gentlemen, if you want Irving running, not only our gas stations but also our liquor business and the next thing may be our lottery business, fine. He runs New Brunswick, he owns New Brunswick. I don't need Irving running the State of Maine.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I really don't want an extended debate on it but I would very much like to see the amendment because the committee has been involved in this a lot. In many instances, we heard that there were something like nine applicants per agency store. We have heard figures into the five figures as an expression of interest in agency stores. It is a major asset for the state and I am worried that, if a limitation like this is not there on the short-term for the committee to come back and deal with it in January and its report by February 15th, that we will be in a position of beginning to slide into an environment with a disposition to these agency stores that may not be in the best interest of the state or the best interest of the control of the industry. It is a last minute environment coming toward us here. It is a little difficult to struggle with but I think the safer course, at this point in time, is to pass this amendment, provide that limitation, and revisit the issue in January and February.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to express my opposition to privatization of any of our liquor stores. I don't know where I have been but I am sure I haven't been out to lunch all of the time that we have been talking about privatization but it was my understanding that it was going to be a separate issue.

Now I would like to pose a question through the Chair to the Chairman of the Legal Affairs Committee.

If we pass this budget with the liquor stores included, does that mean that those stores are going to be closed and there will be no more discussion on it?

The SPEAKER: Representative Hale of Sanford has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: If the budget is passed without Senate Amendment "N" going on it, 35 liquor stores will be closed by May 1st. That is approximately half the liquor stores in the state and there is no process in the bill for any committee of the legislature to review it before the closing to discuss those 35 liquor store closings. I hope that answers the question.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: Evidently, the House has their hands tied by Senate Amendment "N." I don't know how the rest of you feel representing your areas with liquor stores, I only have one little tiny one, but I certainly don't intend to have it privatized. I certainly am not going to vote for anything that

prohibits us from acting as a legislative body to discuss privatization of the liquor stores, the lottery or anything else in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I hope I can clarify what is going on here. The procedural point we are at now is that Senate Amendment "N" has been offered and we are discussing an amendment to that amendment. This amendment to that amendment changes what Senate Amendment "N" would do regarding who could purchase the new agency licenses. Senate Amendment "N" restricts it to two licenses per person or corporation. No one purchasing one of these new licenses for a closed liquor store can purchase more than two per state liquor store closed. The Amendment "B" being offered says that no person or corporation can own more than two licenses in the entire state, not just per liquor store closed. That is what we are debating right now.

I think the good Representative from Sanford, if she opposes doing anything without the legislature revisiting this issue, she really wants to vote for Senate Amendment "N" because Senate Amendment "N" contains that. The budget does not contain that but the vote that we are taking now is a change to Senate Amendment "N" which would restrict anyone from owning more than two agency licenses in the entire state and that is the vote we are voting on now. I am asking you to vote against that amendment so we can go ahead and vote on Senate Amendment "N" which has a restriction as well on too many licenses being owned by a corporation or a person.

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

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

How many agency stores in the State of Maine do we have now that holds more than one or two liquor licenses?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the question simply, I haven't got that information right here because I wasn't expecting this amendment to come forward and did not get that information today. I can tell you it is more than two. There are corporations or individuals out there who own more than two agency licenses.

To give you an idea of whether or not we feel these agency licenses are going to be bought up by all one corporation — in the five agency licenses that they have offered in Bangor, Waterville, Portland, South Portland and Lewiston, an average of nine people have applied for each license. Only two corporations have applied for all five licenses, Hannaford Brothers and LaVerdiere's. Shaw's did not. There are only really two big retail chains in this state, grocery stores, capable of doing that, Shaw's and Hannaford. Shaw's is not doing that. Hannaford has applied for all five licenses. I think the protections in Senate Amendment "N" are enough to stop any corporation from dominating the retail sale of the liquor industry in this state. I think that is the protection we need and not what is offered in

this House Amendment "B" to Senate Amendment "N."

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make clear that I am not for privatizing the liquor stores, but having no choice, I presented my amendment so that we have some control as to who is going to be buying these agency stores. I want the small business people to be able to purchase, to be able to bid on them, but if we allow the big guys, they will never be able to compete, never.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I apologize, I really didn't want to stand and speak on this issue but I guess I have to. The Legal Affairs Committee, which I serve on, worked three days dealing with this issue. It was not an easy issue. I stand here because I do support the small business person but the bottom line is we had to find \$800,000.

We listened to Representative Vigue's idea to submit a bid system and that is what Senate Amendment "N" does. It opens it up to all businesses, it does not prevent anybody from bidding.

The point is, we are trying to raise money to cover a hole that we have. It is a free enterprise system that we are opening up and anyone can bid. I feel that Senate Amendment "N" and House Amendment "C" is the right direction to take.

I hope that you will defeat House Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

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

Am I to understand that, if you don't want to privatize the liquor stores, the only option we have is to vote against the budget?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Let me see if I can, once again, clarify this. The budget has in it privatization of 35 liquor stores. If the budget passes as it is, 35 liquor stores would have been closed the way we passed it in the House. It comes from the Senate with an amendment recommended by the Committee on Legal Affairs to slow down that closing, to auction off the stores in order to make money to slow down that closing and close only up to 21 stores at this time, okay? If you don't want any stores closed, your option is to not do what either the Senate budget or the House budget has done and come up with your own proposal that saves \$870,000 and replace that in the budget and the Legal Affairs Committee looked at that. There are many people on the Legal Affairs Committee, myself included, who do not support privatization. The Committee felt, if it was going to be done, there is a way to do it where we can judge the effects of it as it is going on and make some crucial decisions for the safety of the people of the State of Maine.

What we are debating here now is a change to the Legal Affairs Committee plan and that change would put a restriction on the number of people who can buy these new agency licenses and it would limit it from

any person owning two in the entire state, that is what we are debating here now.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise tonight to support Representative McHenry's amendment. I feel very strongly if we are going to open it up to a big system, which I really think is the way to go, that we should let everybody have a chance. We all know that the big corporations can afford to bid high, they can afford to use it as a lost leader and the small businessman cannot afford to do that. Unless we restrict them to two licenses, we will have a monopoly in the State of Maine on liquor. I really believe that the small businessman here needs us to protect him a little bit. I believe in the two licenses for each business or each corporation or each name in this state. I think it will protect the small businessman.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I also support Representative McHenry's amendment. I know for a fact that Irving will pick up all the liquor stores in the St. John Valley. He has establishments almost every place now and he is in the process of buying land, if he hasn't bought it already, right outside of the Customs Station in Hamlin, which would effectively cut off three small stores that want licenses right now. So, I think that we have got to cut down.

The bidding process doesn't mean anything to Irving because as Representative McHenry said, Irving owns New Brunswick and is in the process of buying the State of Maine, so please support Representative McHenry.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

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

Those who already own more than two or three liquor stores, would they be grandfathered? Would they be able to hang onto what they have?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Looking at the amendment, that would be a subject of litigation. I don't know whether they could still hang onto their licenses when they come up for renewal.

It is clear to me that anybody who owns two licenses, Shaw's, Hannaford, anybody else who owns two licenses in the state, would not be able to bid on the 62 agency licenses that will be issued in the state. So, they will be precluded from bidding on any of the new licenses.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I am going to support Representative McHenry's amendment as well.

We will be trying something new here, we are put in that kind of box, it seems. It would seem to me we ought to start with stronger rather than weaker controls and with stronger rather than weaker support

for the small businesses.

I do think that the Legal Affairs Committee, given the situation that it had to deal with, has done a very good job but let's start with more control, let's help small businesses. Let's keep Irving under control in northern Maine and Hannaford Brothers under control everywhere. Let's support Representative McHenry here.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-855) to Senate Amendment "N" (S-492). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 36 in the negative, House Amendment "B" (H-855) to Senate Amendment "N" (S-492) was adopted.

The SPEAKER: The pending question before the House is adoption of Senate Amendment "N" (S-492) as amended by House Amendment "B" (H-855) and "C" (H-857) thereto.

The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: The issue of the bidding process and who will or will not receive these licenses, it is my understanding at the present time that this state gives a license with no fee to the agency stores that are in place now. The state stores that are going to be closed down will be auctioned off. We have a segment of people that have an agency store that are buying them outright and others that are getting them for free. That is not fair. If we are talking about raising revenue, the prudent thing to do and the responsible thing to do is that everyone pay.

Based on the amendment that was passed, then only two people, a person or corporation, would be able to hold a license but everyone would pay if that is the process that the committee would like to take.

I am not in favor of privatization and nowhere in this bill under fiscal note do I see that it saves \$870,000 to fill a gap. I pose that question, where in this bill does it say \$870,000 for a fiscal note?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the two questions from the good Representative from Old Orchard Beach, I will answer the second question first. The fiscal impact is right in the fiscal note and it reads that way because we are taking \$870,000 out of the budget by changing what the Appropriations Committee did. Then we are saving \$870,000 and that results in no negative impact. So, what we are taking out, we are replacing with the same savings. That is how we are saving \$870,000.

To answer the first question, if I understand it correctly, the question was, why aren't we selling off the agency licenses that are owned now, the 78 agency licenses? We do not want to visit that issue right now, we can still do it in the future. This was to deal with the immediate crisis of closing 35 liquor stores and getting nothing in return. That issue can be visited next session. We did not want to go beyond the scope of what the Appropriations Committee did. We did add a renewal fee in for those agencies stores so they will be paying \$300 to renew

their licenses each year. That way, we can at least begin to address the equity between these new agency stores and the existing agency stores.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: Just one more question if I may. If in fact it is going to be the policy for the state to sell these stores, if this policy does not work, nowhere do I see to retract or compensate these people that are purchasing these stores. Do you feel that maybe, if this fails, that the state would be able to back out and go back to the state running these stores?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the question, anything is possible in the legislature and, if you notice in the bill, in Section K-9, on February 15th, it provides the Liquor Commission is to come to the Legal Affairs Committee, report on what is going on with these liquor licenses and its recommendations for changes. That will be well before the 21 stores recommended in our amendment go out for bid. That will be after the five stores that we closed last session went out for bid so we will have some experience with it and we can know what direction we are going in.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I would just like to speak briefly on this amendment because I have gotten several notes regarding it.

The Governor's budget, as presented, fully released the privatization of the state's liquor stores which I know is something of concern to many of the people here. When the Legal Affairs Committee was faced with what the budget did, we had to somehow fill the hole of money that was left if we didn't wish to privatize all of the stores.

This amendment in front of you simply slows down the privatization of all our liquor stores. It is a partial step. It will allow more outlets because, for all of those state stores that are being sold, there will be a possibility of three now. For the 25, (four of which are already going to happen in January) and the additional 21 more there can be now in stead of just 20 outlets, there can be 60 outlets. The availability will be greater if you vote for this. As far as I am concerned, it is a question of which is the worst and which one isn't quite as bad as the other one. In my opinion, Senate Amendment "N" is not quite as bad as the worst which was the budget as presented to us.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: My original question that I forgot to ask was, not only are we increasing the number of outlets, but we are also increasing the price of liquor in this bill. Can someone please tell me what the amount is or the percentage that the liquor prices will be going up?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I feel like I am playing jeopardy here a little answering all the questions.

Senate Amendment "N" does not raise the price of liquor at all in this state. That was once discussed by the committee, it came out in a House Amendment, but it was opposed by the Governor's office so we took it out and added five additional stores to it.

In the Statement of Fact, there was left a sentence about that. That is an error by the Revisor's Office but there is no increase in liquor prices in Senate Amendment "N."

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

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

Do I understand that these stores will be sold by bid?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Yes.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, I would like to pose another question.

Would you tell me, Representative Lawrence, what do you expect to get as a bid on a liquor store that has empty shelves? I am not talking about just one store, but I am talking about those in my area.

The SPEAKER: Representative Martin of Van Buren has posed an additional question through the Chair to Representative Lawrence who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I guess to answer that question I would say, if what the Appropriations Committee recommended, we will get nothing for those stores. If Senate Amendment "N" is adopted, it will allow the Liquor Commission to put out for bid three agency licenses for each state store closed. The minimum bid for those agency licenses is one percent of the taxable retail sale in that liquor store that is being closed. So, if you have a store that sold \$300,000 worth of liquor last year, the minimum bid would be \$3,000. If it sold \$120,000 in liquor, the minimum bid would be \$1,200. That allows the state to recover some costs without just giving away a business. It allows it to recover something for that business that we built up over the years and allows us to slow down the number of liquor stores we are closing to allow us to figure out how to do it in a proper manner.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

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

My question is that I can understand larger concerns like Shop 'N Save and Shaw's and Irving operating on an 8 percent profit because they are going to use it as a lead to bring people into their

businesses. However, you take a small businessman that intends to make a living on being restricted to an eight percent profit, I have my reservations.

The SPEAKER: The pending question before the House is adoption of Senate Amendment "N" (S-492) as amended by House Amendment "B" (H-855) and "C" (H-857) thereto. Those in favor will vote yes; those opposed will vote no.

109 having voted in the affirmative and 3 in the negative, Senate Amendment "N" (S-492) as amended by House Amendments "B" (H-855) and "C" (H-857) thereto was adopted.

Senate Amendment "T" (S-499) was read by the Clerk and adopted.

Senate Amendment "X" (S-504) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: I hate to belabor this but I just want to let you know that as we move through this thing so fast and as we said yesterday, we should not adopt anything. If we didn't adopt something like this, we would have lost \$70,000.

Subsequently, Senate Amendment "X" (S-504) was adopted.

Senate Amendment "Y" (S-505) was read by the Clerk and adopted.

Subsequently, House Amendment "LL" (H-821) was indefinitely postponed in concurrence.

The SPEAKER: The Chair will order a vote. The pending motion before the House is indefinite postponement of House Amendment "UU" (H-831) in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative 81 in the negative, the motion did not prevail.

House Amendment "WW" (H-833) was indefinitely postponed in concurrence.

The SPEAKER: The pending question before the House is indefinite postponement of House Amendment "BBB" (H-839) in concurrence.

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

Representative ANTHONY: Mr. Speaker, I request a division and ask the members to join me in voting against indefinite postponement of House Amendment "BBB" (H-839).

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of House Amendment "BBB" (H-839) in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 75 in the negative, the motion to indefinitely postpone did not prevail.

House Amendment "III" (H-848) was indefinitely postponed in concurrence.

Representative Holt of Bath offered House Amendment "JJJ" (H-854) and moved its adoption.

House Amendment "JJJ" (H-854) was read by the Clerk in its entirety.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I know you must be somewhat confused about this amendment but I report to you a happy

occurrence, a Christmas gift in essence, from the Department of Defense and Veterans Services. I am happy to comply with the request to restore the positions that had to be deappropriated as we thought in order to allow the department to have this veteran's counselor. The department has assured us that there is money within operating expenses for this position and I couldn't be more pleased than to offer this amendment tonight.

I pray that you go along as you did yesterday with this veterans counselor. I want you to understand that this person will not just be finishing up the agent orange and atomic vet's work that needs to be finished as I explained to you but will be available to other veterans.

As the good House Chairman of the Veterans Committee supported us yesterday, I pray that he will not play grinch tonight. Support us tonight, the veterans deserve this counselor.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The charming lady from Bath said that you people must be confused. You must be confused because I am very confused at what she is trying to do and I am Chairman of the committee. I don't particularly care for her to put me on the spot here hoping that I will support this. The first time I heard about this was when I sat down here tonight. It is a good idea but for the lady to say that I am supporting — I supported it once I saw it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "JJJ" (H-854). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 15 in the negative, House Amendment "JJJ" (H-854) was adopted.

The SPEAKER: The pending question before the House is passage to be engrossed as amended.

Representative Marsano of Belfast 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 as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 271

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Heino, Hichborn, Hichens, Hogle, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul,

Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Jacques, Kutasi, Lebowitz, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Michaud, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Simpson, Small, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Boutilier, Donnelly, Hepburn, Libby, Vigue.

Yes, 101; No, 45; Absent, 5; Paired, 0; Excused, 0.

101 having voted in the affirmative, 45 in the negative, with 5 being absent, the Bill was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); "BBB" (H-839); "CCC" (H-840); "JJJ" (H-854); House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto; Senate Amendments "A" (S-479); "F" (S-484); "H" (S-486); "J" (S-488); "T" (S-499); "X" (S-504); "Y" (S-505); Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) thereto; and Senate Amendment "N" (S-492) as amended by House Amendments "B" (H-855) and "C" (H-857) thereto in non-concurrence 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.

FINALLY PASSED

Resolve, Authorizing the Transfer of Corporate Rights from Great Northern Nekoosa Corporation to Great Northern Paper, Incorporated (S.P. 791) (L.D. 1989)

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

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

On motion of Representative Simonds of Cape Elizabeth,

Adjourned at 9:50 p.m. until Friday, December 20, 1991, at ten o'clock in the morning.