

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

Index

FIRST CONFIRMATION SESSION

October 2, 1991

Index

SECOND SPECIAL SESSION

December 18, 1991 to January 7, 1992

Index

SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
SECOND SPECIAL SESSION
5th Legislative Day
Tuesday, January 7, 1992

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

Prayer by Father Gilbert Patenaude, Augusta (retired).

Pledge of Allegiance.

The Journal of Saturday, December 21, 1991, was read and approved.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 20, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 258, L.D. 349, "AN ACT To Protect the Public from Unsafe Industrial and Commercial Facilities." Because this particular bill can effectively achieve its aim, I cannot support its burdensome, costly and unnecessary provisions during these economic times of unprecedented industrial layoffs.

The primary purpose of this bill is to use Department of Labor inspections to help protect against the threat of industrial accidents caused by a strike. Last year, when I returned a similar bill unsigned, I noted that some additional protection might have been desirable, even though it came in addition to protections already provided by the Occupational Safety and Health Act, the Maine Emergency Planning and Community Right-to-Know Act, the Hazardous Materials Transportation Act, the OSHA Hazard Communication Standard, State and Federal Hazardous Waste Regulations, and the Spill Prevention, Control and Countermeasure Plans.

Since last year, important legislative steps have been taken to protect against such accidents. Last fall, the federal Clean Air Act was amended to impose additional duties on facilities to prevent accidental releases of hazardous substances. In addition to imposing a general duty to design and maintain a safe facility, federal law now requires significant new and detailed regulations to prevent releases. These changes, which may not have been brought to the attention of the sponsors, mean that there is no tangible advantage to this legislation.

This bill would require additional inspections by the Department of Labor using standards that still remain unclear. For example, under the bill, toxic chemicals must be stored, labeled and transported "to minimize" any risk. The statute, however, provides no specific standards that a facility must meet to satisfy the standard. Similarly, new employees must receive "training" to "minimize any risk." The bill, however, also fails to specify what additional

training, if any, is appropriate above and beyond that already required by existing law.

The bill does authorize the Bureau of Labor Standards to adopt rules to further define the standards that the Department is to apply. While this rulemaking is necessary to avoid an otherwise successful court challenge to this statute's vagueness, the bill requires that the Department "incorporate standards established under other state or federal laws." It is not clear to me what additional protection follows from restating in departmental rule the requirements of laws that already exist elsewhere.

The bill also, in addition to last year's version, requires the Bureau to inspect industrial boilers and to ensure that employees who work with them are properly trained. This is an entirely duplicative requirement: State law already requires regular inspections of industrial boilers. The Bureau is required to inspect these boilers during their construction and every six months once they are operational. As to the proposed training requirements, existing state law already goes further: Boiler operators must not only be trained, they must be licensed by the State.

The Department would also be called on to ensure that air and water pollution control equipment does not create an imminent and substantial threat to public health. Because any malfunction or improper operation of pollution control equipment that would jeopardize health is already likely to be a violation of existing law, facilities already have a significant incentive to maintain and operate adequate pollution control equipment. The provisions of this bill would not, therefore, add any tangible assurances of safety.

This bill also requires the State to bear the costs associated with rulemaking, any contracts with private companies to develop the rules or inspection standards, the Department's inspections, and administrative costs related to the inspection. Presented with the ineffectiveness of an inspection with duplicative or unenforceable standards, I cannot support the imposition of these additional costs during these difficult fiscal times.

Finally, I am troubled by the impact that this bill will have on business location in Maine. It is important to recognize that the bill applies to the initiation of operations at new facilities. It would prohibit the commencement of operations at a new facility without the extensive inspections contemplated by this bill, all at the operator's expense. The expense of these inspections can be substantial. We all agree that we must, wherever possible, strengthen the Maine economy by encouraging business relocation and expansion in Maine.

In sum, because this bill provides duplicative or unnecessary standards, and promises no improvement in protection for the public, I cannot support this bill and I urge you to sustain this veto.

Thank you for your consideration.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 258) (L.D. 349).

On motion of Representative Mayo of Thomaston, tabled pending reconsideration and later today assigned.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 20, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 588, L.D. 839, "An Act to Ensure Early Intervention Services to Eligible Special Needs Children From 3-5 Years of Age."

As originally configured, L.D. 839 would have substantially expanded the responsibilities of the state for special education services to all pre-school children from birth to five years of age. Subsequently, all statutory references were removed from the bill leaving only an appropriation of \$700,000 directed to the Child Development Services Division of the Department of Education.

Since that time, there has been significant reorganizing and funding adjustments made in the Child Development System, all of which are waiting final consideration in L.D. 1985. For that reason, and for the reason that we do not currently have additional money for the system, I suggest that the proper forum for the consideration of this expenditure is the budget bill.

Therefore, while I understand that many members of the Legislature may feel that supplemental funding for Child Development Services is needed, I would urge you to reject LD 839 as a vehicle for supplemental funding of the CDS System, and instead direct your attention to the appropriations process in early January.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Ensure Early Intervention Services to Eligible Special Needs Children from 3 to 5 Years of Age" (H.P. 588) (L.D. 839).

On motion of Representative Gwadosky of Fairfield, tabled pending reconsideration and later today assigned.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 20, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 1174, L.D. 1715, "An Act to Establish State Selective Purchasing Standards." This bill would limit the state's ability to purchase goods or services from companies doing business with the Republic of South Africa.

Recent developments in South Africa make L.D. 1715 particularly inappropriate at this time. As the Members know, President Bush lifted sanctions against the Republic of South Africa in July of this year, in response to the substantial progress being made by that government in dismantling the system of apartheid. President Bush's actions have received widespread bipartisan support, including the endorsement of former Democratic President Jimmy Carter.

While I understand and empathize with the motivation of the sponsors of this legislation, I have never felt it was appropriate to act on behalf of the state of Maine in areas best left to the foreign policy of the federal government. I continue to feel that way today. I also feel that the imposition of these regulations upon the state's ability to select its vendors will be costly and time consuming. But it is my feeling that the overall emphasis and intent of this bill — to express our moral indignation towards the system of apartheid — is no longer timely given developments on the world stage. For this reason I urge you to sustain my veto of L.D. 1715.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715).

On motion of Representative Gwadosky of Fairfield, tabled pending reconsideration and later today assigned.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR

AUGUSTA, MAINE 04333

December 20, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 1184, L.D. 1727, "Resolve to Development a Statewide Health Insurance Program." This bill establishes a study which I believe is skewed towards the development of a new government-supported health insurance program.

While universal access to health care is a goal to which we all subscribe, I cannot endorse a proposal which pushes Maine towards a major new government program while ignoring all alternatives. The escalating cost of state health care programs, as demonstrated by Medicaid and the Maine Health Program, suggest caution in developing sweeping new health care initiatives.

The experience of Canada is instructive. Recent reports in the media indicate that Canada now spends approximately \$3,000 dollars per capita to fund its universal health care system. If a government-funded program of this type were adopted in Maine, the comparable costs would equate to over three billion dollars per year — an amount that not only dwarfs our current fiscal shortfall, but is twice the size of the current state budget.

We cannot always look to the taxpayer to finance every worthwhile program. Choices must be made in allocating tax dollars, and alternatives to expensive new public programs, such as developing lower costs "basic care" policies for small employers, must be explored.

The Committee established by L.D. 1727 has a vast mandate, and should have included broad representation. Instead, the Committee contemplated by this resolve would include only members of the Banking and Insurance Committee supplemented by three other legislators appointed by the President of the Senate and the Speaker of the House. To ensure input and expertise, the committee should also have included representatives of the administration, providers, consumers, and employers.

For these reasons, I urge you to sustain my veto of L.D. 1727.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Resolve, to Study the Feasibility of a Statewide Health Insurance Program (EMERGENCY) (H.P. 1184) (L.D. 1727).

The SPEAKER: The pending question before the House is, "Shall this bill become a law notwithstanding the objections of the Governor?"

The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and

Women of the House: I would urge your careful consideration of this veto message. Though the Banking and Insurance Committee and three other members of the legislative body are making very good progress in studying what the State of Maine can do in moving toward affordable health care, if we had this piece of legislation in place, we would have the public, as well as the active participation of the Administration, involved in our quest in looking for the right answer for Maine. We have learned as a committee, as we pursued this goal, that there are many, many national foundations making grants to states and I think it is imperative that the Executive and the Legislature work hand in hand on making progress in this area. We believe that this particular piece of legislation would lend that stamp of approval.

I would call your attention to the last paragraph in the veto message and I would also describe to you the kind of progress that we are making. The study that the committee is doing is, in no way, limited to a single outcome. That is a misunderstanding. We are looking at every possible way to make health insurance affordable to all Maine people so I would request that you vote to override this veto, that we can add the stamp of approval, and work more closely with the Administration as the Legislature looks for a solution to probably the biggest problem that you are facing for your constituents as they are losing their health insurance due to its high costs.

I would request that you would vote to override this veto.

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

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: As has been stated by the Representative from Vassalboro, this study has made considerable progress already.

I would just like to call your attention to some action by the Administration, which really seems to contradict this veto. The Robert Wood Johnson Foundation has put out a call for applications for proposals to study (in a number of states) the way to achieve universal access to health insurance and health care. Based on Maine's experience with our Maine care program, our small business demonstration project, the Foundation is encouraging Maine to apply for this very large grant. In fact, the Department of Human Services is already making plans to submit an application and is putting together a committee, which legislators will be asked to participate on, to prepare to submit that grant which is due on March 1st. So, the Administration is participating in a program that is national and that is seeking to create a program for universal access.

It doesn't make sense to veto this bill. This bill will give us greater access to foundation support, not only from the Robert Wood Johnson Foundation, but from other foundations across the nation.

Also, we have been accorded assistance from the National Academy for State House Policy based here at the University of Southern Maine, which is greatly assisting states across the country and is ready and able to assist the State of Maine. It is much better for us as a Legislature to combine our support and our work with that of the Administration, so I would urge your support in overriding this veto.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Men and Women of the House: Very briefly, I am one of the members of the committee that Representative Mitchell spoke of. It just so happens that I stopped on my way down this morning, which is one of the reasons that I didn't get here until the bell was ringing, and one of the people that I was talking to was talking about losing their health insurance. I think that this is one of the most important issues, no I don't think so, I know that this is one of the most important issues that this legislative body and the people in the State of Maine and the people of the United States face.

I do not have any pre-drawn conclusions as to where our committee is going but one of the things that I do agree with the Governor and his message about is that we must allocate funds wisely.

There is one thing that I do know and that I have learned in the past two years since November 16, 1989 is, if you do not have health and you do not have access to health insurance and health care, you basically have nothing. We have talked about children at risk — how can children be anymore at risk when they do not have proper health care? So, it is imperative that this state and this nation start looking at the most vulnerable people we have, our elderly people, our middle-aged people, all of our people are the most vulnerable that we have and we need to go forward and find an adequate solution to this problem.

I urge you to override the Governor's veto and give the proper health care a chance to the people of the State of Maine.

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

ROLL CALL NO. 278

YEA - Adams, Aliberti, Bell, Carleton, Carroll, D.; Cathcart, Clark, H.; Clark, M.; Cote, Crowley, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Handy, Hichborn, Hoglund, Hussey, Jalbert, Joseph, Kerr, Ketover, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nutting, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Tamaro, Tardy, Tracy, Treat, Waterman, Wentworth, The Speaker.

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

ABSENT - Anthony, Boutilier, Cahill, M.; Cashman, Chonko, Coles, Constantine, Duffy, Farnsworth, Gean, Graham, Hanley, Hastings, Heesch, Holt, Jacques,

Ketterer, KilKelly, Kontos, Melendy, Michael, Nadeau, Oliver, Richards, Richardson, Ruhlin, Salisbury, Swazey, Townsend.

Yes, 73; No, 49; Absent, 29; Paired, 0; Excused, 0.

73 having voted in the affirmative and 49 in the negative with 29 being absent, the veto was sustained.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 20, 1991

To the Honorable Members of the 115th Legislature:

I am returning without my signature or approval, H.P. 1210, L.D. 1768, "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and Transferring its Essential Functions." This bill abolishes the Division of Community Services within the Executive Department and the Community Services Advisory Board. It reassigns the responsibility for the administration and distribution of block grant funds for food assistance, fuel assistance and Head Start to the Department of Human Services. It reassigns energy conservation programs to the Maine State Housing Authority. Additionally, the bill abolishes the Department of Economic and Community Development.

The 115th Legislature established a Special Commission on Governmental Restructuring to study and make recommendations for reorganization of the Division of Community Services and the Department of Economic and Community Development. At the time for signing this bill, the Commission was in the process of examining the functions and structures of these two important executive level departments. It was my recommendation at that time to allow the Commission to accomplish the task of making appropriate recommendations for any necessary restructuring of state government functions. Additionally, in my budget proposal to the Joint Standing Committee on Appropriations, I recommended several of the same proposed changes stated in this bill.

I also proposed to the Joint Standing Committee on Appropriations that the Division of Community Services be placed in the Department of Human Services. The Committee recommended for approval by the Legislature the transfer of the Low Income Heat and Energy Program to the Maine State Housing Authority effective January 1, 1992. The Committee proposed that the remaining functions of the Division of Community Services remain within the Division until the Legislature has taken action on this issue in the Second Regular Session. The proposal also included deleting the Community Services Advisory Board. The food assistance program, TEFAP, has already been transferred to the Department of Agriculture.

I plan to carefully consider the recommendations made in the Special Commission on Governmental Restructuring Report regarding the organization of

the Department of Economic and Community Development around its functions of business retention and attraction; tourism; and research, information, and advocacy for existing and prospective businesses. My decision on any restructuring of this important department will be delayed until the Legislature has acted on the recommendations of the Commission. I, therefore, respectfully request you sustain my veto.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and Transferring its Essential Functions" (H.P. 1210) (L.D. 1768).

On motion of Representative Gwadosky of Fairfield, tabled pending reconsideration and later today assigned.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 20, 1991

To the Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 1304, L.D. 1886, "An Act to Repeal the Laws Allowing the State to Participate in Lotto*America." L.D. 1886 conflicts with provisions in the 1992 - 93 budget bill and the budget bill which you now have before you anticipates a termination of Maine's participation in Lotto*America later this year.

Therefore, I urge you to sustain my veto of this bill and allow the termination of the Lotto*America program in accordance with the provisions of the pending budget document.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto*America" (H.P. 1304) (L.D. 1886).

On motion of Representative Mayo of Thomaston, tabled pending reconsideration and later today assigned.

The following Communication:

STATE OF MAINE

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

December 16, 1991

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

We are pleased to send you this copy of the final report on Resolution of Conflicting Enactments. The report is a staff study completed by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes for the Joint Standing Committee on Judiciary pursuant to Legislative Council authorization.

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

December 20, 1991

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

We are pleased to send you this copy of the final report on the Low Cost Drugs for the Elderly Program. The report is a staff study completed by the Office of Policy and Legal Analysis for the Joint Standing Committee on Human Resources pursuant to Legislative Council authorization.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Peter J. Manning
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

COMMISSION TO STUDY STATE PERMITTING

AND REPORTING REQUIREMENTS

December 23, 1991

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission on State Permitting and Reporting Requirements is pleased to submit its report to the Legislature pursuant to P.L. 1991, c. 606, Part D.

Sincerely,

S/Dean Beaupain
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
STATE HOUSE STATION 66
AUGUSTA, MAINE 04333

December 30, 1991

Representative John L. Martin
Speaker of the House of Representatives
State House Station No. 2
Augusta, Maine 04333

Dear Speaker Martin:

I submit herewith the Seventy-First Annual Report of the State Auditor as required by Title 5, Section 244 of the Maine Revised Statutes.

I would like to express my special appreciation to the managers and staff of the Department of Audit for their continued support of quality audits and to the officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,

S/Rodney L. Scribner, CPA
State Auditor

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
184 STATE STREET
AUGUSTA, MAINE 04333

December, 1991

Senate President Charles P. Pray
Speaker of the House John L. Martin, and
Members of the 115th Maine Legislature

Dear President Pray, Speaker Martin, and Members of the Legislature:

I am pleased to submit herewith the 1991 Governor's Report to the Legislature on Maine's use of Exxon, Stripper Well, and Diamond Shamrock Petroleum Violation Escrow (PVE) funds, otherwise known as "oil overcharge" funds.

This report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1986, Section 5 of Chapter 533 of the Public Laws of 1987, and Chapter 119 of the Private and Special Laws of 1989. It is based on information provided by the State agencies responsible for the conduct of programs and activities funded with Exxon, Stripper Well, and Diamond Shamrock Petroleum Overcharge Funds. This report contains information on the status of each program or activity, the amounts of all unexpended balances, and outstanding obligations against those balances.

Copies of the Report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,

S/Richard H. Silkman

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

December 23, 1991

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under MRSA 38, Sec. 1453 (2), I have today reappointed Theresa Secord Hoffman, of Dixmont, to serve as the public member on the Advisory Commission on Radioactive Waste.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

December 27, 1991

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

Dear Clerk Pert:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for the funding of the FY92 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/John R. Atwood
Commissioner

Was read and with accompanying papers referred to the Committee on **Appropriations and Financial Affairs.**

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 258) (L.D. 349) which was tabled earlier in the day and later today assigned pending reconsideration.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: This action we are about to take, whether we sustain or whether we vote to override the Governor's veto on L.D. 349, is probably one of the most important bills, I feel, for my area and any area that has an industrial facility that has a potential to cause an immense amount of harm to the public.

What L.D. 349 does is it answers the Governor's concerns on an original bill that was submitted in the 114th Legislature. It defined where he needed definition, it gave DOL the power for rules and

regulations which he asked for.

I find it really disconcerting that the Governor chose in his veto message to say that, because of our hard economic times, it is one of the reasons he vetoed this bill. I would hate to think that the chief administrator of this state puts the public safety behind that of industrial good.

The bill was not submitted only for the purpose of a strike, it is also the start-up of facilities which could injure, which could have dangerous gaseous leaks that could cause severe harm. The Governor chooses, once again, to take the side of the industrial community rather than that of the public which works in them, the public which goes to school around them. The incident in Jay should have been used as a warning by this state so that we as lawmakers, policy makers, could make the decisions so that we could protect other citizens of this state from this happening.

I do hope this body chooses to override the Governor's veto because it is the right thing to do.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: It serves no purpose to read the veto message, we can all do that. I would only say that I am not unsympathetic to the intent of this bill.

When Representative Pineau and I were colleagues on the Labor Committee, we spent a great deal of time attempting to reach agreement on a document that would address these concerns. It is still my opinion, however, that this document is unnecessarily duplicative in many ways and that it does not carry sufficient standards with which someone could comply in order to meet the intent of the bill. For that reason, I would hope that this House would sustain the veto.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We had proposed a similar bill in the last session and what we did was take this bill and gave it to our L.A. and said, work out all the details and every objection of the Governor and address all objections the Governor had in his veto. We did that, and again, the Governor vetoed. So, we know full well what it is, the Governor does not want a public safety bill, very plain, very simple. Anything that will protect the public, he does not want because it might cause a problem to industry.

I want to remind this House of the poultry industry accident — the federal government and the state government don't do a great job of protecting people in the workplace. When they had that accident fire, 25 people perished. Had they had a law such as I am proposing here, that would not have happened.

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

ROLL CALL NO. 279

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

Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Tamaro, Tardy, Tracy, Treat, Waterman, Wentworth, The Speaker.

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

ABSENT - Cashman, Chonko, Constantine, Farnsworth, Graham, Hastings, Ketterer, Lipman, Murphy, Pines, Ruhlin, Swazey, Townsend.

Yes, 87; No, 51; Absent, 13; Paired, 0; Excused, 0.

87 having voted in the affirmative and 51 in the negative with 13 being absent, the veto was sustained.

The Chair laid before the House the following matter: Bill "An Act to Ensure Early Intervention Services to Eligible Special Needs Children from 3 to 5 Years of Age" (H.P. 588) (L.D. 839) which was tabled earlier in the day and later today assigned pending reconsideration.

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

Representative **ANTHONY**: Mr. Speaker, Ladies and Gentlemen of the House: This was my bill and that is why I am standing here to speak in regard to the Governor's veto message.

The bill, as I originally proposed it, would have done a number of things in the area of 0 to 5 population's special needs children. It would have equalized the services that were available to all of those children. In the past and currently, there has been a division between those 0 to 3 and those 3 to 5 in terms of the nature of services provided and that would have equalized it on a no cost basis, it was revenue neutral.

When the bill got to committee, it became clear that more funds were needed for the Child Development Services Program and the bill was used as a vehicle to ask for those funds. The statutory language that had originally been part of the bill was deleted and it became just a funding bill. Because of the shortage of funds, the Governor has vetoed it.

There are a number of things that have to be done in the area of child development services still and, thankfully, there are two bills that will be coming up in the Second Regular Session, one by Senator Estes and one sponsored by Representative

Constantine, both dealing with this area. Those bills will provide adequate and appropriate vehicles for doing what needs to be done, including some of the ideas that I originally proposed. As a consequence, this bill is not needed as a vehicle and I will be voting to sustain the Governor's veto and I would invite other members of this House to do the same.

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

ROLL CALL NO. 280

YEA - Adams, Aliberti, Boutilier, Cahill, M.; Carroll, D.; Clark, H.; Coles, Cote, Duffy, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Gurney, Hale, Handy, Heeschen, Hichborn, Holt, Hussey, Jalbert, Joseph, Ketover, Kilkelly, Lemke, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Pouliot, Rand, Richardson, Rotondi, Rydell, Sheltra, Tamaro, Tardy, Tracy, Treat, Wentworth, The Speaker.

NAY - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Butland, Carleton, Carroll, J.; Cathcart, Clark, M.; Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Farnum, Farren, Foss, Garland, Gray, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Hichens, Hوجلund, Jacques, Kerr, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Mayo, Merrill, Murphy, Nadeau, Nash, Nutting, Oliver, Ott, Pendexter, Pendleton, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Richards, Ricker, Saint Onge, Salisbury, Savage, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Cashman, Chonko, Constantine, Farnsworth, Graham, Hastings, Ketterer, Ruhlin, Swazey, Townsend.

Yes, 58; No, 83; Absent, 10; Paired, 0; Excused, 0.

58 having voted in the affirmative and 83 in the negative with 10 being absent, the veto was sustained.

The Chair laid before the House the following matter: Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715) which was tabled earlier in the day and later today assigned pending reconsideration.

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

Representative **JOSEPH**: Mr. Speaker, Men and Women of the House: I urge you to override the Governor's veto dealing with selective purchasing in South Africa. The Governor raises the question of substantial improvement or substantial changes in the government of South Africa. I understand the Governor's objections to this bill and I understand

the Governor's concerns. However, I respectfully disagree with the Governor on this issue. I agree that progress has been made but not enough progress has been made.

In South Africa today and for the past two years, I understand that there has been progress towards a democratic government in South Africa. However, one issue has not been addressed amongst others but the most important issue is one vote for one person. That will not be addressed until there is in fact a constitution developed in South Africa by the CODESA, the conference that will be meeting in March or as late as June in a plenary session at the World Trade Center in Johannesburg, to determine and guarantee the right of one person and one vote.

In his message, the Governor says that this would prove costly to the State of Maine. I respectfully disagree. There has been no proof of extra costs. In the State and Local Government deliberations, it was shown to us there is no fiscal note on this piece of legislation. I would urge you to override the Governor's veto, to use a Maine colloquialism "to hold the feet to the fire" of those who are going to be drafting and creating the constitution for the country of South Africa.

You may think that what we are going to do here today and what we have done in the past by creating sanctions, as far as divesting in companies doing business in South Africa, has little or no meaning, I beg to differ with you. It has a great deal of meaning. Last week on Thursday, I met with the ambassador to the United States from South Africa, the Honorable Harry Schwartz, I also met with the consul for South Africa, Bill John, who works in New York. If you believe that what Maine does here today or what Maine has done in the past has no meaning, then I would have to raise the question to you, why would these gentlemen travel to the State of Maine prior to a Special Session of the Maine Legislature to ask that we sustain the Governor's veto because they say that they are making substantial progress.

However, we are not looking at the issue with the same eyes. I am looking at this issue with the eyes of a person who has had the privilege of living in a democracy, as a person who has seen this country celebrate its 200th anniversary of the ratification of Civil Rights in the year 1991. I am looking at this through the eyes of a person who feels that one vote for each person in this United States, and in all democracies throughout this world, is a very important issue. So, a part of this piece of legislation which seems to have been ignored is the fact that this piece of legislation sunsets in 1993. We would hope by then the country of South Africa will have developed a constitution that guarantees to the citizens of South Africa the same rights that we have here in the State of Maine and in the United States.

I ask you to override the Governor's veto, this is a very important question.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I urge you to sustain the Governor's veto for several important reasons. On top of your desks, you will find a sheet that I had prepared over the last few days that summarizes some of the traumatic changes that have taken place in South Africa in just the last six months, changes not unlike those in significance to those in Eastern

Europe.

One of the most interesting kind of commentaries about the changes that are taking place in South Africa is in the person of the Ambassador. I, too, was visited by the Ambassador last week and the Counselor General of South Africa who works in New York City. Those two gentlemen were in the State of Maine urging the Maine Legislature not to impose further sanctions against their country. They did it out of a concern for the people of their nation. On June 17, 1990, while this same session of the Legislature was still meeting, apartheid was repealed and the process has been dramatic almost day by day in that nation.

On July 10th while this Legislature was meeting, the United States ended its trade embargo. The International Olympic Committee, for the first time in almost a generation, has allowed their members to participate. On the same day, Britain made major changes in their policy towards South Africa and it goes on day by day in the nation of South Africa. Parties that before were not talking to each other are now and are at this very moment in time.

Of the 20 major interest groups, a full 17 are participating in the drafting of a new constitution. And, as was explained to us by the Ambassador, the two or three that are not are some who are interested in maintaining their own little independent nations within the nation of South Africa. These are dramatic times in that nation and it would seem to me that this Legislature would not want to take a position that could jeopardize the support for those negotiations. No other state in the nation is considering any type of sanctions at this point in time. In fact, the State of Oregon has rescinded some of their previous sanctions.

It was mentioned earlier in the discussion by the Representative from Waterville that there is still not an equal opportunity for all people in that nation to vote. The way the negotiations were explained to this individual, that is by choice of the negotiating parties, that there will not be another nationwide election in South Africa without all individuals being allowed to vote. That is the commitment of all parties.

South Africa is a nation that has been devastated, a nation with 42 percent unemployment. It would seem ill-advised at this point in time to increase sanctions that would jeopardize any potential for investment in that nation. This action, should the bill become law, would run against the grain of worldwide support for the negotiations that are going on in South Africa now.

I urge that the Governor's veto be sustained.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Despite the day and the hour and the issues that we still have before us, I choose to rise today to speak on behalf of people for whom there is no good day, there is no better hour and there is nothing but difficult issues to face. I am going to ask you to share a moment with me and to bear with me because I am enjoying a good bout of laryngitis and my voice is going to fade before I reach the end of the set of pages I have in my hands.

I would like to tell you briefly the what and the why of this bill, and then the words that I exchanged in a fascinating, frank and, frankly, very blunt exchange that I had with the South African Ambassador

to the United States just last week.

To begin with, a quick things and the easy ones and to be brief — what about this bill? Essentially, this is a "buy America first bill." No one testified against it at the public hearing. It bears no fiscal note. It was approved by the Appropriations Committee, even in our hard financial times. The State Purchasing Agent of the State of Maine said he could readily live with its provisions after certain technical changes were made, which were done. It passed both Houses of this Legislature, this House by a bipartisan vote of 92 to 53. Essentially it says, "we buy America first" by selective purchasing, that is, Maine will buy goods preferentially from those companies not doing business in South Africa with exemptions made for anything that the state would declare to be a necessity and it can declare virtually anything a necessity and with exemptions made for those companies that have signed and lived up to the Sullivan Principles. These are an internationally accepted set of standards written by a Black American minister named Sullivan, which are internationally known and signed by most of the great corporations of the world, including Xerox, J.P. Morgan Bank, etcetera, just two of the over 250 companies that have withdrawn from doing business in South Africa since 1986.

With these exemptions allowed in the bill, so little remains that we actually do purchase that doesn't already fall under one of those two categories, it is more a bill about principles rather than about purchasing. I would point out to you that Maine companies like L.L. Bean's and Hannaford Brothers already voluntarily no longer buy anything from South Africa. The bill itself will sunset in 1993, little more than 18 months from now, in fact to be able to recognize and to take the pressure off after and if all those promised changes take place in South Africa.

All fine and good Herb, you say, but why? Why are we bothering? We have passed preferential purchasing bills and do they mean anything to us sitting here in Augusta, Maine on a cold January day? The answer is yes, we pass them all the time and you and I should be proud of it. Already on the books, there is a "buy Maine first" law with no exemptions whatsoever written into it. It is far stricter than anything proposed by the bill that was passed by this House and then vetoed by the Governor. You will find it on the books in MRSA 26, Chapter 15, paragraph 1301, which requires a preference be given to residents of the state when all other bids are equally favorable when Maine buys goods and services. In this same Legislature last session, we passed a bill signed by the Governor into law which imposed similar sanctions on Northern Ireland. It is more a statement of principle rather than a purchasing because, in fact, we buy so little that falls at risk.

Are we alone in what I am proposing here? Certainly not. As I mentioned when we spoke to the House about this bill almost 8 months ago, there are 142 different divisions of the United States, that is states, towns, counties, that already have some very similar law like this on the books. They include Michigan, Massachusetts, Rhode Island, New York City, the state of North Carolina, Boston, Washington, D.C., all of which we looked at, all of which we chose the best pieces from, and all of which were

written into the law that we present to us now to make the strongest possible statement with the least possible pain. I would point out to you that since the President lifted the federal sanctions last year, none of those 142 individual sanctions have been lifted. Oregon is the only exception because Oregon is the only state in the United States which tied the existence of its sanctions directly to the existence of federal sanctions. When the President abolished the federal ones, Oregon's fell too.

I must differ with my friend in the corner, the Representative from Waldo, Representative Whitcomb, because in Oregon right now, they are trying to reimpose their own form of state sanctions that do not hinge upon the deeds done by any other government other than their own.

I, too, had a remarkable meeting with the Ambassador from South Africa last Friday. The Consul General of South Africa, the Ambassador himself, and a third person, a younger gentleman whose purpose seemed to me to be scanning the open windows of the buildings all around us, to keep one hand poised significantly around the open flap of the front of his coat and to keep his eyes very carefully and very hard on me throughout a meeting that lasted almost two hours with our elbows touching at a small table in the corner of a coffee shop in the city of Portland. It was, to put it diplomatically, a very frank exchange based, I hope, upon the principles that we as Mainers, a small state that does not bang a very big drum in the world but bangs one loud enough, have held dear to ourselves throughout all those years when we were owned by another state, when our people were subject to another state's laws and when our people had to stand up for themselves not that long ago in the year 1820, to finally say, our individual rights and independence means something. At times in that exchange, our noses were probably not more than five inches apart. Concluding the conversation, the South African Ambassador leaned over to me and said, (and I wrote the words down at the time) "My bright young friend, I assure you no one in South Africa has ever heard of Maine and nothing Maine can do will ever hurt South Africa." Well clearly, he had heard of Maine. Clearly, three South Africans had no difficulty finding the toll booth at Kittery. Clearly what we did a few months ago mattered so much to them that since no other state has lifted sanctions since Oregon that they would take the time to come here and find a number of State Representatives and then find one insignificant one-term Democratic Representative from the smallest district in the state and sit down with him for two hours to talk. In parting, the Ambassador took my hand and said again, "My young friend, I wish to assure you that South Africa has no intention of declaring war against the State of Maine." I assured him, "You will be happy to know that it was not in our plans either."

Why? Why would he come all the way to the State of Maine? Because clearly what we do as a people does matter. One hundred and forty-two other municipalities, counties, cities or states in the United States have maintained their principle stand, some of them at extreme financial cost. In the State of Michigan, what the state purchases in terms of automobiles made in Michigan, have fallen under their sanctions law. To bite the principles bullet has cost them much more than it will you or I.

Whatever we do, will it matter to anyone else? I

say so — those people on the ground where it matters who live under the laws in the country of South Africa say this, the South African Council of Churches; the Archbishop himself, Desmond Tutu; the Congress of South African Trade Unions; the National Council of South African Trade Unions; the South African Human Rights Commission all encourage sanctions to remain on the books in the United States for the time being until real results are really on the books and one person, one vote is really the law.

Despite what you may have read in the newspapers at the moment, the four-tiered, color classification system of Apartheid has not been abolished in South Africa. It remains no longer in operation for all those people born after February, 1991, meaning all 35 million people born before that date, may no longer carry the designation on their passport but they carry the classification by color with them all their lives. Color courts with specialty lawyers exist in that country still to this day, whose only job is to rearrange a person's classification by elaborate calculations of his blood lineage so he may enjoy greater or lesser matter of rights. Blacks still cannot vote in South Africa. Archbishop Tutu may win a Nobel Peace Prize but he cannot vote. Nelson Mandela may spend 27 years in prison but he cannot vote. Emergency arrest powers and imprisonment powers remain in effect in unrest areas, which all happen to be Black. The South African federal government has turned the powers to legislate individual housing areas over to the local governments in a country where only whites can vote — how do you think that vote is going to go?

Ladies and gentlemen, Maine's law that was proposed, passed by the committee, approved by Appropriations, passed by this House by a bipartisan vote of 92 to 53, passed by the other body — all of that a statement of principle and not so much of purchasing, will be on the books merely 18 months and will sunset in 1993, that is what we are talking about. A statement of principle, not so much of purchasing.

What is the bill about, you say? If you think back, I think you will see clearly what this bill is about. Men and women of the House, if your last name is French and your family worked in the mills of Waterville or Winslow or Biddeford, you know what this bill is about. If your last name is Irish and your family happened to work on the waterfronts of Portland, Belfast or the mill waterfronts of Old Town and Orono, you know what this is about. If your last name is Scandanavian and your people worked in the woods of Oxford or Piscataquis County, you know what it is about. If your last name is Italian and your people worked to build the mills of Millinocket and the railroads from Portland to Saco and again northwards, you know what this is about. If you have any difficulty remembering, look to the last name of your seatmate or look to yourself, you know what this is about. We all know that, it is the story of those people who start on the bottom in the land of opportunity, opportunity for everyone, except for them. I ask you to keep that in mind as my voice is slowly failing and fading — South Africa may be far from our home but it is not far from our hearts. We have to look so far back in our own pasts only as the year of 1820 to see what this bill is about and why it is still important to us.

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

Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The motto of this state is, "I lead." South Africa has been invited to the Olympics, President Bush has ended the U.S. Trade Embargo and that is all well and good. In the same way that we are charged to deliberate in this body, independent of the action of the other body, I would suggest that we also need to be independent of other entities and look to ourselves to the answer for this question and nowhere else.

The question before us today is very simple and very basic, should the State of Maine use its resources to support companies that believe that Apartheid and discrimination are wrong? Should the State of Maine give preferential treatment to companies that support the Sullivan Principles? What does it do the State of Maine? There are clauses in this bill that will prevent undue hardship in purchasing if the purchasing people determine that there is something that must be purchased from a company that does business in South Africa, we can do that. They have assured us that there will no additional cost to the purchasing department so there is no fiscal note on this bill.

We have already heard that Bishop Tutu cannot vote and cannot live where he chooses. He can, however, be a Bishop in the Anglican Church and he can win the Nobel Peace Prize. Bishop Tutu is an obvious example but I would suggest to you that he is an example of millions of other people in South Africa and I emphasize the word "people."

We need to do what we can do to make a statement today because I believe that it is wrong for one people to oppress another people. We fought in the Revolutionary War on that principle, that we as a people wanted to rule ourselves. We as a people wanted to determine what was going to happen with our lives and our country for our children and for the future.

We have an obligation, a moral obligation in this simple bill to make a statement that it is wrong what is happening. We can also make a statement that we are very pleased about the progress that has been made and we are and ought to be but that does not mean that there is not much progress yet to be made. To remove all of the pressures that have caused the progress to be made would allow that to backslide to a degree that we don't know at this point.

I would urge you to vote to override this veto, to do it with the thought of the people that cannot be here to vote, the people that cannot vote even in their own communities, the people that have no control over the situation in which they are living and are totally oppressed. We should do this in support of their efforts to be a free people and to have control over their country and their lives for themselves and their children.

I urge you to vote to override this veto.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I am proud to say that something we have done here in Maine has helped to give that extra push to the South African government in its negotiations with its people.

There has been a great deal of movement since we first voted on this bill as Representative Whitcomb mentioned. This bill, which I supported, I now ask

you to join me in rejecting and sustaining the Governor's veto.

As a message to the government of South Africa, I would like this message today be that we will not reward you for what you have done so far because it is not enough. However, we will not inflict anymore harm on your nation as you move towards a true democracy and in moving toward a true democracy, you must incorporate in your constitution "a one man, one vote." If this process of democratization becomes bogged down, I assure you that I will certainly vote again to inflict harm on a segregative government of South Africa.

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

ROLL CALL NO. 281

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

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

ABSENT - Chonko, Constantine, Graham, Hastings, Ruhlin, Simpson, Swazey, Townsend.

Yes, 89; No, 54; Absent, 8; Paired, 0; Excused, 0.

89 having voted in the affirmative and 54 in the negative with 8 being absent, the Governor's veto was sustained.

The Chair laid before the House the following matter: Bill "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and Transferring its Essential Functions" (H.P. 1210) (L.D. 1768) which was tabled earlier in the day and later today assigned pending reconsideration.

On motion of Representative Gwadosky of

Fairfield, retabled pending reconsideration and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto*America" (H.P. 1304) (L.D. 1886) which was tabled earlier in the day and later today assigned pending reconsideration.

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

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to sustain the Governor's veto. This bill was passed before our last budget reform and our last budget reform eliminated Lotto*America so this bill is now unnecessary.

There is still some language dealing with Lotto*America in state law and I spoke to the Governor's Office and they have agreed with us that that language will be taken out this session. I urge you to sustain the veto because this bill is now unnecessary.

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

ROLL CALL NO. 282

YEA - Adams, Cashman, Duffy, Gean, Gurney, Handy, Lemke, McHenry, McKeen, O'Dea, Paradis, P.; Tracy.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hanley, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Manning, Marsano, Marsh, Martin, H.; Mayo, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tammaro, Tardy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Chonko, Constantine, Graham, Hastings, Kilkelly, Macomber, Mahany, Ruhlin, Swazey, Townsend.

Yes, 12; No, 129; Absent, 10; Paired, 0; Excused, 0.

12 having voted in the affirmative and 129 in the negative with 10 being absent, the Governor's veto was sustained.

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

COMMUNICATIONS

The following Communication: (H.P. 1404)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

January 6, 1992

To the Honorable Members of the 115th Legislature:

Please note that my message of December 20, 1991, returning H.P. 1184, L.D. 1727 "RESOLVE, to Study the Feasibility of a State-wide Health Insurance Program" incorrectly referenced the original title of that bill "RESOLVE, To Develop a State-wide Health Insurance Program." Please make note of the correct title.

I hope you will excuse the inconvenience caused by this oversight. Thank you for your attention to this matter.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file and sent up for concurrence.

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

SENATE PAPER

Bill "An Act to Correct An Engrossing Error in Public Law 1991, Chapter 622" (EMERGENCY) (S.P. 823) (L.D. 1991)

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 State and Local Government.)

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, ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 7, 1992

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

Dear Clerk Pert:

Senate Paper 80 Legislative Document 143, An Act to Preserve the Integrity of the Maine State Lotteries, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 7, 1992

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

Dear Clerk Pert:

Senate Paper 247 Legislative Document 656, An Act to Reduce Duplication at the Department of Human Services, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 7, 1992

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

Dear Clerk Pert:

Senate Paper 326 Legislative Document 882, An Act to Amend the Laws Concerning Certification of Educational Personnel, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333

January 7, 1992

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

Dear Clerk Pert:

Senate Paper 551 Legislative Document 1455, Resolve, to Conduct an Independent Review of the Department of Human Services, having been returned by the Governor

together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct An Engrossing Error in Public Law 1991, Chapter 622 (S.P. 823) (L.D. 1991)

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

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

SENATE PAPER

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" pursuant to Joint Order (H.P. 1401) on Bill "An Act to Determine the Distribution Method of the Supplemental Reduction to General Purpose Aid for Local Schools for Fiscal Year 1991-92" (S.P. 789) (L.D. 1986)

Signed:

Senators: BRANNIGAN of Cumberland
PEARSON of Penobscot
FOSTER of Hancock

Representatives: FOSS of Yarmouth
CHONKO of Topsham
CARROLL of Gray
REED of Falmouth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-478) on same Bill.

Signed:

Representatives: HICHBORN of Howland
MICHAUD of East Millinocket
RYDELL of Brunswick
PARADIS of Frenchville
POULIOT of Lewiston
MacBRIDE of Presque Isle

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-478) as amended by Senate Amendments "B" (S-522) and "C" (S-523) thereto.

Reports were read.

Representative Chonko of Topsham moved that the House accept the Majority "Ought to Pass" Report.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that we reject the Majority Report and accept the Minority Report and I will tell you why.

L.D. 1986 is a method of deappropriating \$16.1 million from General Purpose Aid to schools. It is an incredible hit on the top of the other millions of dollars in adjustments we have made to the public schools.

As you know, the Committee on Education, like the Committee on Appropriations, boiled the options down to two, the 3.41 fixed rate and the compromise rate that takes 50 percent from the mill rate proposal and 50 percent from the fixed rate proposal.

Yesterday in the Education Committee, we voted 9 to 4 in favor of the compromise 50/50 option. It was not a party vote, there were six Democrats and three Republicans that voted for the bill. There were three Democrats and one Republican that voted against the bill.

Why did we favor the 50/50 option? When you compare the deappropriation of the fixed rate and the compromise rate against the total year budget, not the "state only" subsidy but the local and state dollars that each district has, you will find the compromise 50/50 is by far the fairest and most equitable method. For example, the richer towns and cities under the fixed rate would be cut to the tune of just 0 to 0.3, 0.4 percent etcetera whereas the compromise rate (these same towns) would be cut 1.3, 1.5, 1.45 from the total bill so they would be averaging about 1.5 percent of their total budget. The poorer towns would have been out over 2 percent of their total budgets under the fixed system. Under this compromise system, they, too, would be cut 1.3, 1.5, 1.45, etcetera. If you take a town like Chelsea, for example, they would be cut 2.3 percent under the fixed rate and 1.5 percent under the 50/50 plan. Chelsea is in Union 51 and they only have K-8 schools, they don't have a high school so their high school students are all tuitioned out at their expense (because the money is given to Chelsea and the other five towns in that district) and the monies that go to the high schools will be cut at Chelsea's level, not at the high school, because they have to pay the tuition rate to high schools. They do not have a high school. There are many, many towns that

fall in this category.

As I said before, about 70 percent of the towns in Maine are under 2,000 people. In many of the counties, for example Waldo County, there are 32 towns and only three high schools. Some of the towns in Waldo have tuition students as does Washington, Aroostook and all the other counties, even Kennebec, Cumberland and York, so every county has their small and poor towns. This combination system is going to protect them.

The system comes closer to maintaining the integrity of the Maine School Funding Law and we were told this year by John Oganblick that Maine's system was one of the best in the United States. He said that at the Comfort Inn one day while I was there and I felt good that he said this. We did have problems and he was quite excited about our circuit breaker plan. He said that this was unique so Maine has uniqueness tied into its education system with the circuit breaker in order that everyone has a chance to get educated. So, this system comes the closest to maintaining the integrity of the funding law.

I hope you will support this bill and not completely destroy the system that protects the poor. It is not a hometown mentality vote, we are here to represent the people of Maine, we are here to represent the 210,000 children of Maine who want to be educated and should be educated. We don't want to get caught in the bag like Texas, Kentucky, and California were in having to go to court because their systems were not constitutional. Our system is.

The Maine Superintendents Association supports this bill for the same reasons that the majority on the Committee on Education did because it is fairer.

I hope you will all support my motion to reject the Majority Report.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: The percentages that the House Chair just gave you sound very reasonable but I would urge you to keep in mind that we are talking about dollars, real dollars, out of an already beleaguered taxpayers pocket. Before I begin my comments, it is important for you to please keep that in mind.

Whenever one speaks to someone who is going to be asked to be fair and reasonable, that person must be sure, first of all, that he himself is being fair and reasonable.

I would like today to talk about Westbrook specifically and individually most of the so-called low receivers around the state. I ask you please to keep the term "fairness" in your mind as I speak because, surely, that is my only hope and I realize that. It is my only hope for success over the next few minutes. My only hope is that you will consider my remarks in the plight of communities like Westbrook who are failing. I beg you to hear me in the next few minutes for my cause.

As a community, Westbrook's state valuation growth for 1991 & 1992 was below state average. As a community for 1992 & 1993, our projected growth is .7 percent, while the state as a whole, is 5.6 percent. Westbrook is on the decline. Once again below average, we are no longer a wealthy community as defined by state valuation. The decline in these two years under normal circumstances provided us with a subsidy of \$4,987,303. As a result of previous shortfalls, we received \$4,348,000 instead, which was

a loss of \$648,000, almost \$649,000 in anticipated revenue.

Now, omitting losses through council action and our local council reduced the school budget in Westbrook by \$247,000, we are being asked to assist the rest of the state by a combination of percentage and valuation. Because of this, we would lose an additional \$83,000 over and above the \$148,000 from the straight percentage option going to the 50/50 option. Total losses of state subsidy that we would ordinarily have received add up to \$879,840 and that does not include the \$247,000, which I already mentioned the Westbrook City Council cut from the school budget. In other words, on top of the original cutback of almost \$650,000, we are now being asked to absorb another \$231,000 with less than six months left in the school year. The problem, of course, is the school funding formula.

Now before I elaborate on that, I want to speak about that fairness issue I asked you a few minutes ago to keep in mind. For all these years, in spite of pressure to change it, I and most other Representatives from low receiving towns, have resisted the temptation to call for a change in the funding formula, even though it would surely be in our best interest to do so. We resisted it because we were convinced, and my own Superintendent of Schools of which I am very proud, Ed Connolly, has constantly encouraged me to resist it because, in his judgment, the good of children around the state was more important than what would happen to our budget in the City of Westbrook by itself. I commend him for that and I have supported that through these seven years.

As you know, most low receiving communities have been receiving smaller amounts over the years so I ask you to please keep that in mind. I supported what I believed was fair and reasonable and now my remarks today are leading up to asking you to be fair and reasonable as well. The formula does not work, obviously, when taking money out. We submit, the City of Westbrook, that the formula failed to work, that is to create equity when the uniform property tax was repealed. With the repeal, the Legislature created its own definition of equity with the use of state valuation as the equity key when the funding formula was developed. In cases where one compares the results of fixed versus 50/50, the high receivers do lose more dollars. I do not deny that but they lose more dollars, and this is one of the fairness points, out of a greater subsidy. I have a long list if you would like me to go down through them of the communities who, in fact, do lose more money in dollars than the City of Westbrook, for example, but when you compare it to their subsidy, some of which are twice as much as the City of Westbrook — Westbrook receives a little over \$4 million and there are communities who receive \$8, \$9, \$10 and \$12 million dollars who are receiving far less reduction in proportion.

As an aside, I suggest that the Legislature ought to review how much carry over money there was in each community over these past two years. It is our contention in Westbrook that the attempt to create the rich versus poor Maine will play directly into the hands of those who support the so-called Palmer Hinds proposal. It will become increasingly difficult for some of us in the low receiving communities to convince our communities not to support a change which will put substantial amounts

of money into treasuries of those communities, especially if the perception exists, (and it does) that when money was being removed from the formula, we, the City of Westbrook and many other communities, the so-called low receivers, were viewed as being less deserving. You can call it what you want as you talk to your constituents and your reporters and everybody else but it will be perceived as those thinking that somehow we were less deserving.

Lastly, we in Westbrook do not wish to be viewed as selfish. I think my support over these seven years and my superintendent's support over these seven years for the funding formula denies anybody who suggests that we are being selfish. We do not wish to be viewed as wealthy either because, clearly, we are not. We are an industrial-based community losing employees all too rapidly and facing an uncertain future with our major employer, S.D. Warren. We ask only that you consider our plight and we ask only that you consider our children as citizens of all the state as I have been asked in these seven years to consider in my support of the school funding formula — please Representative O'Gara, consider all the children and now I am asking you to do the same.

When our growth was rapid, we paid more than our fair share and we did it willingly. Please, fairly and reasonably, consider us now that our growth is no longer rapid but rather on the decline. Equity will always be one of our noblest goals but it will only be so in the eyes of the perceiver.

A couple of final quick items. In Westbrook, 58 cents of every dollar is spent on education. Westbrook, I am proud to say, for all these years in spite of economic problems, has always supported education. We have funded, over and over again, bond issues to support renovations or building brand new facilities because they believe in education. Westbrook supports the vocational school to which students from Gorham, Windham, Scarborough and Bonney Eagle come. The sending schools pay only the percentage of the number of students that they send for the equipment; otherwise than that, the whole program is absorbed by the City of Westbrook. Obviously, Westbrook will have to look at that support if they are forced into it through additional cuts.

You have all talked about valuation in property values — a home in Westbrook valued at a \$100,000 calls for a tax bill of \$1,900. I think it is fair of me to ask each of you to consider if your towns are doing their best to raise their fair share of the cost of education. I think the missile that Representative Norton sent out, I assume to all of us, some time ago showing the unfairness around the state of what communities are doing regarding taxing property in their communities is just one example of where we all have to look at what we are doing to raise our fair share.

I also want to point out that in nearly 100 communities, as a matter of fact at lunch it even went up to 125 as I looked more closely, and in that number of communities, it will lose more by supporting a fixed percentage and there are those who will lose more if they support the fixed percentage which I am begging you to support. They will lose more but over 125 of those communities, the loss between 50/50 and the percent rate, will be less than \$10,000 ranging all the way down to \$1,200, \$2,500 and less. It is still a loss, I don't deny that, but

I am simply asking you to, in fairness, compare a loss of less than \$10,000 by supporting the percentage rate as opposed to \$83,000 in the City of Westbrook, over \$600,000 in the City of Portland, (and I represent a portion of Portland) \$186,000 in South Portland and many, many other communities around the area. I would suggest to you that \$10,000 is far less coming out of a greater subsidy than Westbrook, which will lose \$83,000 if the 50/50 plan is approved.

I thank you for your patience on behalf of the students of Westbrook and all of the other communities. I have absolutely no right to speak for the communities that are represented by other Representatives here and I assume that they are going to get up and speak but it is a question of fairness. Without hesitation, I have supported the funding formula because I felt that it was in the best interests of all students. We are all going to lose some money by whatever plan we adopt today. I ask you to be prepared and to be willing to take a stand in support of the flat percentage across-the-board and be willing to justify it to your constituents as I have been willing (for seven years) to justify it to my constituents in the City of Westbrook without any hesitation, regardless of whether I was re-elected or not. Believe me, it has been an issue with many of my opponents over these years. Re-election was not the key, the key was what was fair. I ask you to consider the fairness of the issue.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I believe very deeply that the state should engage in funding that equalizes education in this state. I believe we need a state funding formula that does that but the state funding formula we have now has taken that principle and turned it on top of its head. It has turned some communities, which are marginal communities, into educationally impoverished communities in this state. It has created pockets in this state where the education given to students is not equal to the education of other students, simply because it has taken money away from those communities.

If the Minority Report is accepted it will take that educational funding formula and make it much worse. It will impoverish those communities even more. I live in a community which was perhaps the first affected by the drop in educational funding. We went from 42 percent down to 11 percent, yet the neighboring community, the town next to mine, where property values are the same, where people work the same jobs, where there are the same ratio of residential to industrial property, they get 60 percent of their education funded by the state. We now get 18 percent funded by the state.

If the Minority Report is accepted, we will be asked to bear a greater share of the burden that we have shifted onto the property taxes in these latest budget cuts.

I ask you to think about what the previous speaker talked about, about fairness. If we are truly dedicated to a fair and just system of educating our children in this state, we must truly equalize the opportunity and we must not use an educational funding formula to impoverish certain communities.

I ask you to support the Majority Report.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult to follow two eloquent speakers, speakers who speak from the heart. I understand what they are saying and why they are saying it. I know that they are very sincere.

The good gentleman from Stockton Springs pointed out something that is very important and that is that the cuts that are being made, if based upon the cost of operations of school programs throughout the state, provides as equitable and as even a cut as is possible — as he pointed out, roughly 1.5 or 1.6 percent, whether it is a large community or a small community. We talk about fairness and equity and I think that is the reason why we have an agreement on the part of the majority of the superintendents that the 50/50 deal is the best deal. Although we are talking about the cuts, we are getting into a discussion about the formula and I would not care to engage in a debate on the formula because this is neither the time nor the place nor the hour to do that. That time is sometime perhaps in the near future but it is not today.

We are talking about a cut that is going to require cutting operational costs, not a cut in subsidy but a cut in operational costs. As near as it could be figured out, it will be approximately the same for the small towns and the large towns. I think that perhaps although this is a little digression, we should call attention to the fact that we seem to be emphasizing the hole in the donut rather than the donut itself. We are concerned about a \$16 million cut and I would call your attention to the fact that when I was down here before, the State of Maine was contributing some \$30 million dollars every two years for the support of education in the communities. Do you know what it is today? Over \$1 billion dollars every two years. We are putting 53 percent of our General Fund money into education, both general and higher education.

I have a lot of faith in the administrative ability of the superintendents of the schools of the State of Maine and I have a lot of faith in the teachers of Maine. They are going to give you just as good an education tomorrow (if you are talking about basic education) as you are getting today, but it is true that we are going to go back a step, if you want to call it stepping back, on mandates. We are going to have to cut some extra programs and I do not stand up to criticize any of these programs because I think they are all good but I think we have some programs that are going to cost us a fortune when we don't have the fortune to spend but that is beside the point. I think if we are going to cut equally, as nearly as is possible to do, on the operational costs for the big towns and the little towns, that is the way to go.

I hope when you vote, you will vote for this Minority Report, which is the 50/50 deal.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have written my speech for the first time. I don't do it very often but I felt really compelled to put this down in words.

The question has been asked a zillion times since I have been here — how does the school formula work? A few years back, I recommended a bill to the

Taxation Committee to have a study commission on the formula and have them travel around the state to see what they could do to solve this problem. The end result was, it was working, and nothing could be done and that they were doing a good job.

The current formula focuses on how we obtain pupil and taxpayer equality. That is what I want to talk about, the need to know your municipal and school officials where you can talk about municipal and school budgets and ways to increase those budgets and to reduce state aid. Two things drive the school finances, there is pupil equity and the taxpayers equity. One has the objective of providing the same amount of educational dollars for all students, no matter where they live; the other is to provide the same tax burden on all taxpayers.

This provides more state aid for poor school units and fewer state dollars for richer units. This, my friends, is to assure that the quality of education a pupil receives does not depend on the wealth of their community. My community is perceived to be a wealthy community because it has buildings — let me tell you, there is nothing in those buildings.

For the taxpayers to receive equality, the state decides what mill rate should be raised by each school administration and requires each school unit to raise that amount. In May of 1990 and 1991, the mill rate on the local taxpayer was 6.13 mills. This provides taxpayer equality if there are no permitted exceptions. My city mill rate is 32 per thousand. My city has not received appropriate support from the state funding formula. In these last rounds, it has resulted in a 13 percent reduction of subsidy which translates into a \$750,000 loss for the 1991-1992 school year. We were told that we could make it up. Where? Off the taxpayers again. Remember, I am talking equality. I know that it is not easy for you to get some of the services that you think you should have — I say, when it was available, fine, but that is also going, gone.

Since 1989, we have taken staff reductions, shifted and frozen positions to teachers, aides and courses — how do we do it without the staff? When I say our enrollment, it is projected that this year it will be 856 students. Ladies and gentlemen, we must be able to compete in the world and our children should have the best education so that they can compete in the world. Again, this is pupil equality or equity.

Portland is not the same as it was 10 years ago. We have now 65,000 and where are the jobs and where are the corporations? We give one-third of the state's sales dollars and income tax dollars, just from Portland. Portland's median income, and I think you have heard this before, is only \$25,367. In some estimations, maybe that is high. The state median income is only \$26,735. Many of our towns are much higher. Over 35 percent of Portland's families have incomes of less than \$20,000, some below the poverty level, probably many more than you want to know. Because of the depression/recession, there are more bankruptcies and more foreclosures.

Interestingly, I was talking to a lady up here who said she owned 10 acres of land and I asked her how much she paid for property taxes. She said, a little less than mine. I pay for my postage stamp piece of property \$3,300, which I think is not equitable either. Portland's re-evaluation hit my area real hard. We are one of the highest in the state. Many people have gone from middle-class to

being poor, working several jobs, if you are lucky enough to find a job. We cannot take another hit. All I ask for is equity.

I am not sure what the next \$155 million dollar deficit is going to do for us. Our welfare is growing to 8,000 people per month. Our people are angry, they have had tax cap results, we called the city councilors, so all I ask of you is to be fair. Remember, a lot of people only have hope and, without it, they have nothing. It could be your husband, your wife, that loses their job or their child that loses their teacher or their programs. It could be your house or your business that could be foreclosed or bankrupt.

You know, I have been here a long time and I truly believe in the wisdom of this body and I believe in this Legislature. I was born on Munjoy Hill, my family was from Portland and we are life-long members of this state. I have seen a change and a change since I have come to this Legislature but you know, I have also seen the tide turn. I think things will get better but don't hurt us before it does.

I ask you, please, support the Majority Report.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: We debated this issue for several weeks in Appropriations as you know and were unable to resolve it there and decided to take it out of the budget and debate it as a separate issue.

I would disagree with my colleague on the committee, Representative Hichborn, that we are not talking about the formula. I believe that we are talking about the future of the formula and that is what this debate is about and has been for the last several weeks.

We always came back in our committee to the overriding issue of preserving the integrity of the formula and that means the money comes out the way it went in. I believe there will be long-term negative consequences if the formula is distorted now.

As mentioned by previous speakers, there has been a long-term support from low receivers for the formula because it does ensure equity and that Maine students do have access to an equal education. However, the 50/50, the Minority Report, is designed to ensure that high receivers will have even more equity than is guaranteed by the formula and that is not fair.

The comment was made to me, "Maybe just this once we have to sacrifice fairness." I don't think this body should ever sacrifice fairness and we are talking about basic, fundamental fairness. Certainly the most startling example, as we looked at the dualing printouts on this, was always the City of Portland — over \$500,000 difference to the City of Portland. As was mentioned by Representative Ketover, that city is on its knees financially and who are we, as a body, to take more than \$500,000 from the City of Portland now in this economy to redistribute throughout the State of Maine?

I would like to speak briefly about my town, often mentioned as being a town that can afford to do things that other places in Maine cannot do, but I speak with pride of the support in my town for the formula as it exists today. I have supported it and my school board has supported it. They were approached recently by the movement for a per pupil subsidy. They rejected that unanimously, despite the

fact that it would have given them over \$2 million. They rejected it because they believe in the formula and they believe that per pupil subsidy would not give an equitable education throughout this state. I can guarantee you that if the formula is distorted now, their support will evaporate and they will work for another funding method.

We had many hours of discussion in our committee about the inevitability of this divisiveness, once the GPA distribution was brought into the emergency budget process. I believe that the education leaders of our state did us a great disservice. In fact, they threatened the very passage of that budget. I think that was unforgivable and I think we are facing major future problems with the funding formula if it is distorted today.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to make a quick comment about my vote because I will not be supporting the Minority Report. I will support the motion before the House right now and I wanted to state why. Being from a community that is going to be hit harder by this vote than would be if I took the alternative, I wanted to state my position clearly today.

We are only at the beginning of this fight. Next year is going to be a major, major battle. Every community in this state and in fact every legislator in this body and the other one is going to have to take tough stands that affect their communities directly.

We are not here dealing with the problem about education in the state, we are talking about a budget problem and, to me, the 50/50 plan implies that a little bit of the problem is with education and with the formula. The across-the-board cut says that everyone has to suffer equally. They are not all going to suffer equally, some are going to get a bigger hit and some are going to get a smaller hit. To me, I would rather take that percentage reduction and made everyone deal with that than to manipulate and to set up different scenarios where this one comes out \$10,000 or \$20,000 or \$50,000 more and this one doesn't. There are many members of this body, the Portland delegation and other delegations, that are choosing based on what is going to happen in their communities and I say, "All the power to you." I have heard some members of my caucus and members out in the hallway say, I have looked at my towns and I have seen where the hit is and I have to go where the less hit is, that is up to you. I serve on a school board as other members of this body do and we are going to have to take that greater hit and we are going to have make the tough choices in Lewiston and I hope we will. I just think, in terms of the total state, that taking a percentage decrease is more equitable and that is the reason I am taking the position that I am today.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon to speak on this issue. I have listened to this debate and participated in it in the corridors and in the committee rooms of this Legislature now for about two months. I want to rise today to speak in response to the good Representative from Yarmouth. Even though I

agree with her position on this issue and will vote with her on this issue, I do not agree with the reasons that she put into the Record and I want to make my reason crystal clear and set it apart from hers.

There has been a lot of talk about how "you have to do it my way because if you don't, you are abandoning the school funding formula." Let's make it perfectly crystal clear, no matter what way we make this cut today, we will have abandoned the school funding formula. To suggest that we are going to get a per pupil subsidy method shoved down our throats "if we don't do it my way or your way" I think is misleading and is inflammatory. We all know that the method that proposes per pupil distribution of school subsidy from the state is unequitable and most of us know, I certainly do, that it is also unconstitutional and will never pass muster. I will not be threatened by that, even though I will vote for the percentage method.

The Representative from Yarmouth, Representative Foss, is absolutely incorrect in what she said about the educational establishment providing this Legislature and this state with a disservice. As far as I am concerned, that lies, unfortunately, at the doorstep of the Commissioner of Education when this whole awful process started, when printout after printout after printout was dragged into this Legislature, pitting one legislator against the other, pitting neighbor against neighbor, friend against friend, colleague against colleague. It has been a terrible situation for me and all of us to have to go through, so let's stop pointing fingers and saying "my method is the only method, the fair method, you are wrong, you are going to ruin the state if you vote the way you are going to." That is not correct.

Let's be honest with ourselves and admit that we are going to represent our districts because that is what we were sent here to do. I am going to cast my vote here today to represent my district. That's my job and I will vote because I represent my district for the percentage method, but I am not going to chastise or criticize anybody who votes the other method because they are voting to represent their districts so don't tell me that the school funding formula is going to be ruined here today because of the way I vote because I don't believe it. Let's just get on with this issue and let's admit to ourselves and to one another that we are going to vote to represent our districts. That is what we were sent here to do, let's do it, and get on with it.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Last week I was asked by a fraternal organization to speak to them on children's issues. In my research, I was shocked to find that children in rural areas are much more at risk than children in urban areas. Apparently, the geographical isolation, the lack of services that are provided in rural areas, the lack of transportation has caused our poor children living in rural areas to have a lot less services. The numbers are telling and if we feel that our dysfunctional people now are finding their way to the streets of our larger communities, if we don't pay attention to what we are doing, we are going to be guaranteeing more and more that these individuals in the future will find their

way.

It is not as if we in the rural areas are not paying our share. You have a small community of Grand Isle that is paying an 18 percent mill rate for education. Van Buren is paying 17 percent; 16 in Easton; 14 in Stockholm and my District 15. In other words, we are high/low property valued but our people are really making all the effort in the world in spite of the fact that our yearly income is low also. So, it is not as if we are wanting to take freebies when we are probably in the top 10 percent of the state in terms of the high taxes we are paying for property, there is just not enough property to justify not having to ask for this.

I really urge your support for the Minority Report.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with what Representative Mayo has said in part and I guess I differ a bit because that is part of the struggle I have in dealing with this whole issue and that is the fact that I am a high receiver but I want to do what is fair. It is fair for my district but it might not be fair for another district. I am having a hard time to get somebody to define for me what is fair.

Representative Boutilier says that he is going to vote for the Majority Report because we suffer equally. I guess I have not been able to calculate that or put that in my head philosophically or whatever just yet. I think my vote here today is not going to be just what's fair for Hampden but what's fair for the entire state. I want to do what is good for the kids in Bangor as well as for Hampden, Portland and every part of the state whether they are a high or low receiver. I don't know what is fair.

Representative O'Gara indicated that he spends 15 cents per dollar for education. We spend 45 cents per dollar for education. Our mill rate is 15.7, we don't have anymore money for taxes. We have less services in our towns. I don't know if our school is better or worse than Westbrook, I would assume and hope that it is the same as that but I don't know (philosophically) whether Westbrook needs more, whether they need less or what that disparity means, 15 cents versus 45 cents.

I do know in hard dollars that if the 50/50 is roughly \$209,000 to SAD#22, for instance (I represent two districts) and with the straight 3.4, that means \$283,000 or \$293,000. That means two teachers, which are critically needed in my district but again, how do I weigh that against Portland, who is advocating for the other one as being fair? The Representative from Yarmouth, Representative Foss, indicated that that is fair, I don't know what that translates into. I know that, if you go to the per pupil method, that would be grossly unfair because of the fact the richer towns can raise more money because they have a higher valuation. Hampden does not and could not compete with that. Therefore, we have a heavy reliance factor of 74 percent that we receive. We rely on that money. As part of bringing up that base level of what we must spend per pupil, that's 45 cents compared to 15 cents.

The last thing I have to say in thinking about this, and I have raised the argument that our curriculum in Hampden and Dixmont is probably much different than what is in Portland. Maybe you have a broader curriculum, maybe you have two or three

languages as opposed to one language in Hampden so I also have to recognize that a city sociologically is different than Hampden, Maine. I have to recognize that those needs in Portland are drastically different, if the demand is there, perhaps those particular services are needed. That is part of the equity.

I am very troubled as to how I am going to vote at this point and I have talked to both people, I have just talked to my town manager, and obviously they want me to vote for what is best for Hampden but I have to come to the fact that I have to do what is best for the children of Maine overall. I hope in the course of this debate that we don't cut it off too short so we can get down to what those fairness issues mean.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I heard the Representative from Hampden correctly but if I did, I want to correct it. It is 58 percent, not 15 percent, if that is what I heard the Representative say. He is shaking his head yes. It is 58 cents out of every dollar that the City of Westbrook spends.

Let me just stress two or three points to emphasize fairness. I did acknowledge upfront that I realize everybody is going to lose. I didn't find any that were going to break even either way, I guess a few might be close either way. I guess my seatmate from Augusta is close either way, but most of them are going to lose some money.

Fairfield loses about \$100,000 out of a subsidy of over \$8 million; Westbrook loses \$83,000 out of a subsidy of \$4 million. Sanford loses \$56,000, a lot of money, I am not arguing that that is not a lot of money, but I am talking fairness overall, as the Representative from Hampden just said that he is struggling with himself. I acknowledge that struggle. Sanford loses \$56,000 out of a subsidy of \$10 million; Westbrook loses \$83,000 out of \$4 million. My teachers in school will tell you that I was not very good in math but you don't have to be very good in math to listen and understand what I am saying. Millinocket loses \$3,700 out of a subsidy of over \$3 million; Westbrook loses \$83,000 out of \$4 million. Presque Isle loses \$95,000, one heck of a lot of money, out of a subsidy of over \$8 million; Westbrook loses \$83,000 out of \$4 million. Lewiston loses \$45,000 out of \$13.5 million; need I repeat, Westbrook \$83,000 out of \$4 million. Howland — there is nobody in this body that I respect and have a greater love for from day one, whatever political party he belonged to, is the Representative from Howland, but I would just point out to you that Howland loses \$7,975 out of a subsidy of over \$2 million while Westbrook loses \$83,000. Hampden loses \$66,000, and I understand the Representative's concern, out of a subsidy of over \$6.5 million. I already told you about Fairfield and Sanford but let me tell you about SAD#6, which is right on the nose and I will finish with that. SAD#6 loses \$83,000 (you have heard that number before, I think it was Westbrook, I may have mentioned it to you already) out of a subsidy of \$12 million; Westbrook loses \$83,000 out of \$4 million.

Ladies and gentlemen, I am not suggesting to you that each of you are not going to lose money, I am suggesting to you that, for the life of the school funding formula, Westbrook has lost money and I have

supported the funding formula at political risk, I might point out to you. I am simply asking you now to be as fair to me and to the students of Westbrook and all the other communities that fall into that category as we have been. It is only a question of fairness, it isn't a question of whether you are losing money or I am losing money, we are all losing money, it is a question of fairness. That is what it boils down to.

While I am on my feet, I disagree with the Majority Whip. It is more than a threat, Representative Mayo, I see the issue of the so-called Palmer Hinds proposal as more than a threat. For you to get up and suggest to this body that it is less than a threat is an injustice and incorrect and poor leadership.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: There has been a good deal of talk here about fairness and I think we certainly are all concerned about that. I think that that was the concern at the time the formula was devised. I think the formula for distributing state aid to local schools was devised so that all children throughout the state could have an equitable education, regardless of where they lived, whether they lived in a well-to-do area or whether they lived in a less financially well-off area. For the most part, I think that has happened. There are exceptions, of course, but I do think that our school systems have really done well.

However, as we all know, with the change in the economy of the state, there has been unrest and the fairness issue has really become a very big issue and there has been much discussion about it. I am sure that there is going to be much more discussion and that that formula probably is going to be discussed much more in the future.

It has been said that if you distribute the subsidy money according to the formula, then you should make the cuts in the subsidy according to the same formula and that does sound logical, I will admit on the surface. On the other hand, it just does not work out that way, either in reality or practicality.

The high receivers have been able to provide quality education because of the subsidy they receive from the state. The low receivers provide that quality education anyway for the most part, even though their subsidy is smaller. When the high receiving schools are cut, a large cut is devastating so they are dependent on the subsidy and they are forced to eliminate many essentials.

I think we have all been reading in the paper about various schools that have been making changes in their educational system by raising salaries and days. They have been able to do that without a subsidy.

The last time we were here debating the budget, I talked with five superintendents who were together, two of them I knew and three of them I did not. They were talking about how to cut five days or more. They were high receivers and with the budget cuts they were receiving, they were trying to solve their budget problems by cutting five days. The larger the cuts to many of these municipalities, the more essentials of education will be hurt.

I think we are faced with a temporary problem

here in state government and we are proposing a temporary solution for cutting aid to education. We really have been given a number of options. The straight percentage across-the-board cuts will be devastating to high receivers but it will help low receivers. There is another option that would benefit high receivers but that would hurt the low receivers and then there is the 50/50 as a compromise plan. In view of the funding of education of all children in the state, in view of the fact that we want to cut school days as little as possible for these children and cut essentials, I really feel that that is the fairest plan. I hope that we will accept the 50/50 compromise plan for what it is, a temporary compromise, and perhaps add another step into equitable education for children.

I do want to say I think the Representative from Westbrook and I are reading from different papers because in Presque Isle, under one proposal we would be cut more than \$187,000 and in another proposal we would be cut around \$287,000.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: Several references have been made to the term "formula" this afternoon and I want to remind you that the formula is truly one of the best in the country. It should not be touched. What we are talking about today is not the formula, you are talking about distributing a cut. Distributing a cut cannot be done, in any way, associated with the formula, that is a distribution system, that is how we would distribute money.

If we were really going to stick with fairness, you would merely shrink the money in the state bucket by \$16.1 million and you would distribute the rest of it through the formula. If it is one of the best in the country, and I truly believe it is, we have fouled it up some over the years by adding such things as aid where aid probably should not go. However, it is one of the best and what I think is way out of whack and what I have tried to make a point on through the Appropriations Committee, the Taxation Committee and the Education Committee, is how we raise the money. That is really what is at risk here in this state because a residence is a residence is a residence and we should be taxing people equally to support a state function, which is education. We do a far better job with our roads than we do with the equity associated with education.

You go into a high receiver today and I will show you lesser programs than you will find in the low receivers. You can't possibly get to where you ever want to go in quality education through a state distribution of money as we now finance education because I submit, again, that it is in the raising of the money. We have never been where we want to get. Someone will say pretty soon, I am opting to go back to the Uniform Property Tax. Since assessing wasn't uniform and only the effort through the millage was uniform, we have never been there.

I could probably have been called not germane and I thank you for your indulgence Mr. Speaker on that, but I have only been up once and I won't get up again unless prompted by some remark.

A year ago, we made a straight percentage cut of 2.29 percent, a straight percentage cut. Also in the last year, when the state board certified the actual cost for education, operating costs, we in this body reduced that in our budget by \$70 million. That

means that the low receivers were greatly hit with that reduction, although it was only that part of the reduction that the state share represents so it would have been about 57 percent of that. So, I think the low receivers are still the ones, when all is said and done, who will be taking furlough days and I don't think that should be an option for one and a necessity for another. I think it should be something that we handle, and I wish we could have handled it across the board, if it was going to be for anyone. Therefore, after some rhetoric, I am convinced that because budgets, right now, are so heavily obligated, probably 75 to 80 percent, that the only way for any system to handle it is through the 50/50 option and I will say it for this reason. If you take the total budget, don't look at the aid your community gets, look at the total budget, and if you will then run an analysis, you will find that there will be very few peaks and valleys, each system will be hit about 1. something percent, right down the line. If you do it any other way with those peaks and valleys, it really causes problems.

There is no good answer probably. The future I am sure holds a better answer because I am sure, if we put as much effort on reconstructing how we finance education in this state as we have on criticizing our formula, we could solve our problems. In the meantime, I am opting for the 50/50 and I urge you not to accept the Majority "Ought to Pass" Report.

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

Representative DIPIETRO: Mr. Speaker, Men and Women of the House: I think maybe I will give you another point of view that we haven't heard today. Mr. Speaker, if I am out of line, you can correct me.

I have been down to the Tax Department the best part of the morning looking at what revenues that the state collects from sales tax. The total the state raised was \$514 million. From my county, Cumberland County, they got \$101 million. I figure if we are raising the money, some of it should come back to us.

The good Representative that spoke prior to me said that the formula is a fair formula. If the formula is a fair formula, then why is it that today it is not fair? If it has been fair and everybody that has been getting 80 percent and 60 percent, why is it that everybody doesn't take the same hit across-the-board, 3.4 percent? We've been taking that hit right along. I just want to know, why is it today that it isn't fair that we take the same hit?

I realize that the small communities don't have the ability to go out and raise the taxes but, by the same token, we are getting hit so hard in the cities that we get punished for trying to improve our communities. We get punished if we build a mall or a shopping center. The State of Maine punishes us for doing that. Instead of giving us some kind of incentive to do it, they punish us by saying, you can raise your own taxes, we don't have to give you anymore, you can do it yourselves. I think it is a very poor method. I think maybe at the time the formula was developed, it might have been a good method but, like everything else, it is time we take a look at it and make sure it is fair.

To get back to what I started off with as far as what my county took in for sales tax figures, and these are only sales tax figures, we got back \$41 million, which is 9.8 percent. We collected for the

state \$101 million, which is 19.7. You talk about fairness, I don't think that is being fair, when we raise the money, we send it to Augusta and then we end up on the short end of the stick.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: There has been a lot of discussion today about the formula. The reality today is that we are not using the formula to make cuts. I would suggest that the term "across-the-board cut" is really a misnomer and inappropriate. I would suggest, if you look at some of the numbers that the Education Committee generated, you would see that.

Under the fixed percentage rate plan, Portland (as a for instance) would lose approximately .3 of its total school budget. Caribou would lose 2.27 percent of its entire school budget. It really is not an across-the-board cut for anybody, it is a fixed percentage, but it is not an across-the-board cut.

The compromise plan, the 50/50 plan, addresses the issue of cutting each of the school districts approximately by the same percentage of their total budget, which is to say state effort and local effort. The formula is a good formula and it has been well defended today but we have to remember that we shouldn't defend the formula for the sake of defending the formula. It is equity and fairness that the formula is supposed to ensure. There is nothing equitable or fair about a proposal that would take .3 percent of one district's entire budget and 2.27 percent of another district's budget. There is nothing fair about that.

There are two choices today, one choice is to adopt the 50/50 plan and the other is to do nothing and go the fixed rate cut. If we do that, then we are selling out the entire principle of the formula that some of us would like to protect and that is the equity. At the same time, I don't think any of these districts from one end of the state to the other should be made to feel guilty for being high receivers. The numbers have been tossed around here today in a way that would suggest that there is something wrong with being from a community that is a high receiver. I think we are fortunate that we have enough wealth in this state from Kittery to Fort Kent to be able to provide at least a level of education that we can be proud of. We should be working to maintain that and look toward the future to find a way to maintain it in the years to come. There is little question that that will be increasingly difficult.

I don't want to drag this on today. I won't beg you to support one plan over the other but, if you look at the numbers and look at every district's budget and look at an even percentage for every district based on the total amount of money spent, you will see that the 50/50 plan is, without question, the most fair plan.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to stand and speak today but because of many of the numbers that have been slung around here today, it kind of reminds me of some of the farm chores that I did this morning before I got here.

I had the honor of serving on the last Special Study Commission to study the fairness of our school

funding formula and I want to briefly relay my views to you, mostly because of my experiences of serving on this commission.

We had speaker after speaker who came to us from other states complementing us on the fairness of our formula. One of the speaker's also pointed out that the formula should never be used when we are considering cuts. It is just a distribution mechanism but so many people today have talked about so many x-number of thousand here and x-number of thousand there and everybody is talking money and I want to get everybody back to the purpose of our school funding formula. It is not to equalize the numbers of dollars but its purpose is to equalize the number of property tax mills that are raised for education.

If you look at the state for the last ten years, it has kept a record of the number of property tax mills that are raised for education. This is not the number of property tax mills raised to pay somebody to go around everybody's lawn and vacuum up leaves in the fall, the school funding formula has nothing to do with going around depositing piles of sand in driveways to help people get through the winter, the school funding formula is supposed to equalize the number of mills for education.

The two counties in Maine whose average number of mills raised for education and decreasing the fastest are York and Cumberland Counties. The two counties in Maine whose number of mills raised for education and going up the fastest are Franklin and Aroostook Counties. Now if you look at all of these different proposed cuts, millage, straight percentage and 50/50, the plan that affects the equity in the number of mills raised for education the least is the 50/50 plan. A straight percentage cut is going to have the effect of driving up the number of mills raised for education in the low receiving districts and the higher and more rural counties in Maine it is going to have the effect of making this difference larger and larger.

I wasn't going to speak today but I think the discussion had to be brought around to what the purpose of the school funding formula is and the best way to preserve the equity of the number of mills raised for education is the 50/50 plan.

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

Representative PLOURDE: Mr. Speaker, Ladies and Gentlemen of the House: We in the deep south realize that we have had problems dealing with the school subsidy program. I have heard a lot of numbers today comparing budgets such as Portland having a high school budget — I would hope so, they have to education 8,000 students. I would suspect that that is why their budget is so high. To talk about one, two or three percent of their total budget is not going to have much of an impact is hogwash.

If this great school formula that we have is fair, then obviously all we have to do is to support the Majority Report because that is fair too. It is cutting everybody equally. A suggestion of doing it otherwise, if you are talking about dollars, no question, it is going to hurt the communities that have to provide more services for the larger number of student body. That is all large communities in southern Maine who have been suffering for years but, as the good Representative from Westbrook has indicated, we have stood by. All we are asking now is fairness. I think it is time. We surely didn't

do that with revenue sharing, we cut everybody the same. Large communities are affected by that as well but we are not crying, maybe we did a few days ago, but we are not because we will have to make the adjustments. I think the same should be treated with this particular bill. Therefore, I ask you to support the Majority Report.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard a lot of numbers passed around here today and I have no interest in giving you any numbers at all.

I thought I would go back a little bit and tell you just exactly how my people feel. Whether they are correct or not, this is the way they feel about it. South Portland wasn't always what you would consider one of the rich towns. About 25 years ago, we had very little there as far as development or anything like that was concerned. Now we have the Maine Mall, which probably produces as much revenue in a week as most of the communities in this state produce in a year. We understand that but some of you seem to think that somebody just drove by one day and said that would be a great place to put the Maine Mall, we will put it right there. That isn't quite the way it happened.

I met many times with a man named Julius Cohen, he was the man who built the Maine Mall. I knew the area very well because I was a mailman for 30 years and that happened to be part of my territory, I went by the corner where the Maine Mall is. At that time, there was a pig farm where the Sheridan is now. Where the mall was, there was one little trucking outfit. Maybe he had five or six trucks, a very small outfit. That's all there was there, there wasn't one other single thing. When I delivered the mail, I made two stops, one at the pig farm and one at the other place. We met and worked for years in South Portland. We spent a lot of money, we made tax arrangements, we traveled all over this county, all over this country to get the Maine Mall to come here. It has been a boon, I guess. It has been a boon in some ways and in other ways, it has hurt us because now we are one of the rich communities and we are providing money to other parts of the state. That is the way my people feel. They feel that they are raising the revenue and they are supporting somebody else in some other parts of the state.

I wonder how many communities who are high receivers here today have gone out and done any great amount of work to try to promote some sort of development. I don't know whether they have or not, perhaps they have. You don't get too much if you just sit around and depend on somebody else to take care of you, I will tell you that right now.

Representative Mayo said something about the Palmer Hinds referendum or possible referendum. Representative DiPietro, Representative Anthony, and myself were invited to a council meeting one night to discuss the Palmer Hinds deal and we took an awful lot of criticism because we said it wasn't a fair bill. I still don't think it is a fair bill but I think we have come to a situation now where I have very little choice but to support the Palmer Hinds bill if it becomes a referendum item. Myself, and I think many others who live in my area, the greater Portland area, feel that they have been put into that position. Very frankly, it is not a position we want

to be put in. The Palmer Hinds referendum has a lot of things that I don't think are very desirable.

My people, as I said, perhaps feel that they are being taken advantage of. I am sure most of you people won't agree with that.

I saw a program a couple of weeks ago on Discovery about parasites, a very interesting topic. It said how parasites attach themselves to a living, healthy body. Once they have drained the life from that body, they dropped off and they also died. It is just something to think about, I guess.

I can count votes, I know how the vote is going to go, I have no doubt about that, but I think you should be prepared down the road to be thinking about the proper solution.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: I think some things are happening here and there are things that we are going to have to live with for awhile. One, it is apparent without putting a value judgment on it that there is erosion in our communities for support of the formula. Personally, I feel that the formula has served its purpose, has met the constitutional question of fairness, but there is new age and it is the age of recession/depression in which we are dealing with property that does not have value and is falling so fast that you can buy units in Portland for \$9,000. There was a time in this state, I think around 1976-1977, when you looked at the formula and you looked at the spread, you were dealing with about 37 percent versus 76 percent, a spread you could define as maybe two-to-one representing the perception of wealth in this state. Now we are dealing with a 10 to 1, 0 to 90 percent so the formula has spread and I think we all have to ask in our hearts, looking at our communities, looking at the median income in our communities, looking at what's happening today, not five years ago, — is that spread 10 to 1? Is the spread really 0 to 90 as the formula now demonstrates? I really question that. I agree with Representative O'Gara on the fairness issue. I think there are a lot of ways to measure it and we can stay here all night talking of the ways but some things are quite apparent, one thing is where the median percentage of income a person pays in property taxes in the state is 3.8 and in Portland, it is 9.2. So, throwing factors out, we can do.

We are here today to do a number of things, one I hope, restates the priority in this state for kids who are the real losers. The decimation of our funding formula into shattered pieces in our communities, in the disbelief and the public cynicism, in the petition drives is going to reek havoc here in the Legislature. I feel sorry because what is lost in the shuffle as we talk about budgets and budget percentages are the kids who have received the lowest priority. What we are really talking about is that major cuts have meant that we are scrambling in our little turfs for as much as we can save to keep as much of the quality as possible in our school districts. I call it the dismantling of the public education system in this state. It is anti-business because no business would want to come to a state who is dismantling its public education system. It is the demoralization of our educators, a price we are going to pay heavily for as quality teachers seek employment elsewhere.

I was talking to a private school teacher in my area, actually in my community, he has been a friend for a number of years and I said, you must be doing poorly, the economy is dropping, I can't imagine the number of young professionals who have left Portland, there is no money — is there anyone going to your private school? He said they are booming.

Then I talked with some other Representatives here who have private schools in their areas and they say the same thing because those who know know that we are dismantling our public education system, piece by piece. I have a fear that we are not going to get out of a recession by sacrificing education. It is the wrong way to go, it demoralizes the public. I can't imagine waking up after these decisions and being on a local budget committee that has committed 80 percent of its budget, (most of the budget is locked in the collective bargaining agreements) to come down and figure out, for example in Portland, how to cut after receiving a \$750,000 cut in revenue sharing and a \$672,000 cut to the educational system.

We are down to the bone and it is our children's bones that we are gnawing at. We made an absolute mistake by taking \$16 million out of education so I know this may not be completely germane because we are talking about a bill and I ask some forgiveness from the Chair but I thought it an opportunity, I don't speak often, to present the facts as I see them as a parent, as a citizen of this state and someone who is deeply concerned, as you are, as to which direction we are going. We are fighting over some crumbs and scratching each other's eyes out and what is really happening is all of our kids are being directly affected by these cuts.

I am going across-the-board, it doesn't matter what you say up here, I know we are not changing votes because we have been forced (all of us) into our bunkers, retreating not to any great interest because now we are in the bunkers as our citizens cry out, defend us. So, we are pushing the button in defense of the locals, property tax, but it is sad that we are not now pushing buttons in defense of our kids.

The formula, obviously, has some flaws and I hope that we take them into account. The spread has gone too wide, it does not represent the present reality and I think Representative O'Gara's call for some consideration and fairness is a good call.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I am almost embarrassed to admit, but I am going to because I think it is important to get a little perspective as we debate what is fair and what we are doing here today, but I was fortunate enough to be a member of this body back when this formula was introduced and adopted. Instead of Palmer Hinds, we had a woman named Mary Adams, and the debate was very similar to this, how do you fairly raise money? I want to agree with Representative Norton, we have never quite dealt as well as we ought to and as we can and as we must in the coming session with how that money is raised because no one here is going to defend the equity of the property tax issue. However, we are not debating that today, we are debating a \$16 million dollar cut.

Representative Oliver very eloquently said that we are talking about dismantling education. We did that when we cut the \$16 million in the first place,

that was our mistake but it is done now. How do we mitigate the damage of a \$16 million cut?

Though Representative Mayo has been more courteous to me than I ever deserved to have been because I have been a little bulldog at his heels, knowing that we come from different ends of the spectrum in terms of how we are affected by the distribution of these cuts. He has always been courteous and kind but I will disagree with his comment that each of us is voting our districts. If I were voting my district today, I would vote to take the \$16 million out and run the money right back through the formula because all the towns that I represent exist on about 70 percent state aid.

This is so difficult because I respect each of you, but if I may digress one moment. I really can't stand watching Congressional debate, but for one bright moment when I watched them debating on whether or not to go to war in the Persian Gulf, I saw a U.S. Senator speaking convictions and speaking true beliefs, not partisan rhetoric, and I am hearing that today so I hope we can continue in that spirit, and even though I disagree with some of you and you with me, I hope we are doing this in the spirit of an educational debate because we are talking about the future of our kids.

Representative Crowley has tried to tell you the real impact of the cut if you cut a straight percentage cut of state subsidy. That is not related to our operating budgets. The town of Vassalboro and Windsor don't have the option of extending their school year or raising teachers' pay. We have the option of either laying off teachers or furloughing them because, if you use the across-the-board cuts and take such a large proportion of our state subsidy with the year almost complete, there is no place else to go. We tuition our children to high school so we pay what the bill is. We have already cut physical education, we have no gifted and talented, we have a very small, basic program. I am not complaining but please understand that, unless you take some fair compromise, and I do say fair because I am moving from what is best for my towns to the 50/50 position, because if I voted my district, I would vote the formula but I don't think that is right because I care about kids in this state, as I know you all do. I have heard it in your eloquent pleas to vote for an issue that does the least damage to everybody.

I picked up this article, in fact it was sent to me, in the Boston Globe and I want you to think about what we are talking about for just a moment. I am not worried about Palmer Hinds, I am not worried about anything because I do know this, the courts will not allow us to back down again, letting children live in schools where they don't have equal opportunities. That is not going to happen. The recession, I would like to remind you, is what is causing this to happen in a lot of other states. This is about Massachusetts and we certainly never want to follow them. The lawsuits that were filed years ago when we put our own formula in place are now being filed in Massachusetts and in other states. There is a very severe critic in Massachusetts who wrote about them and he said, "Savage in equalities, Children in America's Schools." That is a book he has written and he talks about going to a kindergarten class. He said, "I stood in a class of kindergarten children a couple of weeks ago in Lawrence. Looking at all those non-white kids, I told myself, I am looking at \$4,000

babies. If I wanted to look at \$9,000 babies, I will have to go to Lincoln." An ethical society would not permit this. We could substitute Thorndike versus Yarmouth but we are not going to do that because we are an ethical society.

I am going to ask you to focus again on, not the formula with all its problems because we could be here until next January, but to focus on how we can, least painfully, deal with a \$16 million dollar cut that should never have been made. I submit that Representative Crowley, as Chair of the Education Committee who has looked at this formula and how it affects every school district in this state, looked at its effects on the total operating budget, a one percent effect on all of us, which we will have to deal with. It will not be an increase in the property tax, ladies and gentlemen, it will be a cut in programs to all of us. I don't see anybody going back and raising property taxes now, we are going to be hurting kids, we are going to be cutting programs, that's a fact, but let's not do undue damage that we can't recover from in the next school funding year.

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

Representative HøGLUND: Mr. Speaker, Men and Women of the House: I listened to my good friend from Vassalboro speak and she says that we should think about education. Education is something that I am desperately thinking about. You are taking a percentage, and I mentioned it before, on the total amount of our budget. Our total amount of our budget is 84. something on the dollar paid from us. The \$5.5 million subsidy that we get from the state is being cut 13.4 percent, higher than any city and town in this state. My city is at the knees of all those children, we are worried about what is going to happen to our programs. We have large classrooms as it is now. We lost 70 teachers then and we are probably going to lose 29 or 49, depending which way it goes, this time. We have special education needs, we have everything in the City of Portland and isn't that wonderful? We also pay for everything in that city. We give and we give plenty.

I am here now asking you and asking everyone here to look at — okay, we have to look at the school allocation and the allocation is \$16.1 million short and, if you take the percentage of 3.3 or a certain percentage across-the-board, whichever way you want to go, that's a fair share, a fair cut, but when you tell Portland that they have to take 13.4 percent of \$5.5 million dollars, that is going to be under \$4 million some odd dollars — what are we going to do with the kids? Put them on a waiting list? Close schools? We would be threatened to close schools. Some of those children have to come to the City of Portland, they are not all from Portland. We will continue helping them, we have to help them because none of you want to raise your property taxes to help those kids so we continue doing it. That is the bottom line. Now take that 13.4 subsidy and you want to put our children on a waiting list. It is not fair, the word fair is totally defined by each and every one and how my community or my town is going to receive the money.

I disagree with Representative Mayo that we are all up here defending our cities and towns. I am defending my town for the first time and I have stood here and helped all of you. On the Palmer Hinds petition, I went back to my councilors along with the Portland delegation and I cheer the Portland

delegation — if you ever round up a bunch of yahoo's, try the Portland delegation, we have different avenues and different parts of the city to represent — but we all agreed to go back to our city council, our manager and our mayor and say to them, "Do not do this, it is not fair to the other cities and towns, the poorer towns." I find out now that 25 percent below the state income — my city is a poor town. I am now asking you for help, you came to us for help, we were there for you. Now that we are down, why don't you help us? If we get back up, obviously you will benefit.

You have the right to change anything or do anything but fooling around with this formula is not the right thing to do. If you want to take a cut, please take a fair cut, not a percentage of the total budget. We pay 84 percent of that budget. Look at the allocation because that is the real fact — the allocation is where the subsidy comes from and that is what's being cut — 13.4 percent and I don't want to go through what everyone else is, it is not fair.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very, very brief. There is one part of the bill that hasn't been brought up yet. One of the amendments put on in the other body was to establish a system for a hardship fund and, hopefully, finding a fund in the next six months to take care of the hardship and the criteria for setting up such a program. The Education Committee will be working on that and, hopefully, there will be some money to take care of our hardships that we can't see here today.

Representative Tracy of Rome requested a roll call.

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

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

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to make two observations. Representative Hognlund spoke of the significant percentage reduction to the City of Portland, part of which I represent, and I would point out to you that the community of Falmouth, which I also represent, will experience a reduction of about 99 percent in its subsidy. So, for those who have worked out this compromise, I am glad you didn't have anymore time to compromise, you would have gotten the other \$900.

Secondly, I would like to speak briefly to the point Representative Crowley just raised. He said he hopes that we could find some money in the amendment that would be a part of the Minority Report, if you accepted it, and I would point out to you that that money is coming from deleting Section HH2 of the original budget bill, which would say if there were any surplus in the remainder of this fiscal year, it would go to revenue sharing. That is where the money come from, folks, you ought to know that.

Representative O'Gara of Westbrook was granted

permission to speak a third time.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: It is not easy for me ever to apologize in public but it has been my practice over the years that if I accidentally embarrass someone in public, I try very hard to apologize in public. Sometimes I embarrass people on purpose and wouldn't think of apologizing.

I would want to say to the Majority Whip of the House that perhaps I might have used a different word besides poor leadership, ill-advised perhaps, and I apologize.

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

ROLL CALL NO. 283

YEA - Adams, Anthony, Boutilier, Butland, Carleton, Carroll, J.; Chonko, Coles, Constantine, DiPietro, Duffy, Dutremble, L.; Erwin, Foss, Garland, Gray, Gurney, Hale, Heino, Hognlund, Holt, Kerr, Ketover, Kontos, Kutasi, Lawrence, Lemke, Libby, Lord, Luther, Macomber, Manning, Marsano, Mayo, McKeen, Melendy, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Plourde, Rand, Reed, G.; Richardson, Salisbury, Sheltra, Simonds, Skoglund, Small, Spear, Swazey.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, H.; Clark, M.; Cote, Crowley, Daggett, Donnelly, Dore, Duplessis, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Greenlaw, Gwadosky, Handy, Hanley, Heesch, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Joseph, Ketterer, Kilkelly, Larrivee, Lebowitz, Lipman, Look, MacBride, Mahany, Marsh, Martin, H.; McHenry, Merrill, Michael, Michaud, Mitchell, E.; Norton, Nutting, O'Dea, Paradis, J.; Parent, Paul, Pfeiffer, Pines, Poulin, Pouliot, Powers, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Savage, Simpson, Stevens, A.; Stevens, P.; Stevenson, Strout, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Graham, Hastings.

Yes, 59; No, 90; Absent, 2; Paired, 0; Excused, 0.

59 having voted in the affirmative and 90 in the negative with 2 being absent, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-478) was read by the Clerk.

Senate Amendment "B" (S-522) to Committee Amendment "A" (S-478) was read by the Clerk and adopted.

Senate Amendment "C" (S-523) to Committee Amendment "A" (S-478) was read by the Clerk and adopted.

Committee Amendment "A" (S-478) as amended by Senate Amendments "B" (S-522) and "C" (S-523) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by

Committee Amendment "A" (S-478) as amended by Senate Amendments "B" (S-522) and "C" (S-523) thereto in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter: Bill "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and Transferring its Essential Functions" (H.P. 1210) (L.D. 1768) which was tabled earlier in the day and later today assigned pending reconsideration.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to override the Governor's veto on this particular piece of legislation. As you read the Governor's veto message, at the time that this bill was discussed and deliberated by the State and Local Government Committee, the Restructuring Commission was being named. The Restructuring Commission has the mandate as recommended in their report to recommend reorganization, restructuring and downsizing of state government. Since that time, the Restructuring Commission's report has been printed and is available to each of you.

The State and Local Government Committee, through its deliberations and its very well-intentioned sponsors of this bill and with all of the persons involved in this piece of legislation, including the Department, representatives of the Governor's Office, the public and all of the members of the committee, we voted to present to you a revised form of L.D. 1768.

I think it is very timely that this bill and this message comes to us because, in the Restructuring Commission's report, you will notice that their recommendation says, "The abolition of the Division of Community Services and the Redistribution of its Functions to Other Agencies." If, in fact, you intend to vote for that piece of legislation when it comes to you through the recommendations of the Restructuring Commission, I would say to you now that you have that same piece of legislation before you now that has been well thought out, that has been deliberated, that shows a savings to the 1992-1993 budget of \$285,000 plus. For those reasons, I feel that it is very timely for us here to override the Governor's veto, to abolish the Division of Community Services as this bill suggests.

I believe that this does not fly in the face nor does it contradict the recommendations of the Restructuring Commission. This just confirms the recommendations of the Restructuring Commission, it simply does the job ahead of time.

The State and Local Government Committee has made many attempts to downsize state government. The State and Local Government Committee has tried to give Maine people a government that they can afford and to do it with responsible deliberations and, hopefully, make this recommendation to you for your approval.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: This bill has been through as many changes as anything else, except possibly the budget, in the last year. Just to clarify for people, this bill no longer includes the abolishing of the Department of Economic Development. In order to get support in the Legislature for any part of the bill, I recommended and supported the people that took that out at the end of the session, which was after the unanimous report from the State and Local Government Committee.

This bill now just deals with the Division of Community Services. Although we have already done a good portion of what was envisioned in here, I believe there is still a need for the bill and I think that the bill is no longer an emergency (somebody can correct me on that) and I think, therefore, it would be very helpful to pass this bill, override the Governor's veto, because I think the Appropriations Committee has in effect done a temporary version of this that is not as complete.

Now there is no Deputy Director, no assistant to the Director but there is still a Director of Community Services and I believe that position is still funded at well over \$50,000. It was the fact that there were three positions averaging approximately \$50,000 administering a tiny staff when there were places elsewhere in state government to put them. That is why I felt, if there ever was an example of an appropriate way to downsize, this is it. I think that this bill can and should be passed and still be compatible with what we have already done.

I hope that you will consider overriding the Governor's veto for that purpose.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak as one who had voted in favor of this bill at enactment earlier last year.

I concur with the facts that Representative Farnsworth presented but I guess I have come to a different conclusion than she did about what we should do with this bill. I am satisfied that basically all of the provisions in terms of downsizing that I thought were really important have already been passed in the Appropriations Bill. I think they did most of the work that we had envisioned and that many of us had wanted to see when we voted for it.

This bill is similar to the Lotto*America bill that we sustained the veto on earlier today. It is a bill that is kind of whack with what happened with our budget deliberations of last month and we are going to be revisiting this issue again later on in the session anyhow. I think the best thing to do is hold with what we have got, we are going to look at this again anyhow, we should just sustain the veto and proceed in an orderly manner.

I would hope that you would vote to sustain the Governor's veto.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote to override the veto that is before us.

At one time, the Division of Community Services contained the Community Services Block Grant, the

Homeless Program, Donated Commodities, Fuel Assistance, Weatherization, Head Start, and the Children's Trust Fund. At that time, it was necessary to have an administrative structure to administer those programs.

In looking at ways in which state government could be cut without reducing services to people, this bill was presented. I believe that it is important that we follow through because I, in fact, am not satisfied that we have done all that we can to reduce bureaucracy where it is possible.

The Division of Community Services no longer has the Homeless Program, those have gone to the Maine State Housing Authority. It no longer has the Donated Commodities Program, that has gone to Agriculture. It no longer has the Fuel Assistance Program, that also has gone to Maine Housing Authority. It no longer has the Weatherization Program, which has also gone to the Maine State Housing Authority. The Children's Trust Fund is there and the trust fund takes in somewhere between \$75,000 and \$90,000 a year. The board all resigned in October, assuming that all boards were going to be dismantled anyway, so there is no longer a board. Currently, the folks at the division are working with the Child Abuse Councils to determine if there is a statewide grant or statewide program to prevent child abuse that might be workable in terms of utilizing that money.

The Division of Community Services currently has the Community Services Block Grant — that block grant is passed through money to the CAP agencies. It currently has the Head Start Program and we do have about \$2 million of state funds in terms of the Head Start Program and the rest of it is federal funds and that money, again, goes to the various agencies and entities that run Head Start programs.

One of the other things that I think is really important in looking at this issue is that the Head Start Program at one time came directly funded from the federal government and directly monitored by the federal government at the time when I was a Head Start Director. That changed for several years but it is my understanding that recently the federal government has hired Head Start monitors and a program within this state received a visit from the team of Head Start federal monitors so it is question of how much do we need to put into monitoring Head Start programs if the federal government is going to be picking up some of that responsibility.

We have an opportunity here, I believe, to make better use of the existing administrative structures within this state and use those to the best advantage to administer these programs and not create a separate administrative bureaucracy for the sole purpose of administering the pass-through monies from the Community Services Block Grant, the basically pass-through money from the Head Start Program and what will soon be pass-through money from the Children's Trust Fund. There are other ways that we can do it. Those ways are outlined in this bill.

I urge you, if you are serious about cutting bureaucracy, if you are serious about finding ways in which we can reduce the cost of state government, to override this veto and allow us to get to the business of the scalpel cuts that we have talked about in which we can eliminate administrative costs without hurting people and without hurting programs as much as we can.

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 vote to sustain the Governor's veto on this bill. It is an outdated bill, we did look at this whole issue on Appropriations and you should know that there are now five remaining personnel in the Division of Community Services. We did move the LIHEA program over to Maine State Housing. This bill would have done that also and kept more state employees to administer that program. We moved some of those employees over and they are now personnel of Maine State Housing Authority.

The director's salary is \$40,000, not in excess of \$50,000. There are pending recommendations from the Restructuring Commission on moving other functions in the Division of Community Services, including the block grant money. When we considered moving the Division of Head Start to Human Services, there was disagreement and that needs to be resolved. One should not overlook the fact that this bill also abolishes the Department of Economic and Community Development and I don't think it addresses properly how we are going to deal with the issues of business retention, tourism and the other functions of DECD and I urge you to sustain the Governor's veto.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I only rise to tell you that this bill no longer deals with the Department of Economic and Community Development. In the last pages of this piece of legislation, that was removed from the bill and the bill now only encompasses the Division of Community Services, those that are remaining and the administrative positions that the Representative from Wiscasset spoke to you about. I believe that this completes the recommendation of the Restructuring Commission that says that the abolition of the Division of Community Services should occur. This bill does that so I would urge you to override the Governor's veto.

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

ROLL CALL NO. 284

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

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

R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gean, Greenlaw, Hanley, Hepburn, Hichens, Hussey, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Vigue, Whitcomb.

ABSENT - Graham, Hastings, Lipman, Macomber, Simpson.

Yes, 89; No, 57; Absent, 5; Paired, 0; Excused, 0.

89 having voted in the affirmative and 57 in the negative with 5 being absent, the veto was sustained.

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

PASSED TO BE ENACTED

An Act to Determine the Distribution Method of the Supplemental Reduction to General Purpose Aid for Local Schools for Fiscal Year 1991-92 (S.P. 789) (L.D. 1986) (S. "B" S-522 and S. "C" S-523 to C. "A" S-478)

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

Representative Foss of Yarmouth requested a roll call.

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

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

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: We all know which way this vote is going and we have heard many different things. I plead with you to sit down and start looking at this formula because if you honestly believe that the revolt you heard about in the City of Portland is abnormal, then you haven't seen anything yet.

I used to say to my city council in Portland, "Nothing will happen about property tax until the rest of the communities start to realize that there is a problem." I have a couple of good friends here who are still around like my good friend from Freeport, Representative Mitchell. Until the boom of the 80's hit the good City of Freeport, Freeport really was not that interested in talking about property tax relief. Back along, we had a Representative from Kittery who introduced a measure of local option control by putting a penny on the sales tax. When I first got here, to have a Representative from Kittery, Maine introduce a penny on the sales tax was absolute political suicide. That was put in by former Representative Fred Susi because you heard Representative Lawrence talk about

what is going on there.

What happened in the City of Portland this year and, quite frankly, I think we ought to be applauded in the city because I would be willing to bet that the towns that you represent, many of them, have not had a re-evaluation in well over ten years. We felt that we needed to do what the letter of the law said. When you do the letter of the law, you get punished that much more. I have colleagues in this body tell me that their property tax (forget about the millage, forget about everything else) went down last year, and when we have people who petitioned our city (a) to leave the city and (b) to have a different tax policy in the city — well, if it is starting in Portland, it will be in other communities down the road.

I would just hope that you who are gaining on this realize that you might be killing the golden goose because if you do not recognize the fact that we want to help you but we need some help, then the golden goose that is giving the ability to have what you feel is adequate education, is going down the tubes. My community does not have (as you might think because we have buildings that are there) the ability to raise anymore taxes. My community took \$1.5 million out of the school budget last year for fear of what we have all seen. Go talk to your town managers and find out how much money have they gotten this year over last year on excise tax. Nothing, they have gotten less. Our community knew that if we were in a recession, we would have less money in property tax, actual money coming in, so we cut out 3.5 percent on the school side and 3.5 percent on the city side knowing that we would have that much more in delinquent taxes. Our school board has been told to come in with a zero budget increase. The city side is coming in with a zero budget increase.

Some of you know where I live, some of you know where the University of Maine on Falmouth Street is — for you to tell me that my property tax this coming year for a piece of land that is 75 feet on the street side by a 125 feet back will go to \$4,700 — is crazy. We all have problems but I am telling you that I have sat here before, you have heard my impassioned speeches — two weeks ago, I got up, I thought I gave you a good idea about giving us some local options. My good friend in the corner over there, Representative DiPietro, talked earlier about how much money that we in Cumberland County developed — if we truly believe that we need to help kids, then help those communities that need a little more help on the local side. If this formula is as fair as you claim it is, if your people who work (say for the State of Maine) are the same people who work in my community but live elsewhere and are making the same amount of money, they can't get anymore money. If my people who live in Portland and work for the State of Maine can't pay anymore money, then the only way we can get more money is through other things such as local option.

I would hope that this body would really start to look at things between now and when we get out at the end of March. I'm a native of Portland and I'm darn proud of it and I am not going to make any excuses because you can sit here and talk about Portland bills all you want but some of the ideas that I have seen passed in the last 11 years that I have been here originated out of my community. I have 8,000 cases a month for General Assistance. They all didn't come from the City of Portland and you all

know it. My plea is today, I know where this vote is going, I am going to lose \$650,000, I have already lost \$750,000 — the golden goose of Cumberland County in the City of Portland, the City of Westbrook, the City of South Portland and many other communities, can no longer afford it and you had better start looking at it and you had better start doing something about it.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I have heard quite a lot coming in and out here this afternoon regarding the school funding formula and what we should do to accommodate towns with high valuation or what we should do in the way of compromise to secure programs in towns with low valuations. The whole thing proves to me or reenforces my convictions that we ought to disassociate funding of education entirely from property valuation and from property tax in communities. We ought to find a way to redistribute the wealth of this state in such a way as to guarantee, to the extent that money can do that, equal opportunity to every child in this state. Then we wouldn't have this kind of confrontation.

I certainly do understand what the people in those communities with high valuation are saying with respect to the issue of fairness. Please understand that I have to go with the interests of my own communities, my rural communities of lower valuation, but let me state here today that this is not an easy vote for me. If we could find a way in this state to fund education without getting bogged down in this up and down barometer of valuation and, if we could disassociate it from properties of the local communities altogether and really fund it in a way to guarantee equal opportunity for every child, again to the extent that money can do that, then and only then, would we or will we really be fair to every child in this state.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Fairfield, Representative Gwadosky. If he were present and voting, he would be voting yea; I would be voting nay.

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

ROLL CALL NO. 285

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, Donnelly, Dore, Duplessis, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Greenlaw, Hale, Handy, Hanley, Heesch, Hepburn, Hichborn, Hichens, Hussey, Jalbert, Ketterer, Larrivee, Look, MacBride, Mahany, Marsh, Martin, H.; Merrill, Michael, Michaud, Mitchell, E.; Norton, Nutting, O'Dea, Paradis, J.; Parent, Paul, Pfeiffer, Pines, Poulin, Pouliot, Powers, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Savage,

Simonds, Stevens, A.; Stevens, P.; Stevenson, Strout, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Adams, Anthony, Boutilier, Butland, Carleton, Coles, DiPietro, Duffy, Dutremble, L.; Erwin, Farnum, Foss, Garland, Gray, Gurney, Heino, Hoglund, Holt, Jacques, Kerr, Ketover, Kilkelly, Kontos, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lord, Luther, Macomber, Manning, Marsano, McHenry, McKeen, Melendy, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Plourde, Rand, Reed, G.; Richardson, Salisbury, Sheltra, Simpson, Skoglund, Small, Spear, Swazey.

ABSENT - Graham, Hastings, Joseph, Lipman.

PAIRED - Gwadosky, Mayo.

Yes, 86; No, 59; Absent, 4; Paired, 2; Excused, 0.

86 having voted in the affirmative and 59 in the negative with 4 being absent and 2 paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 7, 1992

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

Dear Clerk Pert:

Senate Paper 149 Legislative Document 361, An Act to Expand the Applicability of Certain Energy Standards, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

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

COMMUNICATIONS

(2-1) The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

January 7, 1992

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

Dear Clerk Pert:

This is to inform you that the following legislator was absent at the Second Special Session of the 115th Maine Legislature on January 7, 1992:

Representative Nason S. Graham of Houlton, for personal reasons.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

At this point, the Speaker appointed Representative MAYO of Thomaston on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative MAYO reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative HICHBORN of Howland
Representative ALIBERTI of Lewiston
Representative CROWLEY of Stockton Springs
Representative PFEIFFER of Brunswick
Representative DUTREMBLE of Biddeford
Representative DAGGETT of Augusta
Representative LEBOWITZ of Bangor
Representative MacBRIDE of Presque Isle
Representative HICHENS of Eliot
Representative LORD of Waterboro

Subsequently, the Committee reported that they had delivered the message with which they were charged.

At this point, a message came from the Senate borne by Senator DUTREMBLE informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Chair recognizes the Representative from Howland, Representative HICHBORN.

Representative HICHBORN: Mr. Speaker and Members of the House, I move that the House stand adjourned without day.

The SPEAKER: The Representative from Howland, Representative Hichborn, moves that the House adjourn sine die. Is this the pleasure of the House

The motion prevailed and at 5:45 p.m., Eastern Standard Time, Tuesday, January 7, 1991, the Speaker declared the House adjourned without day.